

Newsletter
Editors

Jennifer K. Miller
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In This Issue

Upcoming Events
Kelly McDow
Reflects on CincyBIO
CincyIP at INTA
"Writing to Watch
For" Series

Upcoming
Events

August 13, 2013
Monthly Meeting

Join us at McCormick
& Schmick's
for Current Trends in
Computer Security

August's Meeting
Location Has Changed!

Don't Forget!

The 23rd Annual
AOAIOIP Program is
scheduled for
September 26,
2013

Early Bird Rates
End August 12!

[Register Now!](#)

October 8, 2013

CincyIP's Annual
Judges Dinner

Featuring

Chief Judge James
F. Holderman

Dinner to Be Held at
McCormick &

CincyIP Newsletter

Volume 1, Issue 2 (July-September)

Successful CincyBIO Conference

On April 30 of this year, CincyIP held its CincyBIO 2013 conference at The Phoenix in Cincinnati. Once again, the conference was supported by its generous sponsors, which included Frost Brown Todd LLC, Stipkala LLC, and Wood Heron & Evans LLP. Without the support of these sponsors and the sponsors we have had in past years, we could not have made CincyBIO 2013 such a success!

And speaking of those who made the conference a success, CincyIP is grateful to the CincyBIO 2013 steering team for its year-long efforts leading up to the event. We celebrated our team, and our speakers, with a Speakers' Dinner at The Cincinnati the night before CincyBIO 2013. It was a night of fun as all our speakers came together for the first time, and we even had the good fortune of celebrating Tom Irving's birthday with him! The handmade dark chocolate truffles, which were chosen especially for Tom in honor of his day, capped off a very special evening with our colleagues.



Tech Transfer Panel led by Nick Nikolaides

The CincyBIO 2013 conference the following day was every bit as much as we had hoped. We kicked off the day with Tom Irving who has graciously attended as a speaker for the last three years of CincyBIO. Later, we were joined by speakers who were new to CincyBIO, including Ralph Hall, a panel lead by Cintrifuse's own Jeff Weedman, and a university tech transfer panel led by P&G's Nick Nikolaides. The day came to an end with Pat Lane's rendition of Clint Eastwood's empty chair routine and prediction of the Monsanto outcome that was later proven to be spot on with the U.S. Supreme Court's decision on that case. Not to be outdone, Sam Han and Carin Miller gave us a thoroughly original take on the Myriad case that caused all of us to question everything we knew --or thought we knew -- about DNA!



Pat Lane's "Clint Eastwood-inspired" Monsanto Presentation

Most importantly, the CincyBIO steering team is grateful to our

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NEWSLETTER COMMITTEE!

There is need for
volunteers on the new
CincyIP Newsletter
Committee.

*Got Content?
Get Involved!*

If interested, please
contact:

[Thom Barnes](#)
or [Jennifer](#)
[Miller](#), CincyIP
Newsletter Committee.

SUGGESTIONS

CincyIP wants to hear
from you!

Please send all
suggestions, comments,
and feedback to:

[Thom Barnes](#)
or [Jennifer Miller](#),
CincyIP Newsletter

Committee.

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conference attendees, all of whom have kept this important program running successfully. We hope to see you all at the next CincyBIO conference. As for me, I now pass the torch to CincyBIO's new steering team leader, Amy Foust. Thanks to all for the opportunity to be a part of this great event, and I look forward to joining as an attendee in the future!

Kelly L. McDow

*Associate General Counsel
Legal Division, Innovation
The Procter & Gamble Company*

CincyIP Members Attend INTA in Dallas

This year's International Trademark Association (INTA) meeting -- also known as "the world's largest and most widely attended trademark event -- took place in Dallas, Texas from May 3-7. Several Cincinnati area attorneys were among the over 9,500 attendees from more than 140 countries who attended the largest INTA meeting to date.

"Five attorneys from Wood Herron & Evans attended INTA this year. INTA is a marathon, not a sprint, and meetings with foreign associates, clients, and colleagues, interspersed with educational sessions and group discussions, kept us all very busy (as usual). A panel discussion on fluid marks (e.g. Google Doodles) and a Table Topic (small group discussion) on differences between U.S. and Canadian trademark prosecution were especially good and provided insights that I have already integrated into my practice."

Sean K. Owens, Wood Herron & Evans LLP

"It's hard to believe that another INTA annual meeting has come and gone. It's always a whirlwind of activity with committee meetings, breakfasts, receptions, educational sessions, and social events... I met old colleagues, clients, foreign associates that I have worked with for years and some brand new associates that I had the privilege to get to know better. My subcommittee meeting for Free Trades Agreements enjoyed multiple guest speakers and updates about free trade agreements that are being negotiated around the world. When the week is done, I'm exhausted but excited for a new year of renewed trademark relationships and connections."

