

San Diego Intellectual Property Law Association

SDIPLA News



June 25, 2003 SDIPLA Dinner (MCLE 1hr) “University of Rochester v. G.D. Searle” Jerry Dodson, Litigation Partner at Morrison & Foerster

Special points of interest:

- Election of the SDIPLA Board at the June 25, 2003 Meeting see p. 2
- Information at p. 2 regarding response to the PTO’s survey to avoid being dropped from the list of registered patent agents and attorneys.
- The First Annual Charity Golf Tournament raised \$5,000, at p. 5
- Following a summer hiatus, the SDIPLA meetings will return next September 18 with a panel of Federal Judges to discuss IP issues

Jerry Dodson, who represented the University of Rochester in a patent infringement suit against Pharmacia, G.D. Searle, Pfizer, and Monsanto that involved the drug, Celebrex, will provide the inside story to the litigation and his insights on the upcoming appeal.

Gerald P. Dodson is a partner in the Palo Alto office of Morrison & Foerster and a member of the

firm’s Litigation Department. He has practiced in the area of patent litigation for the past fifteen years. Over his 25-year legal career he has served as lead trial and appellate counsel in many complex technology cases involving hundreds of millions of dollars.

In addition to his representation of the University of Rochester, in April of 2002, Mr. Dodson won



JERRY DODSON

a unanimous 7-0 jury verdict for Silicon Genesis, a Silicon Valley company

continued on page 4

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SDIPLA BOARD Endorses Tom Coverstone for Treasurer in Upcoming Board Election—See Details on Page 2

DIRECTIONS TO THE JUNE 25, 2003 MEETING

**ATTENTION:
 MEETING
 LOCATION IS BACK AT
 THE LA JOLLA MARIOTT**

Date/Time/Location:

June 25, 2003
 6:00 p.m.—8:30 p.m.
 La Jolla Marriott
 4240 La Jolla Village Drive
 La Jolla, California
 858-587-1414

Directions:

I-5 to La Jolla Village Drive;
 .5 miles east, between Genessee and Regents Road
 I-805 to La Jolla Village Drive,
 1 mile west

**CHECKS PAYABLE TO:
 SDIPLA**

SDIPLA Board of Directors

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Vicki G. Norton

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David Guttman

Election of the SDIPLA Board on June 25, 2003— The SDIPLA Board Selects Tom Coverstone as its Nominee for Treasurer

On June 25, 2003, the SDIPLA will elect the Board members for the 2003-2004 term. In response to the SDIPLA Board's call for nominations for Treasurer for the 2003-2004 SDIPLA Calendar year, the SDIPLA received nominations from several candidates. Statements received from Tom Coverstone, Dave Guttman, and Dale Rieger are published in this newsletter, beginning on page 8. Other nominees declined to have their statements published.

After careful consideration of each candidate's qualifications, the SDIPLA Board has selected Tom Coverstone as its nominee for

Treasurer.

Members who cannot attend the June 25, 2003 meeting may send their proxy vote (on p. 4), by Friday June 20, 2003, to

**Vicki G. Norton
SDIPLA Secretary
c/o Pillsbury Winthrop
101 West Broadway, Ste. 1800
San Diego, CA 92101
(858) 847-4321
Fax: (858) 435-1413
vnorton@pillsburywinthrop.com**

Below is a link with an important notice from the PTO. The PTO website lists the names of PTO practitioners who failed to respond to a PTO survey. Unless a practitioner responds in the grace period, he/she will be removed from the published list of licensed PTO practitioners.

<http://www.uspto.gov/web/offices/dcom/olia/oed/roster/lackofresp16may03.html>

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 July 11, 2003.

K. Danica Ray	Gray Cary Ware & Freidenrich
Helen S. Irza	Morrison & Foerster
Peter Goebel	Scripps Research Institute
Susan M. Fitch	Cozen O'Connor Attorneys

Dinner Reservation Form for June 25, 2003 Meeting

Jerry Dodson IP Partner at Morrison & Foerster “University of Rochester v. G.D. Searle”

THURSDAY

June 25, 2003

San Diego Marriott Del Mar
Mixer 6:00 p.m. (No Host Bar)
Dinner 6:30 p.m.
Presentation 7:00 p.m.-8:30 p.m.

