



CALENDAR

SAVE THE DATE

October 24, 2013
Panel Discussion
European Patent Laws:
the Present and the Future
 Kilpatrick Townsend
 noon – 2pm
 (click [here](#) for registration)

October 28, 2013
Second Annual
Intellectual Property Bootcamp
 Tech. Square Research Bldg.
 Georgia Institute of Technology
 8:45am – 1:30pm
 (click [here](#) for registration)

November 6-10, 2013
North American Entertainment,
Sports & IP Law Conference
 Secrets Wild Orchid Resort &
 Spa, Montego Bay, Jamaica
 (click [here](#) for registration)

November 20, 2013
Panel Discussion
International Policing of
Intellectual Property
 Bodker, Ramsey, Andrews,
 Winograd & Wildstein, P.A.
 3pm – 5pm (panel)
 5pm – 7pm (cocktails)

IP Section Holiday Party
December 5, 2013
 6:00pm – 9:00pm
 Location TBD



Message from the Chair

Dear IP Section Members:

This past month, I attended Section events and non-Section events. I was struck by how important it is to do both and, in fact, how powerful it can be to step outside our comfort zones so as to learn about new technologies and to meet new people.

I attended the September CLE event hosted by the Copyright Committee to learn about 3-D printing, a technology about which I knew very little. Andrew Peiquignot's goal in setting up the event was to cover both technical aspects and legal aspects of 3-D printing. As a part of the event, David Struve of Struve Designs set up a working example of a 3-D printing system, which ran for the entirety of the presentation. You can see a photograph of the unit on the IP Section website. David answered numerous questions about the pragmatic limits of the instrument. Elizabeth Wheeler of The Moore Firm, LLC then discussed implications of 3-D printing with regard to copyright law.

The following day I visited the Global Center for Medical Innovation (GCMI). At GCMI I saw a rapid prototyping machine. Because of the working example of 3D printing I had seen at the CLE, I appreciated at least some of the technical limits and the legal



implications for GCMI and others who use rapid prototyping machines. Thus, attending a Section event and a non-Section event gave me the rare opportunity to learn about a technology and then to see that same technology in an industry setting.

I also attended the Section Open House at Olmstead on September 12. Along with some well-established practitioners, a number of law students and new section members were in attendance. For most of us who have kicked around the IP Section for many years, these are pretty easy events to attend because of all the familiar faces. It is always fun to see old friends and catch up. We often find ourselves chatting at these events with others whom we know well. The most interesting opportunities, however, often come from getting outside our comfort zones. Talking with law students and new attorneys can be

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very energizing. It is difficult to see their enthusiasm and hold onto whatever cynicism you have developed over years of practice.

I hope you will take advantage of upcoming substantive and networking events that the Section has to offer. The Section will hold at least two events in

October and the remainder of the year will be packed with both Section and non-Section events. Go ahead and get outside your comfort zone. Attend events where you can learn something new, events where you can see what you learned put into practice and events where you can network with both old and new acquaintances.

As always, the Section stands ready to meet your needs as Section members. Please let us have your comments and suggestions so that we can best make that happen.

Tina Williams McKeon, Chair
Kilpatrick Townsend & Stockton LLP
TMcKeon@kilpatricktownsend.com
404-815-6103

COMMITTEE NEWS

COPYRIGHT COMMITTEE

The Copyright Committee hosted a presentation on September 17 titled “3D Printing: Is Copyright Facing Its Next Napster Moment?” There was a live demonstration of 3D printing and a discussion of the potential uses and current limitations of the technology by David Struve of Struve Designs. This set the stage for Elizabeth Wheeler of The Moore Firm, LLC to discuss the copyright implications of 3D printing. Following the panelists’ presentations, there was a highly informative and engaging Q and A discussion, which stemmed in large part from the fact that most of the attendees had never before watched 3D printing in action. The event was well received by Section members (one attendee called it the best CLE event she had ever attended!) and provided a great start to the new Section year. We are already looking forward to the next event!

YOUNG LEADERSHIP DEVELOPMENT COMMITTEE

The YLD Committee hosted a happy hour on September 26. The event was well-attended and was a great networking opportunity for members of the YLD Committee as well as members of the larger YLD section. The YLD Committee plans on hosting more social and networking events in 2014 in conjunction with the YLD section’s IP Committee.

