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Spring 2012

## Intellectual Property Perspectives: Spring 2012

IP Law Program  
*George Washington University*

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# INTELLECTUAL PROPERTY LAW PERSPECTIVES

## NEWS & EVENTS

### GW LAW AND FORDHAM CO-HOST PROGRAM ON IP IN CHINA



Panelists (from left to right): David Kappos, Mark Cohen, and Associate Dean John Whealan

In June 2011, Chief Judge Randall R. Rader (J.D. '78), of the U.S. Court of Appeals for the Federal Circuit, and Intellectual Property Advisory Board Associate Dean for Intellectual Property Law Studies John M. Whealan hosted a gathering of patent practitioners and scholars for a roundtable at the Dolley Madison House in Washington, DC. The conversation was so productive that they agreed to reconvene in a larger setting later in the year. The result was "Patents, Trade, and Innovation in China: A

Public Discussion on Practical Strategies for Engaging China: Taking Stock of the Past and a Plan for the Future." The conference, co-hosted by Fordham Law School and GW Law, took place on December 13, 2011 and brought together more than 100 IP professionals with expertise related to China.

The morning began with welcome remarks from Dean Paul Schiff Berman and co-moderators Dean Whealan and Mark Cohen of Fordham. David Kappos, Under Secretary of Commerce for Intellectual

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## SPRING 2012

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## ALUMNI & FRIENDS

### MARIA PALLANTE APPOINTED REGISTER OF COPYRIGHTS

At a moment when intellectual property law is at the forefront of numerous complex legal discussions, a GW Law graduate once again leads the nation in copyright law. In June 2011, the Librarian of Congress, Dr. James H. Billington, appointed Maria A. Pallante (J.D. '90) the 12th Register of Copyrights and director of the U.S. Copyright Office.

"I look forward to working with the talented staff of the Copyright Office and the Library of Congress to set a path for the future, and I will look to engage and partner with my colleagues in the copyright community in as many ways as possible," Pallante said in a statement. Her other key positions at the Copyright Office have

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# IP SPEAKER SERIES BRINGS INTERNATIONAL EXPERTS TO CAMPUS



Alka Chawla



C. Scott Hemphill



Adam Mossoff



Lisa Ouellette



Sean Seymore

For the past several years, the IP Program has provided educational and inspiring lectures and networking opportunities for students, alumni, faculty, and the larger IP community through its IP Speaker Series. Last fall was no exception, as notable practitioners and experts shared timely and insightful remarks on a variety of industry topics.

The fall series kicked off with a presentation by Lisa Larrimore Ouellette, a graduate of Yale Law School and clerk for the U.S. Court of Appeals for the Federal Circuit, who presented “Do Patents Disclose Useful Information?” Her research focuses on the relationship between patents and innovation, and she has written about the effects of university patents on climate change, access to biomedical materials, and pharmaceuticals. Professor Alka Chawla of the University of Delhi, an internationally known expert in areas including IP innova-

tion, continued the series with a presentation titled “Copyright Law Enforcement: The Scenario in India.” Professor Adam Mossoff of George Mason University School of Law took a new perspective on a famous case from the past in his presentation “What Hath Taney Wrought? Reevaluating the Famous Patent Case of *O’Reilly v. Morse*.”

Professor C. Scott Hemphill of Columbia Law School examined the balance between

innovation and competition in regards to antitrust law, intellectual property, and additional forms of regulation. His presentation, “Evergreening, Patent Challenges, and Effective Market Life in Pharmaceuticals,” on November 1 inspired a particularly lively question-and-answer session. On November 10, the fall series concluded with remarks on “The Presumption of Patentability” by Sean Seymore, Associate Professor of Law

and Associate Professor of Chemistry at Vanderbilt University. Professor Seymore’s research focuses on the evolution of patent law in response to advances in science and its role in the formation of public policy.

For information about upcoming events or the fall 2012 IP Speaker Series, visit [www.law.gwu.edu/ipevents](http://www.law.gwu.edu/ipevents). The IP Speaker Series is made possible by a generous endowment by the Bureau of National Affairs. ■

## THE CHANGING FEDERAL CIRCUIT: JUDGE ALAN LOURIE DELIVERS KATZ LECTURE



*Judge Alan D. Lourie*

On October 19, 2011, the Honorable Alan D. Lourie of the U.S. Court of Appeals for the Federal Circuit delivered the fall 2011 A. Sidney Katz Lecture at the Law School. His remarks, “The Changing Federal Circuit,” gave students, faculty, and audience members a glimpse into his unique

perspective as a long-time member of the bench and an IP-law expert. Among other reflections, Judge Lourie suggested that the Supreme Court’s growing interest in patent cases is an indication that it “clearly perceives patent law not as an obscure backwater but an important part of the economy.” Judge Lourie was introduced by Sarah Rajec, Frank H. Marks Visiting Professor of Law and a former law clerk to the judge. Appointed to the court in 1990 by President George H.W. Bush, Judge Lourie was previously Vice President for Corporate Patents and Trademarks and Associate General Counsel of SmithKline Beecham Corporation.

