



CALENDAR

UPCOMING EVENTS

March 28

5:30 pm, Emory University Tull Auditorium and Hunter Atrium: IP Symposium and Mentoring Forum

April 6

1-4 pm, Atlanta Community Food Bank Product Rescue Center: Philanthropy Committee Volunteer event

SAVE THE DATE

May 21

Litigation Committee Lunch event, details to be provided at a later date



Message from the Chair

Dear IP Section Members:

I want to thank each of you who helped to make the Inaugural Georgia Intellectual Property Summit Dinner Gala Honoring Members of the Judiciary such a success. The response and enthusiasm for the event exceeded even my expectations. The event was sold out. Fourteen federal judges were in attendance. The Judges' Panel featured an appellate argument involving induced infringement and declaratory judgment jurisdiction. The High provided both a fantastic venue and an opportunity to see the art of Frida Kahlo and Diego Rivera. Julian Lage, a once-in-a-generation guitar virtuoso, entertained the audience with his trio after dinner. It was quite an evening to be sure.

I want to once again sincerely thank the gracious and generous sponsors who made this inaugural event possible: Finnegan and King & Spalding (Platinum Sponsors); Ballard Spahr, Smith Risley Tempel Santos, Merchant & Gould (Gold Sponsors); and Alston & Bird (Silver Sponsor). Planning is already in the works for a similar event next year. If you have suggestions on how we can make the event better, please let us know.



Please make sure you stay up-to-date on Section happenings by visiting our website, www.georgiaip.org. Upcoming events are listed on the "events" page, while past events are listed on the "news" page. You can also see video streams of select past events, including the February 27 event in which Rich Miller and Brent R. Bellows discussed pitfalls and traps associated with the First-Inventor-to-File rules promulgated under the America Invents Act.

Sincerely,
Philip Burrus, Chairman
Burrus Intellectual Property
Law Group, LLC

INAUGURAL GEORGIA INTELLECTUAL PROPERTY SUMMIT DINNER GALA HONORING MEMBERS OF THE JUDICIARY

On March 01, 2013, at the High Museum of Art, the Intellectual Property Section hosted the Inaugural Georgia Intellectual Property Summit Dinner Gala Honoring Members of the Judiciary in conjunction with the Intellectual Property Section of the Atlanta Bar Association and the Atlanta Intellectual Property Inn of Court.

The event was a sellout with 190 people in attendance. In addition to members of the Section, there were twelve federal judges in attendance. The Hon. Sharon Prost and the Hon. Raymond C. Clevenger, III were in attendance from the Court of Appeals for the Federal Circuit. From the 11th Circuit, the Hon. Beverly Martin, the Hon. Frank M. Hull, and the Hon. Stanley F. Birch, Jr. were in attendance. From the Northern District of Georgia, the Hon. Julie E. Carnes, the Hon. Charles A. Pannell, Jr., the Hon. Amy Totenberg, the Hon. William S. Duffey, Jr., the Hon. J. Clay Fuller, the Hon. Walter E. Johnson, the Hon. Alan J. Baverman, and the Hon. Linda T. Walker also attended. James Hatten, District Court Executive and Clerk of Court, also attended. The exciting event provided an entertaining evening set against the backdrop of world-class art in Atlanta's High Museum.

The evening began with a Judges' Panel in the Hill Auditorium. The IP Section's Judges' Panel has perennially been a favorite event of its annual offshore institute. This event provided the opportunity to bring the panel to Atlanta for the benefit of those members who are not able to attend the offshore event. The Judges' Panel featured a

mock oral argument configured as an appeal to the United States Court of Appeals for the Federal Circuit from the District of "Little Whining." The case presented two primary issues: declaratory judgment jurisdiction and induced infringement. The appeal arose from a declaratory judgment suit filed by T. Fiddle, Inc. ("Fiddle") against Wart-Hog Wands, Inc. ("Wands"). Fiddle sought declaratory judgment that it does not infringe claim 1 of U.S. Patent No. 9,876,543 ("the '543 patent"). After conducting limited discovery on the declaratory judgment issue, Wands filed a motion to dismiss the declaratory judgment complaint. The motion to dismiss was denied. Wands appeals the District Court's order denying its motion to dismiss Fiddle's declaratory judgment action, and appeals the District Court's order granting Fiddle's summary judgment motion on the issue of induced infringement.

The panel consisted of the Hon. Sharon Prost, the Hon. Raymond C. Clevenger, III, and the Hon. Stanley F. Birch, Jr. Arguing on behalf of Wart-Hog Wands was Michael A. Morin, a partner at Finnegan. Arguing on behalf of T. Fiddle was Adam Conrad, a senior associate at King & Spalding. Virginia Carron, President of the Atlanta Intellectual Property Inn of Court, moderated the panel.

Guests then moved to the Robinson Atrium for a cocktail reception with hand-passed hors d'oeuvres. There was also an opportunity to enjoy a private viewing of "Frida & Diego: Passion, Politics, and Painting." This major exhibition of work by Frida Kahlo and

Diego Rivera, features some of the best examples of art from two central figures of Mexican modernism.

A gourmet seated dinner and dessert, catered by Legendary Partners of Atlanta, followed.

After dinner, guests were entertained by the Grammy-nominated artist, Julian Lage, and his trio. It was a real coup getting Julian to perform at the event. Julian is a very special and unique virtuoso on guitar. A child prodigy, the guitarist grew up in California and was the subject of an Academy Award-nominated documentary, *Jules at Eight*. His trio included Tupac Mantilla on percussion and Jorge Roeder on bass. Tupac is a master of the cajon, and even played percussion on Roeder's bass during the performance. The trio played with a symbiosis seldom seen. The interaction of guitar, bass, and drums was truly amazing.