PATENT COMMITTEE

The Patent Committee is proud to announce “European Patent Laws: the Present and the Future,” a panel discussion to be held at Kilpatrick Townsend on October 24, 2013 from noon until 2pm. We are excited to host Jim Boff, a partner at Phillips and Leigh (UK), and Alex Gardiner and Falk Giemsa, Examiners at the European Patent Office, to share tips and insights for American attorneys representing clients with intellectual property matters in European jurisdictions. Please make plans to attend this event, as two hours of CLE credit will be awarded to attendees. If you would like more information about this event, click [here](#), or contact the committee’s co-chairs.

The Patent Committee also would like to thank section members who have expressed interest in becoming involved with the committee’s activities this year. We will be in touch with you very soon about how you can become more involved.

IN-HOUSE / LICENSING COMMITTEE & TRADEMARK COMMITTEE

The Georgia Bar IP Section In-House Licensing and Trademark Committees will present a Panel discussion on International Policing of Intellectual Property on Wednesday,

November 20th, from 3–5pm, with cocktails and hors d’oeuvres to follow.

The presenting Panelists will be:

- Dr. Judy Jarecki-Black
Global Head of the Intellectual Property Department, Merial Ltd.
- Frank Landgraff,
Senior IP Counsel, GE Power & Water
- JoAnn Holmes
Associate General Counsel & Senior Director, Global Intellectual Property, Cott Beverages Inc.

The Panel presentation will take place at:

Bodker, Ramsey, Andrews, Winograd & Wildstein, P.A.
One Securities Centre
3490 Piedmont Rd., Suite 1400,
Atlanta, GA 30305.

Registration will begin at 2:30pm, the Panelists will speak from 3pm–5pm, and the reception will follow until 7pm. Free for in-house counsel; \$35.00 for outside counsel. Complimentary Parking. Please contact the Committee Chairs if you have any questions:

Joe Staley (In House / Licensing)
Kids II
joe.staley@kidsii.com

Matt Smith (In House / Licensing)
Innovolt, Inc.
matt.smith@innovolt.com

Alison Danaceau (Trademark)
Bodker, Ramsey, Andrews, Winograd & Wildstein, P.A.
adanaceau@brawwlaw.com

PHILANTHROPY/OUTREACH COMMITTEE

The Philanthropy/ Outreach Committee is directed at increasing the charitable efforts of the IP Section and creating greater awareness and understanding of intellectual property. With respect to philanthropy, we plan to incorporate charitable acts throughout the year. Additionally, we plan to provide community service opportunities to our IP Section members.

As part of our outreach efforts, we recently reached out to the Atlanta Chamber of Commerce, and plan to connect with statewide business organizations.

The IP Section's second annual IP Boot Camp is scheduled for October 28 from 8:45am until 1:20pm (3.5 hrs CLE). The IP Boot Camp provides an overview of trademark, copyright and patent law and is open to attorneys and current students. We are pleased to offer students a discounted registration fee of \$20. Registration for practicing attorneys will be \$125 (early reg.) or \$145 (on site reg.) and should be made directly with ICLE (www.iclega.org). Registration includes a catered lunch. Click [here](#) for more information and registration info for practicing attorneys; Students should

register by contacting Rivka Monheit at the email address below by October 22, 2013.

Our first committee meeting will be in October. Volunteers are welcome to join our committee. Please contact us at our telephone numbers or email addresses below.

Jim Johnson, Co-Chair
Sutherland Asbill & Brennan LLP
404-853-8395
James.Johnson@sutherland.com

Rivka D. Monheit, Co-Chair
Pabst Patent Group LLP
404-879-2152
Rivka@pabstpatent.com

NETWORKING COMMITTEE

The Networking Committee hosted the annual IP Section Fall Open House on Thursday, September 12, 2013 at Olmsted Restaurant in Midtown. Approximately 70 section members and several law students mingled with drinks and appetizers. Committee sign-ups were also available.

The next event is the IP Section Holiday Party on Thursday, December 5, 2013. The location will be announced soon so mark your calendars. This will be another don't miss event!

LITIGATION COMMITTEE

The Litigation Committee is planning two events this Bar Year - January and June 2014.

