Upcoming Monthly IP Section Luncheons

MARCH LUNCHEON AND CLE

Topic

“Recent Developments in Intellectual Property from the Supreme Court and Federal Circuit”

Presenters:
Bruce Dahl and Sue Chetlin will discuss recent legal developments of interest in intellectual property law from the Supreme Court and Federal Circuit, including three Supreme Court decisions issued and one case argued during the last year. Each of these cases has lasting consequences for the practice of patent law that every practitioner should be familiar with.

* MedImmune, Inc. v. Genentech, Inc., concerns the case or controversy requirements in a declaratory judgment action for patent infringement;
* EBay, Inc. v. MercExchange, LLC, addresses the standard for permanent injunctive relief in patent cases; and
* Illinois Tool Works Inc. v. Independent Ink, Inc. concerns tying arrangements in patent infringement cases.
* KSR International v. Teleflex was argued on December 1, 2006, and concerns the standard for invalidating a patent claim as obvious under section 103.

Bruce Dahl and Sue Chetlin are both registered patent attorneys and Directors at Fennemore Craig, P.C.

Date and Time
March 6, 2007
11:45 a.m. to 1:15 p.m.
Location

Pepsi Center – Lexus Club
1000 Chopper Circle
Denver, CO 80204
Main Line - 303.405.1100

***PARKING IS FREE. PARK IN LOT A & ENTER THROUGH THE VIP ENTRANCE***
The Pepsi Center is located in Denver's Central Platte Valley. There are two main entrances:
9th Street and Auraria Parkway, and Speer Boulevard and Chopper Circle.

Directions:
- Traveling south on I-25 take the Speer Boulevard South exit. At the second stop light, turn
  right onto Chopper Circle.
- Traveling north on I-25, take the Auraria Parkway exit. Turn left on 9th Street to enter the
  grounds of Pepsi Center.
- From downtown Denver, take Speer Boulevard to Auraria Parkway. Go west on Auraria
  Parkway and turn right on 9th Street. Parking in Lot A, enter through the main entrance.
This program has been submitted for 1.0 General CLE credit.

Price & CLE

The cost of the luncheon is $25 and students may attend for free. Reservations and
cancellations for the monthly luncheon must be made prior to noon Monday, March 5, 2007.
RSVP by calling (303) 860-1115 ext. 727 or by e-mailing mailto:lunches@cobar.org. If leaving a
message, please spell your name, specify that you are attending the Intellectual Property
Section Topical Lunch, and include your name (and spelling), and phone number. Please
request a vegetarian lunch, if required.

Cancellations after that date and time and no-shows will be billed for the cost of the program.
Checks can be sent to the Colorado Bar Association, 1900 Grant St., Suite 900, Denver, CO
80203. Also, please call or e-mail your RSVP when sending a check. Checks should be
made payable to the CBA.

OTHER 2007 PROGRAMS

We are still soliciting ideas for our 2007 CLE Luncheon programs. If you are interested in
presenting on a current Intellectual Property topic, or have suggestions for topics or speakers,
please forward your comments to any of the current Section officers.

Other Announcements

Change of Venue for CLE Luncheons

The response to our recent CLE Luncheon at the Pepsi Center was almost universally positive.
The facilities are great, there was plenty of space for all attendees, and the food was a lot
more appetizing than the typical CLE boxed lunch. We are considering making this our primary venue for CLE's and other events. Here is why:

- **Space:** Our CLE attendance numbers have been going up steadily. We hope that means section members are happy with the programs and, while it's a great problem to have, our rooms at Faegre & Benson and the CBA weren't large enough to accommodate everyone who wanted to attend these events. Faced with a choice between turning interested section members away or changing locations, we would rather change locations.
- **Convenience:** Unlike some of the local bar committees, our Section has a statewide membership roster, and many of our metro-area members work in Boulder, the Tech Center, Interlocken and other locations outside the downtown Denver area. The Pepsi Center is easily accessible from downtown, I-25 and I-70.
- **Total cost and value:** It's true that we have raised CLE prices to $25 to accommodate the move, but we think that price increase is easily justified given:
  - Parking at the Pepsi Center is free and plentiful
  - The overall event quality, including food choices, is better than we could deliver in the best law firm conference center
  - The IP section's $25 fee covers both lunch and CLE, which is competitive with the price charged by most of the local bar associations for CLE luncheons in less desirable locations

We would be very interested in hearing what you think of the proposed change. Please feel free to email any our section leaders with your comments.

