A delegation of 11 AIPLA members visited Israel from March 3-7, 2013 led by Committee Chair William H. Mandir and Vice-Chair David Colb. AIPLA President Jeffrey I.D. Lewis and AIPLA Executive Director Q. Todd Dickinson were part of the delegation.

Delegation Meetings

I. Meetings with Government Entities


The delegation met with Mr. Asa Kling, Commissioner of the Israeli Patent, Trademark & Design Office (“ILPO”), who presented an overview of the structure and operations of the ILPO. The ILPO is a division of Israel’s Ministry of Justice and employs a 180-member staff, with 101 patent examiners, 15 trademark examiners, and 4 design examiners. ILPO’s operations meet ISO 9001 standard.

In recent years the ILPO has increased the number of applications examined per year (6,800 new application examinations and 9,230 second examinations were completed in 2012), and shortened its patent examination lag time to 24-32 months, depending on field of art. In some circumstances applicants can request accelerated examination, with a first Office Action in three months. The ILPO permits third parties to request accelerated examination, although to date it has not received third party requests. In 2012, the ILPO issued 3,386 patents.

Approximately 65% of newly filed applications in 2012 were foreign-based, with Raytheon, Hoffman La Roche, Qualcomm and LG Electronics leading the foreign-based applicant group.

The ILPO’s PCT Department is directed by Dr. Michael Bart, and has been an active receiving office since 1996. In 2012 the ILPO became an International Search Agency (ISA) and International Preliminary Examining Authority and undertook intensive examiner training in these functions. Since that time 48% of Israeli applications use the
ILPO as ISA. Discussions are underway to permit US PCT applicants to use the ILPO as an ISA; a bilateral agreement will be required to effectuate this.

A brief discussion was held among the participants regarding global IP harmonization, led by Mr. Dickinson and Mr. Kling.

b. **Israel Ministry of Justice, IP Division – March 3, 2013**

The delegation met with Mr. Howard Poliner, Director of IP Law at the Israel Ministry of Justice, and Tal Band, who is an IP attorney in Israel and the Chair of AIPPI-Israel.

Mr. Poliner presented an overview of the activities of the IP Division, which operates under the Ministry of Justice as well as the Office of the Attorney General. The Division’s responsibilities include providing opinions on Israeli IP Law to other government ministries; enforcing (along with Israeli police, customs agents, and tax authorities) customs regulations concerning the importation of counterfeit goods; drafting IP legislation; and drafting requests for implementation of International Treaties that concern IP.

Issues the Division is currently addressing include revision of Israel’s trademark and design patent laws which have been in place since the time of the British mandate, proposals for reforming Israel’s copyright laws and digital rights management, and compensation due to inventors.

AIPLA President Mr. Lewis presented an overview of the United States legal system, including the division of powers between legislative, executive, and judicial bodies, division of powers between the federal and state governments, the authority of the United States Patent and Trademark Office and the Copyright Office, the rulemaking process, and the role of advocacy organizations such as AIPLA.

As Mr. Lewis explained, AIPLA works with members of congress and their staff to advocate on behalf of its members. AIPLA activity may also include testimony before Congress, submission of formal responses to notices in the Federal Register, and submission of amicus briefs in judicial proceedings.

Mr. David Bluestone, a shareholder of Brinks Hofer Gilson & Lione (Chicago, IL) and member of the delegation, delivered a presentation entitled “2013 Update: FRAND Obligations and Injunctive Relief”. The presentation included an update on International Trade Commission litigation in which patent owners agreed to license the patents as part of membership in a standard setting organization. A discussion of the availability of injunctive relief and the problems of determining royalty rates followed.

Meeting participants exchanged ideas concerning issues of interest including open issues for global harmonization, registration of two-dimensional designs for three-dimensional objects, and control over non-licensed IP professionals.

c. **Israel Supreme Court – March 6, 2013**
The delegation toured the Supreme Court of Israel in Jerusalem. The Court is housed in a building designed to embody principles and values by which the Court abides. Visitors to the Court ascend a stone staircase that is comprised of three sets of stone stairs designed to reflect an outdoor streetscape. The three sets are symbolic of the three-level system of courts as well as the three branches of government, and the outdoor streetscape design, complete with streetlights and balconies, symbolizes principles of openness and accessibility of the Court. The staircase ends at a landing featuring a floor-to-ceiling panoramic window overlooking Jerusalem, known as the Window of Justice, with a view of the heaven, symbolizing the hope that the Court’s actions will embrace the heavenly or divine will.

The delegation had the unique opportunity to meet with Supreme Court Justices Hanan Melcer and Yitzchak Amit. Justice Melcer provided an overview of the judicial system in Israel, with a focus on the uniqueness of the Israeli system in comparison to other countries.

The Supreme Court hears appeals from all civil and criminal appellate courts as well as administrative appeals. Additionally, the Court oversees administrative actions and constitutional matters as a court of first impression.

There are 15 justices in the Supreme Court, and petitions are heard by a randomly selected panel of at least three justices. The Court is open 364 days per year and hears approximately 10,000 cases per year. The Court is unique in the world not only for its extraordinary case load, but for rules allowing non-citizens to bring cases before it.

The heavy caseload has placed enormous strain on the Court in recent years. While there is ongoing discussion regarding reforms to address the current workload of the Court, such reform would require that consensus be reached among many differing entities including the Ministry of Justice, parliament, and the Israeli bar.

