

American Intellectual Property Law Association Serving the Creative and Legal Communities

Vision

Mission

AIPLA will be an innovator, powerful advocate, and visible global leader in intellectual property law through our commitment to education, outreach, member service, and law.

We serve our members, fostering their professional and leadership development, helping nurture and mentor them as they advance within our profession, keeping them informed in an ever-evolving legal environment, and enriching the diversity of the profession in which we practice, while responding to their personal and professional needs;

We serve public policy leaders, whose mission is to develop, implement and maintain our intellectual property system, assisting them with objective and unbiased analysis, and helping establish and maintain fair and effective global laws and policies that stimulate and reward innovation and creative works in keeping with the public interest;

We serve the public, providing education as to the daily value and benefits of a strong intellectual property system that fosters incentives for creativity & innovation; while balancing the public's interest in healthy competition, reasonable costs and basic fairness; and

We serve our association and its employees, providing sound management, financial stability, stable succession, and a vibrant, respectful and collaborative workplace environment, delivering opportunities and support for all to lead, create and thrive.

Member Service: AIPLA will support the professional and intellectual growth of its members through a flexible organizational framework and innovative channels of communication, delivering outstanding services, cost-effective programs and mentoring opportunities, thereby ensuring that AIPLA remains the premier intellectual property law association and attracts and retains IP professionals here in the US and around the world.

GOALS: We will work with our professional staff to continue to evolve to meet the needs of the next generation of IP Professionals and new ways to engage members. We understand WHY membership is important to AIPLA – There is strength in numbers. It supports advocacy, ideas, energy & carries out our work. Diversity in membership elevates discourse about IP law practice.

Advocacy: AIPLA will provide crucial leadership and unbiased analysis leading the way for world-class policy and decision-making, while attracting membership, ideas, and resources as a highly sought after and respected thought leader.

GOALS: AIPLA will engage volunteers, staff, and leaders, and the AIPLA membership in helping identify areas of critical importance for the development and implementation of sound policies.

Global Outreach: AIPLA will provide crucial leadership and unbiased analysis leading the way for world-class policy and decision-making, for the development of sound global intellectual property standards, laws and policies while attracting membership, ideas, and resources as a highly sought after and respected thought leader to the global community.

GOALS: AIPLA will focus on foundational advocacy supporting the overall vision, mission, and values. We will prioritize our activities based on supporting foundational advocacy and as appropriate, member services.

Cross-Cutting Strategies

- AIPLA integrates financial sustainability into all of its activities undertaken in support of the strategic initiatives, but also evaluates all activities through the lens of our Strategic Plan.
- Governance and organizational structure will continue to be examined to streamline the operation of AIPLA.
- A commitment to public education and raising public awareness in all aspects
 of intellectual property law will be considered within each strategy area.



TABLE OF CONTENTS



| President's Message | . 2 |
|------------------------|-----|
| Member Services | . 3 |
| Networking | .4 |
| Education | . 6 |
| Public Education | . 8 |
| Advocacy1 | 1C |
| International Outreach | .1 |
| Awards | 12 |
| Publications & Papers1 | 14 |
| Financials | 15 |
| Leadership & Staff | 16 |



PRESIDENT'S MESSAGE

Looking back at my year as your president fills me with pride. I am convinced now more than ever that AIPLA is the premiere IP association domestically and internationally. I'm thankful to have played a small role in the association's success; much of the credit goes to the AIPLA staff, Board of Directors, committee leaders, and the thousands of members in our 61 standing committees who are focused on advancing IP law and practice and giving back to our profession. AIPLA is truly an individual-member organization and much of the work we do and the positions we take originate from our membership. Through a combination of hard-work and passion AIPLA strives to serve its members, public policy leaders, and the public through member-driven initiatives. I am honored to have been a part of our wideranging accomplishments this past year.

In 2016-2017, AIPLA continued its focus on providing our members unique and effective networking opportunities year-round. AIPLA's three stated meetings and many stand-alone programs, which are held across the United States, provided the perfect arena for network-building. We remained committed to offering our members the chance to gather and share information on their industries, learn from the wins (and losses) of others, keep abreast of the latest developments in IP law and share career advice and opportunities.