**IP Section Administration**

The Colorado Bar Association has posted member directories for each practice section on-line. Check it out at:

http://www.cobar.org/directory/sections.cfm?section=PATENT

Our Colorado Bar Association Section Liaison is Ingrid Heiser. If you have questions about your membership, mailing or email address, or other IP Section activities, please do not hesitate to contact Ingrid at (303) 824-5327. iheiser@cob.org

**Colorado Bar Association Announcements**

**The Wheels of Justice – Colorado Lawyers Ride Again to Benefit Children’s Hospital**

Denver’s Children’s Hospital — recently ranked #7 among pediatric hospitals in the U.S. — is a great resource for Colorado and the entire Rocky Mountain Region. It is a place most of us hope we will never need; but when a child we know becomes ill, it is comforting to know the nationally renowned doctors, nurses and administrators who make Children’s a leader are there for us.

In 2006, the Colorado legal community threw its support behind Children’s Hospital in a big way. The Colorado and Denver Bar Associations sponsored “The Wheels of Justice” Cycling Team in the 17th annual Courage Classic Bike Tour -- a beautiful three-day, 160 mile bike ride through the Rocky Mountains. In its first year, The Wheels of Justice exceeded all expectations by attracting 125 riders and
raising over $130,000 for the Children’s Hospital Foundation. In 2007, the Wheels of Justice team hopes to reach even higher goals for the doctors and kids at Children’s Hospital.

The 2007 edition of the Courage Classic is now set for July 21–23, 2006. Participants in the event range from hardcore “Lance-alike” cyclists, who undertake extra challenges up mountain passes to families who ride in the one-day “Taste of Courage” tour around Lake Dillon — on bicycles built for two, three and even four! In addition, a very special part of the Courage Classic is the participation of “Team Courage.” This group of exceptional kids from the Children’s Hospital Handicapped Sports Program ride all or part of the Tour, demonstrating their courage in overcoming life’s obstacles and providing inspiration for riders, volunteers and spectators.

In last year’s Courage Classic, 2,000 riders raised more than $2.1 million for the hospital. With the legal community’s support for the second year in a row, the Wheels of Justice hopes to make the 2007 Courage Classic the most successful yet. Whether you sign-on as a cyclist, volunteer or firm sponsor, or donate to an individual rider, your efforts will support first-rate medical care and research, as well as the construction of the new Children’s facility at Fitzsimmons.

As the Wheels of Justice begins its second year of participation in the Courage Classic, law firms are invited to join as sponsors at the Supreme ($10,000), Barrister ($5,000) or Partner ($2,500) levels. This year’s sponsors already include **Supreme Level Sponsor**: Pryor Johnson Carney Karr Nixon; **Barrister Level Sponsors**: Cooley Godward Kronish LLP; Faegre & Benson; and **Partner Level Sponsors**: Kennedy Childs & Fogg, Isaacson Rosenbaum, Cooper & Clough and Kamlett Shepherd. All contributions go to directly to Children’s Hospital Foundation and are tax-deductible.

The Wheels of Justice will host group training rides, “Biking Basics” classes, and kick-off and send-off parties in the spring and summer. This is an excellent opportunity for firm employees and their families to “get fit in ’07” for a great cause. Lawyer and non-lawyer cyclists of all experience levels are welcome on the CBA/DBA Wheels of Justice Team.

For more information on the CBA/DBA Courage Classic Team, contact Ingrid Heiser, (303) 824-5327, iheiser@cobar.org, or Heather Purcell, (303) 991-2641 or hpurcell@levinepurcell.com.

