

# BOSTON PATENT LAW ASSOCIATION NEWSLETTER



*Serving the  
New England  
Intellectual  
Property Bar  
Since 1924*

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## PATENT COMMISSIONER NICHOLAS P. GODICI DELIVERS KEYNOTE AT ANNUAL MEETING

The 76th Annual Meeting of the Boston Patent Law Association was held at the Seaport Hotel on December 13, 2000 with the Commissioner for Patents Nicholas P. Godici as the featured speaker.

Commissioner Godici summarized important milestones undertaken by the USPTO over the past few years. He briefly reviewed the American Inventor's Protection Act (AIPA) and, in particular, discussed the USPTO's efforts to address the growth in filings and the new rules and procedures anticipated upon implementation of the AIPA.

The Commissioner noted that over the past few years, the USPTO has created electronic databases for trademarks and patents, mechanisms to review the status of pending applications, and electronic filing of trademark and patent applications. These initiatives have contributed to

record growth in overall filings to the USPTO. The Commissioner predicted that the tremendous growth will continue, and estimated that by 2006 over 600,000 patent applications will be filed annually.

To manage the 8% current growth rate in patent application filings, over 1800 examiners have been hired in the past three years, bringing the total examining corps to over 3000. A majority of these examiners are in the electrical and computer-related arts. To attract and retain examiners in these and other arts, the USPTO has started to offer more creative market incentives including recruitment bonuses, flexible work schedules, and, more recently, even a 10% increase in salary for all examiners.

The USPTO has also undertaken quality initiatives over the past few years, even establishing an Office for Quality Man-



Nicholas P. Godici, Commissioner for Patents, U.S. Patent and Trademark Office

agement. These efforts include more examiner training, customer surveys and automation. The effectiveness of these programs is evidenced by recent surveys showing a 7% increase in customer satisfaction. For example, it is one goal in this

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## THOMAS J. ENGELLENER BPLA PRESIDENT; WILLIAM G. GOSZ IS PRESIDENT-ELECT

The mantle of the Boston Patent Law Association Presidency was passed from David J. Thibodeau to Thomas J. Engellener in December. Engellener, an attorney with the law firm of Nutter, McClennen and Fish in Boston, had served as President-Elect of the Association.

William G. Gosz was elected President-Elect. Gosz is an attorney with the law firm of Wolf, Greenfield & Sacks,

P.C. in Boston. Under the By-laws of the Association, Gosz will automatically assume the office of President next year.

Other officers of the Association elected during the meeting were Peter C. Lando, Vice President; Peter F. Corless, Treasurer; and Doreen Hogle, Secretary. The newly elected Governor was Leslie Meyer-Leon.

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## MESSAGE FROM PRESIDENT ENGELLENER



Thomas J. Engellenner

Last month in Paris the Organization for Economic Cooperation and Development (OECD) announced a ban on the LD<sub>50</sub> test. The test, designed to measure toxicity, is based on the premise

that if you fed laboratory rats increasing doses of a poison until half of them are dead, then you know so much it takes to make a substance really toxic. This got me thinking about how destructive patent litigation has become. The cost of federal court litigation is staggering. According to a recent American Intellectual Property Law Association survey, the average cost of a patent suit, from soup to nuts, (from complaint to jury verdict) is nearly three million dollars.

The sad fact is that, in every patent suit that goes to trial, 50% of the contestants lose. Even laboratory rats now have better chances. According to the OECD, there are ways to measure toxicity that involve fewer or even no animal deaths. There must be better ways to resolve patent issues.

I was at a dinner party recently and the CEO of a company remarked to me that he wasn't worried about patent suits. "My patent lawyer can find a flaw in any patent that is asserted against my company." I began to

wonder what this brash attitude heralded for the future. There is little doubt that the recent CAFC decision in the Festo case is beginning to permeate into corporate awareness. People are beginning to suspect that every patent has an Achilles heel. Moreover, there is growing public perception that many patents are improperly issued. One need only look to the Internet to find patent claims that are routinely scorned. Go to google.com, for example, and type in "invalid patents" and you will get over 50,000 hits!