One of our main missions as an association is to promote the professional and intellectual growth of our members. AIPLA CLE webinars and stated meetings have continued to meet member educational needs and requirements while remaining cost-effective. In 2017, we launched lower rates for CLE webinars for solo practitioners/small firms and offered discounts for multiple registrations at the same site thereby making access to our learning even more affordable. We also launched our All-Access Pass for Online CLE, a subscription series, making access to educational programming even more convenient for members.

At such an important time in the IP industry, our dedication to developing, implementing and maintaining our intellectual property system through advocacy has never been stronger. Our substantive law committees work tirelessly to keep up with and respond to changes on the Hill, the USPTO, the Copyright Office and beyond, allowing AIPLA to continue to play a very active role in advocacy initiatives. From engaging in legislative activities on Capitol Hill, to collaborating with the USPTO, the Copyright Office, other agencies, to filing amicus briefs before the courts, and engaging with other IP offices globally, AIPLA is working hard to ensure the voices of its members are being heard

In the pages that follow, you'll learn more about the outstanding work that AIPLA members have led or contributed to in greater detail. I hope that by learning about our achievements, you will be inclined to become engaged in our community if you haven't already.

Serving as your president has been one of the most fulfilling experiences of my professional career and I'm grateful for all the members and volunteers who provided their time, expertise, and knowledge to help a committee, educational program, publication, or special project come to fruition. You are the reason my tenure as president was such a resounding success. Thank you for your membership in and support of AIPLA.

Mark L. Whitaker President

Did you know?

Member Services



The Voice of the Member

The "member" in membership received renewed focus this year, as AIPLA listened more intently to the Voice of the Member. Outreach communications to members increased in frequency and in depth of content. And to show that communications is a two-way channel, AIPLA demonstrated it was listening by various changes implemented across the organization. Some of the most significant changes were seen in the area of CLE education. AIPLA launched a whole new approach to its fee structure for its CLE webinars—offering a new subscription series and lower rates for solo/small firm practitioners and single site registration. Members spoke and AIPLA listened!

AIPLA

Who's Your One?

In the spring of 2017, AIPLA's Membership Committee ran an energetic member-get-a-member campaign—Who's Your One? Each AIPLA member was challenged to recruit just one new member between February and April. The campaign generated dozens of new members...and great buzz! AIPLA members David Hill, Jack Etkowicz, and Randi Karpinia took top prizes for their recruiting efforts.

AIPLA Committees

AIPLA's committees are the lifeblood of the organization. Collectively, thousands of AIPLA members take part in AIPLA's 61 committees each year and actively contribute their time, talents and expertise to the advancement of the IP profession.

From legislative feedback and guidance to education program development and delivery to informational resource compilation and publication, AIPLA's committees are the engine of our organization.

Throughout this report, look for specific committee achievements of note and learn more about the impact of their work. If you haven't yet taken the opportunity to personally engage in a committee of interest, be sure to take a closer look in the year ahead.

Social Media

Are you social? AIPLA's online social communities experienced continued growth throughout 2016-2017. LinkedIn, Facebook and Twitter offer AIPLA members, prospects and others with an interest in IP law communications channels to keep up-to-date on AIPLA initiatives, member achievements and industry news. If you haven't yet, lend your voice to the conversation!

AIPLA members can:

- Save at least 25% off the purchase of law books from BNA/Bloomberg?
- Acquire professional liability insurance at discounted rates?
- Access a vast library of CLE presentations and materials at little or no charge?
- Make golf reservations on courses around the world for less?

AIPLA membership pays!



Networking

Worldwide

AIPLA's international outreach grew significantly in the last year, opening new channels of communication and opportunities for members. From Europe to Latin America to Asia, member delegations travelled the globe to attend meetings with local and national IP offices; associations; businesses; and industry groups.

Read more, in greater detail, in the International Outreach report.

