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Dear Member of AIPPI-US:

It is a pleasure to report to you on upcoming events, new opportunities, and six months of progress and accomplishments of the International Association for the Protection of Intellectual Property (AIPPI) and the U.S. national group (“AIPPI-US”).

As you know, AIPPI is the world's leading non-government organization for research into and formulation of normative policy for the laws of various countries relating to the protection of intellectual property (IP). With 9,000 members organized into national groups, AIPPI unites practitioners, academics and IP owners.

## I. NEW OPPORTUNITIES

Each year AIPPI selects four timely “working questions” of international IP law for study by the national groups, which each prepare and submit a report on the law as it is and as it should be.

Join one of the following AIPPI-US working committees now by sending an email to the Chair with a copy to Executive Director Meghan Donohoe at [mdonohoe@aipla.org](mailto:mdonohoe@aipla.org).

### 2012 Working Questions and Committees:

- Q229      The use of prosecution history in post-grant patent proceedings  
            Chair: Ken Adamo [kradamo@jonesday.com](mailto:kradamo@jonesday.com)  
            Committee Members: Blas Arroyo, Drew Meunier, Linda Thayer
- Q230      Infringement of trademarks by goods in transit  
            Chair: Maria Scungio [mscungio@eapdlaw.com](mailto:mscungio@eapdlaw.com)  
            Committee Member: Ethan Horwitz
- Q231      The interplay between design and copyright protection for industrial products  
            Chair: Andrew Simpson [asimpson@kmob.com](mailto:asimpson@kmob.com)
- Q232      The relevance of traditional knowledge to intellectual property law  
            Chair: John Carson [jcarson@kmob.com](mailto:jcarson@kmob.com)  
            Committee Member: Dave Hill

For immediate and direct input into the U.S. national group reports, join one of the U.S. working committees listed above. In addition, this year, for the first time ever, all AIPPI-US members are invited

to meet and debate the working questions and the substance of the U.S. national group reports at a Special Meeting in Houston on June 4, 2012, see below.

Every report will be disseminated to all national groups for study and debate at the next international AIPPI meeting, which this year will be the 43rd AIPPI World Intellectual Property Congress, October 20-24, 2012, in Seoul, South Korea, also discussed below. For each working question, the goal is to reach agreement on an AIPPI resolution that will be published to World Intellectual Property Organization (WIPO), national patent offices, and all members of AIPPI worldwide.

### **New AIPPI-US Asia Pacific Committee**

I am pleased to announce the formation of an AIPPI-US Asia Pacific Committee, whose charter will be to establish a close working relationship with the AIPPI National Groups in China, Japan and Korea. The goals of the new Committee will include education, communication and collaboration initiatives regarding IP law that will be implemented through annual delegation trips featuring seminars and meetings, as well as meetings at AIPPI Congress and Forum events. These three national groups have substantial corporate and private firm memberships and are extremely active. John Carson of the Knobbe firm will serve as chair and Sunhee Lee of the Sughrue firm will serve as vice chair of the Committee. Subcommittees will focus on China (Bing Ai as Chair and Jay Zhang as Vice Chair), Japan (Uwe Szipl as Chair and John Bird as Vice Chair) and Korea (Mincheol Kim as Chair and Konksik Kim as Vice Chair).

An initial face-to-face meeting of the Asia-Pacific Committee will be held during the upcoming AIPPI-US Special Meeting and planning will begin for programs and other activities.

In the meantime, those of you who are interested in joining the Committee and being placed on its email list for announcements of future activities, please send your request to Executive Director Meghan Donohoe at [mdonohoe@aipla.org](mailto:mdonohoe@aipla.org). I expect this initiative to significantly enhance the value of AIPPI membership for all who choose to participate.

### **AIPPI China/Asia IP Seminar Apr. 10-12, 2012 in Beijing**

An AIPPI China/Asia Intellectual Property Seminar will be held in Beijing on April 10-12, 2012. For more information, see <https://www.aippi.org/>. All AIPPI members are invited to attend.