It's time the patent bar takes another look at the idea of a European-style opposition practice where dubious patent claims can be reconsidered without a hundreds of hours of depositions and hundred thousands of Bates stamped documents.

Last month the U.S. Patent and Trademark Office published its long awaited final rules on the new inter partes procedure for reexamination of patents. Unfortunately, the final rules confirm that the new reexamination procedure is unlikely to become an effective weapon against overly broad patents.

Throughout the history of the American patent system, once the U.S. Patent Office issued a patent, there was little a member of public could do to challenge it except to ignore the patent claims at the risk of being sued for patent infringement. Even ignoring the costs of patent litigation, patents, when improperly granted, stifle competition by discouraging

companies from manufacturing products, or using processes, that appear to be covered by the patent claims.

In contrast, many countries, especially in Europe and Japan, have historically provided a remedy in their patent laws, usually referred to as an "opposition" proceeding. For example, the European Patent Office (EPO) publishes all newly allowed patents and give the public nine months to come forward with reasons why the patent should not be granted. In 1999, 35,358 new European patents were published for opposition; and 2304 oppositions were filed with the European Patent Office.

Over the past several years the percentage of European patents opposed has remained relatively constant (about 6% to 8%). The outcomes of European oppositions have also been consistent: one-third of the European oppositions result in the patent being revoked; one-third are allowed in amended form, and one-third come through unscathed.

If we assume that European examiners are as competent as American examiners, the European experience suggests that a significant percentage of patent claims should never have been granted. Moreover, the European model also shows that many invalid claims can be weeded out in a low cost administrative proceeding.

Most observers agree that the key to success in this process is the ability of the

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### OTHER POINTS OF INTEREST

- Every registered practitioner should have received a CD-ROM from the PTO by now with "fast & easy patent application software." As of the end of January, about 150 patents have already been filed electronically. The PTO software is indeed easier to use than the first version (which required complicated claim dependency links to be embedded in the document) but the latest ver-

sion is still designed for the stand-alone workstation. The software can not be loaded onto a network server and readily accessed by multiple users. In addition, practitioners must obtain a digital certificate from the PTO before they begin filing electronically.

- Less you think you'll never file via the Internet, Beware! Over 1400 digital certificates have now

been issued by the PTO. The only way the PTO will accept applications for early publication, or for publication in redacted or abbreviated form is by e-filing.

- The PTO reports that the allowance rate on business method patents has dropped from 55% in 1999 to only 36% in 2000.

## RADER WINS WRITING COMPETITION



Michael N. Rader

Michael N. Rader was awarded First Prize of the BPLA 2000 Writing Competition at the Annual Luncheon. Rader earned top honors with his paper titled "Toward a Coherent Law of Inducement to Infringe: Why the Federal Circuit Should Adopt the *Hewlett-Packard* Stan-

dard for Intent Under Section 271(b)." Rader recently co-authored an article to be published in the spring edition of the *AIPLA Journal*.

Rader received his B.S. in Mechanical Engineering from Brown University and is a recent graduate of Harvard Law School. He is an Associate with Wolf, Greenfield & Sacks, P.C.

## BPLA PREPARES FOR GILES SUTHERLAND RICH MOOT COURT COMPETITION

The 28<sup>th</sup> Annual Giles Sutherland Rich Moot Court Northeastern Regional Competition will be held in Boston, Friday, March 23<sup>rd</sup> through Sunday, March 25<sup>th</sup>. Law students from throughout the northeast are expected to attend.

This year the oral arguments will be held at Suffolk University Law School. The schedule is as follows: Fri., March 23 6 p.m. - 9 p.m., Sat., March 24 10 a.m. - 3:30 p.m., and Sun., March 25 10 a.m. - 1 p.m.

The competition is a lively affair offering outstanding student performances and the opportunity to meet and interact with students who plan to become a part of our intellectual property law community.

