

New Matter

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Fall 2003

In this issue

Officers and Board of Directors	2
2003-2004 Committees	2
Reflections on the Year Past	3
Letter From the President	3
Inventor of Corn-to-Plastic Production Process Inducted to Hall of Fame	4
Committee Reports	5
William Mitchell Law Review Seeks IP Articles	6
Giles rich Moot Court Competition	6
Schwegman, Lundberg Open House	7
Young Inventors Dinner	9
Eighth Annual Golf Social	10
New Members	11
Change of Address	14

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MIPLA MINNESOTA
INTELLECTUAL
PROPERTY LAW
ASSOCIATION

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Reflections on the Year Past

My year at the helm seems to have flown by. I think that I can safely say what every past President would like to say - and we have been fortunate in having Presidents that can support it - that the Association was in a better condition at the end of my term than it was coming in.

Over the course of the year, a number of things have been continued (most all of our programs and events), grown (the size of the directory), expanded (involvement on the Board), or been started (the "Meet the Firms" and the Patent Roundtable



events). It is satisfying to watch the new year unfold, as these and other items further progress.

There is a tendency to fade back into the woodwork when a term such as mine is completed. With all the programs we have going on, not only do I not expect to fade away, but I may just have to check the by-laws to see what it says about second terms

Best wishes to Tim, the Board, and the entire Association for a good new year.

Phil Goldman, MIPLA-IPP (Immediate Past President)

Letter From The President

I am truly honored to serve as 2003-2004 MIPLA President. I have taken the trust placed in me by the Nominations Committee and the Membership to heart, and intend to reward that confidence with another year of MIPLA excellence. Fortunately for me, I have had the opportunity over in my past several years on the Board to work under the leadership of Phil Goldman, Brad Forrest, Chuck Rubow and Jim Young who all have exemplified what it takes to oversee an exceptional organization. Plus, if the Golf Event is anything less than a complete success this year, I know whom to blame!

This year's Board has a number of new faces; I am looking forward to implementing the many new ideas that are bound to surface. In fact, the Board has already recommended ways to better reach and serve Members (and potential Members) in corporate practice. I expect to take great strides in this area to ensure that all Minnesota practitioners in the field of intellectual property law view MIPLA as an invaluable forum for advancing their understanding of the law and fostering relationships with colleagues. To this end, one "old" idea championed by Phil that will continue to be of primary importance is encouraging active committee work. The success of MIPLA is dictated by the efforts of its committees; the committees, in turn, consider and act upon topics that are of importance to its respective members, giving all of us the opportunity to enhance our practice of the law. We are fortunate to have a number of returning committee chairpersons, as well as several new chairs, eager (at least they tell me) to continue the hard work necessary for keeping their committee members, as well as MIPLA as a whole, informed of the inevitable changes in the law and provided



with guidance in everyday practice. I am hopeful that each committee will provide, where appropriate, opportunities for roundtable-type discussions on topics of interest, as well as to organize CLE opportunities. Several such events are already in the works. For example, Jim Voegeli and the Trademarks/Unfair Competition Committee have arranged for an excellent CLE presentation to be held October 22, 2003 on international trademark registration practice and the Madrid Protocol.

John Weyrauch, John Dragseth and the rest of the Litigation Committee will also hit the ground running with a September 24, 2003 presentation by the Honorable Donovan W. Frank on the new CM/ECF case management and document filing system soon to be implemented by the District of Minnesota courts. The Patent Prosecution Committee, under the guidance of Tim Bianchi and Allen Oh, will continue its monthly meetings. Mara Liepa and Jay Brooks of the Programs Committee have begun scheduling the many organization-wide dinners/events, including several upcoming meet-the-firm receptions.

Rather than run through the plans of all committees, I encourage you to review the many available committees, join one, and participate! There are ample opportunities for meaningful participation in a variety of areas. I know you will find your contributions personally rewarding.