Career Connections

Ask AIPLA members, speakers, exhibitors, or sponsors what drives their interest and engagement in the AIPLA community and "networking" or "making connections" is most assuredly one of the top answers. Then ask, "Why?" and the answers will be nearly as diverse as the membership body itself. It is for that reason that AIPLA offers a broad range of forums and opportunities for members to connect with their peers, industry thought leaders, and influencers.

Here are some examples of how committees are helping members network.

Diversity in IP Law

In early June, AIPLA's Diversity in IP Law Committee hosted a happy hour in multiple cities across the United States. Members and guests attended these sponsored networking events to connect with their peers informally and to exchange insights into the special challenges faced by professionals in the workspace and the industry. The Committee also facilitated its early a.m. Fun Walk/Run at stated meetings.

Law Students

Students from Washington, DC, Maryland, and Virginia law schools attended a career panel presentation followed by a networking reception at AIPLA's new offices in April. Those attending had an opportunity to hear from established practitioners and to gain valuable insights into their individual career journeys in IP law.

Women in IP Law

In 2016, the Women in Intellectual Property (IP) Law Committee launched a new Community Service Event. AIPLA members, family, and friends volunteered to make a positive impact in their local communities—a total of 20 sites within the United States. The event offered women in IP the opportunity to establish and strengthen relationships in their respective geographic regions while helping those in need during the holiday season.

This year also marked the 10th year anniversary for the Women in IP Law Committee's global networking event. Events took place on May 4 in locations across the United States and around the globe; each one unique unto itself. Breakfasts, lunches, dinners, or happy hours, attended by both members and nonmembers, offered women a place to connect and share.

New Lawyers

The New Lawyers Committee regularly gathers members together for informal happy hours at locations around the country. These social functions encourage members at all stages of their careers to share experiences, form new networks, and have a little fun in the process.





Meetings & Events

AIPLA Tapas - Savory and Sweet Bites of Advanced IP Law and Practice: Programmed to satisfy your appetite and leave you with spoon fed take-aways of advanced topics, the theme for the 2017 AIPLA Mid-Winter Institute was aimed to have a little something for everyone. While we had fun with our program titles this year - Copyright Cacciatore, Standard Essential Patent Dim Sum, and Trademark and Design Fondue, just to name a few - we remained very serious about our content. This comprehensive four-day program continued AIPLA's established practice of offering thoughtful analysis on dozens of specific topics of interest to the IP community in a tranquil, casual setting that encourages members to network. Our programs connect attendees with thought-leaders from across the IP sphere in order to meet our learning objectives. Attendees connect, learn, and share strategies and tools to support their own career advancement and, in turn, move the IP profession forward.

On the Road

This year one of our first stops was in Houston, TX, where we hosted this year's Chemical Practice Patent Bootcamp. Our Electronic Computer Patent Law Summit took place internationally for the first time in Toronto, CA, and our Trade Secret Law Summit took place in Atlanta, GA.

AIPLA also hosted several educational programs at our headquarters in Arlington, VA, in our newly built Past President's Conference Center. Strategically designed to be cutting-edge and comfortable, the conference center is a modern events space and meeting center for intellectual property leaders from around the globe. Since opening, the conference center has been host to meetings with USPTO judges and staff, Hispanic National Bar Association (HNBA)/Microsoft IPLI scholars, and a host of domestic and international organizations such as the JPO, EPO, ABA-IPL, INTA, and others. Also, AIPLA used the conference center to continue its 30-year tradition of working with the USPTO to provide core IP training to legal secretaries, administrators, and paralegals with our Legal Secretaries and Administrators Conference. The conference center was also used to host several educational programs such as our Patent Cooperation Treaty Seminar, and our Trademark Boot Camp.

Webinars

AIPLA's online programs and webinars are designed to provide membership with knowledge and skills related to areas impacting the intellectual property community, both in practice and professional development. This past year, AIPLA hosted over 30 webinars, including 24 that were provided for CLE credit. Additionally, we hosted 3 Career and Practice Management programs, free programs which are designed to provide insights and best practice tips from industry experts, consultants, and advisors regarding the current issues impacting career development and law practice management.