Last year Alan Gotthelf and Sonny Chehl of Benjamin N. Cardozo School of Law won the northeast region with the George Washington University Law School team of Ronald Kimble and Stephen Yoder earning runner-up honors. The National Finals were held at the National Courts Building in Washington D.C. Scott A. Baum and Wendy Seffrood of Wisconsin Law School won the Final Round and were awarded the Dean and Margaret Lawrence Award, \$1,000 each. The George Mason University Law School team of Edward J. Naidich and William

O. Isaacs II took runner-up honors and received the Irving Marcus Award, \$300 each.

The Regional Competition relies upon members of the local intellectual property community to volunteer to grade student briefs and to judge oral arguments. It is anticipated that eight teams of students will compete this year, making it necessary to assemble a large number of volunteers. Each brief grader and judge will receive a copy of the problem and a bench memorandum on which arguments for each side of the issue will be based. In late-February/early March, student briefs and grading forms will be provided to the volunteer brief graders, who will be asked to read and grade the briefs. Each volunteer judge will sit on a panel of three judges; each round of arguments should take about an hour. Thereafter, the judge panel will grade the participants and provide their comments.

Anyone interested in being a volunteer, either by evaluating briefs or by serving as a judge during the oral arguments, should contact Christopher Centurelli at Fish & Richardson P.C. (direct dial: 617-956-5911; fax 617-542-8906; e-mail: centurelli@fr.com) as soon as possible.

## ANNOUNCING THE BPLA 2001 WRITING COMPETITION sponsored by the BPLA

**1st Prize: \$750**

**2nd Prize: \$250**

Prizes will be awarded to the author of the best article on a subject relating to the protection of intellectual property written or published between Aug. 1, 2000 and July 31, 2001

### CONTEST RULES

To be eligible for consideration, the articles must have been written solely by a student or students either in full time attendance at a law school (day or evening) within the jurisdiction of the First Circuit, or prepared in connection with a course at a law school situated in the First Circuit. The article must be submitted to the Boston Patent Law Association on or before July 31, 2000.

Papers should be no more than the equivalent of 10 law review pages including footnotes (30-40 pages typed copy). Submission of 5 copies is required. Submissions must include the submitter's name, current address, current telephone number, law school and present employment, if applicable. Judges will consider the merits of the article as a contribution to the knowledge respecting intellectual property.

**Send papers to:  
The BPLA Writing Competition  
c/o Leslie Meyer-Leon  
IP Legal Strategies Group  
101 River Road  
Sudbury, MA 01776-2460**

## Notice to All BPLA members who have not yet paid their 2001 dues:

The annual BPLA membership fee of \$40.00 is due by February 1, 2001. A \$25.00 late fee is due for renewals submitted after February 1, 2000.

Membership renewal forms can be obtained from BPLA Treasurer Peter Lando at (617) 720-3500 or via the internet from our web site [www.BPLA.org](http://www.BPLA.org)

## AVOIDING THE OLYMPICS

by John L. Welch,  
Foley, Hoag & Elliot

Earlier this year, those of us who spend time trying to keep our clients out of trademark troubles received a useful reminder from the CAFC regarding one area of temptation that the marketing types should clearly avoid: use of words or symbols relating to the Olympic Games.

In *United States Olympic Committee v. Toy Truck Lines, Inc.*, 57 U.S.P.Q.2d 1380 (Fed. Cir. 2001), the CAFC reversed a TTAB decision that had dismissed the USOC's opposition to an intent-to-use application to register the mark PAN AMERICAN for "miniature toy trucks and scale model trucks." The USOC filed its opposition on May 2, 1997, under Sections 2(a) and 2(d) of the Trademark Act, relying on its ownership and use of the marks PAN AMERICAN GAMES, USA PAN AM TEAM, and PAN AM GAMES for a variety of goods (but not on toy and scale model trucks). The USOC also relied on portions of the Amateur Sports Act of 1978, 36 U.S.C. §§ 371 *et seq.* Section 380 of the Act gave the USOC exclusive rights to use of the five interlocking rings symbol and the terms "Olympic", "Olympiad", and "Citius Altius Fortius," as well as "any trademark, trade name, sign, symbol, or insignia falsely representing association with, or authorization by" the Olympic Committee.