Mixed Green Salad with Balsamic Vinaigrette

With one of the following entrees:

Chicken Madagascar

(with creamy peppercorn demi glaze)

**** OR ****

Grilled Mediterranean Salmon

(with tomatoes, olives, capers and oregano)

**** OR ****

Vegetarian Lasagna

With

Chef’s Selection of Accompaniments
and

California Fruit Tart with Vanilla Cream
Sauce

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:

Vicki G. Norton
SDIPLA Secretary
c/o Pillsbury Winthrop
101 West Broadway, Ste. 1800
San Diego, CA 92101
(858) 847-4321
Fax: (858) 435-1413
vnorton@pillsburywinthrop.com

REMINDERS

- Please mail, fax, or e-mail your reservation to Vicki Norton at the address, fax, or e-mail address indicated for receipt **no later than Friday, June 20, 2003**.
- 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

\$40.00 SDIPLA Member

\$45.00 Non-Member

Please fill out a separate form for each attendee.

Registration

Name: _____ E-Mail Address: _____

Firm/Employer: _____

Telephone Number: _____

Member of SDIPLA? (circle one) YES NO

Entree Choice _____

Speaker's Biography, continued from page 1

making silicon on insulator wafers used in electronic devices. Mr. Dodson defended SiGen in a patent infringement suit brought by Soitec, the largest producer of silicon on insulator wafers in the world. The jury in Boston, Massachusetts decided unanimously that SiGen's commercial processes did not infringe Soitec's patent and that Soitec's patent was invalid.

In September 2001, Mr. Dodson won a unanimous 12-0 jury verdict for Clorox Corporation over Procter & Gamble involving a patent dispute over the Brita water treatment pitcher used to purify tap water. The jury in Procter & Gamble's hometown decided unanimously in favor of Mr. Dodson's position that Clorox did not infringe Procter & Gamble's patent.

In 1999, Mr. Dodson was lead trial and appellate counsel for The Regents of the University of California on landmark patent litigation against Genentech over a pioneering biotechnology patent involving human growth hormone. After a six-week jury trial the case settled for \$200 million, which was one of the largest settlements in the history of patent law

and the largest ever in the biotechnology field.

Mr. Dodson has also represented electronics, biotechnology, and consumer product companies on patent cases covering pioneering patents in the medical device, biotechnology, optical and electronic hardware, software, and mechanical device fields. In the publication, Chambers Global, The World's Leading Lawyers 2001-2002, Mr. Dodson is ranked in the top IP lawyers in the United States. Mr. Dodson is also listed in Global Counsel 3000 (Highly Recommended in intellectual property in Silicon Valley). The San Jose Mercury News recently profiled Mr. Dodson's career. Mr. Dodson recently gave a talk on the impact of Festo on the practice.

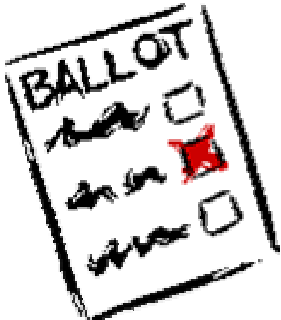
Mr. Dodson received his J.D. degree from the University of Maryland Law School in 1972, his LL.M. degree from George Washington University in 1977 and his B.S.M.E. degree from Lafayette College in 1969. Mr. Dodson is registered to practice before the U.S. Patent and Trademark Office. Before moving to California in 1988, he served as Chief Counsel for the Health and Environment Subcommittee in the U.S. House of Representatives, with the Solicitor's Office in the U.S. Depart-

ment of the Interior, and as Assistant County Solicitor for Allegheny County, Pennsylvania. In these capacities, Mr. Dodson engaged in major Federal and State litigation and developed legislation focused on environmental laws, such as the Surface Mining Act of 1977, the Safe Drinking Water Act, and the Clean Air Act of 1990. He also headed the congressional investigation of Union Carbide's pesticide plant disaster in Bhopal, India.

