

San Diego Intellectual Property Law Association

SDIPLA News



A FEW WORDS FROM THE PRESIDENT:



Thomas Coverstone

Welcome back! Hopefully you had a great summer and you are looking forward to another great year of SDIPLA events. After being on the board for three years, I was elected to President in June. I would like to extend a big Thank You to Kent Walker, Past President, for his past year of hard

work and leadership. I plan to continue the SDIPLA's past record of providing varied and interesting speakers and events during my term as President. Although we have not had meetings for the past two months since we traditionally take time off to enjoy summer, the board and I have been busy lining up speakers and events for the upcoming year. We will plan to have events, with MCLE credits, that will be of interest to IP litigators, patent prosecutors, licensing attorneys, as well as have events that will be of interest to biotech and high tech attorneys.

Upcoming Events

- September 19, 2006 Dinner Meeting at the La Jolla Marriott featuring a panel of Judges Huff, Sabraw and Brewster and moderated by Douglas Olson
- October 26, 2006 SDIPLA Luncheon at the Del Mar Marriott featuring Robert Spar, Director of the USPTO's Office of Patent Legal Administration

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September 19, 2006 Dinner Meeting

“Patent Infringement Litigation in the Southern District: Perspectives from the Bench”

A Judicial Panel comprising JUDGE HUFF, JUDGE SABRAW, and JUDGE BREWSTER will be moderated by Douglas Olson of Paul Hastings

TOPIC: Patent Infringement Litigation in the Southern District: Perspectives from the Bench. The new local rules for patent cases became effective April 3, 2006. Hear the perspectives from a distinguished panel of judges regarding litigating patent infringement cases in the Southern District of California under the new patent local rules.

PANEL: Judge Marilyn L. Huff is the immediate past Chief Judge of the U.S. District Court, Southern District of California and has been a district judge on the court since 1991. She recently served as the Chairperson for the Conference of Chief Judges for the Ninth Circuit and has served on the Ninth Circuit Judicial Council in that capacity. She is Past President of the American Inns of Court Lewis M. Welsh Chapter. She has served as the Chairperson of the Judicial Conference Statistics Subcommittee and has been a member of the

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SEPTEMBER 19th DINNER MEETING — La Jolla Marriott:

Date/Time/Location:

September 19, 2006
6:00 p.m.—8:30 p.m.
La Jolla Marriott
4240 La Jolla Village Drive
La Jolla, California

Notes:

This meeting is at the La Jolla Marriot.

This is a **dinner** meeting.

Speaker: Judges Huff, Sabraw and Brewster - moderated by Doug Olson

Directions:

I-5 to La Jolla Village Drive;
.5 miles east, between Genesee and Regents Road

I-805 to La Jolla Village Drive
1 mile west

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U.S. Judicial Conferences Judicial Resources Committee. Judge Huff has received the San Diego County Bar Association's Awards for *Legal Professional of the Year* and for Service to the Legal Profession.

Judge Dana M. Sabraw is a District Judge for the District Court of the Southern District of California. Judge Sabraw was nominated to the federal bench, in May of 2003, by President George W. Bush, and was unanimously confirmed by the U.S. Senate. Judge Sabraw currently serves as Chair of the Court's Patent Advisory Committee, which is responsible for promulgating the local rules of practice for patent cases before the Court. He is also overseeing the Court's Case Management/Electronic Case Filing (CM/ECF) Project, in which the Court is exploring electronic case filing and management. Judge Sabraw is a founding member of two American Inns of Court, the Clifford J. Wallace Inn and the Oliver Wendell Holmes, Jr. Inn. He served as President of the Holmes Inn of Court in 2000-01, and is currently serving as a Master in the Wallace Inn of Court. He is a current member of the Board of Governors of the Association of Business Trial Lawyers, San Diego Chapter. He is a current member, and past board member, of the Pan Asian Lawyers of San Diego.



Judge Rudi M. Brewster is a Senior United States District Court Judge for the Southern District of California. Judge Brewster was appointed to the bench on June 29, 1984 by President Ronald Reagan. Judge Brewster has a particular interest in patent cases and has presided over numerous claim construction hearings and patent trials. His enthusiasm for patent cases is well documented. Judge Brewster received his Bachelor of Arts Degree from Princeton University in 1954 and was conferred the degree of Juris Doctor in 1960 from Stanford University in California.

Moderator: Douglas E. Olson is a partner at the law firm of Paul, Hastings, Janofsky & Walker LLP. Douglas Olson's practice focuses on intellectual property litigation. He has been lead counsel on many patent lawsuits in the Southern District, including several jury trials. He was voted by his peers as one of "The Best Lawyers in America" and one of The Best Lawyers in San Diego.