In 1998, while the opposition was pending, Congress broadened the rights of the USOC by enacting the Olympic and Amateur Sports Act, 36 U.S.C. §§ 220501 *et seq.*, amending the 1978 Amateur Sports Act to include, *inter alia*, the terms "Paralympic", "Paralympiad", "Pan-American", and "America Espirito Sport Fraternite." [The 1998 Act is also referred to as the "Ted Stevens Olympic and Amateur Sports Act," in honor of the Alaskan Senator.] The USOC cited the new statute in its brief at final hearing before the TTAB, but the Board refused to consider it because it was not a pleaded ground in the opposition. The Board then dismissed the opposition.

The CAFC ruled it improper for the Board to refuse to consider the 1998 enactment. No vested rights were affected, the court reasoned, because Toy Truck's application was based solely on intent to use and the record was barren of proof of actual use. Concluding that the language of the 1998 enactment gave the USOC exclusive rights in the words PAN AMERICAN without requiring any showing of likelihood of confusion or false association (citing the Supreme Court decision in the "Gay Olympics" case, *San Francisco Arts & Athletics, Inc. v. United States Olympic Comm.*, 483 U.S. 522, 531-2 (1987)), the court deemed irrelevant the Board's findings of no likelihood of con-

fusion (Section 2(d)) and no false association (Section 2(a)).

The *Toy Trucks* case is a sharp reminder of just how strong are the rights of the USOC: the USOC has more than mere trademark rights in the Olympic words and symbols; it has the *exclusive right* to use the terms and symbols *in trade*. As the Supreme Court stated in *San Francisco Arts*: The protection granted to the USOC's use of the Olympic words and symbols differs from the normal trademark protection in two respects: the USOC need not prove that a contested use is likely to cause confusion, and an unauthorized user of the word does not have available the normal statutory defenses. *Id.* at 531.

As the 2002 Winter Olympics in Salt Lake City loom on the horizon, the USOC is again busily enforcing its rights. It is currently pursuing a civil action in the federal court in Utah against one individual and numerous John Doe defendants for use of "Olympic-related marks," including PARK CITY 2002 and 2002 WINTER GAMES. While these specific terms are not included in the USOC statute, one should not be surprised to find the statute amended again to give the USOC even broader rights. A trademark attorney would be wise to avoid these slippery slopes altogether.

## FESTO, FESTO, FESTO

On November 29, 2000 the CAFC decided *Festo Corp v. Shoketsu Kinzoku Logyo Kabushiki Co., Ltd. (en banc)*. The decision has addressed the issue of whether an amendment, including a voluntary amendment, gives rise to prosecution history estoppel. The court held that a "substantial reason related to patentability" is not limited to overcoming or avoiding prior art, but instead includes any reason which relates to the statutory requirements for a patent. Therefore, a narrowing amendment made for any reason related to the statutory requirements for a patent will give rise to prosecution history estoppel with respect to the amended

claim element. The CAFC further held that when a claim amendment creates prosecution history estoppel with regard to a claim element, there is no range of equivalents available for the amended claim element. Application of the doctrine of equivalents to the claim element is completely barred (a "complete bar"). The court also held that when "no explanation for a claim amendment is established, no range of equivalents is available for the claim element so amended.

To learn more about *Festo*, and what it means to your practice, look for details on the BPLA's March 21st program.

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regard for the USPTO to issue a first of-  
 fice action within 14 months of filing; and  
 this standard has been met 81% of the  
 time, primarily in the chemical, biotech,  
 and mechanical arts (the electrical and com-  
 puter arts still need improvement).

The Commissioner discussed some  
 controversial areas of patentability such  
 as business method patents. He stated that  
 the USPTO has experienced 200% growth  
 in these types of filings to approximately  
 7500 applications. He was confident that  
 the USPTO would be able to meet the  
 challenge of this explosive growth and  
 meet this challenge as it always has with  
 regard to emerging technologies. Specifi-  
 cally, the Commissioner mentioned recent  
 efforts in this area including communica-  
 tion with the industry, enhanced examiner  
 training, revised examination guidelines,  
 and expanded search capabilities.