On a related note, AIPPI-US has nominated Alan Kasper to serve along with leaders from other bar associations in a new liaison council between the U.S. bar and the State Intellectual Property Office (SIPO) of China. The new organization is known as the SIPO/U.S. Bar Liaison Council.

### **Report on Proposed Merger of AIPPI-US and AIPLA**

An AIPPI-US committee chaired by Phil Swain has made excellent progress in working with the American Intellectual Property Law Association (AIPLA) on a proposed merger of AIPPI-US into AIPLA, whereupon the U.S. national group would become the "AIPPI-US Division" of AIPLA. Further details will be considered soon by AIPPI-US ExCo with a view toward presenting a proposal to the AIPPI-US membership at a Special Meeting.

### **Special Meeting of AIPPI-US June 3-4, 2012 in Houston**

There will be a Special Meeting of the U.S. national group on June 3-4, 2012 in Houston, Texas. Save the date! The official hotel will be the Hotel ZaZa ([www.hotelzaza.com](http://www.hotelzaza.com)) in the Houston museum district. Hotel reservations can be made now at a special block rate.

The events will begin on Sunday afternoon, June 3, with an AIPPI-US ExCo meeting (for AIPPI-US officers and other ExCo members), followed by a dinner on Sunday night for all participants.

John Osha has been working with co-sponsor Houston Intellectual Property Law Association (HIPLA) on the program for the AIPPI-US/HIPLA meeting in Houston. On Monday, June 4, an educational program (CLE approval requested) will feature interactive discussion of the Seoul working questions, including debate and finalization of the working reports of the U.S. national group, and presentations by leading international IP experts.

It is anticipated that the Special Meeting will include discussion and a possible vote on a proposed merger of AIPPI-US and AIPLA.

Further details will follow and registration will open soon.

### **AIPPI 43rd World Intellectual Property Congress, Oct. 20-24, 2012 in Seoul**

At the AIPPI 43rd World Intellectual Property Congress, October 20-24, 2012, in Seoul, South Korea, AIPPI working committees, delegates and members from all over the world will meet to discuss working questions and resolutions and other topics of international IP law. Korea is one of the fastest growing economies in the world and home of enterprises such as Samsung, LG and Hyundai. The Korean intellectual property system is rapidly evolving, and it attracts much interest from global companies, particularly in technology sectors such as IT and pharmaceuticals.

Plan now to participate in the AIPPI World Congress in Seoul. Watch for more details regarding hotels, tours and program at <http://www.aippi.net>.

### **Upcoming AIPPI-US Annual Meeting in October 2012 in Washington, D.C.**

An annual meeting of the U.S. national group, including election of Officers and ExCo members, is being planned for late October 2012 in conjunction with the AIPLA annual meeting in Washington, D.C.

### **AIPPI Mentoring and Membership**

Many of you are longstanding members of AIPPI, have participated in both national and international events over the years, and have benefited significantly from the knowledge, information and contacts that you have made. However, there certainly are many in your respective organizations who have an interest in international aspects of IP law or whose careers could benefit from participating in AIPPI, but have not yet become members of AIPPI. Given the several new initiatives that are being undertaken, and the great potential that AIPPI membership has to offer an international practice, please consider being an AIPPI mentor to one or more potential members.

Introduce at least one other person to AIPPI and encourage them to join, to attend the US Group Annual Meeting or the AIPPI Congress, or to participate in the Asia-Pacific Committee. There are many opportunities for leadership and growth through AIPPI activities. Hopefully, your colleague will join and become an active participant in the numerous activities that are now being planned. Your initiative to bring on new members will serve to continue the vital work of AIPPI, with new ideas, fresh enthusiasm and new initiatives.

## II. THE LAST 6 MONTHS IN REVIEW

### AIPPI-Hyderabad ExCo & Forum, Oct. 13-18, 2011

AIPPI-US was well represented by 29 participants at the first AIPPI international meeting (ExCo and Forum) to be held in India. As you know, India is one of the world's fastest growing economies, and it is a major source of technology and innovation. As such, India's adoption and enforcement of laws for the protection of intellectual property are of great interest to the world.