The A. Sidney Katz Lecture, held twice a year at GW Law, is made possible through the generous support of the A. Sidney Katz Intellectual Property Lecture Fund. ■

### IP PERSPECTIVES

*IP Perspectives* is published by the Intellectual Property Law Program at The George Washington University Law School.

Questions or comments should be sent to:

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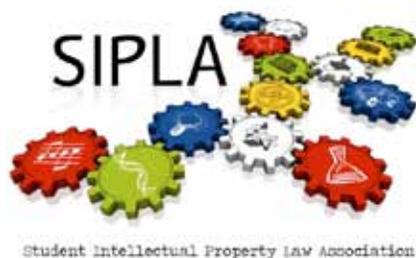
[iplaw@law.gwu.edu](mailto:iplaw@law.gwu.edu)  
[www.law.gwu.edu/IP](http://www.law.gwu.edu/IP)

## FEATURED EVENTS

On Monday, May 7, from 6:30 to 8:30 pm, GW Law hosted a cocktail reception at the Microsoft Innovation Center, 901 K Street NW, 11th floor, Washington, DC. The reception was held during the International Trademark Association (INTA) Annual Meeting.

Information about upcoming events can be found on the IP Events web page at [www.law.gwu.edu/ipevents](http://www.law.gwu.edu/ipevents).

# STUDENT IP LAW ASSOCIATION ACTIVE AT GW LAW



The Student Intellectual Property Law Association (SIPLA) is a group of students interested in all facets of intellectual property law. Through SIPLA events, students have the opportunity to network with one another and with IP law practitioners. SIPLA regularly hosts happy hours and sponsors a mentor-mentee program to facilitate networking. In addition to hosting events, SIPLA helps educate students about IP-related events hosted by various GW Law departments and offices.

Since the beginning of this past school

year, SIPLA has organized and sponsored events, including panels on jobs in patent and copyright law, upper-level and 1L mentoring, and IP course selection; lunches with local IP firms; a presentation on how to apply for summer positions in IP; student-faculty receptions; and, most notably, a trip to the Chamber of Commerce to hear Electronic Arts CEO John Riccitiello speak. SIPLA has approximately 200 student members. If you are interested in joining, contact SIPLA President Thara Russell at [sipla@law.gwu.edu](mailto:sipla@law.gwu.edu). ■

## FEATURED EVENTS



### GW LAW HOSTS FOURTH ANNUAL IP SYMPOSIUM IN MAY

On Tuesday, May 8, GW Law hosted the fourth annual IP Symposium, sponsored by Mayer Brown and Cornerstone Research. This year, topics included “Tips and Trends for Litigating Patent Cases in the Federal Courts,” “A New Challenge: Navigating Inter Partes and Post Grant Review Under the AIA,” “The In-House Counsel Perspective: Tips for Outside Counsel and Trends,” and “Damages in Patent Cases: The New Models.” Speakers included:

- **The Honorable Randall R. Rader**, Chief Judge, U.S. Court of Appeals for the Federal Circuit
- **The Honorable Dee Benson**, District of Utah
- **The Honorable Paul Grewal**, Magistrate Judge, Northern District of California
- **The Honorable Charles E. Bullock**, Chief Administrative Law Judge, U.S. International Trade Commission
- **The Honorable James D. Smith**, Chief Administrative Patent Judge, U.S. Patent and Trademark Office
- **F. Scott Kieff**, Professor, GW Law
- **Janet Gongola**, Patent Reform Coordinator, U.S. Patent and Trademark Office (AIA and USPTO Regulations)
- **Mary Fuller**, Executive Director and Associate General Counsel, Intellectual Property, Maxim Integrated Products, Inc.
- **Henry Hadad**, Vice President and Deputy General Counsel, Intellectual Property, Bristol-Meyers Squibb
- **Michael Keeley**, Senior Vice President, Cornerstone Research
- **David P. Ruschke**, Esq., Chief Patent Counsel, CardioVascular Medtronic, Inc.

## IP STUDENT NAMED GW LAW REVIEW'S EDITOR-IN-CHIEF



Charles Davis, an IP student, was elected the Editor-in-Chief of the *George Washington Law Review*. Davis interned last semester for Judge Jimmie V. Reyna of the U.S. Court of Appeals for

the Federal Circuit and will work for firms this summer doing patent law. Davis is not the only IP student on the *Law Review* masthead; Timothy Li was named one of the Managing Editors and David Bender also was elected. Both Li and Bender have undergraduate degrees and/or backgrounds in science, and both are interested in patent law as well. ■

# PROFESSOR KIEFF RECEIVES PRESTIGIOUS HONORS



*Professor F. Scott Kieff*

In September 2011, Professor F. Scott Kieff was selected by leading experts in the field as a finalist for the 2011 World Technology Award for Law, presented in association with *Time* magazine, *Fortune*, CNN, *Technology Review*, and *Science* magazine. As a finalist, he becomes a Fellow of the World Technology Network (WTN) and part of the global WTN association of the peer-nominated, peer-elected most innovative people in science and technology. The winner and the finalists were recognized at WTN's gala ceremony in October at the United Nations.