One additional committee that I would like to mention is the Publications Committee (*aka* Eduardo Drake). Eduardo has once again agreed to edit and oversee publication of *New Matter*; the entire Membership sincerely thanks him for his efforts. In addition, Eduardo will be steering our efforts at

improving the MIPLA website and its capabilities. These are lofty goals and if achieved, will represent a great step in facilitating our ability to achieve MIPLA's object of enhancing the professional competence of, and cultivating associations between, our Members.

In closing, I would like to repeat what I have asked of each Board member and Committee Chairperson to the entire Membership. Please strongly consider attending at least one more MIPLA event this year than you attended last year, and please recommend to your colleagues that they do the same. I have yet to attend a MIPLA event, whether it was a dinner, patent prosecution roundtable discussion, meet-the-firm reception, luncheon CLE, etc., where I did not come away from it thinking that I was better connected to my profession. I may have

learned something related to intellectual property law and how to better my practice; I may have met someone new; or spoken with friends that I had not seen for some time. More times than not, it was all of the above! I know that you will feel the same. Odds are fairly good that if you have read this far into a "Letter From the MIPLA President," you know full well the benefits that MIPLA has to offer (either that, or you are hoping to see if I've scheduled the next golf outing yet). If so, I am hopeful that you will exhort your colleagues to attend the next MIPLA event, especially an organization-wide dinner event. It is to our collective benefit!

Sincerely,

Tim Czaja

Inventor of Corn-to-Plastic Production Process Inducted to Hall of Fame

On June 14, 2003, Dr. Patrick Gruber was inducted as the 54th member of the Minnesota Inventors Hall of Fame. Dr. Gruber holds a doctorate in chemistry, a masters degree in business administration, 47 patents, and has received numerous honors, including the Julius Stieglitz Award, one of the most prestigious in chemistry. Dr. Gruber is also the Vice President of Cargill Dow, a stand-alone company formed in 1997 by a \$750 million joint venture between Cargill, Inc. and Dow Chemical Co.

As an employee of Cargill, Inc. in the late 1980's, Dr. Gruber was charged with finding environmentally friendly uses for corn. In 1989, Dr. Gruber devised an economically feasible way in which to create plastic resin from corn without using any additives or solvents—a feat that had eluded chemists for many years. A \$30 million plant was erected in Blair, Nebraska by Cargill Dow to develop the technology invented by Dr. Gruber.

The Minnesota Inventors Hall of Fame is a Minnesota non-profit corporation. It was established in 1976 for the purpose of honoring Minnesota inventors generally and bringing to the public's attention the economic and social importance of their contributions to society. This mission is accomplished by awarding membership to those Minnesota inventors who have made significant contributions through their inventions. For more information, go to www.minnesotainventors.org.



Committee Reports

International Law

By: *Min (Amy) Xu*

Here are two tentative luncheon CLE programs by the International Law Committee in this upcoming year:

- 1) Crossborder Technology Licensing and Related U.S. Export Control issues — this fall (date: TBD)
 - 2) IP Strategy and Management in a Crossborder Joint Venture or Merger & Acquisition — next spring (date: TBD).
- Hope to see you at the above CLE luncheon programs and your committee meetings.

IP Law Revision and PTO

By: *Mike Essien and Jim Paige*

Meetings Schedule: Once a quarter for the 2003-04 year. Other meetings may be convened as needed to discuss new rules and related issues of interest to the Committee. News/Activities: Our first Committee meeting of 2003-04 was on August 20, 2003. Mike Essien and Jim Paige presented a seminar on the latest rule changes in light of the USPTO 21st Century Strategic Plan. Attendees earned a 1.0 hour CLE credit. Future meetings and activities shall focus on rules and revisions as the PTO executes aspects of the 21st Century Plan.

Prosecution Subcommittee

By: *Tim Bianchi*

The Prosecution Subcommittee will consider the following for this next year:

- 1) Poll the MIPLA group for prosecution topics for at least one CLE or multiple lunch CLEs.
- 2) Poll the MIPLA group for input on areas which they would like us to address in particular (but not falling within the charter of other subcommittees.)
- 3) Check for interest in developing at least one set of tools to assist prosecutors in light of the new rule changes. I have some ideas on this, but would rather ask for input before stating my concepts.
- 4) Dovetail activities with the MIPLA Prosecutor's Roundtable and other MIPLA committees to reduce redundancy and gain from additional sources of cooperation.