The SDIPLA thanks our Sponsors for the
9/19/06 meeting:

Paul, Hastings, Janofsky & Walker LLP
www.paulhastings.com

Reservation Form for September 19, 2006 SDIPLA Meeting

“Patent Infringement Litigation in the Southern District: Perspectives from the Bench”

A Judicial Panel comprising JUDGE HUFF, JUDGE SABRAW, and JUDGE BREWSTER will be moderated by Douglas Olson of Paul Hastings

**Tuesday
September 19, 2006**

La Jolla Marriott on La Jolla Village Drive

Registration starts at 6:00 p.m.
Dinner starts at 6:45 p.m.
Presentation starts at 7:15 p.m.

The Menu

Tender Leaf Spinach and Arugula with Julienne of Pear, Fresh Raspberries, Carmelized Walnuts and Lemon Dill Dressing

With one of the following entrees:

Roasted Breast of Chicken

(with Sundried Tomato Orzo and Lemon Caper Sauce, Steamed Asparagus and Ratatouille)

** OR **

Oven Roasted Salmon

(on Wilted Greens with Saffron Cream Sauce and Parsley Red Potatoes)

** OR **

Vegetarian Selection

(Roasted Vegetables with Marinara Sauce Encased in a Tender Pastry Crust)

and
Tiramisu

Due to the large number of attendees expected at this event, the SDIPLA is again requesting **Pre-Registration and Pre-Payment.**

To reserve your place, please fill out the below registration, indicate your meal choice, and send it **WITH YOUR CHECK MADE PAYABLE TO ‘SDIPLA’** to:

Boris Zelkind
SDIPLA Secretary
Knobbe, Martens, Olson & Bear LLP
550 West C Street, Suite 1200
San Diego, CA 92101
(619) 235-8550
Fax: (619) 235-0176
boris.zelkind@kmob.com

On-line reservation available– go to www.acteva.com and search for SDIPLA or follow the link at www.SDIPLA.org

Please fill out a separate form for each attendee.

REMINDERS

- Please mail, fax, or e-mail your reservation to Boris Zelkind at the address, fax, or e-mail address indicated for receipt **no later than 5:00 p.m. on Friday, September 15, 2006.**
- The reservation deadline is dictated by the hotel and not by the SDIPLA.
- This program has been approved for MCLE credit by the State Bar of California in the amount of one (1.0) unit.

NOTE MEAL PRICES

\$45.00 SDIPLA Member
\$60.00 Non-Member

Registration

Name: _____ E-Mail Address: _____

Firm/Employer: _____

Telephone Number: _____

Member of SDIPLA? (circle one) YES NO

Entrée Choice: _____ Chicken _____ Salmon _____ Vegetarian

SDIPLA is looking for a Webmaster

We would like to thank Tobey Tam from Quidel Corporation for her time and dedication over the past several years as the Webmaster for SDIPLA. She did a great job and we are very appreciative of Tobey's contribution. We are looking for a volunteer to take over the duties as Webmaster to maintain SDIPLA's site. If you have interest or special skill in maintaining web pages, please contact any of the board members.

Applications for SDIPLA Membership

The following individuals have applied for SDIPLA membership. Active Members may oppose membership status to these individuals by lodging a formal notice of opposition. The opposition must include relevant grounds for disqualification and should be submitted to the Secretary on or before October 1, 2006.

Sarah Burrows	E. Dale Buxton	Sterling Chandler	Tandi Collisson
Elizabeth Conaughton	Craig Curtis	Kristine Ekwueme	James Fazio
Tom Franklin	Ross Franks	Paul Gillette	Sara Hart
Jerry Hefner	Abdollah Katbab	Catherine Lane	Kaare Larson
Leeanne Lawlor	Gary Loomis	Cary Miller	Amy Mills
Sandip Minhaus	Iris Mitrakos	Larry Moskowitz	Juliet Oberding
Patrick Orme	Katherine Parker	Patricia Parks	Dina Randazzo
Ali Shalchi	Susanna Simsik	Kam Tam	Steven Tietsworth
Dean Tricario	Jessica Watz	Regis Worley	Peng Zhu

SDIPLA COMMITTEES: SDIPLA has Amicus, Awards, Editorial, Events, and Sponsorship committees. Please contact a board member if you are interested in joining a committee. Go to the SDIPLA website at www.sdipla.org for more information about these committees and

Announcements

This Announcements section is designed to better serve the needs of the membership. This page may be used to advertise for positions offered or desired, as well as to provide a forum for announcements of interest to the San Diego IP community. Please contact Boris Zelkind if you would like to place an ad or announcement.