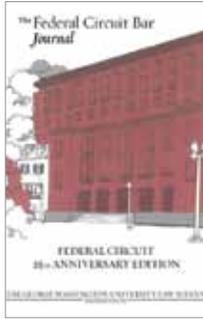
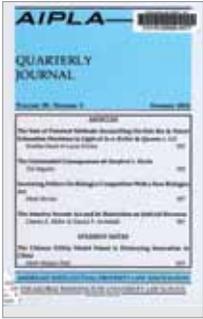
Dean Paul Schiff Berman remarked, "Scott Kieff translates his deep scholarly knowledge of technology and innovation policy into actionable information that helps change the world. The World Technology Awards program honors this

practical engagement, and we at the Law School congratulate Scott on being identified as one of only five professors to be nominated for this prestigious award."

The GW Law community also congratulates Professor Kieff on his prestigious invitation in December 2011 to become a member of the European Academy of Sciences and Arts. The academy promotes transnational dialogue and visionary developments of new scientific knowledge and academic thinking, and it has more than 1,500 world-renowned members, 28 of whom have received Nobel Prizes. "I am humbled and grateful for this honor, and so happy to be working together with my colleagues and students to help make so many wonderful things happen for us all at GW Law," Professor Kieff said. ■

**"SCOTT KIEFF  
TRANSLATES HIS  
DEEP SCHOLARLY  
KNOWLEDGE OF  
TECHNOLOGY  
AND INNOVATION  
POLICY INTO  
ACTIONABLE  
INFORMATION THAT  
HELPS CHANGE  
THE WORLD."**

# IP-RELATED JOURNALS ELECT NEW OFFICERS



GW Law has not just one but two journals whose content focuses in whole or in part on IP law: The *AIPLA Quarterly Journal* and the *Federal Circuit Bar Journal* (FCBJ). The *AIPLA Quarterly Journal* is dedicated to presenting materials related to intellectual property matters and is published four times per year, and the FCBJ focuses on articles related to the Federal Circuit, which includes intellectual property related stories. New officers were elected for both journals this spring:

## FCBJ:

**Editor-in-Chief:** Lilyanne Ohanesian  
**Executive Editor:** Jessica Johnston  
**Submissions Editor:** Anna Smith  
**Managing Editor:** Eric Shupin  
**Projects Editor:** Tiffany Ge  
**Senior Articles Editor:** Kelsey Zorzi  
**Senior Notes Editor:** Bryan Byrd  
**Articles Editors:** Beatrice Gatti, Clayton Zak, Matthew Riffée, Michael Goldstein  
**Notes Editors:** Andrew Huber, Alexander Bryson, Catherine Brinkley, James Mieding

## AIPLA QUARTERLY JOURNAL:

**Student Editor-In-Chief:** Tara Thieme  
**Executive Articles Editor:** Devin McKnight  
**Executive Managing Editor:** Jodie Cheng  
**Executive Production Editor:** Michael Friedman  
**Executive Notes Editor:** Molly McCann

## SPRING IP SPEAKER SERIES

The Dean Dinwoodey Center for Intellectual Property Studies presented four luncheon lectures by IP scholars during the spring 2012 semester. Each event featured a presentation by a speaker followed by discussion of his or her current research and a complimentary lunch. The speakers are listed below.

### THURSDAY, JANUARY 26

1:30 PM, FACULTY CONFERENCE CENTER,  
5TH FLOOR, BURNS LIBRARY

**Peter Lee**, *Professor of Law, UC Davis School of Law*

“Transcending the Tacit Dimension: Patents, Relationships, and the Industrial Organization of Technology Transfer”

### THURSDAY, FEBRUARY 23

1:30 PM, FACULTY CONFERENCE CENTER,  
5TH FLOOR, BURNS LIBRARY

**Zoe Argento**, *Assistant Professor of Law, Roger Williams University School of Law*

“What the Digital Millennium Copyright Act Can Learn from Medical Marijuana”

### THURSDAY, MARCH 29

1:30 PM, FACULTY CONFERENCE CENTER,  
5TH FLOOR, BURNS LIBRARY

**Kathy White**, *Professor of Law, Wayne State University Law School*

“Inequitable Conduct after Therasense and the America Invents Act”

### THURSDAY, APRIL 12

1:30 PM, TASHER GREAT ROOM, 1ST FLOOR,  
BURNS LIBRARY

**David Hricik**, *Professor of Law, Mercer University School of Law*

“Does the Spouse of an Inventor in a Community Property State Have an Equal Interest in an Invention, Even from the Moment of Conception?”

# PROFESSOR STRAUS NAMED SLOVENIAN AMBASSADOR OF SCIENCE

In recognition of his expertise, leadership, and numerous contributions to the academy and to the field of intellectual property and patent law, the Republic of Slovenia’s Committee for Prizes and Recognitions named Professor Joseph Straus an Ambassador of Science for the year 2011.