Online Archives

We continue to add to the vast array of recorded programming in our AIPLA archives. If you missed a live event you can access the recording on our website at your convenience.

Public Education

Creativity in Bloom Mission

IP is protected by a set of legal rights with both constitutional and common law origins. A goal of these rights is to both incentivize and protect creative and inventive works ... to encourage and reward the original work in planting and nurturing the seeds and hopefully to allow them the time and opportunity to reach their full maturity and potential and bear fruit for their creators and the community as a whole.

We believe that IP has been a major engine in the economic and artistic flowering of our country since its inclusion by our founding fathers in the constitution. It is a resilient system which has been and should be able to adapt over time to changing technologies, economic pace, and environment. We believe that historically and globally, the most robust innovation and energetic research as well as most active artistic communities have been fostered in countries and periods with the most reliable protection of intellectual property.

We are concerned negative perceptions and misperceptions about the intellectual property system are becoming more widespread in the public at large and that these misperceptions are in large part based on a lack of understanding of the system itself and of its historic origins and current real world value. Our goal is to educate the public and its representatives on intellectual property and its value.

World IP Day!

World IP Day was launched in 2000 by the World Intellectual Property Organization (WIPO) to promote and protect creative ideas, including music, art, trademarks, writings, and inventions. The day is celebrated world-wide, and AIPLA has been actively working to expand those celebrations across the US. Working with local IP law associations, schools, cities, Chambers of Commerce, and the regional USPTO offices, AIPLA was successful in coordinating more than 28 events in 23 cities. The official World IP Day is April 26, and this year we celebrated at both the USPTO main campus and on Capitol Hill, working with Nike and GoGrit to present programs to highlight the 2017 theme of "Improving Lives". Capacity crowds filled the space to learn how these two innovative companies strive each day to improve lives through innovation. Other programs were held throughout the months of April and May in locations such as Denver, Phoenix, Las Vegas, Arkansas, Hawaii, Seattle, Boston, Delaware, and Texas, but that's not the complete list. View the entire list of 2017 World IP Day activities at http://www.aipla.org/learningcenter/2017WIPD/Pages/default17WIPD.aspx

Camp Invention & the National Inventor's Hall of Fame

AIPLA continued its support and relationship with the National Inventor's Hall of Fame. We also continued to serve as a sponsor of the Hall of Fame's annual Camp Invention program which is a program designed to energize elementary age students about learning about STEM education. These weeklong programs give students a chance to attend a summer camp design for exploration, discovery, and learning. Our support provides scholarship for students who could not otherwise afford to attend the program.

Intel Science & Engineering Fair

AIPLA sponsors special IP awards at the Intel Science Fair, and sends a team of judges to represent AIPLA and provide special awards to ingenious students. This year we also participated as an educator during the fair, hosting a special education session.



Advocacy

AIPLA advocacy activities serve the membership by representing members' interests in front of the US Judiciary, elected officials on Capitol Hill, and US government agencies, in addition to international agencies and organizations. While executive AIPLA staff members lead and execute on behalf of members, committees play a large role in the development of AIPLA's policy initiatives.

Judicial Advocacy

It was again a significant year for judicial advocacy at AIPLA. From October 2016 to September 2017, AIPLA advocated for the interests of its members in 7 amicus briefs filed in the Supreme Court and in the Court of Appeals for the Federal Circuit. AIPLA's amicus briefs involved a variety of intellectual property issues, including the following:

Supreme Court

- First Amendment right to register disparaging trademarks (*Lee v. Tam*)
- International patent exhaustion and conditional sales (Impression Products, Inc. v. Lexmark Int'l Inc.)
- Patent venue under 28 U.S.C. 1400(b) (TC Heartland LLC v. Kraft Foods Group LLC)
- Constitutionality of IPRs in light of separation of powers and Seventh Amendment (Oil States Energy Services, LLC v. Greene's Energy Group, LLC)

Federal Circuit

- On-sale bar after the AIA (Helsinn Healthcare S.A. v. Teva Pharmaceuticals USA, Inc.)
- Appellate review of PTAB decisions to institute IPR proceedings (Wi-Fi One, LLC v. Broadcom Corp.)
- Right to amend claims in IPR proceedings (In re Aqua Products, Inc.)