**JurisNotes**

**Patent Cases**

*Sup Ct - No need to terminate license before seeking declaratory judgment (8-1).*

**MedImmune, Inc. v. Genentech, Inc.** (1/9/07)

MedImmune sued Genentech for declaratory judgment and the trial court dismissed for lack of subject matter jurisdiction. The Federal Circuit affirmed the lower court. The Supreme Court reversed and remanded.

MedImmune manufactures Synagis, a drug used to prevent respiratory tract disease in infants and young children. In 1997, MedImmune entered into a patent license agreement with Genentech. The license covered an existing patent relating to the production of chimeric antibodies and a then-pending patent application relating to the coexpression of immunoglobulin chains in recombinant host cells. MedImmune agreed to pay royalties on
sales of licensed products and Genentech granted MedImmune the right to make, use, and sell them. In 2001, the above-referenced patent application matured into the Cabilly II patent. Genentech then sent MedImmune a letter expressing its belief that Synagis was covered by the Cabilly II patent and its expectation that MedImmune would pay royalties. MedImmune did not believe that royalties were owing, based on its assessment that the Cabilly II patent was invalid and unenforceable and that its claims in any event were not infringed by Synagis. Nevertheless, MedImmune considered the letter to be a clear threat to enforce the Cabilly II patent, terminate the license agreement, and sue for patent infringement if MedImmune did not make royalty payments. MedImmune paid the royalties under protest and with reservation of all of its rights. This declaratory judgment action followed.

The court first decided that this case did not simply involve a freestanding claim of patent invalidity, but rather involved claims that no royalties were owing under the license agreement. Regarding the jurisdictional question, it was clear that but for MedImmune's continuing to make royalty payments, nothing about the dispute would render it unfit for judicial resolution. The continuation of royalty payments made what would otherwise be an imminent threat at least remote, if not nonexistent. The issue was whether this caused the dispute no longer to be a case or controversy. Genentech asserted that the parties in effect settled this dispute when they entered into the license agreement. Even if such an argument were valid, it would have no force with regard to MedImmune's claim that the agreement did not call for royalties because its product did not infringe the patent. Genentech also urged the court to affirm the dismissal on discretionary grounds. However, Genentech raised this issue for the first time before this court. It would be imprudent for the Supreme Court to decide whether the trial court should or must decline to issue the requested relief. The Supreme Court held that MedImmune was not required to break or terminate the license agreement before seeking a declaratory judgment that the underlying patent was invalid, unenforceable, or not infringed. (Dissent: MedImmune was seeking a declaratory judgment for the purpose of obtaining a ruling on matters that remained hypothetical or conjectural. The facts before the court presented no case or controversy).

**Fed Cir - Immunity did not shield agency decision from review.**

**Vas-Cath, Inc. v. Curators of Univ. of Missouri (1/23/07)**

The trial court dismissed VCI's appeal of a PTO decision in favor of UM on 11th Amendment grounds. The Federal Circuit held that by requesting and participating in the interference proceeding, UM waived its constitutional immunity not only in that proceeding, but also in the appeal taken by VCI. The interference proceeding was a multi-part action with appeal as of right, starting in the PTO and culminating in court. The civil action provided for by 35 U.S.C. §146 was not a new claim, but an authorized phase of the interference proceeding that was conducted by the PTO and was subject to judicial review. UM invoked and participated in these proceedings with no claim of immunity. UM's recourse to the PTO for adjudication of its claims negated the assertion of immunity to bar appeal of that adjudication.

**Fed Cir - Trial court abused its discretion by assuming jurisdiction (2-1).**

**Voda v. Cordis Corp. (2/1/07) Full Summary Decision**

Voda's amended complaint alleged infringement taking place outside the United States in violation of patents issued by various foreign countries. The trial court found subject matter jurisdiction over the foreign patent claims pursuant to the supplemental jurisdiction statute, 28 U.S.C. §1367. The Federal Circuit found that the trial court erred in granting leave to amend based on §1367. In the Federal Circuit's view, considerations of comity, judicial economy, convenience, fairness, and other exceptional circumstances constituted compelling reasons to
decline jurisdiction. Assuming jurisdiction over Voda's foreign patent claims could prejudice the rights of the foreign governments. Because the purpose underlying comity was potentially hindered in this case, adjudication of Voda's foreign patent claims would be better left to the sovereigns that created the property rights.