“Joseph Straus is truly a towering figure in intellectual property law, and he is that rare individual: someone who is equally revered in the scholarly, practice, and policy communities. We are thrilled to have him as an ongoing partner in GW’s world-renowned IP Program and congratulate him on yet another well-deserved honor,” Dean Paul Schiff Berman said.

Since 2001, Professor Straus has served as the Marshall B. Coyne Visiting Professor of International and Comparative Law. He also is a professor of law at the Universities of Munich and Ljubljana, and director of the Max Planck Institute for Intellectual Property, Competition, and Tax Law in Munich.

“This is one more honor in a very long list given to Professor Straus for his many academic contributions to patent law. We are proud at GW Law to have him as part of our intellectual property faculty,” said Martin Adelman, Theodore and James Pedas Family Professor of Intellectual Property and Technology Law and co-director of the Dean Dinwoodey Center for Intellectual Property Studies. “He is undoubtedly the most famous patent law academic in Europe, and perhaps the world. It is no accident that he currently serves as head of the law section of Academia Europaea.”



*Professor Joseph Straus*

**“JOSEPH STRAUS IS TRULY A TOWERING FIGURE IN INTELLECTUAL PROPERTY LAW, AND HE IS THAT RARE INDIVIDUAL: SOMEONE WHO IS EQUALLY REVERED IN THE SCHOLARLY, PRACTICE, AND POLICY COMMUNITIES.”**

Professor Straus said that while he is pleased to receive such prestigious recognition, he wishes to emphasize the independent and impartial nature of his work. “It has always been one of my dreams to become an ambassador, although I’ve come to realize that I—and scientists in general—am really

not the kind of person to be a diplomat or to obey. We are outspoken and independent and committed to truth only,” Professor Straus said. “I am extremely honored that I got the title, and I accept it in the spirit that it will never interfere with my independent mind.” ■

## “ALL-GW” COPYRIGHT CASEBOOK PUBLISHED

West, a Thomson Reuters business, has published a copyright casebook co-authored by Professors Robert Brauneis and Roger E. Schechter. The casebook, published as part of West’s “Interactive Series,” includes an electronic version with hyperlinks to most of the works at issue in the cases, including songs, movie clips, photographs, and texts. It also includes special features such as “Copyright in the Real World,” a series of essays interspersed throughout the volume that investigates the copyright issues behind every day scenarios; “Try Your Hand,” exercises linked to online answers and explanations; and “Language Tips,” guides to the use of technical terms. “We’re really excited about this book,” said Professor Brauneis. “We know from having tested drafts that giving students direct exposure to virtually all of the works at issue in the cases while they’re reading the opinions will lead to a better understanding of the issues and livelier classroom discussion.” ■



*Professor Robert Brauneis*



*Professor Roger E. Schechter*

## SARAH RAJEC ACCEPTS POSITION AT STANFORD LAW



*Sarah R. Wasserman Rajec*

GW Law congratulates Sarah R. Wasserman Rajec, the Frank H. Marks Visiting Associate Professor of Law, on her move to Stanford Law School, where she will serve as a Lecturer in Law and Teaching Fellow for the Law, Science, and Technology LL.M. Program.

Professor Rajec holds a Sc.B. from Brown University and a J.D. from the University of Michigan Law School. Following law school, she practiced at Fish & Richardson, PC in Boston and then clerked for now-Chief Judge Donald C. Pogue of the U.S. Court of International Trade. Professor Rajec joined GW Law in the Marks position

for the 2008-09 academic year and returned in 2011, following a clerkship with Judge Alan D. Lourie of the U.S. Court of Appeals for the Federal Circuit.

Professor Rajec’s areas of interest include patent law and international trade law and its intersection with intellectual property law. Professor Rajec has taught torts in addition to a seminar on “TRIPS, Patents, and Public Health.”

“It has been a pleasure to be part of the GW Law community,” Professor Rajec reflected. “The school has a special place in the intellectual property law community, and I feel privileged to participate in that.” ■

# IP PROGRAM ADDS NEW COURSE ON THE ITC



During the fall 2012 semester, the IP program offered a new course focused on the U.S. International Trade Commission (ITC). The two-credit course, “Enforcement of Intellectual Property Rights in the USITC,” was co-taught by the Honorable Ted Essex, an Administrative Law Judge at the ITC, and Michael McKeon (J.D. '96), a partner at Fish & Richardson who specializes in ITC practice.

The course covered an in-depth examination of the USITC, focusing on enforcement of IP rights before the agency. Topics covered included: the enactment of Section

337 and important amendments; organization of the ITC, including its commissioners, administrative law judges, and the Office of Unfair Import Investigations; all aspects of litigation at the ITC, from the institution of an investigation under Section 337 to post-hearing phases; unique requirements of Section 337 cases of importation, domestic industry, and injury; the scope of available remedies in Section 337 cases and the role of U.S. Customs in enforcement of ITC exclusion orders; and the review of ITC decisions and the Federal Circuit’s jurisprudence relating to ITC matters.

