

PIPLA NEWS

The official newsletter of the Pittsburgh Intellectual Property Law Association

E-mail: christine.ethridge@klgates.com

PIPLA 2014 INVENTOR OF THE YEAR AWARD

The Pittsburgh Intellectual Property Law Association announces that it is accepting nominations for its 2014 INVENTOR OF THE YEAR AWARD.

The INVENTOR OF THE YEAR AWARD is awarded annually to honor living inventors whose patented inventions have a significant impact on the economy, the social well being, and the advancement of technology. To be eligible, an inventor or team of inventors must reside or work within, or have some special connection to the Pittsburgh tri-state area.

Nominations may be made on the basis of one or more issued United States Patents, regardless of date of issue. It is not necessary that all of the inventors named on the patents on which a nomination is based be included in the nomination. Inventors who were nominated in prior years may again be nominated.

A plaque recognizing the Inventor of the Year will be presented to the winning nominee at the April 16, 2014 luncheon meeting of the Association. **NOMINATIONS MUST BE RECEIVED NO LATER THAN March 21, 2014.**

The nomination form can be obtained at www.piplaonline.org. Please send completed nomination form to:

PIPLA
 Inventor Award Committee
 c/o Christine R. Ethridge
 K&L Gates LLP
 K&L Gates Center
 210 Sixth Avenue
 Pittsburgh, PA 15222-2613
 Telephone: (412) 355-8619
 Facsimile (412) 355-6501



PIPLA 2014 INTELLECTUAL PROPERTY LAW STUDENT LEADERSHIP AWARD

The Pittsburgh Intellectual Property Law Association is pleased to announce its annual Intellectual Property Law Student Leadership Award competition.

The Awards: Two \$1,000 awards will be given, one to a law student at the University of Pittsburgh and the other to a law student at Duquesne University.

Eligibility Criterion: To be eligible, an applicant must:

- (1) Be a currently enrolled law student at either the University of Pittsburgh or Duquesne University; and
- (2) Have completed or be currently enrolled in at least three Intellectual Property courses.

IN THIS ISSUE

PIPLA Inventor of the Year Award	1
PIPLA IP Law Student Leadership Award	1
Wring Award Discontinued	2
February Breakfast Meeting & CLE	2
New PIPLA Memberships	4
European Proposal on Protection of Trade Secret	4
Recently Filed IP Cases in the Western District of Pennsylvania	5

PIPLA 2014 INTELLECTUAL PROPERTY LAW STUDENT LEADERSHIP AWARD

Selection Criterion: The award will be based upon the applicant's demonstration of leadership as reflected by:

- (1) Applicant's grades in the courses taken in the law school's Intellectual Property elective course concentration and the Intellectual Property courses in which the law student is currently enrolled;
- (2) Participation in student or professional organizations that are related to the development, education, or advancement of Intellectual Property;
- (3) Participation in moot court competitions involving issues of Intellectual Property;
- (4) Articles written on Intellectual Property issues submitted for publication in any medium; and
- (5) Clinical work the applicant participated in that involved issues of Intellectual Property.

Although selection criterion (1) will apply to all applicants, the extent to which criteria (2) through (5) apply will vary from applicant to applicant. In other words, an applicant's having engaged in an activity identified in any of selection criteria (2) through (5) is a plus in the evaluation of the applicant for an award, but is not necessary for eligibility.

Submission Date: Any eligible law student who wishes to apply must complete and submit the attached Application form to the address indicated thereon no later than **March 10, 2014**.

Award Date: The awards will be presented to the winning applicants at the **April 16, 2014** lunch meeting of PIPLA which will be held at the Rivers Club.

Application Forms: The Application Form can be obtained at www.piplaonline.org. All applicants must use the Application Form.

WRITING AWARD DISCONTINUED

PIPLA has decided to discontinue the Writing Award effective 2014. The proceeds for the Writing Award will be donated to the student intellectual property law associations of two local law schools, Duquesne University and the University of Pittsburgh.