MEMBERSHIP RENEWAL

Name: _____ E-Mail Address: _____
(required to receive newsletters)

Firm/Employer: _____

Mailing Address: _____

City/State/Zip: _____

Telephone Number: _____

Send check or money order payable to SDIPLA Dues to: Boris Zelkind
Attorney Member Dues: \$50/year SDIPLA Secretary
Non-Attorney/Retired Attorney Dues: \$25/year Knobbe, Martens, Olson & Bear LLP
(e.g. law students, paralegals, patent agents, retired 550 West C Street, Suite 1200
attorneys, etc.) San Diego, CA 92101

Please Renew Your Membership for Fiscal 2006-2007

All SDIPLA members are asked to send in their membership dues, if they have not already, using the Membership Renewal form above.

- E-Mailing of newsletters and notices has replaced regular mailing.
- **On-line registration now available– visit www.SDIPLA.org.**
- SDIPLA would like to increase active membership, including significantly in-house practitioners.
- SDIPLA welcomes any suggestions to make the renewal process more efficient.
- SDIPLA welcomes any suggestions to increase membership.
- If you have suggestions, please do not hesitate to contact one of the officers.

Notice of Opportunity to Apply for Lawyer Representative Positions



MEMORANDUM

TO: Bar Association Presidents

FM: Chief Judge Irma E. Gonzalez

RE: Lawyer Representatives

DATE: August 25, 2006

The Southern District of California will be selecting several new Lawyer Representatives for three-year terms to begin on November 1, 2006. If you have any members who are interested in applying, please encourage them to submit their resumes to the San Diego County Bar Association, which collects the applications for the Court. Members may send their resumes to the attention of Sheree L. Swetin, Executive Director, San Diego County Bar Association, 1333 Seventh Avenue, San Diego, CA 92101.

Lawyer Representatives' duties include attending and actively participating in the annual Ninth Circuit Judicial Conference, the annual District Conference of the Southern District, regular meetings of Lawyer Representatives in the District and public events at the District Court, as well as organizing and actively participating in various special projects each year. All Lawyer Representatives are expected to attend the Ninth Circuit Judicial Conference and the District Conference each year. Those not planning to attend a conference will be asked to explain in writing to the Chief Judge their reasons for not attending.

Resumes should be submitted no later than October 6, 2006. Any member with questions regarding the role and responsibilities of the lawyer representatives may contact the current co-chairs, Christopher Latham (619)544-3196 or Frederick Kosmo (619) 236-9600.



*“The Southern
District of California
will be selecting
several new Lawyer
Representatives for
three-year terms...”*



President's Message *continued from p.1*

We also will have some events that are intended for our members to just network and have a good time together, such as the Annual Holiday Party.

Our year will start off with our annual Judge's Dinner meeting on September 19th. The Judges' Panel will include U.S. District Court Judges Marilyn Huff, Rudi Brewster, and Dana Sabraw. The event will be moderated by Doug Olson of Paul Hastings. This event will provide a unique opportunity to hear directly from our U.S. District Court Judges about their perspectives on patent litigation and the implementation of the new local rules in patent cases. There also will be an opportunity for the audience to ask questions directly to the Judges. We expect a large turnout for this event, so reserve your seat early.

As you can expect, the costs of putting on events such as the Judges Dinner have increased over the years. The SDIPLA has not raised member dues or event rates for several years, but we will be reviewing the issue this year, while at the same time we will be making efforts to keep costs down while still providing quality events. The options we will be looking at include having a mix of lunch meetings as well as dinner meetings. The lunch meetings, especially if done with a buffet meal, are less expensive than dinner meetings. Nevertheless, we will strive to keep a mix of lunch meetings and dinner meetings. Along these lines, please think about supporting the SDIPLA by having your organization sponsor one of our events, or consider being a year long sponsor by sponsoring each of our events for the year. In the past, Buchanan Ingersoll and Townsend and Townsend were year long sponsors. Paul Hastings has agreed to be a year long sponsor for this year. The sponsorships help to defray the costs of the meetings, and it is a great way for firms to market directly to the SDIPLA.

In October, Bob Spar from the USPTO has agreed to address the SDIPLA again to discuss the status of Patent Reform and Patent Rule Changes. Bob will also answer any questions that you may have. This event will be a lunch meeting at the Del Mar Marriott.

We have not yet finalized the November speaker, but we are working on several options at this point. If you have any ideas for speakers or topics, please let me know by sending me an email at patpend@sbcglobal.net.