Enrollment exceeded expectations, with more than 50 students. “Given the increased importance of the ITC and the fact that many of our students work on ITC matters shortly after they graduate, it made perfect sense to offer this as a new course,” commented Associate Dean Whealan. “This is a very nice example of how GW’s IP program offers courses highly relevant to current IP practice. We are very grateful to Judge Essex and Mike McKeon for working so hard to create such an excellent class. Given this amount of student interest, we expect to offer the course once a year for the near future.” ■

## FEATURED EVENTS

### TERRY REA PRESENTS SPRING 2012 KATZ LECTURE



*Teresa Stanek Rea*

On Thursday, April 19, the IP Program hosted Teresa Stanek Rea, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the U.S. Patent and Trademark Office, who lectured on “Transforming the Patent Landscape: How the America Invents Act is Building a 21st Century IP System.” Light refreshments were served at 5:30 pm in the Faculty Conference Center of the Burns Library, and the lecture began at 6 pm.

The A. Sidney Katz Lecture is generously endowed by A. Sidney Katz (J.D. '66). The endowment allows the IP program to hold one major IP lecture per semester.

**For information on future Katz lectures or other IP-related events, visit our website at [www.law.gwu.edu/ipevents](http://www.law.gwu.edu/ipevents).**

*continued from page 1*

Property and Director of the U.S. Patent and Trademark Office (USPTO), gave the keynote address. Afterward, Chief Judge Rader took over at the podium to lead the morning’s first panel, “The Rule of Law and Economic Background.” This panel featured GW Law’s own Professor Donald Clarke, William Hennessey of the University of New Hampshire School of Law, Carl Minzner of Washington University School of Law, and Andy Sun from the Tongji University College of Law in China.

The second panel featured Thomas T. Moga of Shook, Hardy & Bacon; Teresa

Stanek Rea and Elaine Wu from the USPTO; David Ream of Microsoft; and Lin Sun-Hoffman of the Grocer Manufacturers Association. They discussed prosecution perspectives on China’s patent catch-up.

After a lunch break, the group reconvened to hear about technology litigation and licensing perspectives, a panel featuring Sharon Barner, Foley & Lardner LLP; Q. Todd Dickinson, American Intellectual Property Law Association; Sherry Knowles, Knowles Intellectual Property Strategies; Eric Priest, University of Oregon School of Law; Alex Rogers, Qualcomm; and Chen Wang, DuPont.

Following that discussion, Nancy Kremers, International Trade

Administration; Katherine Linton, U.S. International Trade Commission; Jared Ragland, Office of the U.S. Trade Representative; Emery Simon, Business Software Alliance; and Richard “Pete” Suttmeier, University of Oregon, gathered to discuss intellectual property and trade.

Rounding out the day was a panel with James Brookshire of the Federal Circuit Bar Association; Jasmine Chambers of the USPTO; Jack Chang of General Electric; David Simon of Intel Corporation; Jeremie Waterman, the Senior Director for Greater China, U.S. Chamber of Commerce; and Audrey Winter of the Office of the U.S Trade Representative, speaking about plans for the future.



*More than 100 IP professionals attended the program.*



*Chief Judge Randall Rader (left) and Professor Donald Clarke*



*Jack Chang of General Electric*

The conference was unique in its level of audience participation. The expertise and interest of the audience matched that of the panel members, and the discussions demonstrated the depth of knowledge of the participants. When moderator Mark Cohen took a poll to ascertain who would like to continue the conversation, all hands were in the air and energy in the room was

at a remarkable high. Those gathered agreed that the day had been such a success that they'd like it to be an annual event. Many remarked that no other conference had brought together so many important figures at that level. Plans for next year's conference are underway. ■

## UPCOMING EVENTS

### MUNICH SUMMER PROGRAM CONTINUES TRADITION OF SUCCESS



As a complement to its leading intellectual property program in Washington, DC, GW Law offers a four-week intellectual property law program in Munich, Germany, a vibrant city less than an hour from the Alps, known as Europe's "Intellectual Property Capital." During summer 2012, the program will run from July 2 to July 27. The ABA-accredited program offers eight one-credit courses, from which students can choose up to four (two each session), as well as special lectures and visits to local IP institutions such as the European Patent Office. In 2011, more than 30 students (including students from GW Law, other American ABA-approved law schools, and foreign law schools) participated in the program. The eight courses offered were also open to LL.M. students at the Munich Intellectual Property Law Center.

This year, GW Law will again offer eight one-credit courses and will look to enroll a diverse body of students, as in years past. This year's professors include Chief Judge Randall R. Rader (U.S. Court of Appeals for the Federal Circuit), Judge Edward Damich (U.S. Court of Federal Claims), and Professor Gregory Maggs. A complete list of courses and professors includes:

#### Cross-Border Trade in Intellectual Property

Dan Burk, *University of California, Irvine School of Law*

#### Internet Law

Robert Heverly, *Albany Law School*

#### Philosophical Foundations of Intellectual Property

Michael Madison, *University of Pittsburgh School of Law*

#### Intellectual Property and Indigenous Heritage: Genetic Resources, Traditional Knowledge, and Folklore

Silke von Lewinski, *Max Planck Institute*

#### Federal Circuit

Chief Judge Randall Rader and Dean John Whealan

#### Technical Protection of Authors' Rights

Judge Edward Damich

#### TRIPS, Patents, and Public Health

Sarah Rajec, *GW Law*

#### Law of Software Contracts

Gregory Maggs, *GW Law*

Further details about the program can be found at [www.law.gwu.edu/Academics/degrees/summer\\_programs/munich/Pages/Munich.aspx](http://www.law.gwu.edu/Academics/degrees/summer_programs/munich/Pages/Munich.aspx).