The Commissioner also noted that the  
 USPTO's has become a performance-based  
 organization, allowing greater autonomy in  
 the Office's management. He noted that  
 while the USPTO has revenue projections  
 of more than \$1 billion for fiscal year 2001,  
 the government limits total annual spend-  
 ing of the Office and directs much of the  
 total to general government accounts. Leg-  
 islation is currently pending to allow the  
 USPTO retain all of the user fees to help it  
 continue to modernize, and address the  
 growth in filings and new technologies.

The Commissioner concluded his re-  
 marks with an update on the status of the  
 future site of the USPTO. The Office will  
 be moving from Crystal City to a new fa-  
 cility in Alexandria, Virginia. Ground was  
 to be broken in January 2001 on the con-  
 struction of a five building campus (over 2  
 million square feet) to be completed in  
 2003-2004.



David J. Thibodeau, BPLA President 2000; Commis-  
 sioner Godici; Thomas J. Engellener, BPLA Presi-  
 dent 2001



Left to right: David Thibodeau, Commissioner Godici,  
 Thomas Engellener, Doreen Hogle, Ingrid Beattie,  
 Walter Dawson, Leslie Meyer-Leon, William Gosz,  
 Peter Lando, Peter Corless, and Lee Bromberg.

**UPCOMING EVENTS**

**March 21st**

**Program:**

Patent Law Committee pro-  
 gram on the Festo decision

**Location:**

Federal Reserve Building,  
 600 Atlantic Avenue, Boston

**Time:**

8am to 11am at the

**March 23rd-25th**

**Program:**

Giles Sutherland Rich Moot  
 Court Northeastern Regional  
 Competition. See page 3 for  
 complete details.

**Location:**

Suffolk Law School.

**Time:**

Fri., March 23 6 pm - 9 pm  
 Sat., March 24 10 am - 3:30pm  
 Sun., March 25 10 am - 1 pm

**April 27th**

**Program:**

Annual Judges Dinner at the  
 Federal Courthouse. More  
 details to come.

**BOARD OF GOVERNORS**

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## PRESIDENT

*Continued from page 2*

opposing party to present evidence, written arguments and rebuttals, and, if necessary, be heard at oral proceedings. Others also point to the nature of the tribunal: three technically trained examiners that have no relationship to the examiner that made the original decision to grant the patent.

In the United States, the movement to create a similar system of administrative review of issued patents has progressed at a snail's pace. In 1980, Congress passed a first law providing for "reexamination" of issued patents by the PTO. The Reagan administration issued rules that implemented this procedure. The process as set out in these rules has been widely criticized as skewed in favor of the patentee.

Under the old (but still existing) 1980 reexamination procedure, any person can file a request for reexamination by paying a fee and explaining in writing how the "prior art" negated the patentability of each claim for which reexamination was sought. The type of "prior art" which can be cited has to be in the form of patents or other printed publications. The patent owner is then be notified and given two months to respond. If the patent owner chooses to respond, the challenger is allowed to file a single reply. (In fact, under the Reagan rules, the patentee is not even required to file a response and if the owner chose not to do so, the challenger is denied any opportunity to comment on the patent holder's position.)

Thus, under the existing rules, the challenger is effectively shut out of the proceedings and the claims are reexamined ex parte (often by the same examiner who handled the case the first time). These ex parte proceedings allow the patent holder the same opportunities accorded regular applicants, e.g., to file further responses, to amend the claims, to conduct personal interviews with the Examiner and to take appeals.

Although over a million patents are currently in force in the U.S., only about 200 (0.02%) are reexamination each year under the existing procedure. In light of the very low utilization (where one might assume only the most egregious examination errors are called into question), the outcomes are also striking.

About eighty-five (85) percent of the U.S. reexaminations result in the allowance of the original or new claims.