Supreme Court of Texas

• Attorney client privilege for patent agents (In re Silver)

Capitol Hill

AIPLA continued to be active and share its expertise on intellectual property issues on Capitol Hill, engaging with Committees, Members, and their staffs on a variety of topics. Thanks in large part to the tremendous work over the past several years of the Patentable Subject Matter Task Force, AIPLA adopted a legislative proposal calling on Congress to provide much-needed clarification to patent subject matter eligibility. AIPLA also closely monitored legislative issues and hearings relating to a number of important intellectual property issues, including patent litigation reform, Copyright Office modernization issues, and USPTO operations and resources.

Government Agencies

With the change in the Administration, AIPLA highlighted to the Presidential Transition Team those intellectual property matters important to its membership, and additionally emphasized the need for a qualified US Patent and Trademark Office Director to the Commerce Department.

AIPLA has remained active at the US Patent and Trademark Office, providing comments and testimony on numerous issues, including the USPTO initiatives on improving patent quality and increasing efficiency, patent subject matter eligibility, proposed changes to the duty to disclose of information in patent application and reexamination proceedings, proposed patent fee changes, proposed rules recognizing privilege communications between clients and patent practitioners at the Patent Trial and Appeal Board, proposed streamlined version of cancellation proceedings on grounds of abandonment and nonuse of trademarks, proposed revival and reinstatement of abandoned/cancelled/expired trademarks, proposed trademark examination guide entitled "Incapable Informational Matter," and on the issue of fraudulent and misleading solicitations to trademark owners.

We also provided commentary to other government offices, such as to the Copyright Office on Section 512 of the Digital Millennium Copyright Act, and to the Department of State and the Office of the United States Trade Representative (along with the USPTO) on the draft Convention on the Recognition and Enforcement of Foreign Judgments Relating to Civil or Commercial Matters negotiated at the Hague Conference on Private International Law.

International Outreach



Today's increasingly global economy demands more attention, more resources, and more advocacy from numerous organizations around the US; AIPLA is no different. AIPLA's outreach on international issue continued to advocate for progress. AIPLA provided comments to a number of agencies, including the United States Patent and Trademark Office, various agencies of the People's Republic of China, and the European Patent Office.

The comments addressed several foundational issues for the future of IP around the globe. Unsurprisingly, many comments centered around the implications of Brexit as well as the establishment of the Unitary Patent court in the European Union. Comments also addressed: Antitrust and unfair competition in China, Substantive patent harmonization, procedural patent harmonization, and World Intellectual Property Organization initiatives.



A Global Leader

AIPLA has a been firm in its resolve to reach out to the international community, engage practitioners, and develop relationships with foreign IP agencies. The international committees, including those focused on practice in specific regions or countries, continued to sponsor delegation visits to Paris, London, Venice, Munich, Tokyo, Mexico City, Korea, and Taiwan. Delegates used these trips to network with and learn from representatives from local and national IP offices, associations, businesses, and industry groups. AIPLA continued to support these ventures, while working to strengthen our existing relationships with national IP offices, and industry groups like the IP5, the TM5, WIPO, SACEPO, and the Industry Trilateral.

Awards

At the 2016 AIPLA Annual Meeting we were proud to recognize some outstanding individuals...



AIPLA Excellence Award

Presented to:

The Honorable Alan D. Lourie Circuit Judge, US Court of Appeals for the Federal Circuit, Washington, DC

In recognition of his extraordinary leadership and service to the intellectual property community, which is representative of his distinguished career marked by intellect, integrity, and unwavering commitment to justice.



President's Outstanding Service Award

Presented to:

Kenneth N. Nigon, RatnerPrestia.

In recognition of and with gratitude for his years of service to AIPLA as a Board member, Committee leader and willing volunteer, including leadership of the AIA Rulemaking Task Force.

Mentor of the Year

Presented to:

Presented to William L. LaFuze, McKool Smith.