II. Meetings with Israeli Academia

a. Bar-Ilan University – March 5, 2013

The delegation met with Ms. Orly Tori of the technology transfer office at Bar-Ilan University Research & Development Company, Ltd. (BIRAD). The university, whose heritage is in studies of the humanities and biblical studies, in recent years has focused on sciences. In recent years Bar-Ilan has run a program aimed at providing support for Israeli academics living abroad to return to Israel and refocus their careers there, further increasing innovative activity in Israel. Currently, Bar-Ilan has the largest nanocenter in Israel, and this year Bar-Ilan opened the first new medical school in Israel in over 30 years. BIRAD’s tech transfer office focuses on encouraging and protecting Bar-Ilan’s innovation with a goal of commercialization.

b. Jerusalem College of Technology – March 6, 2013

The delegation visited the Jerusalem College of Technology (“JCT”) and met with Mr. Stuart Hershkowitz, who provided an overview of JCT and a description of the unique
programs it runs geared toward educating populations which historically were undereducated and have high unemployment rates. JCT runs tailored programs focused on integrating Israel’s ultra-orthodox population as well as the Ethiopian immigrant population into the workforce. The programming spans various academic disciplines including electro-optics and engineering.

Some of the core areas of research focus at JCT are nanotechnology, electro-optics, bioinformatics, data mining, applied electronics, and applied mathematics. The delegation heard presentations describing current research from Professor Nitzan (electro-optics), Professor Engelberg (random signals and noise), and Professor Shalom (pattern recognition research).

c. Ramot at Tel-Aviv University – March 7, 2013

The delegation visited Ramot, the technology transfer arm of Tel-Aviv University, for a meeting with Shulamit Hirsch and Tamar Roz. The technology transfer office focuses on translating innovation into products. In that context, its role is to identify areas of innovation that are potentially patentable, work with scientists and patent attorneys to apply for patent protection, and develop licensing relationships with companies and entities outside of the university. The office also works to increase intellectual property awareness through invited lectures and other initiatives.

The office is very active, with several in-market products and hundreds of patent families to manage. Tel Aviv University is among the top three PCT filers in Israel.

AIPLA President Mr. Lewis provided an introduction to AIPLA and Executive Director Mr. Dickinson discussed AIPLA’s international focus. Special Committee Chair Mr. Mandir presented an overview of the Special Committee and its recent activities. Meeting participants exchanged ideas concerning the need for venture capital partnerships with Israeli academic institutions.

III. Meetings with Israeli Technology Companies

a. Marvell Israel – March 5, 2013

The delegation visited Marvell Israel, a division of Santa Clara, CA based Marvell Technology Group. Marvell Israel is the largest fabless semiconductor company in Israel and Marvell’s largest design center outside the U.S.

The visit included a number of presentations concerning innovation and intellectual property. Marvell’s IP Counsel Mike Faibisch described Marvell’s culture of innovation and protection of intellectual property. Adar Perry, a technology group manager at Marvell, introduced the delegation members to areas of technical innovation and Shimon Moshavi from the R&D group described developments in algorithm research for cellular products.

Ms. Rivka Jungreis, an associate at Goodwin Procter LLP (New York, NY) and member of the delegation, presented on the topic of the Importance of Innovation and Intellectual
Property to Businesses, with a focus on recent patent damages trends in U.S. patent litigation. The presentation was followed by a discussion among meeting participants about recent high damage awards cases and steps companies can take to create a strong IP portfolio.


The delegation visited Orbotech, a high tech company headquartered in Israel which focuses on the design, development, manufacture, marketing and servicing of automated optical inspection systems for printed circuit boards, flat panel displays, and touch screens.

The delegation met with Hananel Kvatinsky, Director of Intellectual Property, and attended a presentation by Noam Cohen concerning the innovative technologies being developed and marketed at Orbotech. The delegation also had the opportunity to tour several production and testing facilities for a first-hand look at the implementation of Orbotech’s technology.

IV. Social and Networking Events

The mission trip included opportunities for networking lunches and dinners with the committee members as well as with members of the Israel division of AIPPI. On the final day of the trip, the delegation was hosted by Committee Vice-Chair David Colb and Committee member Sanford Colb for lunch at the Colb farm in Rehovot. The farm is a unique, 125-acre non-profit enterprise which donates 150,000 pounds of produce weekly to charitable organizations and food pantries in Israel.

Delegation Members:

**AIPLA Leadership**

Jeffrey I.D. Lewis  
AIPLA President  
Patterson Belknap Webb &Tyler LLP
Q. Todd Dickinson    AIPLA Executive Director

**Special Committee Leadership**

William H. Mandir    Chair of the Special Committee  
Sughrue Mion, PLLC

David Colb    Vice-Chair of the Special Committee  
Sanford T. Colb & Co.

**Delegation Members**

David Sofge    Holland & Knight
Rivka Jungreis    Goodwin Procter LLP
David Bluestone    Brinks Hofer Gilson & Lione
Ed Langer    Law Offices of Edward Langer
Michael Fink    Greenblum & Bernstein
Eli Mazour    Harrity & Harrity
Elizabeth Holland    Kenyon & Kenyon

*Report By:* Rivka Jungreis and Ed Langer  
Photos courtesy of Jeffrey Lewis and David Sofge

*Delegation Photos:*
AIPLA Delegation members with Commissioner Asa Kling of the Israel Patent, Trademark and Design Office (Jerusalem)

AIPLA Delegation members visit the Israel Ministry of Justice (Jerusalem) for a meeting with Howard Poliner of the IP Division, and Tal Band of AIPPI Israel
AIPLA Delegation at Marvell Israel (Petach Tikva)

AIPLA Delegation visits Bar-Ilan University (Tel Aviv)
AIPLA Delegation members visit Israel’s Supreme Court (Jerusalem)

AIPLA Delegation members meet with Supreme Court Justices Hanan Melcer and Yitzchak Amit
AIPLA Delegation visits Tel Aviv University

AIPLA delegation visit to Orbotech (Rehovot)