In November 1999, Congress enacted and President Clinton signed the American Inventors Protection Act, which made major modifications to the U.S. Patent Laws. One of the changes was a new optional reexamination procedure that allows the challenger to participate throughout the proceedings. This "inter partes" process is optional in the sense that a challenger may choose this route or the existing ex parte process. The consent of the patent holder is not necessary for the challenger to request an inter partes reexamination proceeding.

As in the existing procedure, the bases for reexamination are limited to patents and other publications that affect patentability. If the PTO finds that a "substantial new question of patentability" exists, an order commencing a reexamination proceeding will be issued. The order may be accompanied by an initial PTO action on the merits. The patent owner can respond to any PTO action but the challenger must be served with copies of such papers. The challenger has thirty days to respond to any submission by the patentee.

Although the 1999 Act is a step toward leveling the playing field, the new law stops short of putting the challenger on equal footing with the patentee. While both parties can appeal a determination by an Examiner to PTO Board of Appeals and Interferences, only the patent holder can appeal to the Court of Appeals for the Federal Circuit, which normally hears all appeals from the PTO's administrative decisions. Moreover, a statutory estoppel is imposed upon the challenger following an unsuccessful argument before the PTO. In any subsequent civil action for patent infringement, the challenger may not assert the "invalidity of any claim finally determined to be valid and patentable on any ground that the third party requestor raised or could have raised during the inter partes proceedings."

The new PTO rules regarding these proceedings, published on December 7, 2000, also reveal a continued bias against challengers. Unlike the European system in which

oppositions are heard by a separate division of the EPO, the U.S. Patent Office has decided that reexamination should be heard within the same examining group that handled the original application. In fact, the PTO has not even ruled out reexamination by the same examiner. In the comments that accompanied the new rules, the PTO states:

...[S]udies conducted by the Office as to the selection of the examiner have not shown any examiner bias irrespective of whether the same or a different examiner handles the reexamination. The same examiner should not be biased towards confirming patentability because a reexamination is not a rehash of old issues but rather, the resolution of a new question of patentability.

The PTO rules also make it more difficult for a challenger to appeal a decision denying inter partes reexamination. Instead of permitting such threshold decisions to be reviewed via the normal course of appeal to the PTO Board of Appeals, the new rules state that orders denying reexamination can only be reviewed by petition to the Commissioner of Patents.

We will need to wait a while before the effectiveness of the new procedure can be evaluated. Only patents based on applications filed after the enacted date of the American Inventors Protection Act (November 29, 1999) are presently eligible for inter partes reexamination. Hence, there are very few patents at present that can be challenged under the new rules.

It is likely the new procedures will eventually be utilized in many instances where ex parte reexamination would have otherwise been requested. It is not at all clear the overall number of reexaminations will increase significantly.

Until the U.S. adopts a system more akin to those used by other nations, reexamination is like to attract only a few challengers. Those who do take part in reexamination are likely to be entities that have little to lose or companies that have not yet made a substantial investment in a new product and have the luxury of waiting to see if the mines can be cleared before planting the field.

## POSITIONS AVAILABLE

*Subject to the availability of space, the BPLA publishes "Positions Available" advertisements by its members (and their firms or employers) for availability of employment positions. Ads of approximately 100 words or less costs 100.00 per issue. If you wish to submit an advertisement for publication in the next issue, please forward ad copy to [plando@ngslaw.com](mailto:plando@ngslaw.com). Please send check, (made payable to Boston Patent Law Association, Taxpayer ID# 04-2667161) for Peter Lando, Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue, Boston, MA 02210.*

### APPLIED BIOSYSTEMS

Applied Biosystems, a division of 1.5 Billion dollar Applera Corporation, located in Framingham, MA just off Exit 13 of the Mass Pike, seeks an Intellectual Property Administrator who will also serve as Executive Assistant to the Division's Chief Intellectual Property Counsel. Position responsibilities include all aspects of patent portfolio management, including filings, prosecution, docketing, maintenance/annuity payments, database administration, inventor awards, and internet searches. Competitive salary and benefits. Great location and working conditions. Send resume in confidence to Andrew Karnakis, Applied Biosystems, 500 Old Connecticut Path, Framingham, MA 01701, or Fax: 508-383-7468, or E-mail: [karnakat@appliedbiosystems.com](mailto:karnakat@appliedbiosystems.com)