Articles of Interest

The Editorial Committee is looking for articles of interest to the SDIPLA Membership for inclusion in the newsletter. Please submit articles or request information from Mark W i e c z o r e k at markw@innercool.com.

PROXY VOTE FOR SDIPLA BOARD 2003 ELECTION



**Please mail or e-mail
your proxy vote to:
Vicki G. Norton
SDIPLA Secretary
c/o Pillsbury Winthrop
101 West Broadway,
Ste. 1800
San Diego, CA 92101
(858) 847-4321
Fax: (858) 435-1413
vnorton@
pillsburywinthrop.com**

<u>POSITION</u>	<u>SDIPLA BOARD'S NOMINEE</u>
PAST PRESIDENT	RICHARD KIM
PRESIDENT	MARK WIECZOREK
VICE PRESIDENT	VICKI NORTON
SECRETARY	KENT WALKER
TREASURER	TOM COVERSTONE

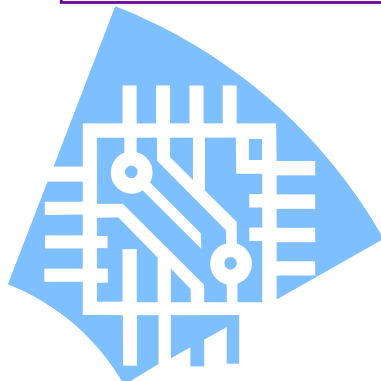
Name: _____

I vote to elect the SDIPLA Board's nominees for each Board position _____ (Please check to vote)

I wish to vote for the SDIPLA Board's nominees except for the following write-in candidate(s) for the position listed: _____

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 Vicki Norton if you would like to place an ad or announcement.





SDIPLA'S FIRST ANNUAL CHARITY GOLF TOURNAMENT RAISES \$5,000 FOR THE SDVLP

SDIPLA's First Annual Charity Golf Tournament, held on Saturday, May 10, 2003, was a tremendous success. The weather was perfect and much fun was had by all. Additionally, thanks to the support and participation of local attorneys, law firms and service providers, the SDIPLA raised approximately \$5,000.00 to benefit the San Diego Volunteer Lawyers Program (SDVLP). The SDIPLA would like to thank the following sponsors for their generous donations: Bruce Greenhaus; Cooley Godward LLP; Fish & Richardson LLP; Frommer Lawrence & Haug LLP; Heller Ehrman White & McAuliffe LLP; King & Ballow; Knox Attorney Services; Legal Reprographics; Morrison & Foerster LLP; Paul Hastings LLP; Pillsbury Winthrop LLP; Post Kirby Noonan & Sweat LLP; Procopio Cory Hargraeves & Savitch LLP; and the University of San Diego School of Law.



Following the tournament, participants socialized and enjoyed a delicious steak dinner. Rich Kim presented a check to Carl Poirot, the Executive Director of the SDVLP, and awarded prizes for first, second and third place winners and the "closest to the pin" and "longest drive" contests.



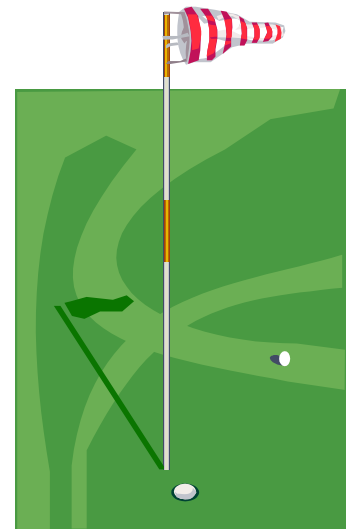
First place went to team from Paul Hastings LLP consisting of: Noel Gillespie, John Maki, Brad Roppe and Steve Wise. Second place went to a team from Cooley Godward LLP consisting of: Aaron Olsen, Paul Schneider, Glenn Baity and Mazda Antia. Third place went to a team from Paul Hastings consisting of: Jay Pettit, David Koo, Morgan Miller and Paul Kim. The "closest to the pin contest" was won by Dan Daucher of Paul Hastings. And the "longest drive" contest was won by Rob Ramos of Heller Ehrman White and McAuliffe, LLP.