FEBRUARY BREAKFAST MEETING & CLE

February 19, 2014
Wyndham Grand (Kings Garden North)
600 Commonwealth Place
Pittsburgh, PA 15222
Phone: 412-594-5124

Time: 8:00 AM (Buffet)

Payment Required - \$30-Breakfast only / \$50-Breakfast & CLE. Check payable to PIPLA. Mail to:

PIPLA
c/o The Webb Law Firm
One Gateway Center, Ste. 1200
420 Ft. Duquesne Blvd.
Pittsburgh, PA 15222

OR Paypal via website: www.piplaonline.org (click on "February Breakfast & CLE")

(Please Note: Unfortunately, we are not able to accommodate walk-in's. Late RSVP's after February 14, 2014 will be charged a \$20 late fee.)

Speaker:

- ***The Honorable Chief Judge Joy Flowers Conti,***
- ***The Honorable Nora Barry Fischer, and***
- ***Tina O. Miller, Esq. of Farrell & Reisinger, LLC***

The title of the talk will be "*The a-Discovery Special Master Program for the U.S. District Court for the Western District of Pa.*"

The Honorable Chief Judge Joy Flowers Conti graduated from Duquesne University in 1970 with a Bachelor of Arts, and was awarded a J.D. degree summa cum laude from Duquesne University School of Law in 1973. She was Editor-In-Chief of the Duquesne Law Review.

After graduation from law school, she served as a law clerk to Pennsylvania Supreme Court Justice Louis L. Mandrino (deceased). In 1974, she was the first woman lawyer to be hired by Kirkpatrick, Lockhart, Johnson & Hutchinson, now known as Kirkpatrick & Lockhart, LLP. In 1976 she accepted a position as a member of the faculty of Duquesne

University School of Law. She became a tenured professor of law at Duquesne University School of Law and taught courses in civil procedure, corporations, corporate finance, corporate reorganizations and bankruptcy. In 1982, she returned to private practice with Kirkpatrick & Lockhart, and became a partner in 1983. In 1996, she joined Buchanan Ingersoll Professional Corporation as a shareholder. She concentrated her practice on bankruptcy, creditors' and debtors' rights, healthcare, general corporate and nonprofit corporation law. She has authored and lectured on bankruptcy and corporate law.

She is a former president of the Allegheny County Bar Association and former chair of the Allegheny County Bar Association's Young Lawyers' Section. She also served as secretary and a trustee of the Allegheny County Bar Foundation. She was a Governor-at-Large of the Pennsylvania Bar Association and was the chair of the Pennsylvania Bar Association's Corporation, Banking and Business Law Section. She served in the House of Delegates of the American Bar Association, and she is currently serving in the Pennsylvania Bar Association's House of Delegates. She was a co-chair of the Pennsylvania Bar Association's Task Force on Legal Services for the Poor, Part II. She was listed in *The Best Lawyers in America* while in practice and is listed in *Who's Who in America* and *Who's Who in American Law*.

The Honorable Nora Barry Fischer received a BA magna cum laude from Saint Mary's College, Notre Dame, Indiana where she majored in both history and humanistic studies. Judge Fischer went on to Notre Dame Law School where she graduated in January 1976, completing her studies in two and a half years. She has assisted the Notre Dame law faculty as a visiting National Institute of Trial Advocacy instructor from time to time.

Following law school graduation, she worked as a legal editor at Callaghan & Company, in part working on revisions to McQuillin on Municipal Corporations and to Fletchers Cyclopedia on Corporations. Returning to Pittsburgh in 1977, she became the first woman associate at Meyer Darragh Buckler Bebenek & Eck, an insurance defense litigation firm. In 1980, she was named its first woman junior partner and in 1982, its first woman senior partner. She also served on various

committees including the Management Committee at the firm.

In 1992, she joined the firm of Pietragallo Bosick & Gordon (now Pietragallo, Gordon, Alfano, Bosick & Raspanti, LLP) as an equity partner. She served the firm as administrative partner and as a practice group leader. Her practice at both Meyer Darragh and PB&G was litigation based, as she handled product liability, toxic tort, insurance coverage and bad faith as well as municipal liability and civil rights litigation.