**Fed Cir - Replacement of camera backs was permissible repair.**
**Fuji Photo Film Co., Ltd. v. ITC (1/11/07)**
The ITC issued a cease and desist order barring Jazz Photo Corp. from importing disposable cameras that infringed fifteen of Fuji's patents. Fuji challenged the order on the ground that the ITC erred in finding that certain of Jazz's lens-fitted film packages were permissibly repaired. Benun, one of Jazz's principals, challenged the order insofar as it imposed civil penalties. The Federal Circuit concluded that Fuji lacked standing to bring this appeal. As to Benun's appeal, the Federal Circuit held that the ITC had the authority to issue an order against Benun, that the order applied to Benun, and that adequate notice was provided that the order applied to Benun. Finally, while the ITC did not err in finding impermissible reconstruction with respect to most of the cameras first sold in the United States, it erred in ruling that the replacement of the full backs constituted impermissible reconstruction.

**Fed Cir - Infringement action against customers was precluded.**
**Transclean Corp. v. Jiffy Lube International, Inc. (1/18/07)**
The trial court granted summary judgment in favor of Jiffy and eight other defendants, holding that under the doctrine of claim preclusion, the judgment against Bridgewood barred Transclean from bringing a separate infringement action against Bridgewood's customers. The Federal Circuit affirmed this holding, but reversed the judgment in favor of Transclean and against the defaulting defendants. Transclean was bound by its repeated statements that the defendants were in privity with Bridgewood under the doctrine of judicial estoppel. In addition, Transclean's claims against the defaulting defendants were barred by claim preclusion just as its claims against the participating defendants were barred.

**Fed Cir - No standing, as party lacked sole ownership of patent.**
**Israel Bio-Engineering Project v. Amgen, Inc. (1/29/07)**
The trial court granted summary judgment in favor of Yeda on the ground that IBEP lacked standing to bring the suit because it did not have sole ownership of the patent at issue. IBEP contended that it had standing because under the terms of a contract, it had the right to the assignment of title to all patents "resulting from" the R&D program. The question was whether the parties intended only to assign to IBEP title to patents for proprietary information developed during the R&D period, or whether they intended to give IBEP the right to the assignment of all patents or inventions resulting from the R&D programs. Read as a whole, the provision cited by IBEP expressly limited its rights by providing that IBEP should only receive ownership in the proprietary information formed during the R&D program.

**D Kan - Court found defendant's laches defense to be without merit.**
**Freeman v. Gerber Products Co. (12/22/06)**
A jury returned a verdict of no infringement and found that claims 7, 9, 14, and 16 of the '347 patent were invalid as anticipated and/or obvious in view of the prior art. Thereafter, the court rejected Gerber's assertion of laches. Gerber was well aware of the potential infringement, but deliberately chose not to switch to another alternative. In addition, Gerber failed to establish that its product line expansion or increased sales were in any way related to Freeman's delay
in filing suit. The period of delay had to be measured from approximately early 1997 when Gerber began marketing and selling its sippy cups until Freeman filed suit in May 2002. In the court's view, Gerber had not shown that the equities required Freeman to give Gerber notice of Freeman's 1999 litigation against The First Years, Inc. as justification for the delay in filing suit against Gerber.