In addition, interested students can contact Dean Whealan with questions about the program.

## GW LAW HOSTS AIPLA RECEPTION



*Pictured (left to right): Dean Paul Schiff Berman, Professor Robert Brauneis, Maria Pallante (J.D. '90), Marybeth Peters (J.D. '71), and another alumna.*

On October 21, 2011, Dean Paul Schiff Berman, the GW Law Intellectual Law Property Alumni Interest Group, Intellectual Property Advisory Board Associate Dean for Intellectual Property Law Studies John M. Whealan, IP faculty, and friends gathered for a networking reception after the first day of sessions at the American Intellectual Property Law Association (AIPLA) Annual Meeting. The event was held at the Marriott Wardman Park Hotel's Stone's Throw Restaurant and Bar in Washington, DC. The evening gave attendees the chance to discuss hot topics in the IP community as well as news about the Law School and the IP Program.

Recently, the IP program has held similar receptions at national IP events, including AIPLA, INTA, and BIO. Further information about upcoming events can be found on the IP Events web page at [www.law.gwu.edu/ipevents](http://www.law.gwu.edu/ipevents). ■

## GW LAW WELCOMES NEW IP BENEFACTOR: COOLEY



Recently, Cooley LLP, a firm with 10 offices worldwide and approximately 650 attorneys, agreed to become the Intellectual Property Law Program's newest benefactor. The IP Benefactors program includes IP corporations and law firms. Each benefactor designates a member to serve on the IP Advisory Board (IPAB), which provides counsel to the school on how to coordinate the IP program. The current list of IP Benefactors (in alphabetical order) now includes:

- Apple, Inc.
- Cooley, LLP
- Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
- Fish & Richardson
- Google
- Intel Corp.
- Kenyon & Kenyon, LLP
- Kramer & Amado, P.C.
- Latham & Watkins, LLP
- Lee & Hayes
- Mayer Brown
- McKool Smith
- Microsoft Corp.
- Paul, Weiss, Rifkind, Wharton & Garrison, LLP
- Perkins Coie
- Pillsbury
- Qualcomm
- Ropes & Gray, LLP
- Rothwell, Figg, Ernst & Manbeck, P.L.L.C.
- The Bureau of National Affairs, Inc.

### IP Benefactors receive numerous benefits, including:

1. Membership on the IPAB
2. Complimentary firm lunch or reception for students
3. Complimentary participation in GW Law's annual IP Networking Fair
4. Invitations to IP events
5. Use of GW Law facilities
6. Acknowledgement as IP Benefactor

Further information about the IP Benefactors program can be found on the Law School's web site or by contacting IPAB Associate Dean John Whealan at 202.994.2195. ■

## TAWRESEY AND HARRIS WIN 2012 GW IP MOOT COURT COMPETITION

GW Law congratulates Gwendolyn Tawresey and Philip Harris on their victory in this year's GW Law Giles Sutherland Rich Intellectual Property Law Moot Court Competition.

Nineteen teams competed in this year's competition. The finals were held at the Law School on January 18, 2012, and the presiding judges included Chief Judge Randall R. Rader (J.D. '78), U.S. Court of Appeals for the Federal Circuit; Judge Barbara Lynn, U.S. District Court, Northern District of Texas; and John M. Whealan, Intellectual Property Advisory Board Associate Dean for Intellectual Property Law Studies. The runner-up team consisted of 2Ls Anna



Gwen Tawresey, Judge Barbara Lynn, Chief Judge Randall Rader, Associate Dean John Whealan, and Philip Harris

Smith and Taylor King, who have been study mates since they began at GW Law.

Tawresey also won Best Overall Competitor, and Smith won Best Oral Advocate (awards are based upon scores from the preliminary rounds of competition). All four finalists went on to represent GW Law at the regional competition in Silicon Valley, California. Both teams reached the semi-finals, and Smith and King tied a team from the University of

Pennsylvania for Best Applicant's Brief.

The Law School thanks Judge Lynn for joining us all the way from Texas; Chief Judge Rader and Dean Whealan for their continuing support and insight; and Steve Lieberman on behalf of our generous sponsor, Rothwell Figg, as well as Frank Rothwell himself. Although Rothwell passed away this year, his generosity to GW Law and his legacy will live on through the success of this competition and the students who compete. ■

## IP GRAD ANDY SELLARS RECEIVES AIPLA'S HIGHEST HONOR



Andy Sellars (J.D. '11) received an award at last year's Academic Awards Ceremony.