We are continuing to field and consider topic ideas for these two events and welcome any and all suggestions. Further, if you have an interest in joining the Litigation Committee, please contact David Lilenfeld or Jonathan Olinger:

David M. Lilenfeld (Co-Chair)
Lilenfeld P.C.
David@LilenfeldPC.com

Jonathan Olinger (Co-Chair)
Kilpatrick Townsend & Stockton LLP
JOlinger@kilpatricktownsend.com

NEWSLETTER COMMITTEE

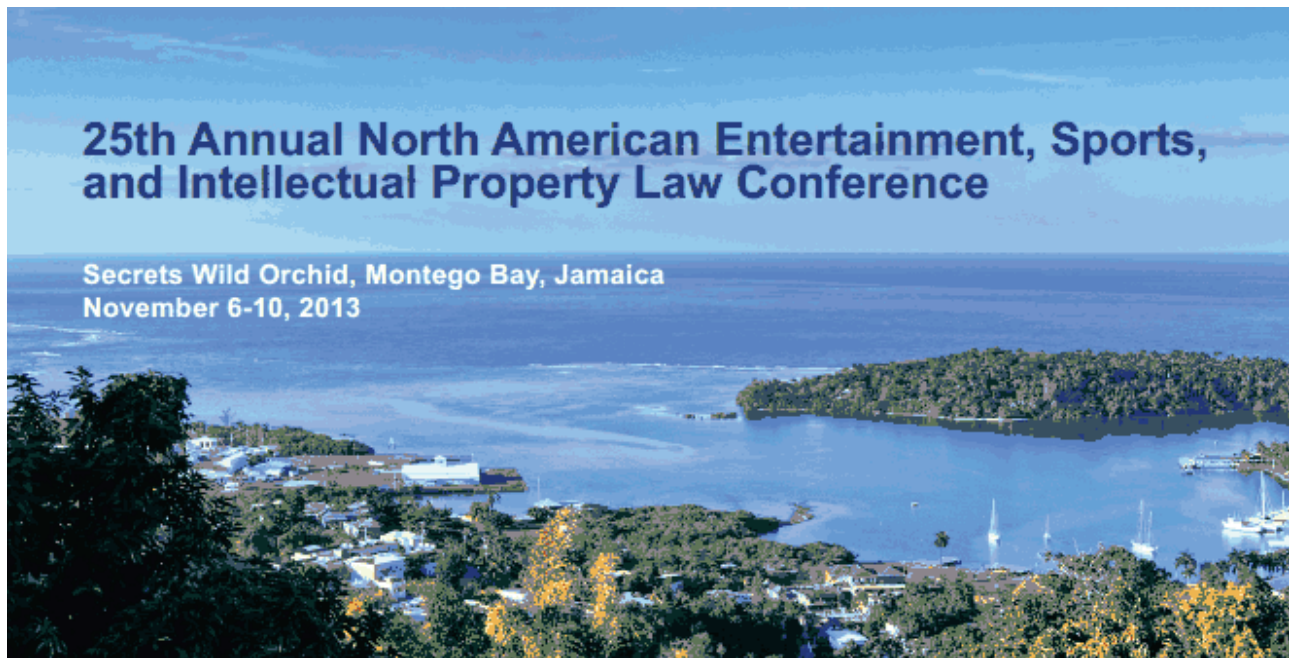
The Newsletter Committee thanks the section members who have expressed interest in becoming involved with the Committee's activities this year. We will be in touch with you very soon about how you can become more involved. For others having an interest in joining the Newsletter Committee, please contact Alan White:

Alan White
Kasowitz, Benson, Torres & Friedman, LLP
awhite@kasowitz.com

Historic Events in Intellectual Property Law – The Bagley Trade Secret Case

On September 6, 1857, Albert Bagley brought one of the first modern trade secret cases in *Bagley v. Peddie*, 16 N.Y. 469 (1857). Bagley was a manufacturer of gold pens, and had entered into "sealed articles of agreement" with his journeyman, Charles B. Peddie. Peddie had agreed to work for Bagley for a period of four years, to "keep the secrets relating to [the gold pen] business," and to "not disclose any improvement, discovery, or invention of said Bagley, in the making of gold pens." Sometime thereafter, Bagley became convinced that Peddie had disclosed Bagley's secret pen-making methods. Fortunately for Bagley, the employment agreement provided that Peddie would owe Bagley the sum of \$3,000 in the event of such a disclosure, and so Bagley brought suit for that amount.

At issue was whether, under contract law, the \$3,000 sum was an unenforceable "penalty," or an enforceable "liquidated damages" clause. The New York trial court found it to be the former, reasoning that the damages in question could have been "readily ascertained by a jury," and denied Bagley's recovery. The Court of Appeals of New York reversed, observing that "[t]he plaintiff was a gold pen manufacturer, and would probably have to intrust those whom he took into his employ with the secrets of his trade and the materials used therein; and it would be difficult to prove the actual damage he would sustain by their leaving his employ, revealing the secret to others, or embezzling his materials." The uncertain nature of damages resulting from the theft of trade secrets thus allowed the court to consider the \$3,000 as "liquidated damages," and Mr. Bagley was granted a new trial.