- 5) Raise awareness and request participation of MIPLA members for the above.

I already have one concern and that is after attending the new rules committee meeting today, I fear that we are heading into the redundancy issues already. This would be a topic for tomorrow's meeting as well.

US Bar/EPO

By: *Steven Keough*

The focus of committee efforts has been on advertising and education. Advertising of upcoming events has been useful. Some examples include:

- The 2003 Midwest Intellectual Property Institute, which was held on September 18 & 19 at the Hyatt Regency Hotel.
- The EPO Roadshow, which will be held on October 1 at the Millenium Hotel.

These are both great opportunities to hear from European practitioners and administrators at the European Patent Office. We are also looking for opportunities to have visiting European Bar members present on topics of interest to MIPLA members. If you have visiting colleagues scheduled, please consider letting us know in order to schedule a presentation. We are also looking for opportunities to feature members of the judiciary from Europe who can speak on intellectual property issues. Any leads would be appreciated.

Further comments and suggestions are welcome!

Women in Intellectual Property Law Committee

By: *Catherine Klima and Ann McCrackin*

The Women in Intellectual Property Law group continues to remain active. In our most recent meetings, we have held a meeting at 3M, at which Tom Brennan of Schwegman, Lundberg, Woessner, & Kluth spoke about IP Portfolio Management. In our last meeting, Kate Larsen, a professional coach, spoke to our group about what a professional coach is and about balancing work and life. In addition to being a Professional Certified Coach, Kate Larsen is also a professional speaker, an author, and a certified personal trainer. Kate Larsen works with individuals and groups on personal and professional development and also wellness and health promotion. For more information about Kate Larsen and about professional coaching services visit www.katelarsen.com.

Our next meeting will involve a discussion on licensing agreements. Further details regarding the upcoming meeting will be sent to WIPLA members by e-mail.

Our random lunch groups continue to meet regularly, with an average of 60 members getting together in small groups to have lunch with one another every other month. These groups have been a wonderful opportunity to network with other members of the group, and we encourage every member of WIPLA to participate. We thank Mara Liepa for her help in organizing the random lunch groups.

If you would like to join or learn more about WIPLA, please email Catherine Klima at cklima@slwk.com or Ann McCrackin at amccrackin@slwk.com. We look forward to seeing you at future meetings!

Publication Committee

By: Eduardo Drake

This year the Publication Committee will be working not only to publish two or more issues of *New Matter*, but also to enhance MIPLA's website. Discussions are already underway. If you'd like to help with this project or simply have ideas or thoughts on desirable website functionality, please contact me via email at drake@slwk.com.

Next *New Matter* is tentatively slated for late February or early March. Further details will be announced via email.

Special thanks to all those who provided content for this issue and to MSBA Staffer, Janny Grice, for putting it all together.

William Mitchell Law Review Seeks IP Articles

The William Mitchell Law Review is seeking articles for its upcoming symposium issue focusing on Intellectual Property Law. The deadline for submission is December 15, 2003. Page limits are flexible; articles within 35-50 pages in length are suggested.

Article theses must reflect the focus of the symposium issue: *The United States Supreme Court's Recent Effect on Intellectual Property Law*. Through this symposium issue and an accompanying live symposium next Spring, we seek to understand how the Court has shaped intellectual property law and practice in recent years.

Authors of articles selected for publication may be invited to participate among a panel of distinguished practitioners and academics to present their papers at a live symposium hosted by William Mitchell College of Law in the Spring 2004.

Please submit papers to:

Jeffrey Gram, Executive Editor
William Mitchell Law Review
875 Summit Avenue
St. Paul, MN 55105-3076

Please direct questions to jgram@wmitchell.edu.

