

**INTELLECTUAL PROPERTY LAW SECTION**

*John B. Farmer, chair*

In 2004–2005, the Intellectual Property Law Section built upon strong past performance with more accomplishments. Every member of our board worked hard to make it a successful year.

We held our first writing competition for Virginia law students. The winner was Susanne C. Walts, now a third-year law student at George Mason University School of Law. Her winning paper was *“In re Klopfenstein: The Federal Circuit’s Unprecedented Expansion of the Definition of ‘Printed Publication.’”* Walts won the four-thousand-dollar grand prize. Thanks to the Honorable Richard Linn, a member of the United States Court of Appeals for the Federal Circuit, for serving as the final judge for this competition. Judge Linn was a founding member of the Intellectual Property Section Board of Governors and is a past chair of the section. Also, thanks to board members Susan M. Dadio, Janet P. Peyton and Cynthia C. Lynch for organizing and conducting this competition.

We made electronic progress. We upgraded our section e-mail list to include many of the member e-mail addresses. We estimate that we now reach well over half of our section by e-mail, and we hope to increase the percentage. If you are a section member and you have not joined our e-mail list, you can do so on our Web site: [www.vsb.org/sections/ip/index.htm](http://www.vsb.org/sections/ip/index.htm).

We totally rebuilt our Web site. It contains information about coming events and activities, board member contact information, an application to join our section and other (hopefully) useful material.

We presented our usual seminars with great speakers and had great attendance at each of them, thanks to the hard work of section board members.

The section’s seminar year began at the 2004 Virginia State Bar Annual Meeting in Virginia Beach. On June 18, 2004, the section presented a continuing legal education program in conjunction with the VSB Business Law Section. Jamie A. Powers, founder and president of Data Rights & Privacy Advisors LLC, presented a general overview of intellectual property rights. Lawrence R. Robins, a partner with Finnegan, Henderson, Farabow, Garrett & Dunner LLP, made a presentation on “Creating Security Interests in Intellectual Property Rights.” Section board members David M. Hill and Kristan B. Burch organized this program. Burch organized all of our section’s activities at the 2004 and 2005 annual meetings.

We held our seventeenth annual Fall Weekend CLE on October 22 and 23, 2004. Board members Kristan Burch, Janet Peyton and Cynthia Lynch organized the seminar and weekend, and put on a great show. We had great attendance—about sixty individuals, not counting speakers. These were our topics and speakers:

- Use of surveys in trademark infringement cases, by Jacob Jacoby, Ph.D., Merchant Council Professor of Retail Management and Consumer Behavior, New York University, Stern School of Business.
- Discovery and pretrial considerations in patent infringement litigation in the Eastern District of Virginia, by the Honorable Liam O’Grady, U.S. Magistrate Judge, U.S. District Court for the Eastern District of Virginia, Alexandria Division.
- The Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, by Curtis P. Lu, deputy general counsel, America Online Inc.
- Open Source Panel Discussion Slides, by Jeffrey A. Berkowitz, partner, Finnegan, Henderson, Farabow, Garrett & Dunner LLP; Jason B. Wacha, general counsel, MontaVista Software; and J.T. Westemeier, partner, Piper Rudnick LLP.
- Ethics and lawyer marketing, by Thomas E. Spahn, partner, McGuireWoods LLP.
- Trade secrets and the enforceability of noncompete provisions in Virginia, by the Honorable Elizabeth B. Lacy, Justice, Supreme Court of Virginia.

## REPORTS OF THE SECTIONS

- The ethics, art and philosophy of rendering intellectual property opinions, by Samuel C. Miller III, partner, Burns Doane, Swecker & Mathis LLP, and Erin M. Dunston, associate, Burns Doane, Swecker & Mathis, LLP
- Effective advocacy before the Federal Circuit, by John M. Whealan, deputy general counsel for intellectual property law and solicitor for the U.S. Patent and Trademark Office.

Board member Susan M. Dadio organized the section's spring ethics CLE program, which was held at her law firm, Burns, Doane, Swecker & Mathis LLP, on March 26, 2004, in Alexandria. We had a great attendance—about fifty-five individuals. Our speaker was David Hricik, an assistant professor at Mercer University School of Law. His presentation covered conflicts of interest in patent practice, choice of law issues in patent practice and during federal court litigation, and the ethics of taking an interest in an application in lieu of fees.

The section's seventeenth annual fall CLE was scheduled for October 21–22 at the Wintergreen Resort. Board members Kristan Burch, Cynthia Lynch and Chris Ward organized it.

We closed our operating year at the 2005 VSB Annual Meeting by electing new section officers and board members. Our new officers are Chris Mugel, chair; Cynthia Lynch, chair-elect; Janet Peyton, vice chair; and Kristan Burch, secretary. Dominic P. Madigan and Stephan W. Palan are new board members. Also, the whole section board thanks departing board member Michael J. Huppe for his great contributions, hard work and friendship.