The U.S. national group submitted reports and participated in the working committees for the four questions considered at AIPPI-Hyderabad. Proposed resolutions from the committees were debated in the international ExCo Meeting, leading to final resolutions of the international Association and further action steps including communication with WIPO, regional (EPO) and national patent offices, including the U.S. Patent and Trademark Office. These resolutions help to shape international IP treaties and laws as well as the laws of various regions and countries.

Special thanks to the 2011 U.S. national group working question chairs and members for their excellent work:

#### Q216H – Exceptions to copyright protection

Chair: Steven Bauer

Committee Members: R. Mark Halligan, Robert Sacoff, Dave Marr, and Damien Wasserbauer

Attending Member: Robert Sacoff

#### Q217 – Patentability criterion for inventive step/non-obviousness

Chair: Marc Richards

Committee Members: Drew Meunier, Josh Goldberg, and Alan Kasper

Attending Member: Marc Richards

#### Q218 – The requirement of genuine use of a trademark

Chair: Maria Scungio

Committee Members: Robert Horowitz, Jim Slattery, and Uli Widmaier

Attending Members: Maria Scungio, Jim Slattery

#### Q219 – Injunctions in cases of infringement of IPRs

Chair: Andrew Simpson

Committee Members: Ken Adamo, Barry Cohen, Ethan Horwitz, Kevin Tottis

Attending Member: Andrew Simpson

To view the on-line national group reports and adopted resolutions for these questions, *see* <https://www.aippi.org/?sel=publications&sub=onlinePub&cf=reports>

### Recent AIPPI-US Annual Meeting and International IP Forum, NYC, Nov. 6-7, 2011

The 2011 AIPPI-US Annual Meeting and International IP Forum was held on November 6-7 in New York City at the offices of Edwards Angell Palmer & Dodge LLP. The ExCo met on Sunday afternoon, followed by dinner to kick off the U.S. annual meeting and forum. We were pleased to have about 50 participants, including guest speakers Stephan Freischem, AIPPI Secretary General; Kenji Yoshida, APAA President; Seong-Ki Kim, AIPPI-Korea President; Alan J. Kasper, Sughrue Mion, PLLC, Washington, DC (AIPLA Past President and current AIPPI-US Vice President); and John Osha, Osha Liang LLP, Houston, TX (AIPPI Assistant Reporter General and AIPPI-US Executive Committee

Member). Many thanks to our Executive Director Meghan Donohoe and staff for organization and administration of these events.

The 2011 annual meeting was held on Monday, November 7 during the course of the international IP forum. Blas Arroyo, John Osha, and Phil Swain were elected to four-year terms on the AIPPI-US ExCo.

### **AIPPI-US Amicus Curiae Brief Cited by U.S. Supreme Court in *Mayo v. Prometheus***

AIPPI and the U.S. national group filed a brief as amici curiae in *Mayo v. Prometheus* (U.S.). On March 20, 2012, the Supreme Court announced its decision, <http://www.supremecourt.gov/opinions/11pdf/10-1150.pdf> (holding invalid claims directed to laws of nature), and it cited AIPPI's amicus brief at page 23 of the slip opinion. Thanks to all who worked on the amicus brief, including AIPPI-US amicus committee chair Peter Schechter and members John Linzer, Joshua Goldberg, Rich Christiansen and Darren Crew.

### **CONCLUSION**

Join in the work of AIPPI and the U.S. national group. Renew your membership and invite a colleague to join AIPPI and attend meetings with top IP lawyers in leading cities of the world. The membership application, for individuals and corporations, with low annual dues of \$250 (half price for members under 30 years of age), is available at <http://aippi-us.org/joinaippi.html>.

Thank you for your support of AIPPI.

Sincerely,



Richard P. Beem  
President, AIPPI-US