**ND Cal - No showing made of reasonable apprehension of suit.**

*SanDisk Corp. v. Audio MPEG, Inc.* (1/3/07)  [Full Summary](#)  [Decision](#)

The fact that Audio described on its website that patents in its patent portfolio, other than the four MP3 essential patents, related to MP3 players or the MPEG-1 standard did not give rise to an objectively reasonable apprehension of suit by Audio against SanDisk in April 2006 as to the nine patents-in-suit. Further, the record was insufficient to show that Sisvel's August 2005 notice of infringement to SanDisk threatened infringement of the nine patents-in-suit. Rather, the letter specifically listed three patents that were possibly infringed, all of which were included in the four MP3 essential patents asserted in Audio's subsequent infringement suit in Virginia. The letter made no specific assertion that any of the patents-in-suit were being infringed. Neither did SanDisk's general contentions that Audio was litigious support a reasonable apprehension of suit.

**Trademark & False Advertising Cases**

**9th Cir - Only lawful use in commerce gives rise to trademark priority.**

*CreAgri, Inc. v. USANA Health Sciences, Inc.* (1/16/07)  [Full Summary](#)  [Decision](#)

The trial court granted summary judgment in favor of USANA, finding that the "Olivenol" mark had not been lawfully used in commerce prior to USANA's priority date. The 9th Circuit affirmed, noting that it had long been the policy of the TTAB that use in commerce only created trademark rights when the use was lawful. The 9th Circuit agreed with this policy and held that only lawful use in commerce could give rise to trademark priority. It was undisputed that at all times prior to USANA's priority date, Olivenol's labels were not in compliance with the labeling requirements of 21 C.F.R. §101.9(g)(4)(i) and thus, the product was being sold in violation of 21 U.S.C. §331(a) and 21 U.S.C. §343(a). Because the actual amount of hydroxytyrosol was less than the values declared on the labels, CreAgri's product was in violation of these requirements.

**D Utah - Contractual provision did not settle issue of irreparable harm.**

*MyGym, LLC v. Engle* (12/6/06)

The court denied Engle's motion for a preliminary injunction. There was no evidence that a person buying the MyGym Fitness System through direct marketing or through a retailer would be concerned with, much less confused by, the question of whether the source of the product was Engle or MyGym, LLC. It was simply not clear to the court that a likelihood of consumer confusion was imminent. Even if Engle had established a clear likelihood of success on the merits of his trademark and unfair competition claims, he could not show irreparable harm. While Engle pointed to language in the license agreement in which the parties stipulated that in the event of a breach by MyGym, LLC, Engle would have no adequate remedy at law, such a provision did not settle the question of irreparable harm. Further, any profits from sales by MyGym, LLC could be fully accounted for.
**SD NY - False designation of origin claim was foreclosed.**

**Antidote Int'l. Films v. Bloomsbury Publishing (12/29/06)**

Antidote alleged that Bloomsbury's representations that the novel at issue was authored by a person known as "J.T. Leroy" and that the work was a semi-autobiographical novel based on actual experiences and hardships suffered by the fictional person known as J.T. Leroy, together with other representations, constituted a false designation of origin. However, this claim was foreclosed by the Supreme Court's decision in *Dastar*. Antidote argued that the court should accord "special treatment" to the communicative product at issue here and treat the author of the work, rather than the producer of the physical book, as the "origin" of the book under the *Lanham Act*. But nothing in *Dastar* suggested that communicative products such as novels could be accorded special treatment under the Lanham Act where no copyright claim was available. Antidote's false advertising claim based on the same allegations was also precluded by *Dastar*.

**SD NY - Use of phrase for television show ads was fair use.**

**Arnold v. ABC, Inc. (1/29/07)**

Arnold alleged that ABC's use of her trademark "What's Your Problem?" to advertise and promote the television show "Boston Legal" constituted trademark infringement and related claims. ABC maintained that its use of the phrase constituted fair use. While the phrase ostensibly did not describe a characteristic's of ABC's show, in the context of how it was used in the ads, the phrase was generically descriptive to the potential viewing public that ABC's product was a show about fictional lawyers in a fictional law firm. In addition, ABC was not using the phrase as a mark to identify the show or indicate its source. Moreover, Arnold did not sufficiently allege that ABC used her mark in bad faith. Accordingly, ABC's use of the phrase in its ads and on the website for the show "Boston Legal" as alleged was fair use.