Judge Fischer is a member of the Bars of Illinois, Pennsylvania and West Virginia and corresponding federal district courts as well as the Court of Appeals of the Third Circuit and the United States Supreme Court.

Judge Fischer was named the recipient of the 2006 Professionalism Award by the Civil Litigation Section of the Allegheny County Bar Association for her "faithful adherence to the highest standards of legal professionalism". In 2004, the Pennsylvania Bar Association honored her for her work as a co-chair of the Task Force on Health Care Delivery in the Commonwealth of Pennsylvania. She was also honored by the PBA as the recipient of the 2001 Anne X. Alpern Award, given by its Commission on Women in the Profession. Additionally, she has been recognized as a women business leader by the Athena Foundation. Most recently, the Women's Bar Association conferred on her the Susan B. Anthony Award which recognizes her mentoring efforts directed to less experienced attorneys.

Judge Fischer is a Fellow of the American College of Trial Lawyers. She is a past President of the Academy of Trial Lawyers of Allegheny County. She is an active member of the Honorable Amy Reynolds Hay Inns of Court; Allegheny County Bar Association as well as the Pennsylvania Bar Association Commission on Women in the Profession. She has served in the past as a co-chair of the Commission. She is a frequent lecturer and panelist for seminars sponsored by Bar Associations and professional organizations. Judge Fischer is a designated patent judge under the Patent Pilot Program, which is a ten-year program designed by Congress to enhance expertise in patent cases among federal judges at the district

court level. She has been asked to speak on intellectual property and patent litigation issues at local seminars sponsored by the Pittsburgh Intellectual Property Law Association and an upcoming seminar by the Academy of Trial Lawyers of Allegheny County. She has also attended numerous seminars on patent and intellectual property litigation. Representative patent cases include Civil Action No. 09-290, Carnegie Mellon Univ. v. Marvell Technology Group, LTD and Civil Action No. 11-269, Matthews International Corporation v. Biosafe Engineering, LLC, et al.

In addition, Judge Fischer sat as the Chair of the Court subcommittee which planned and developed the Court's E-Discovery Special Master Program. This program has been touted as the first of its kind nationally and will assist the Court's management of ESI issues in complex cases, including patent litigation.

Tina O. Miller is a trial lawyer whose practice focuses on criminal defense, corporate internal investigations, commercial litigation and representing victims of crime in both criminal and civil cases. Ms. Miller has been approved as an E-Discovery Special Master in the Western District of Pennsylvania. She is currently serving as the E-Discovery and Discovery Special Master in a multidistrict patent litigation case in the Western District of Pennsylvania.

In September 2013, Ms. Miller was appointed to the Practitioners Advisory Group of the United States Sentencing Commission. She was selected by the Commission to represent the Third Circuit for a three-year term. Ms. Miller has substantial litigation and trial experience, having served for over 13 years as a federal prosecutor in both the criminal and civil divisions of the United States Attorney's Office in Pittsburgh. Her jury trial experience includes a wide variety of cases, including fraud, arson, public corruption, arms trafficking, carjacking, narcotics trafficking and the sexual exploitation of children. In the fall of 2007, she was sole counsel for the government in a federal death penalty trial involving a murder-for-hire scheme.

NEW PIPLA MEMBERSHIPS

PIPLA welcomes the following new members:

- PATRICIA C. STEPP - PEPPER HAMILTON, PITTSBURGH, PA (ACTIVE MEMBER)
- DAVID P. STITZEL - PIETRAGALLO GORDON, PITTSBURGH, PA (ACTIVE MEMBER)

European Proposal on Protection of Trade Secrets

Ying Cao, Jones Day

Recently, the European Commission issued a proposed directive for greater and more uniform protection of trade secrets throughout the European Union. See European Commission, Proposal for a Directive of the European Parliament and of the Council on the Protection of Undisclosed Know-How and Business Information (Trade Secrets) Against their Unlawful Acquisition, Use and Disclosure (Nov. 28, 2013). ("Proposed Directive," hereinafter). A copy of Proposed Directive can be found at the following link. http://ec.europa.eu/internal_market/iprenforcement/docs/trade-secrets/131128_proposal_en.pdf