25th Annual North American Entertainment, Sports, and Intellectual Property Law Conference

Secrets Wild Orchid, Montego Bay, Jamaica
November 6-10, 2013

Program Details:

The IP Institute is a continuing legal education event offered by the Intellectual Property Section of the Georgia Bar to its members (more than 1000 in number), and to the community of intellectual property lawyers in Georgia and other states. This year we are excited to host Judges Clevenger, Prost, and Moore of the U.S. Court of Appeals for the Federal Circuit. The Judges will serve as an appellate panel for a mock oral argument. In addition to this exciting event, the conference will host a number of panel discussions and presentations on patent, trademark, and copyright law topics. Attendees also will have the opportunity to visit with judges and colleagues in a relaxed, tropical location.

How to Register:

Click [here](#) for registration information. Please plan on registering as soon as possible, as single suite accommodations already have sold out. Be sure to book your reservations through Georgia International Travel for discounted rates. Please note that Secrets Wild Orchid is an adults-only resort.

Join Us in Thanking Our Sponsors for This Year's Conference!



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UPCOMING EVENTS

October 2013

Panel Discussion
European Patent Laws: the Present
and the Future
Thursday, October 24, 2013
12 pm – 2 pm
Kilpatrick Townsend

Join us for a 2 hour CLE with experts who will share advice for navigating IP issues before the EPO and in European jurisdictions. A fantastic opportunity to receive practical insights from our panel of European patent experts!

Second Annual Intellectual Property
Bootcamp
Monday, October 28, 2013
8:45 am – 1:30 pm
Technology Square Research Bldg.
Georgia Institute of Technology

Enlist for a “crash course” introduction to the basics of Copyright, Trademark, and Patent Law. The program will feature lectures for each of the three main IP practice areas. This is a 3.5 hour CLE credit event.

November 2013

North American Entertainment,
Sports & IP Law Conference
November 6-10, 2013
Secrets Wild Orchid Resort & Spa
Montego Bay, Jamaica

Enjoy a trip to Jamaica and visit with judges and colleagues in a relaxed tropical location. The Conference will feature a mock oral argument before Federal Circuit Judges Clevenger, Moore, and Prost.

Panel Discussion
International Policing of Intellectual
Property
Wednesday, November 20, 2013
2:30 pm (registration) - 5 pm
Cocktails to follow

Join us for a panel discussion addressing international policing of IP rights, featuring panelists from Merial Ltd., GE power & Water, and Cott Beverages. Stay tuned for further information on this exciting event.

December 2013

IP Section Holiday Party
Thursday, December 5, 2013
6:00 pm
Location TBD

Join us for the IP Section’s holiday party. Last year around 100 members gathered at the Woodruff Arts Center to enjoy free appetizers, drinks, and dessert. Mark your calendar now and don’t miss this annual tradition.

LEADERSHIP

OFFICERS

Tina McKeon - Chair
 Kilpatrick Townsend & Stockton LLP
Brad Groff - Chair Elect
 Gardner Groff
George Medlock - Vice Chair
 Alston & Bird
Lauren Fernandez - Secretary
 Focus Brands
Brent R. Bellows - Treasurer
 Knowles IP Strategies

COMMITTEE CHAIRS

Rich Miller - Patent
 Ballard Spahr
Arvind Reddy – Patent
 Thomas Horstemeyer
Alison Danaceau- Trademark
 Bodker, Ramsey, Andrews,
 Winograd & Wildstein, PC
Andrew Pequignot - Copyright
 Kilpatrick Townsend & Stockton LLP
David Lilenfeld - Litigation
 Lilenfeld PC
Jonathan Olinger -Litigation
 Kilpatrick Townsend & Stockton LLP
Matt Smith - In-House/Licensing
 Innovolt, Inc.
Joe Staley –In-House/Licensing
 Kids II
Jim Johnson –Philanthropy &
Outreach
 Sutherland
Rivka Monheit –Philanthropy
&Outreach
 Pabst Patent Group
Suzanne Werner - Networking
 Alston Bird
Laura Ashby - YLD Liaison
 Miller and Martin
Chris Glass – Website and
Podcasting
 Troutman Sanders
Alan White - Newsletter
 Kasowitz, Benson, Torres, and
 Friedman, LLP