**Copyright Cases**

**ND Tex - Unauthorized link likely constituted copyright infringement.**

**Live Nation Motor Sports, Inc. v. Davis (12/11/06)**

The court found that Live had shown a substantial likelihood of succeeding on the merits of its copyright claim against Davis because it had shown ownership of the material and "copying" by Davis. Clearly, the live broadcasts of the racing events constituted original audiovisual material that could be copyrighted and Live, as the producer of the racing shows, qualified as the owner of the copyrightable material. Davis's website provided a link to the live audio webcasts of those shows. The court found that the unauthorized link to the live webcasts would likely qualify as a copied display or performance of Live's copyrightable material. Moreover, the link provided on Davis's website was not a fair use of such material, particularly in light of his statements regarding commercial competition.

**1st Cir - Rescission claim was preempted by Copyright Act.**

**Santa-Rosa v. Combo Records (12/15/06)**

The trial court dismissed Santa's claims and the 1st Circuit affirmed. Even assuming that a contract between Santa and Combo existed, Santa's claim for rescission would be preempted by the *Copyright Act*. Because a successful claim for rescission would result in there being no written instrument signed by the parties, the court would be required to resort to interpretation of 17 U.S.C. §201(b) to determine ownership of Santa's recordings. In such a case, the court would be merely determining whether Santa was entitled to compensation because of copying
or performance, distribution, or display of his recordings. As such, 17 U.S.C. §301(a) preempted the rescission claim. As to Santa's claim for a declaratory judgment of ownership, it was time-barred and therefore, the trial court's dismissal of the claim was appropriate.

D NJ - Duty to defend existed under advertising injury provision.  
**Columbus Farmers Mkt. v. Farm Family Casualty** (12/21/06)  
The question was whether the insurance policies at issue provided coverage under the advertising injury provision for the contributory copyright infringement and vicarious liability claims alleged in the underlying litigation. Defendants argued that for an advertising injury to occur, the actual harm had to occur in the act of advertising itself, not in the underlying sale of infringing CDs. The court rejected this contention and determined that defendants had a duty to defend plaintiffs in the underlying matter. Neither New Jersey law nor the language of the policies demanded that the copyright injury occur in the advertising itself. New Jersey law required only that an insured's advertising activities be a cause of the copyright holder's alleged injuries. Further, the known loss doctrine did not serve to exclude the claim from coverage and neither did not late notice provision.

Trade Secret Cases

ND Iowa - Recipes and processes constituted trade secrets.  
**Interbake Foods, LLC v. Tomasiello** (11/13/06) Full Summary  
For the purposes of the court's preliminary injunction ruling, it concluded that Interbake's recipes and manufacturing processes with respect to ice cream sandwich wafers constituted trade secrets. Although most of the individual segments of Interbake's production system presumably were generally known to the baking industry, the entirety of its manufacturing process, from ingredients through baking, was sufficiently unique to constitute a trade secret. The court also concluded that Interbake's efforts to protect its trade secrets were reasonable under the circumstances, although this was an exceedingly close question. Further, Tomasiello was subject to a duty not to disclose information Interbake considered trade secrets. However, Interbake had not demonstrated a likelihood of improper disclosure at this stage in the litigation.

D NY - Party was not immunized under protection of AHRA.  
**Atlantic Recording Corp. v. XM Satellite Radio** (1/19/07) Full Summary  
Decision  
The court denied XM's motion to dismiss the complaint and in doing so, rejected XM's contention that it was shielded from an infringement action under the Audio Home Recording Act ("AHRA"). The court found untenable XM's assertion that the AHRA offered a distributor of a digital audio recording device ("DARD") absolute immunity from copyright litigation. While the AHRA might protect XM from suit for actions based on its distribution of a DARD, that protection was not a wholesale, blanket protection for any and all conduct. XM was not being sued for actions taken in its capacity as a DARD distributor. Therefore, XM was not immunized from this suit under the protection offered by the AHRA. By broadcasting and storing copyrighted music on DARDs for later recording by the consumer, XM was both a broadcaster and a distributor, but was only paying to be a broadcaster.
Employment Opportunities