Andy Sellars (J.D. '11) won the time-honored and prestigious Jan Jancin Award, which includes a cash award of \$5,000. The late Jan Jancin served not only as President of AIPLA and Chair of the ABA-IPL Section but served with distinction

in other leadership roles in other intellectual property law associations, nationally and internationally. Students of IP law and growth in quality IP law education were keen interests of Jancin. In addition, he was a persistent and perceptive observer of the legislative process as it related to all aspects of IP law, and he regularly reported to several IP law associations on those activities. The ABA-IPL Section, AIPLA, and AIPLEF are pleased to continue the tradition of honoring an outstanding IP law student each year in the name of Jan Jancin. Sellars attended the AIPLA Annual Meeting in Washington, DC, in October 2011 to receive the award.

As a student at GW Law, Sellars earned more A's in IP courses than any other graduate. As for what he's been up to since

graduation, here's an update from Andy himself:

*Following graduation in May, I took a job at the Berkman Center for Internet and Society at Harvard University (where I interned both of my summers at GW Law). I work as a staff attorney at Berkman's Citizen Media Law Project (CMLP), a project dedicated toward providing legal resources, education, and assistance to journalists and others engaged in free speech online. I was hired for my background in IP and free speech issues and work with the director, Jeff Hermes, whose background is in defamation and media law. I became a member of the Massachusetts Bar in November.*

*My primary responsibility at the CMLP is overseeing our legal referral program for*

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been Associate Register for Policy and International Affairs from 2008 to 2010, Deputy General Counsel from 2007 to 2008, and Policy Advisor from 1996 to 1997.

“Maria is a true superstar of the IP world,” according to Dean Paul Schiff Berman. “GW Law is committed not just to law on the books, but law in action, and so I am thrilled to report that yet another of our graduates is out doing the work that will help set our nation’s policy path in a key area for innovation and growth.” Pallante is the third member of the Law School community to serve as Register of Copyrights in recent years. She succeeds Marybeth Peters (J.D. ‘71), who retired from the position on December 31, 2010. Ralph Oman, the Pravel, Hewitt, Kimball and Kreiger Professorial Lecturer in Intellectual Property and Patent Law, served in the role from 1985 to 1993. “Maria’s appointment to be Register is another illustration of the strength and depth of GW’s IP program,” said Intellectual

Property Advisory Board Associate Dean for Intellectual Property Studies John M. Whealan. “Often our IP program is associated with the area of patent law; however, the fact that the last two Registers of Copyright are alumni (and the Register before that is a member of the GW faculty) shows the strength of our program in the area of copyright law as well.”

Pallante was selected for the post following an extensive search process that began in 2010, in which a distinguished group of candidates from the government, private sector, and academia were considered. Before joining the Copyright Office, Pallante served as Intellectual Property Counsel and Director of the Licensing Group for the worldwide Guggenheim Museums. She also led two national author organizations, working as Executive Director of the National Writers Union and as Assistant Director of the Authors Guild. She also was Associate Counsel at the Washington-based law firm and literary agency Lichtman, Trister, Singer and Ross. ■



Maria Pallante (J.D. '90)

## IN MEMORIAM

**Carl Funkhauser (J.D. '49)** was one of several patent attorneys who did his undergraduate engineering studies at the University of Missouri in Columbia and then learned patent law in Washington, DC. He spent his career as a patent attorney working for the Navy; he retired in 1976.

**Herbert Magil (1913-2011) (J.D. '40)** was a brilliant jurist and an even nicer person. Before there were administrative patent judges, there were examiners-in-chief: Magil was one of the most distinguished Examiners-in-Chief of the U.S. Patent Office Board of Appeals. He was a distinguished Order of the Coif graduate of GW Law, after graduation from the University of Pennsylvania. He started his career in 1935 in the depths of the Depression; he was one of the leading figures of the USPTO from that era who loyally chose to remain within the office well into the 1960s (or, in his case, way beyond), providing strong leadership that is difficult to duplicate in the economy of today. After serving as an Examiner of Interferences, he became an Acting Examiner-in-Chief in 1956 and was appointed by President Dwight D. Eisenhower to a full-time position on the board effective October 1, 1959. His published opinions commenced with *Ex parte Lemieux*, 115 USPQ 148 (1956), which is cited in several court cases and is still recognized as a leading case in the Manual of Patent Examining Procedure, up through *Ex parte Westphal*, 223 USPQ 630 (1983). Magil died at the age of 98.

**Roy H. Massengill (1929-2012) (J.D. '63)** was one of the many leaders of the patent community who commenced his career as a Patent Examiner and received his J.D. from GW Law. Professionally, he was best known for his achievements in the corporate patent world, where he served for many years as General Patent Counsel for Allied Signal, with concurrent stints as President of the Association of Corporate Patent Counsel and as board member of Intellectual Property Owners, Inc. In that latter organization, he played a role in the successful Congressional enactment of process patent legislation in 1988. The following year, he segued to private practice at what was then known as the patent boutique Burns Doane.