In December we will have our Annual Holiday Party. We also plan to announce the winner of our Annual IP Award. This will be the fourth year of providing an award to somebody who has made significant contributions to the San Diego IP community. Our past winners include Dr. Verterbi, a co-founder of Qualcomm and the inventor of the Verterbi algorithm, which is used in CDMA communications, Dr. Ivor Royston and Dr. Howard Birndorf, co-founders of Hybritech, and Larry Maxham, San Diego patent attorney.

We also would like to encourage participation in the SDIPLA. There are many opportunities to become involved. Consider joining one of our committees. Currently we have Amicus, Editorial, Events and Awards, Mentoring, and Sponsorship committees.

From the entire Board, thank you for your support and participation in the SDIPLA, and we look forward to another great year.

See you at our September 19th meeting!

Tom Coverstone
President, SDIPLA

ARTICLES: If you have an article for the newsletter, please send it to Boris Zelkind.
DUES: To pay or renew your **membership dues:** Please use the form on page 5, and send form via mail or fax to Boris Zelkind. - online registration now available - visit www.SDIPLA.org.

Justice Kennedy to Honor Judge Wallace in San Diego With the Devitt Distinguished Service Award

United States Supreme Court Justice Anthony Kennedy will be coming to San Diego in October to honor San Diego-born Ninth Circuit Court of Appeals Judge J. Clifford Wallace with the American Judicature Society's 24th annual Edward J. Devitt Distinguished Service Award. Justice Kennedy will present the award to Judge Wallace on October 19, 2006, at 4:00 p.m. in the Spreckels Theatre (121 Broadway).

Members of the San Diego Intellectual Property Law Association are invited to mark their calendars and attend this historic event.

Formerly a partner in the law firm of Gray Cary Ames & Frye, and a United States District Judge here in San Diego from 1970, Judge Wallace was elevated in 1972 to the Ninth Circuit Court of Appeals, serving as that Court's first San Diego Chief Judge from 1991 to 1996, when he took senior status.

In addition to writing hundreds of published opinions over the course of his distinguished career, Judge Wallace has also taken the lead in matters of judicial administration, judicial discipline, and in improving relations between bench and bar. Judge Wallace and the late Chief Justice Warren Burger were the first proponents, for example, for establishing what became the American Inns of Court – in whose work Judge Wallace remains active. His work in service of the rule of law has not been limited only to his homeland, for Judge Wallace has traveled the world in aid of judicial administration and justice in developing countries seeking to fashion fair and efficient judicial systems.

The American Judicature Society aptly describes Judge Wallace's work as "instrumental in the field of state-federal judicial relations, in the improvement of relations between the bench and bar, and in the pursuit of judicial efficiency for trial and appellate courts."

Named for the late Judge Edward J. Devitt (D. Minn.), the Devitt Award annually honors Article III judges of national stature who have made significant contributions to the administration of justice, to the advancement of the rule of law, and to the community. Judge Wallace was chosen for the award by a distinguished panel comprising Justice Kennedy himself, joined by Chief Judge John M. Walker, Jr., of the Second Circuit and Chief Judge Barbara Brandriff Crabb of the United States District Court for the Western District of Wisconsin. They will join Justice Kennedy and retired Utah Supreme Court Justice Dallin H. Oaks in honoring Judge Wallace in San Diego on October 19.

Attorneys and others who plan to attend should e-mail their name with title or affiliation to RSVP@luce.com or may call 619-699-5561 with this information. Limited special seating will be available for judges and community leaders.

For further information on the 24th annual Devitt Award please see:

<http://www.ce9.uscourts.gov/web/ocelibra.nsf/3cf90a23430db5a9852562840073ae37/ccaefd498f03be70882571d4005abf98?OpenDocument>

<http://sdbj.com/article.asp?aid=8468884.3462588.1354028.1449815.6437719.900>

http://www.ajs.org/ajs/awards/Devitt%20Award/ajs_awards_devitt.asp

<http://www.uscourts.gov/ttb/05-06/judgewallace/index.html>

<http://www.uscourts.gov/newsroom/wallace.html>

MAIL REGISTRATION AND PAYMENT TO:

Boris Zelkind
 SDIPLA Secretary
 Knobbe, Martens, Olson & Bear LLP
 550 West C Street, Suite 1200
 San Diego, CA 92101

**Visit SDIPLA on the Web at:
www.sdipla.org**

Date	Event	Speaker/Topic
September 19, 2006	SDIPLA September Dinner Meeting	Judge Huff, Judge Sabraw and Judge Brewster will discuss patent infringement litigation in the Southern District
October 26, 2006	SDIPLA October Lunch Meeting	Robert Spar, Director of the Office of Patent Legal Administration at the USPTO
TBD	SDIPLA November Meeting	
TBD	SDIPLA Holiday Party	