Hamline's Success in the Giles Rich Moot Court Competition Continues

The faculty, coaches, and students of Hamline would like to thank MIPLA for their continued support of the Hamline's Giles Rich Moot Court Program. The program had an extremely successful year with one of Hamline's two teams making it into the quarterfinals of the National Competition in Washington, D.C., with its only losses coming at the hands of the National Champion and Runner-up. The team also earned a Best Brief Award for its Appellee brief. Hamline's teams each consisted of second year law students with team members Jamie Kleinschmidt and Mandee Page on one team and Shawn LaChappelle and Angela Carlisle on the other.

The team of LaChappelle/Carlisle earned a first round bye for having one of the top four total brief scores of the twelve teams at the regional competition. The team of Kleinschmidt/

Page won their first round argument only to meet and lose to Hamline's other team of LaChappelle/Carlisle in the second round. LaChappelle and Carlisle continued to win and ended the regional competition as the runner-up losing only to Loyola (Los Angeles) in the final round by 2 points out of a 200 point total score. In the National Competition, LaChappelle and Carlisle lost in the quarterfinal round to Boalt Hall School of Law (UC Berkeley). Boalt Hall went on to lose in the finals to Loyola (Los Angeles). The coaches Jeff Cameron, Tony Castiglione, and Brendan Hanley would like to sincerely thank the students for their hard work and dedication to this difficult moot court event. They would also like to thank the many MIPLA members who volunteered their time in judging oral argument practices.

By: Jeffery Cameron

Fun Had By All At Schwegman, Lundberg Open House April 2003



*Far Left,.: Laura Ryan (Fogg & Associates),
Center (Profile), Michael Haukis (William
Mitchell student), Far Right, Tom Brennan,
(co-chair of Software Protection Committee)*



*Left to Right: Patty Jerkovich (Schwegman,
Lundberg), Jane Sagers (Fogg &
Associates), Catherine Klima (Co-chair
of Women in IP Law Committee)*



*Left to Right: Laura Ryan, Brad Forrest
(Past MIPLA president), Tom Brennan,
Scott Lundberg (Fogg & Associates)*

Fun Had By All At Schwegman, Lundberg Open House
April 2003



Denise Kettleberger (Merchant & Gould), Bob Harris (Schwegman, Lundberg)



Far left, Peter Maki; Far right David Peterson (both of Schwegman, Lundberg)

Young Inventors Dinner

Jim Hakomaki, (Moore Hanson & Sumner) and Gayle Bush (Kinney & Lange and an organizer of Young Inventors Dinner) speak with inventor Jasmine Robinson.



Thanks to you and all MIPLA members for another memorable evening with young inventors.

And thanks for all the support and the contribution too.

*Cathy Macdonald, Coordinator
Young Inventors Program
Success Beyond the Classroom*

Jay Brooks (right, E. J. Brooks & Associates and outgoing MIPLA Secretary) and Mark Undestad (left, parent) speak with inventor Mallory Undestad.



Jasmine Robinson, left, and Heather Nelson show off their inventions.



Eighth Annual MIPLA Golf Social

Though it was a bit of a drive to get there, the 160 or so MIPLA golfers participating in the MIPLA Golf Social on July 24, 2003 were rewarded with outstanding weather, a nice course, great food and a fantastic awards presentation (of course, since I hosted the awards presentation, I may be a bit biased in my assessment). What could be better than 5 hours of golf (well, for some, it was closer to 6 hours of golf) with fellow MIPLA members? I am hopeful that next year's event will be equally successful, though I don't know where we will find another course that can accommodate so many players. In any event, my thanks to Jeff Cameron for helping at the sign-in table, as well as the many hole sponsors listed below.