Committee of the Year Award

Presented to:

The Standards and Open Source, chaired by David Long, Essential Patent, LLC, and Joanne Montague, Davis Wright Tremaine, LLP.



Jan Jancin Award

Presented to:

Azadeh Morrison, Santa Clara University School of Law, for excelling in the study of IP law.

Maurice Klitzman Award

Presented to:

Garrett Quilla, Hypertherm, Inc.



Robert C. Watson Writing Competition

Presented to:

Mary Catherine Amerine, William and May Law School—"Wrestling Over Republication Rights: Who Owns the Copyright of Interviews?"



Past President's Award, the second place award in the Jan Jacin Competition

Presented to:

Madeleine Laupheimer, Stanford Law School

We look forward to honoring new people in 2017

Publications and Papers

AIPLA Report of the Economic Survey

The Report provides an in-depth report on the annual incomes and related professional characteristics of intellectual property attorneys and associated patent agents. Conducted every other year, the survey also examines the economic aspects of intellectual property law practice, including individual billing rates and typical charges for representative IP law services. The 2017 edition of the Report, released in August 2017, for the first time added new information regarding non-U.S.-originated and U.S.-filed, but non-U.S. prosecuted patent applications, and estimated the percentage of annual corporate IP budgets based upon types of work.

AIPLA Quarterly Journal

The AIPLA Quarterly Journal is a scholarly publication of the American Intellectual Property Law Association, produced through a collaboration with the George Washington University Law School. The Quarterly Journal, now in its 45th year of publication, is dedicated to presenting materials relating to intellectual property matters and is published four times per year.

AIPLA Direct

Written by former BNA Patent, Trademark, Copyright Journal Editor, and current AIPLA Deputy Executive Director for Legal Affairs, Jim Crowne, AIPLA Direct provides analysis and insight into some of the most important IP legislative,

regulatory, and judicial issues facing the IP bar. The *AIPLA Direct* is designed to be responsive to the latest developments and comes out when news is relevant. The archived *AIPLA Direct* stories are posted on AIPLA's website.

AIPLA Newsstand

A partnership with Lexology, a division of Globe Business Media Group, helps AIPLA share daily developments in IP as well as access to a number of articles on relevant IP Topics. The AIPLA Newsstand arrives every day, but if daily is too frequent, members can change their subscription and opt for a weekly or monthly digest, and members can filter stories based on their interest in a particular area of IP, or region of the world.

AIPLA eBulletin

The eBulletin is a fully digital publication that follows each of AIPLA's three stated meetings and provides an update from the President, captures activities from the meeting, and provides our committees a platform to share their projects and accomplishments with the AIPLA membership.

Model Patent Jury Instructions

Originally developed in 1997, the Model Patent Jury Instructions are widely respected and used throughout the US. The updated 2017 edition was distributed to district court judges around the country, and is available on the AIPLA Website. They are intended to be used as a model set of jury instructions that are not biased in favor of either the patent owner or the accused infringer. The Instructions are provided on those issues that typically arise in patent litigation and that have clear precedential support.



2017 Financials **TOTAL EXPENSES: \$ 7,868,441** ■ Meeting & Events; 40% Member Services: 40% General & Administrative: 18% Publications: 2% **TOTAL REVENUE:** \$ 7,920,657 ■ Meeting & Events: 45% Membership Dues: 42% Advertising & Royalties: 7% Investment Income: 4% **ALLOCATION OF MEMBER SERVICES** Policy & Advocacy: 52% ■ Member Services Technology 32% Communications: 12% Additional Benefits Program: 4%



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About AIPLA

Founded in 1897, AIPLA is a national bar association constituted primarily of lawyers in private and corporate practice, in government service, and in the academic community. AIPLA represents a wide and diverse spectrum of individuals from law firms, companies, and institutions involved directly or indirectly in the practice of patent, trademark, copyright, trade secret, and unfair competition law, as well as other fields of law affecting intellectual property. Our members represent both owners and users of intellectual property.

AIPLA's focus is to promote and support a healthy IP system in a global economy that is balanced, transparent, and predictable.