Cheryl S. Scotney, Keating Muething & Klekamp PLL

"Attending INTA in Dallas presented an opportunity to network face-to-face with foreign trademark associates with whom we work electronically on a daily basis, as well as friends and referral sources from the trademark community and the Dallas-Ft. Worth area. The meeting also included top-notch educational seminars on emerging legal issues, and afforded opportunities to visit fascinating tourist venues. These included receptions at the Perot Museum of Nature and Science, the Dallas World Aquarium, and the Sixth Floor Museum at Dealey Plaza, complete with a resident conspiracy theorist tour guide."

Carrie A. Shufflebarger, Thompson Hine LLP

"The 2013 INTA in Dallas was the last meeting for Alan Drewsen as the executive director. On Tuesday night, May 7, INTA hosted a reception to honor Alan's accomplishments as the Executive Director, including the establishment of INTA offices in Brussels and Shanghai. Under Alan's direction, INTA added many new international members. The size of the annual meetings grew to nearly 10,000 attendees. There were many friends of Alan's at the reception to honor him and wish him well in his future endeavors. Many people do not know that Alan has ties to Cincinnati and is a Cincinnati Reds fan."

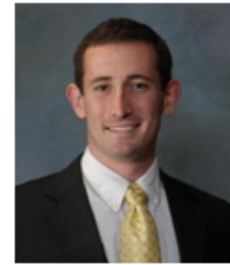
Lynda E. Roesch, Dinsmore & Shohl LLP

CincyIP "Writing to Watch For" Series

Blurring the Boundaries: *How the Additional Grounds for Post-Grant Review in the America Invents Act Raise Issues with Separation of Powers and the Administrative Procedure Act*

By Benjamin J. Christoff

Does the America Invents Act ("AIA") grant the U.S. Patent and Trademark Office ("PTO") the ability to invalidate patents based on a legal question? In his forthcoming law review article, University of Dayton School of Law graduate Benjamin J. Christoff argues that these laws do not permit the PTO to exercise such a broad judicial power as invalidating patents based on a legal question.



*Benjamin J. Christoff,
University of Dayton
2013*

The AIA, 35 U.S.C. § 324(b), permits the PTO to exercise jurisdiction over granted patents if the petitioner presents a "novel or unsettled legal question." Mr. Christoff analyzes the decisions of the Supreme Court, the PTO, and their interactions with the Administrative Procedure Act ("APA") to support his conclusion that the current state of the law does not permit the PTO to overstep its bounds by invalidating patents based on a legal question. Instead, Mr. Christoff argues the PTO, as an executive agency, should play the more limited and traditional role of scrutinizing patent applications and reserve jurisdiction over granted patents on the basis of a novel legal question to federal courts. This allegedly would better preserve the rule of law, avoid the politicization of the patent system, and better accord with historical ideas about the PTO's role.

The University of Dayton School of Law faculty recently awarded Mr. Christoff the Francis J. Conte award for Excellence and Dedication for the article. It is set to be published in the upcoming University of Dayton Law Review, Journal 39, Issue 1.

Are you or do you know of a Cincinnati, Northern Kentucky or Dayton-area law school student or recent graduate who has published or will publish a law review article of interest to the CincyIP Legal Community? CincyIP is looking to highlight these individuals' articles in its upcoming newsletters! Please contact [Jennifer Miller](#) for more information.

Call for Papers: Law + Informatics Symposium

The Northern Kentucky Law Review and Salmon P. Chase College of Law are actively seeking submissions for the third annual Law + Informatics Symposium that takes place February 27-28, 2014.

The deadline to submit papers for this event is September 1, 2013. The focus of the conference is to provide an interdisciplinary review of issues involving business and industry responses to cyber threats from foreign governments, terrorists, domestic surveillance, and corporate espionage. The symposium will emphasize the role of the NIST Cybersecurity Framework and industries providing critical infrastructure and the role of corporate leadership in addressing issues of domestic and international surveillance.

The symposium is an opportunity for academics, practitioners, consultants, and students to exchange ideas and explore the emerging issues cybersecurity and informatics law as it applies to corporate strategies and the obligations of business leaders. Interdisciplinary presentations are encouraged. Authors and presenters are invited to submit proposals on topics relating to the theme.

For more information, visit the [2014 Symposium on Law + Informatics website](#), or contact [Professor Jon Garon](#), [Lindsey Jaeger](#), or [Aaren Meehan](#).