
BARBARA A. FIACCO

An interview with AIPLA's President.



Barbara A. Fiacco - Partner - Foley Hoag LLP

Introduction by Kevin H. Rhodes

I first met and got to know Barbara when we served together on the AIPLA Board of Directors several years ago. Barbara's leadership skills and abilities on the Board caught my attention immediately. Among that group of very experienced and accomplished IP practitioners, Barbara stood out as a true thought leader, and she coupled her legal knowledge and expertise with the articulateness of a litigator and soft skills that made her a friend to everyone on the Board. That rare combination made her an extremely persuasive and effective advocate and leader. We rarely disagreed on issues of IP law and policy, but when we did, she was unfailingly polite and courteous – and so persuasive that she usually changed my mind fairly quickly! I'm so grateful to be able to call Barbara both an AIPLA colleague and a friend.

Since our time on the Board together, I have had the pleasure of continuing to work with Barbara on issues of IP law and policy in AIPLA and elsewhere. She has wide influence in the IP community, and we've spoken together at AIPLA, BIO, ACPC, and in numerous other settings. Her work as a passionate advocate for Section 101 reform, especially in the context of life sciences inventions, has been impressive and influential. She was a driving force behind the Section 101 taskforce and was a key leader in developing a

consensus position on Section 101 reform among multiple IP organizations. Barbara is as responsible as anyone for the continuous progress we are making with policymakers to address the need to amend Section 101 so that patent eligibility is not denied for some of the most innovative sectors of our economy.

I cannot imagine a better choice for President of AIPLA than Barbara. I am so very much looking forward to where she takes the organization under her leadership. Her dedication and service to AIPLA has been unparalleled, and I have no doubt that she will excel during her term as President.

Thank you for your service, Barbara, and best wishes for your presidency – I can't wait to see all that you're going to do!

Kevin H. Rhodes

**Vice President and Deputy
General Counsel, 3M**



Introduction by Bea Swedlow

On the first day of my professional legal career – 20 years ago – after hours of new associate orientation, I felt anything but oriented. I was excited but nervous, anticipating my first assignment, eager to meet new colleagues, and establish my footing. I was finally ushered into my small office at Foley Hoag & Elliot LLP in the heart of Boston. I didn't know at the time, but serendipity intervened: my new next-door neighbor was Barbara Fiacco. Barbara was a third-year associate at Foley, a welcoming face, and a rock star – even then. From day one and for almost five years, she offered advice, provided a sounding board, mentorship, support, tissues when necessary, and, eventually, friendship. While I will keep our confidences, I can state unequivocally that Barbara was integral to my success at Foley (and beyond) because she helped convince me that I deserved to be there.... that I was not an imposter.

While I eventually moved on – moved to the mid-west, and moved firms – Barbara remained, for me, a constant and a role model. Much as she helped pave my path at Foley, she drew me into AIPLA, introduced me to people who have become colleagues and good friends, and presented me with speaking and leadership opportunities. Over the past 20 years, we've spent countless hours secreted away at Starbucks across the country (hint: she seriously

loves their iced tea) sharing our successes and frustrations, reservations and expectations. I've watched her climb the leadership ranks at Foley and AIPLA, deserving every inch of success she's achieved – success that has never come at the expense of others and success realized while also navigating the balance of work and family. Barbara has climbed figurative and literal peaks (ask her about the 48 4000-foot+ New Hampshire peaks) in her career and is now tasked with leading AIPLA into 2020. As a friend, colleague, and now AIPLA Board Member, I am beyond proud to see her ascend to this role and have unbounding confidence that she will serve AIPLA and its members with grace and gravitas, humility and humor.

Bea Swedlow

Partner, Honigman



Left to right: Joe, Ben, Daniel, Nick, and Barbara

Why take on this role?

AIPLA has been an essential constant in my career. It has helped shape me as an IP attorney and has offered me a rich community of brilliant friends and colleagues. Having served as a leader of AIPLA's advocacy efforts in the courts, through amicus briefs, as well as before Congress and the Patent and Trademark Office, I wholeheartedly welcomed the opportunity to join the Executive Committee and ultimately serve as President.

I've had the privilege to advance numerous AIPLA initiatives in my roles as Chair of Legislation Committee, Chair of Patent Law Committee, and Chair of Membership Committee, among other positions. I represented AIPLA before the Federal Trade Commission hearing on Innovation and Intellectual Property in the fall of 2018. This past June, I had the honor of representing AIPLA before the Senate Judiciary Committee's Subcommittee, testifying on IP on the state of patent eligibility law.

I am grateful for the chance to give back to

this special community and its mission of ensuring a balanced and efficient IP system. It is truly an honor to lead this Association.

What is your focus for the road ahead?

The Board, committee leadership and headquarters staff are committed to cultivating AIPLA as a community. So, while we will continue to provide interesting educational programs, we also plan to offer even more opportunities for IP professionals to get together and discuss issues that matter to them and their practices.

We will also focus on the role AIPLA plays as a diverse, inclusive and supportive community for all IP Professionals. As one example, we have expanded the mission of our Professionalism and Ethics Committee. The revamped Committee on the Profession will work with other AIPLA committees and the U.S. Patent and Trademark Office to facilitate awareness of professionalism, civility in the bar, ethics, substance abuse as well as the mental health and well-being of IP practitioners. We plan to expand educational offerings



and create resource lists to better support the professional lives and well-being of all members of the IP community.

The practice of law can be both rewarding and stressful. I am excited and proud to support the Committee on the Profession in its mission to provide vital resources to the entire IP community, offering support and guidance to each of us -- as IP practitioners and as people. We are all in this together.

What issues do you expect to be significant in the year ahead?

Section 101 advocacy will continue to be a very important initiative for AIPLA. Our membership survey has indicated that this is one of the biggest areas of concern for our members. This past year we participated the Senate roundtables in subject-matter eligibility, and I testified on behalf of the Association before the Senate Judiciary's Subcommittee on Intellectual Property. We will continue to seek out a workable legislative proposal that will increase predictability and certainty. We will maintain our involvement in the Senate Copyright Roundtables and participate in the discussions on the Hill about trademark issues under consideration.

Artificial intelligence is another high-priority issue, as law and policymakers face the challenge of identifying appropriate ways to incentivize and protect AI-developed inventions. The PTO has recognized the need for forward-thinking policies, recently issuing two Requests for Public Comments on Artificial Intelligence innovation. As an organization with members practicing in the areas of patent, copyright, trade secret and data protection, we are well-suited to analyze and advise policymakers on these challenges.

What advice do you have for AIPLA members considering running for senior roles at AIPLA?

Do it! Serving in a leadership role in AIPLA is an immensely rewarding experience and will offer you so many interesting opportunities. You could plan a webinar or program focused on a hot topic you want to learn more about or draft a response to a request for comments issued by the PTO, the Copyright Office, the FTC, the FDA, or governmental entity outside of the U.S. Or you could represent AIPLA at an agency or an international meeting, author an amicus brief, or plan and lead a delegation trip to Japan, Latin America, Israel, China or the Far East. And more! As an AIPLA leader, you will acquire crucial new professional skills and have the opportunity to work with thought leaders from around the world on a range of IP issues.

You have the opportunity to benefit from a wide range of projects and committee work at AIPLA as well as a community of people from around U.S. and the world. As a result, there is a place at AIPLA for everyone to grow, benefit from our community, and give back to others.