Special thanks to the people that worked so hard to put this event together and make it a success. Kent Walker, Vicki Norton, Tom Coverstone, Mark Wiczorek, Diane Gardner and Steve Kornickzy. It was truly a team effort.

And thanks again to all the participants and sponsors!

Richard Kim
President, SDIPLA



SAN DIEGO VOLUNTEER LAWYER PROGRAM

625 BROADWAY, SUITE 925, SAN DIEGO, CA 92101 • (619) 235-5656 FAX: (619) 235-5668

PETER H. BENZIAN, ESQ.
President, Board of Directors

CARL R. POIROT, ESQ.
Executive Director

May 13, 2003

Richard Kim, Esq.
Morrison & Foerster LLP
3811 Valley Centre Drive, Suite 500
San Diego, CA 92130

Re: SDIPLA Golf Tournament

Dear Rich,

On behalf of the Board of Directors and staff of the San Diego Volunteer Lawyer Program, this is to express our deep appreciation to you, your tournament committee, and to all members of SDIPLA for organizing the charitable golf tournament to benefit SDVLP. It was truly a successful tournament in every respect. Everyone had a great time at a great course. It was well-organized. The food was delicious. And we are thrilled to receive the \$5,160 to support our work for the indigent community. You and your colleagues at SDIPLA are to be congratulated for your successful efforts in launching what I'm sure will become an annual tradition.

Please convey our thanks and appreciation to all the tournament sponsors, to those who helped you and to all the leadership and members of SDIPLA for this generous and needed contribution. We look forward to helping you next year make your event equally successful.

Sincerely,



Carl R. Poirot
Executive Director

cc Peter H. Benzian, SDVLP President
Mark W. Danis, SDVLP Director
Paul H. Duvall, SDVLP Director
Bruce W. Greenhaus, SDVLP Director

SDIPLA TREASURER NOMINEE: TOM COVERSTONE

Statement from Tom Coverstone for the SDIPLA Treasurer position:

I have been a member of the San Diego IP community since 1996, and have been actively involved with the SDIPLA over the years. During the past year I was Co-Chair of the SDIPLA Awards Committee and a member of the SDIPLA Events Committee. During my tenure we awarded the First Annual SDIPLA Award, in which a founder of Qualcomm was honored for his contributions to the IP community. Most recently I was Chair of the SDIPLA Sponsorship Committee for the First Annual SDIPLA Golf Tournament in which we raised over \$5000 for the San Diego Volunteer Lawyers Program, which provides legal services to the disadvantaged. We are very fortunate to live in the San Diego area, to work in an exciting field, and to have such a great volunteer organization as the SDIPLA. It would be my great honor and privilege to represent the San Diego IP community through continued service with the SDIPLA.

SDIPLA TREASURER NOMINEE: DAVID GUTTMAN

Education: Originally from Illinois, David earned BSEE (1964 signal theory) and graduate MSEE & EE (1967 electrophysics) degrees at MIT, and later his law degree from Loyola University of Chicago (1974), making law review. He learned Japanese at Cornell (1979) before accepting a patent job in Japan. He is admitted in Illinois (1974), California (1989), and at USPTO.

Experience: He did patent & trademark prosecution and licensing at Brunswick Corporation in Skokie, IL (1974-78), coordinating foreign prosecution and managing its computerized docket, rising to Division Attorney. Interested in foreign IP, after studying Japanese at Cornell, he worked for six years at major patent firms in Osaka and Tokyo, Japan (1979-85), also editing the IP sections of *Doing Business in Japan* (gen. ed. Z. Kitagawa of Kyoto University) published by Matthew Bender.