In-house Senior Counsel, Sun Microsystems, Inc.
Sun Microsystems is seeking an in-house IP attorney. This position will be responsible for providing IP support to one or more business units within Sun. Primary duties include developing and maintaining client relationships, soliciting invention disclosures, facilitating patent strategy committee meetings, managing outside counsel in the patent prosecution process, and review of portfolio maintenance. Primary duties further include inbound and outbound patent licensing, copyright activities, and litigation support. Must be a registered patent attorney with at least 4-9 years experience. Prefer a candidate with experience in patent prosecution. Patent licensing, copyright counseling, or patent litigation experience a plus. Computer Science or Electrical Engineering undergraduate degree preferred. Engineering experience prior to law school a plus. In house legal experience not required but a plus. Qualified candidates should send a cover letter and resume to angela.gomez@sun.com, or visit Sun's website at www.sun.com

The Ollila Law Group
OLG, an Intellectual Property law firm located in Boulder, is seeking patent prosecution associates with at least 2 years of experience. The ideal candidate will have experience drafting and prosecuting a wide range of patent applications. A degree in EE, ME, or Physics is preferred. Email resumes to collila@boulderip.com

Advanced Energy

Advanced Energy® develops innovative power and control technologies that drive high-growth, plasma thin-film manufacturing processes worldwide, including semiconductors, flat panel displays, data storage products, solar cells, architectural glass and other advanced product applications.

Position Summary:
Advises AE personnel, including inventors, designers, and managers, regarding patentability of inventions. Prepares, files and prosecutes patent applications and monitors outside patent counsel in their activities. Advises on matters of intellectual property and general business law, including infringement and/or validity of patents, trademarks, trade secrets, commercial contracts, confidentiality, and related matters. Assists in formulating and monitoring IP strategy, policy and procedures.

**Essential Duties**
* Draft, file and prosecute patent applications in domestic and international patent offices.
* Interact with inventors to identify novelty and IP value in ongoing technical activities.
* Work with management and technical staff to devise and implement strategies for IP portfolio development.
* Counsel management and staff on intellectual property matters, including identification and avoidance of IP risks.
* Review and approve commercial, confidentiality, and other agreements and contracts.
* Assist operation of Corporate Legal department as needed.

**Skills**
* Ability to deliver high quality and professional work product with minimal supervision.
* Ability to perform to objectives aligned with organizational goals and communicate progress to management
* Ability to synthesize the general from the specific, so as to find the broadest possible way to claim inventions.
* Ability to interact with technical people in a friendly, open way, and to understand technical matters outside of direct experience.

**Experience**
* Must have at least five years experience in patent preparation and prosecution in either a corporate or law firm organizational environment. Experience in related legal practice areas is desirable.
* Experience with managing IP department matters is desirable. Supervisory experience not necessary; experience may be from working in one-person department.
* Experience in preparing strategic plans, business planning (efficient use of resources.)

**Education**
* Undergraduate degree in EE, Physics, Computer Science, or electronics at the general circuit level plus J.D. degree.

* Must be registered to practice before the US Patent and Trademark Office in addition to current state bar admission.

Advanced Energy Industries, Inc. is an EEO/AA employer

**Services Offered**

**Patent Agent** with 20 years technical experience seeks overflow patent work. Technical experience: Biochemistry degree from Harvard, MS in Physics from Naval Postgraduate School, former chief Engineer of nuclear warship, startup management, four years as independent IT consultant with multiple Fortune 100 clients, author of 2 issued and 5 pending patents in IT field. Brian Galvin, 5701 Tinnin Rd NW, Albuquerque, NM 87107. (505) 341-9439. bgalvin5@comcast.net.