### BAYER DIAGNOSTICS

Bayer is looking for a seasoned IP attorney for its Medfield, MA site. Bayer seeks an individual with 8-12 IP years experience in the chemical arts, preferably with undergraduate degree in chemical or mechanical engineering. Individual needs to have completed 30+ patent applications, preferably in a diagnostics, medical devices or pharmaceutical organization. As the sole IP practitioner at the Medfield site, this individual will function as a key member of the management team. Responsibilities include: drafting and prosecuting US and foreign patent applications, rendering patentability, validity and infringement opinions, and preparing/negotiating/interpreting patent and know-how licenses and other agreements related to intellectual property. Bayer Diagnostics offers a competitive compensation and benefits package. Please fax resume to: Collins Group at #203-483-6978 or email: [laura@collinsgrp.com](mailto:laura@collinsgrp.com).

### CHAPIN & HUANG, LLC

We are seeking energetic and entrepreneurial-minded Patent Attorneys/Agents with two or more years of quality patent experience to join us in representing Fortune 100 clients in the hottest areas of technology. Candidates should have a strong engineering background with a degree in CS or EE. This is an exciting ground-floor opportunity to join a growing firm in a

casual suburban setting that offers benefits and client work typical of large law firms. We are located in Westborough, MA (Rtes 9, 495 and the MA Pike) for a stress-free commute. Send or fax resume to Chapin & Huang, LLC, Westborough Office Park, 1700 West Park Drive, Westborough, Massachusetts 01581. Fax: 508-616-9805. Phone calls regarding this opportunity are welcome at 508-366-9600, ask for Hiring Manager.

### EDWARDS & ANGELL, LLP DIKE, BRONSTEIN, ROBERTS & CUSHMAN INTELLECTUAL PROPERTY LAW GROUP

Edwards & Angell, LLP, a national firm with a strong emphasis in all aspects of general practice, including corporate, litigation and venture capital, offers unique opportunities to practice intellectual property law in a general practice environment.

The Dike, Bronstein, Roberts & Cushman Intellectual Property Law Group of Edwards & Angell was created when the IP law firm of Dike, Bronstein, Roberts & Cushman joined Edwards & Angell in July 2000. Prior to this time, DBRC was an independent IP boutique, tracing its roots back to early in the 1860's, and is recognized world-wide for its excellence in all aspects of IP law.

Our firm provides a casual and friendly environment in which to practice law. We offer the atmosphere of a small firm in a large firm setting. Our Boston office is seeking patent attorneys, patent agents and technical specialists for our rapidly expanding IP practice in the biotechnical/biochemical, chemical, electrical, computer, and e-business fields.

Please visit our website at [www.ealaw.com](http://www.ealaw.com) and send your resume in confidence to [sfishman@ealaw.com](mailto:sfishman@ealaw.com). We offer competitive salaries in addition to a comprehensive benefits package. No phone calls please. EDWARDS & ANGELL, LLP 101 Federal Street, Boston, MA 02110-1800. An Equal Opportunity Employer

### HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

Our full-service Boston-area Intellectual Property law firm is actively seeking attorneys with two to four years patent experience with a technical background in electrical engineering, computer science, physics, mechanical engineering, chemical engineering, chemistry, biotechnology, bioinformatics and related technologies. Candidates must possess an undergraduate grade point average of 3.2 or higher. Please direct your résumé to Susan G. L. Glovsky at Hamilton, Brook, Smith & Reynolds, P.C., Two Militia Drive, Lexington, Massachusetts 02421-4799; fax# 781-861-9540; or e-mail to [susan.glovsky@hbsr.com](mailto:susan.glovsky@hbsr.com). For more information about our firm, please visit our website at [www.hbsr.com](http://www.hbsr.com).