(Contributions by Hal Wegner)

# REMEMBERING G. FRANKLIN ROTHWELL



G. Franklin Rothwell (J.D. '56)

On January 5, the GW Law community gathered with family, friends, and colleagues at a memorial service in the Michael K. Young Faculty Conference Center to celebrate the life of Gideon Franklin Rothwell IV (J.D. '56), who passed away on December 25, 2011. Through his life, his work, his generosity, and his dedication to mentoring and supporting future generations of lawyers, Rothwell touched and inspired the lives of all he knew. In the words of his friend Intellectual Property Advisory Board Associate Dean for Intellectual Property Law Studies John M. Whealan, "Frank Rothwell was a one-of-a-kind person. He was a giant in the IP field and was a true gentleman to everyone he encountered."

"Frank Rothwell was not only a towering figure in the intellectual property bar; he was a steadfast supporter of GW's Intellectual Property Law Program, serving both as member and chairman of the Law School's Intellectual Property Advisory Board, and a friend to many members of the GW Law community. In addition, he generously helped generations of students through his contributions to our moot court program and other activities throughout the school," Dean Paul Schiff Berman said. "The GW Law

community has lost a true friend, and we are all saddened by this tremendous loss."

A native of Missouri, Rothwell graduated from the University of Missouri in 1949 with a B.S.M.E. He went on to serve in the Army Corps of Engineers during the Korean War and then attended GW Law, where he earned a J.D. with honors in 1956 as a member of the Order of the Coif. Before graduating from law school, he was registered to practice before the U.S. Patent and Trademark Office. Ultimately, he joined the ranks of notable GW Law alumni patent attorneys. Among his numerous accomplishments, he served as the attorney for the patent on the Medeco Biaxial Cylinder Lock, issued on Jan. 13, 1987 to the inventor Roy N. Oliver.

In 1981, Rothwell co-founded the prestigious firm of Rothwell, Figg, Ernst & Manbeck, PC in Washington, DC, where he served as chairman and member until his death. During a remarkable career that spanned more than 50 years, he prosecuted hundreds of U.S. and foreign patent and trademark applications and was also active in the areas of opinions and intellectual property contracts. He handled numerous jury and non-jury trials and many more

negotiated settlements involving patents, trade secrets, trademarks, service marks, copyrights, and false advertising.

Rothwell also was an active philanthropist and supporter of legal education, serving as an adviser to GW Law in numerous capacities and encouraging students to develop key skills by supporting experiential IP competitions. "The opportunity to represent GW Law in the Giles Rich Competition both in California and at the Federal Circuit has definitely been the defining event of my law school career," said student Thomas Yeh. "Mr. Rothwell's generosity made everything possible for my partner and me—it was really inspiring to see such a prominent alumnus reaching out and supporting the GW Law community." Yeh's competition partner Alexander Varond (J.D. '11) said that Rothwell was a role model to all students and alumni. "Mr. Rothwell's more than 50-year contribution to all aspects of patent law is a great motivation for recent graduates like myself. We are sorry to see him pass, but his name, support, and memory will remain an important part of the GW Giles Rich Moot Court tradition."

Rothwell loved and enjoyed his family, fishing, travel, opera, and the arts. He traveled extensively for both work and pleasure. He is survived by his loving wife of 57 years, Henrietta (Sissy) Rothwell; two sons, Gideon Franklin V and wife Anita of Bethesda, MD, and John Duncan and wife Dr. Marje Cristol of Durango, CO; daughter Anne S. Rothwell and husband Patrick Vargas of Virginia Beach, VA; and four grandchildren, Caitlin, Pancho, Danika, and Eliana.

Frank Rothwell has left the Law School with a proud legacy by establishing an exceptional career while paving the way for future scholars and practitioners to succeed. His professional accomplishments, philanthropic spirit, and collaboration with GW Law have contributed to the prestige and scope of our Law School, and he will be missed. ■

**"FRANK ROTHWELL HAS LEFT THE LAW SCHOOL WITH A PROUD LEGACY BY ESTABLISHING AN EXCEPTIONAL CAREER WHILE PAVING THE WAY FOR FUTURE SCHOLARS AND PRACTITIONERS TO SUCCEED."**

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speech issues and work with the director, Jeff Hermes, whose background is in defamation and media law. I became a member of the Massachusetts Bar in November.

My primary responsibility at the CMLP is overseeing our legal referral program for digital media creators, the Online Media Legal Network. There, I provide intake for clients, assess their legal needs, and connect them with a nationwide network of about 250 attorneys who specialize on legal issues facing online publication. Beyond that, I also

have worked on amicus briefs and research on emerging soft-IP and free speech issues. (Two recent examples include an amicus brief filed in the Massachusetts Appeals Court in *Jenzabar, Inc. v. Long Bow Group, Inc.*, and an amicus brief filed with the Electronic Frontier Foundation, Public Citizen, and the ACLU in the Northern District of California in *Ron Paul Campaign Committee v. Does.*) I also have appeared on panels and workshops at journalism and technology events across the country, doing trainings and discussing emerging issues in online publication. ■

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