Returning to the U.S. in 1986, he was an associate at Laff Whitesel & Saret in Chicago (now a Michael Best & Friedrich office). Then moving to Los Angeles, from 1988-94 he worked first at Spensley Horn Jubas & Lubitz and then at Poms, Smith Lande & Rose, then major patent firms.

In 1995 he joined the Texas Instruments patent department in Dallas, prosecuting patents on semiconductors, signal processing, and networking. In 1998 in Dallas he opened the Guttman Patent Office, a boutique for patents, trademarks, and related computer and internet law, which accompanied him to San Diego in 2000.

Interest in Being Treasurer:

Although this is only my second year as SDIPLA Webmaster and an Editorial Committee member, throughout my career I have been a participating member of some local IP-related association, in Chicago, LA, Dallas, and even Tokyo. I believe this has benefited not just myself but also my clients, both by informing me about developments in our complex, fast-changing field and by providing an opportunity to know better a variety of IP specialists and movers.

During this association year the Board incorporated SDIPLA as a California non-profit mutual benefit corporation. Our current treasurer Kent Walker has worked hard to meet a nonprofit's more stringent record-keeping and tax reporting requirements. Having taken a basic accounting course in law school and being comfortable with business software, I believe I can, in cooperation with the next Secretary, reliably maintain our association's books, bank account, receipts and payments.

Being webmaster has acquainted me with our current officers and committee members, and the cycle of the association year. Therefore, if in accordance with

SDIPLA TREASURER NOMINEE: DALE L. RIEGER

DALE L. RIEGER

I would like to be considered for the office of Treasurer of SDIPLA. I am a patent attorney with Heller Ehrman White & McAuliffe LLP, where I have worked for 5 years. I have been a practicing patent attorney and agent for about 6 years, and have been a member of SDIPLA for over 5 years. I believe that organizations such as SDIPLA are important to the development of the legal profession. As members of SDIPLA, we all receive numerous benefits, including the collegiality of the Association and a knowledge base in current developments in intellectual property law (through the seminars presented at the monthly meetings). Therefore, I feel it is important, as a member, to participate in the management of the association to facilitate the growth and prosperity of the intellectual property bar in the area. I believe that I can assist in this effort as Treasurer.

BACKGROUND

I focus my practice in pharmaceutical, biotechnical and chemical patent prosecution. I have prepared and prosecuted patent applications in the U.S. and internationally in the areas of pharmaceuticals, bioinformatics, proteomics, biotechnology including solid phase, solution phase, and combinatorial synthesis of biopolymers, chemicals, medical devices and waste treatment processes. I also have experience in preparation of non-infringement, invalidity and freedom-to-operate opinions, and client counseling regarding patent strategy.

My advanced research experience, which spanned fifteen years, emphasized chemical development. During this time, I worked for several years as a scientist in the pharmaceutical industry (Merck) and at biotechnology companies (Gensia and Agouron). I have published extensively in the area of organic chemistry, and have been recognized by a number of academic institutions and The American Cancer Society for excellence in research.

I received a B.S. in Chemistry from the University of Minnesota, a Ph.D. in Organic Chemistry from Indiana University and was a post-doctoral research fellow at Harvard University. I received a J.D. from the University of San Diego School of Law. I am admitted to practice in California and am registered with the U.S. Patent and Trademark Office.

I am a member of the American Bar Association, American Chemical Society, American Association for the Advancement of Science, American Intellectual Property Law Association, San Diego Intellectual Property Law Association and the BIOCUM Intellectual Property Law Committee.

SDIPLA
c/o Vicki G. Norton
Pillsbury Winthrop LLP
101 West Broadway, Suite 1800
San Diego, CA 92101

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

Upcoming SDIPLA Events

Date	Event	Topic
September 18, 2003	Dinner Meeting Federal Judges Panel	