### NUTTER, MCCLENNEN & FISH, LLP

is seeking patent attorneys with 3-5 years of experience. Responsibilities include patent prosecution, litigation, technology licensing and client counseling. A background in electrical engineering, computer science, physics or biotechnology is required. Persuasive advocacy skills, strong interpersonal skills, technical knowledge and superior writing ability is essential. We offer a top salary, generous benefits and a casual work environment. Please send resume to Terese M. Campos, Legal Hiring Manager, Nutter, McClennen & Fish, LLP, One International Place, Boston, MA 02110 or e-mail to [tmc@nutter.com](mailto:tmc@nutter.com). All inquiries will be kept strictly confidential.

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seeks patent attys. with EE or Biochemistry degrees. Reasonable billing expectations and partnership credit for lateral transfers. Preferably candidate should have 2-5 years of experience. Salary competitive. Send resume to Hiring Partner, WSGH, Ten Post Office Square, Boston MA 02109, or email resume to [vlebovici@WSGH.com](mailto:vlebovici@WSGH.com) in confidence.

### WOLF, GREENFIELD & SACKS, P.C.

is seeking exceptional lawyers with degrees in science or engineering. Candidates with industry experience and/or an advanced degree in science or engineering are preferred. Excellent interpersonal skills, writing skills, technical knowledge, academic records (both technical and legal), and references are required. The successful candidate will have impeccable integrity and team-oriented values. Please submit résumé in confidence to: Catherine Murphy, Legal Recruitment Coordinator, Wolf, Greenfield & Sacks, P.C., 600 Atlantic Avenue, Boston, Massachusetts 02210 or email resume to [cmurphy@wgsllaw.com](mailto:cmurphy@wgsllaw.com).

**Materials presented at the  
Feb. 22nd and 23rd  
Advanced PCT Practice  
seminar are now available  
for purchase. The cost  
of the packet is \$110.  
Please contact:**

**Lisa Michaud  
Nutter, McClennen & Fish  
(617) 439-2250  
[ljm@nutter.com](mailto:ljm@nutter.com)**

## BPLA COMMITTEES

### Interested in joining a committee?

Please contact the committee chair if you are interested in joining or switching a committee. In the case of co-chairs, please contact the chair marked by the asterisk (\*).

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 \*Lisa Michaud (617) 439-2550  
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On February 22nd and 23rd, the BPLA held an Advanced PCT Practice Seminar at the Boston Harbor Hotel. Speakers included Louis O. Maassel, consultant to the PCT Legal Division of the World Intellectual Property Organization, and Carol Bidwell, Supervisor of PTO's PCT Special Program Office. Close to 100 people attended the seminar, which covered topics including rules of practice, filing procedures, searches, publication, examination and national/regional entry.

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 Merton E. Thompson (617) 542-5070

The 28<sup>th</sup> Annual Giles Sutherland Rich Moot Court Northeastern Regional Competition will be held in Boston, Friday, March 23<sup>rd</sup> through Sunday, March 25<sup>th</sup>. See story on page 3 for details.

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The Corporate Practice Committee sponsored a speaker luncheon at Anthony's Pier IV restaurant. The guest speaker was Charles Cella, Esq., CEO of BountyQuest.com.

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A March 21st program featuring the Festo decision at the Federal Reserve Bldg from 8-11 a.m.

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The **Boston Patent Law Association (BPLA)** is an association of intellectual property professionals, providing educational programs and a forum for the interchange of ideas and information concerning patent, trademark, and copyright laws. Through a volunteer Board of Governors and committees, it organizes and hosts educational seminars, social events, and conventions, and comments on rules and legislation impacting the profession. Visit the BPLA at [www.bpla.org](http://www.bpla.org).

Membership in the BPLA is available to attorneys and other professionals practicing intellectual property law within the Federal First Judicial Circuit (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut). Applications for membership can be obtained from our web site at [www.bpla.org](http://www.bpla.org). Full membership for 2001 (available only for attorneys practicing within the First Circuit) costs \$55.00. Associate membership (available to non-attorney intellectual property professionals) costs \$45.00. Mailing list-only affiliation costs \$25.00.

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