In European Union, trade secrets do not belong to any of the currently existing intellectual property rights. At the European Union level, a common legal framework has yet to come into existence. A study, published in May 2013, confirmed the fragmented and diversified nature of the existing protection against misappropriation of trade secrets throughout the Union, considering it to be, in general opaque and imposing unnecessary costs and risks, and concluded that harmonization of trade secret law in the EU would improve conditions for firms to develop, exchange and use innovative knowledge. *Proposed Directive* at 4. Although several EU law instruments already provide protection for trade secrets, mainly in the form of procedures before the EU or Member States institutions, trade secrets have an obscure status, despite their economic importance.

The Proposed Directive, if legalized by member states, would allow individuals or companies to enjoy the same level of trade secret protection across the different EU member states. "The objective of Proposed Directive is to establish a sufficient and comparable level of redress across the Internal Market in case of trade secret misappropriation (while providing sufficient safeguards to prevent abusive behaviour)." *Proposed Directive* at 2. The Commission identified the currently irregular protection and enforcement of trade secrets within the EU as a significant factor inhibiting cross-border research and development and general innovation. *Id.* at 3. The Proposed Directive is one part of the EU's "Innovation Union" and IP strategies, adopted in May 2011. *Id.*

The Proposed Directive stated that trade secrets often do not qualify for intellectual property rights (IPR) protection, but recognized the importance of trade secrets: "During the process of research and creation significant information is compiled and developed, progressively building knowledge of a substantial economic value that often does not qualify for IPR protection, but which is equally important for innovation and for the competitiveness of businesses in general. When securing such assets and attracting financing and investment requires IP to be kept secret, companies, laboratories, universities, as well as the individual inventors and creators, use the most relied upon and long-standing form of appropriation over valuable information: confidentiality." *Id.* at 2.

According to the Proposed Directive, to qualify for protection as trade secret, 1) the information must be confidential, 2) the information must have commercial value because of its confidentiality, and 3) the information's holder must have made "reasonable efforts to keep it confidential." *Id.* at 7. This definition follows the TRIPS (Trade Related Aspects of Intellectual Property Rights) definition of "undisclosed information."

The European Commission also released a memorandum summarizing trade secret law, the Proposed Directive, and the reason for its proposal. The Proposed Directive is effectively a set of

proposed regulations providing guidelines for the EU's 28 member states.

RECENTLY FILED IP CASES IN THE WESTERN DISTRICT OF PENNSYLVANIA

Case	DRONE TECHNOLOGIES, INC. v. PARROT S.A. et al
Case Number:	2:2014cv00111
Filed:	January 24, 2014
Presiding Judge:	-
Cause	Patent Infringement

Case	NICHOLAS v. THE NATIONAL FOOTBALL LEAGUE et al
Case Number:	2:2014cv00061
Filed:	January 15, 2014
Presiding Judge:	Judge Arthur J. Schwab
Cause	Trademark Infringement

Case	WOOTEN v. PREMIER PLASTIC SURGERY P.C.
Case Number:	2:2014cv00051
Filed:	January 24, 2014
Presiding Judge:	Cathy Bissoon
Cause	Trademark Infringement

Case	YAMAHA MOTOR CORPORATION, U.S.A. v. SENGE GRAPHICS, INC.
Case Number:	2:2014cv00050
Filed:	January 13, 2014
Presiding Judge:	Joy Flowers Conti
Cause	Trademark Infringement

FROM THE NEWSLETTER COMMITTEE

We hope you've enjoyed this issue of the 2013/2014 PIPLA News, an informative and hopefully entertaining look at the goings on in IP law. We invite our entire readership to contribute to this endeavor with articles, announcements, and job postings of your own. If you have something you would like included in PIPLA News or have questions about how you can contribute, please contact Ying Cao at 412-394-9575 or at ycao@jonesday.com.

EDITORIAL BOARD

Ying Cao, Chair (412-394-9575)
Josh Nightingale