All About Jazz has called Lage "a giant in the making." He is a protégé of legendary vibraphonist Gary Burton, recording two albums and touring with Burton. He has recently been featured on *Piano Jazz: Rising Stars* and NPR's *Tiny Desk Concerts*. Lage received a Grammy nomination in 2009 for Best Contemporary Jazz Album. *Time Out New York* calls Lage's music "a major find" that is "springy, intelligent chamber Americana that fits perfectly into a spectrum of Nonesuch-style players like Bill Frisell and Chris Thile's *Punch Brothers*."

Pictures of the event can be seen at www.georgiaip.org/news.

FIRST-INVENTOR-TO-FILE LUNCH

On February 27, 2013, the In-House Committee held a lunchtime event at the State Bar of Georgia on the new USPTO rules being implemented under the first-inventor-to-file regime. Rich Miller of Ballard Spahr and Brent R. Bellows of Knowles Intellectual Property Strategies walked through different traps and pitfalls that may not immediately be apparent to practitioners. Matt Smith, chair of the In-House Committee, hosted the event.

The talk began with a very brief overview discussion of the rule changes being implemented under the America Invents Act. Rich and Brent then

conducted the discussion in the form of a game show with multiple-choice answers that required the audience to consider various different options for dealing with a particular scenario. The two then opined on their suggested best practices, as well as alternatives for variations on each scenario.

One issue of particular interest to the audience was the use of public disclosures as a shield against later filed prior art. Miller and Bellows walked through a scenario in which an inventor publicly disclosed three species. A later filed patent application disclosed four species and the overarching genus. As

explained by Bellows, the prior public disclosure would serve as a shield against the subsequent filing for the three species and the genus. However, the fourth species would still be prior art. Had the person making the public disclosure simply filed a “cover sheet provisional,” the fourth species would no longer be prior art. The consensus view was that filing provisional applications “early and often” is a best practice.

The event set a record for In-House lunch and learns. Nearly 90 people attended the discussion. Slides and a video stream of the event can be seen at www.georgiaip.org/news.

COMMITTEE NEWS

SOCIAL COMMITTEE

This summer the Social Committee will host a cocktail hour and panel discussion for all section members and their summer associates/interns. Stay tuned for details.

MENTORING COMMITTEE

On *March 28th* Emory University and the Mentoring Committee will be co-hosting an IP Symposium / Mentoring Forum. The event will be held at Emory’s Tull Auditorium and Hunter Atrium. The evening will begin at 5:30 pm with a light reception with hors d’oeuvres and beverages. At 6:00, Emory is hosting a CLE on Social Media and Technology and includes an hour of Ethics CLE. At 7:00, the Committee is hosting a mentoring forum. The forum will have tables set up for different practice areas and will hopefully have 10-15 attorneys representing the various types of IP law (currently tables are planned for TM, C, Pat, Litigation, and In-house). The

reception will continue during the mentoring hour.

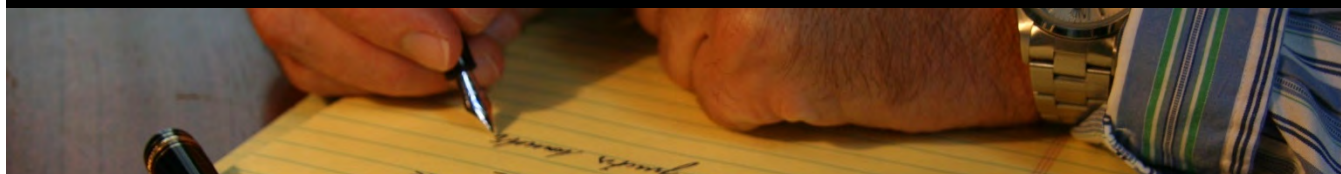
Attorneys are needed for the mentoring forum. If you are able to help (either personally or by getting some folks over there), please contact the Mentoring Committee Chair, Joe Staley, at joe.staley@kidsii.com.

PHILANTHROPY COMMITTEE

Greetings IP Section! The Philanthropy Committee will be hosting our next event at the Atlanta Community Food Bank on *Saturday, April 6, 2013*, from 1-4 pm. We will be volunteering at their Product Rescue Center (PRC). The PRC provides quality grocery items including non-perishable goods such as canned and packaged products as well as perishable goods such as frozen/refrigerated items and also health and beauty items to over 600 non-profit partner agencies in metro Atlanta and the North Georgia area. These partner agencies, in turn, distribute these

products to individuals and families in need. Volunteers make this possible by sorting, inspecting and packing donated items for these groups. The PRC is a fun, hands-on project, but please note that volunteers must be able to lift 5-40 lbs. and stand for prolonged periods of time. Volunteer space is limited so please reserve your spot today and assist those in need. Please RSVP to Chris Curfman at ccurfman@mcciplaw.com.





UPCOMING EVENTS

March 2013

The Mentoring Committee and Emory University are co-hosting an IP Symposium with Mentoring Forum on *March 28* at 5:30 pm. The event will be held at Emory University's Tull Auditorium and Hunter Atrium. The event begins with a light reception at 5:30 pm, followed at 6 pm by a panel on Social Media and Technology in the IP Workplace (worth 1 Ethics CLE credit) and finishes with a Mentoring Forum at 7 pm.

April 2013

The Philanthropy Committee is hosting a volunteer event at the Atlanta

Community Food Bank on *Saturday, April 6, 2013*, from 1-4 pm. Volunteers will be helping sort, inspect, and package donated goods at the Product Rescue Center.

May 2013

Litigation Committee plans to hold a lunch event on *May 21*, details to be provided at a later date.

Summer 2013

The Social Committee is planning a cocktail hour and panel discussion for all section members and their summer associates/interns. Stay tuned for details.

LEADERSHIP

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