The awards from the golf event were as follows:

Low Team Score:

First Place (-12):

David Fogg, Matt Luxton, Jon Powers & Derek Chrysler

Second Place (-11):

Doug Christensen, Randall Skaar, Thomas Brandt & Scott Ulbrich

Third Place (-10):

Brad Forrest, Gary Speier, Tom Brennan & Steve Lundberg

Closest to Pin:

Jamin Arvig, Kelly Fitzgerald and Derek Vandenburg

Longest Putt:

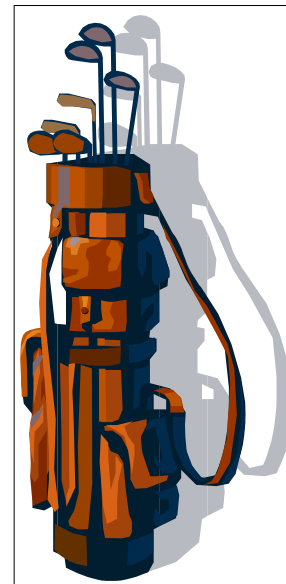
Doug Christensen, Scott Bergs and Robin Sannes

Longest Drive (male):

Steve Shumaker, Alan Koenck and Dave Burlson

Longest Drive (female):

Jennifer Konieczny, Robin Sannes and Laurie Anderson



We were fortunate to have a number of firms sponsor the 2003 MIPLA Golf Social, with their donations offsetting the costs of golf and dinner. Our kind sponsors included:

Carlson, Caspers, Vandenburg
& Lindquist
Crompton, Seager & Tufte
Dicke, Billig & Czaja
Dorsey & Whitney
Faegre & Benson
Fish & Richardson
Fogg and Associates
Fredrikson & Byron
Fulbright & Jaworski
IPLM Group

Kagan Binder
Kinney & Lange
Merchant & Gould
Mueiting, Raasch & Gebhardt
Oppenheimer, Wolff & Donnelly
Patterson, Thuente, Skaar & Christensen
Schwegman, Lundberg, Woessner & Kluth
Shumaker & Siefert
Westman, Champlin & Kelly
Vidas, Arret & Steinkraus

See you next Summer!

Tim Czaja



All MIPLA members are encouraged to submit articles pertaining to intellectual property law issues for publication in *New Matter*. Please send your articles to Eduardo Drake by e-mail, edrake@slwk.com, or by conventional mail to Schwegman, Lundberg, Woessner, and Kluth P.A., 121 S. Eighth Street, Suite 1600, Minneapolis MN 55402. Submissions in electronic format (e.g. on a diskette or by e-mail) are preferred.

MIPLA Committees

They exist to serve you . . . but they don't exist without you.

A MIPLA committee is created whenever MIPLA members have enough interest in a particular IP subject matter or procedural area. For example, the Women in Intellectual Property Law Committee didn't exist five years ago and today it's one of our most active groups. Last year, our Patent and Trademark Office Committee became very active in response to a proposed USPTO Rule change. All of our current committees have volunteer chairs except for the Small Business Committee. The Board will disband this committee if no one steps forward to chair it.

If you would like to chair our Small Business Committee or propose the formation of a new committee, give me a call.

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Visit the MIPLA
Home Page --

www2.mnbar.org/mipla

The MIPLA website includes:

- MIPLA Schedule of Events
- Jury Instructions
- Committee Chair Names
- Listing of approved MIPLA CLEs
- Hot Links to Other IP Websites
- *New Matter*

Make it a BOOKMARK today!

Send your comments about the MIPLA website to Eduardo Drake, edrake@slwk.com.

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612-340-5675 Fax: 612-340-8856
E-mail: vitt.thomas@dorseylaw.com
an Active



Application for Membership/Address Change

Please Check:

Address Change

Application for Membership

Name _____

Business Address _____ or

Home Address _____

Business Telephone _____

Fax _____

Home Telephone _____

E-mail Address _____

1. Class of Membership Active Student/Graduate

2. Are you admitted to practice US PTO? Yes No

3. Are you admitted to the bar? Yes No
State(s) _____

4. Are you actively engaged in practice of intellectual property law? Yes No

5. Are you a member in good standing of the Minnesota State Bar Association? Yes No

6. For Student/Graduate membership: _____
Law school and year of graduation.

Annual dues in the amount of:

\$100 Active Member \$10 Student

\$ 50 Active Member (from January 1 thru June 30)

Return to: Minnesota State Bar Association, Attn: Sue Bores, MIPLA Administrator, 600 Nicollet Mall, Suite 380, Minneapolis MN 55402.