**Patent Attorney** with 12 years patent law plus 15 years engineering experience seeks overflow or contract work. Specializing in software, computer, and electrical arts patent preparation and prosecution. Reasonable hourly or fixed price rates. Member CO, AZ, USPTO bars. Bruce E. Hayden, P.O. Box 205, Dillon, Colorado 80435. 303-526-2671/ 602-407-7678

**Patent Attorney** with 20+ years chemical, mechanical and design experience seeks overflow or contract work – prosecution, opinions, etc. U.S. Naval Academy grad with M.S., Chem.; corporate and firm experience. Reasonable hourly rates for excellent service. Member D.C. and CA bars, Registered USPTO. James K. Poole, P.O. Box 925, Loveland, CO 80539. Tel. (970) 472-5061, FAX (970) 472-5041.

**All Language Alliance, Inc.** provides accurate legal, technical, medical and financial translation services. Court certified interpreters are available for depositions and trials. Please visit www.languagealliance.com for additional information. Call 303-470-9555 to request a free copy of A Lawyer's Guide to Cross-Cultural Depositions.

**Global Connections LLC** provides high quality translation and interpretation services in all major languages. Our translators are ATA certified or have proven their skills professionally, are native speakers of the target language and specialize in legal (including patents, trademarks and copyrights), medical, pharmaceutical, engineering, technical, telecommunications, and financial translation. We also provide interpreters for meetings, depositions, hearings, trials, etc. For further information, please contact Global Connections LLC, 9400 E. Iliff Avenue, Suite 62, Denver, CO 80231. Ph.: (303) 750-7611; Fax: (303) 750-7689; Email: trans@glconnections.com; website: www.glconnections.com


**Patent Attorney** with 12 years patent attorney and 7 years computer design experience seeks overflow or contract patent work. Electrical Engineering and Software (double major) degree
from Carnegie Mellon University. Specializing in software and digital hardware patent prep. and pros. in telecommunications, computing and other electrical arts. AIPLA registered arbitrator. Reasonable hourly rates and flat fees. Member CO, IL, USPTO bars. Mark A. Thomas, 10138 South Cottoncreek Drive, Highlands Ranch, CO 80130-3848. 303-470-3838 (Office) and 303 470 3837 (Fax). Mark_Thomas@comcast.net.

Global Connections LLC provides high quality translation and interpretation services in all major languages. Many of our translators are ATA certified specializing in legal (patents, trademarks and copyrights), medical, engineering, technical, telecommunications, marketing and financial translations. We also provide court certified interpreters for depositions, meetings, hearings, trials, etc. For further information, please contact Global Connections, LLC, 9400 E. Iliff Avenue, Suite 62, Denver, CO 80231. Ph.: (303) 750-7611; Fax: (303) 750-7689; Email: trans@glconnections.com; website: www.glconnections.com

Patent Agent (BSEE/MSA), fluent in English, French and Italian, who has extensive international experience in computer software engineering, software quality assurance, and complex business procedures, seeks to affiliate with a Denver area law firm which has a substantial patent practice in these areas and is interested in growing its international practice. Please contact Roberto Ruschena at (303) 220-9575 or (720) 771-7774; or e-mail at: robertoruschena@mho.co.

ONLINE CLE COURSE: CROSS-CULTURAL DEPOSITIONS. Attorneys in Colorado, Arizona, California, Missouri, Montana, and New York can receive 1 general/ethics credit hour for taking the online CLE course, A Lawyer’s Guide to Cross-Cultural Depositions. For details please visit www.languagealliance.com/white-paper or call (303) 470-9555.

IP Section officer contact information:

President
Elizabeth Magnuson, Esq.
Sun Microsystems, Inc.
500 Eldorado Boulevard
UBRM01-205
Broomfield, CO 80021
303-272-4206
elizabeth.magnuson@sun.com

Vice-President
Craig A. Neugeboren
Neugeboren Law Firm, LLC
1035 Pearl Street
Suite 311
Boulder, CO 80302
720-810-1999 (phone)
craig@neugeborenlaw.com

Secretary and Treasurer
Clay James
Sun Microsystems, Inc.
All correspondence, phone calls, facsimiles and emails concerning this newsletter as well as advertising submissions should be directed to Clay James at the above address.