

Chair's Message

Come to the New York City National Meeting; it will offer immediately useful content and information for chemists. The CHAL executive board invites you to attend the many programs and speakers, including the many world leaders, who have volunteered their time providing content for the programs offered at the 226th ACS National Meeting. One of the easiest ways to prepare for a National Meeting is to devote time to explore the Web site www.acs.org and our own site, <http://membership.acs.org/C/CHAL/>. The New York City program will also be available on the CHAL Division Internet page. Our ACS meeting in New York City has special significance and meaning. It certainly is about the ACS and the scientific community. However, there is a deeper meaning for all of us. I would encourage each of us to reflect on the significance of the events that started concurrently with the New Orleans meeting and the timing of our meeting in New York City. In New York City, we all will be reminded of the events of September 11. While each of us may remember that day, we ought to take time to remember those lost, to appreciate the compassion and self-sacrifices of many too numerous to name, to appreciate the strength of

our country and to celebrate the strong, resilient, New York City. For some, those images and emotions came to the fore again this past March as many of us watched real time images of our nation's troops engaged in the Middle East on the video monitors in the New Orleans Convention Center.

However, life and the ACS march on. CHAL's New York City programs are for every chemist, not only lawyers, or other specialists, or our division members. The CHAL New York City programming commences on Sunday with "The Many Faces of CHAL" followed by a subject straight from current events: "Nanotechnology, Commercialization – Corporate, Funding, and Intellectual Property Issues." Our division programming kicks off on Monday with a commercial twist for the international minded chemist: "Doing Business in the United Kingdom" as a segue to "Face-to-Face with Intellectual Property Protection and Commercialization." On Tuesday you can learn about packaged foods and irradiation by attending "Recent Developments in the Regulation of Irradiated Packaged Food." Of course, maybe you don't want to know what's in the food package. How many chemists mentally debate their career moves after surviving their

CHAL EVENTS AT NEW YORK CITY

Executive Board Meeting

All welcome.
5:30 p.m. - 7:00 p.m.
Sunday, September 7, 2003
Jacob K. Javits Convention Center
Room 1E03

Reception

5:00 p.m. - 7:00 p.m.
Monday, September 8, 2003
Hotel Pennsylvania, Paris

Presentation of Papers

Sunday to Thursday
September 7-11, 2003
Jacob K. Javits Convention Center
Room 1E03

Notice of Open Meeting

Monday, September 8, 2003
(after the morning session)

NEWSLETTER INDEX – PAGE 28

Ph.D. thesis defense and a post-doc or two? Or, perhaps you wanted to know how are your intellectual property rights enforced in the chemical arts. In that case, we look forward to your attending and

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The Division of Chemistry and the Law gratefully acknowledges the generous support of **Snell & Wilmer LLP** of One Arizona Center, 400 East Van Buren, Phoenix Arizona, for funding the periodic Board teleconferences.

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Division of Chemistry and The Law, Inc.

Primary version is as print on paper, mailed twice-yearly from Palo Alto, California, prior to ACS national meetings, and distributed at those meetings; also to be on <http://membership.acs.org/C/CHAL/>. Opinions expressed are those of the authors and not necessarily of CHAL or ACS. While great effort is made for accuracy, factual errors are possible; CHAL and ACS bear no liability for such errors, and CHAL invites correction for future publication. References, including Internet sites, cited as bibliography or for general interest, are intended for readers' convenience only, and are not endorsed as to opinions or for detailed accuracy or timeliness, which are the responsibilities of the authors and publishers of those references. Internet site citations were thought to be timely within a few weeks before this newsletter went to press; however, some may have become stale. Mention of publications, products, or services is intended for readers' convenience only and not as commercial endorsement. Discussion of legal issues is for information and educational purposes and is not legal advice; legal advice should be sought from licensed lawyers formally consulted for that purpose. Readers' comments are welcome and future articles from them are invited — especially to broaden the range of topics and viewpoints — address to: M. Grossman, editor. Design, layout and printing by MontiGraphics, Palo Alto, California. 94043. Phil Monti, montigrp@atdial.net, 650-691-0900, fax 650-691-0902.

continued from front page

participating in "Practice and Enforcement of Intellectual Property in the Chemical Arts" on Tuesday morning. On Wednesday, CHAL presents a morning program devoted to "Life After a Post-Doc." Tell us your experience in the Q & A session. Audience participation is a must! CHAL's well received intellectual property sessions are currently scheduled to continue with programming on Thursday morning. Have you saved that thorny question about intellectual property law, but were afraid to ask? Attend CHAL's "The Lawyer is In" on Thursday, ask your question, and we'll try to give you pointers. Don't forget CHAL's SciMix presentation on Monday evening. Back by popular demand is our poster session on chocolate. Pack light as Dr. Peters may raffle off T-shirts and will offer chocolate samples.

Our division has benefited from the support of many organizations over the years, especially for our receptions. Here in New York City CHAL's reception on Monday, September 8 from 5:00 to 7:00 p.m. is supported by the generosity of legal friends. Our reception in New Orleans was no exception. Mr. Troy Hackenberg (Shaw Environmental) presented an insightful two-part program "Brownfields, a Paradigm Shift for Environmentally Impacted Asset Management" and Shaw Environmental co-sponsored our reception along with Dr. James Carver's law firm.

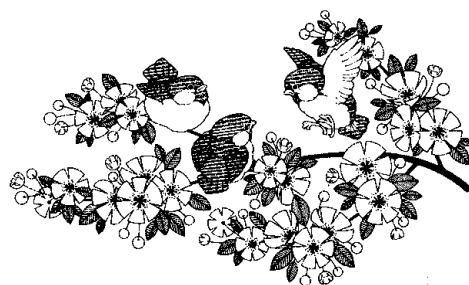
CHAL's many members are also active in between national meetings. We'd like to hear about your participation in regional and local section meetings in order to recognize your efforts. Barbara Lences (Wyeth) received great reviews from the audience for the alternate careers for chemists symposium at New Orleans and was invited to present "Careers, Chemists, and Patent Law" at the 36th Middle Atlantic Regional Meeting,

June 8-11, 2003 (Princeton, NJ). CHAL members participated in the Santa Clara Valley Local Section meeting on July 12, 2003 and enjoyed the camaraderie at the wine tasting. Other CHAL members, such as Jack Riley, are working with local sections to provide potential speakers for regional and local meetings. Dr. Riley and Dr. Ruth Tanner (Chair Education Subcommittee, Northeast Section of ACS) are trying to identify and enlist support of CHAL members from the Middle Atlantic and Northeast who can contribute to "Connections to Chemistry," which is a program concept for a Northeast Section meeting on October 8, 2003. Contact Dr. Riley and Dr. Tanner if you can help. CHAL members, such as Dr. Howard Peters, have delivered talks about intellectual property law at regional or local section meetings this past spring. These activities carry forward a CHAL tradition that started from its inception. Your efforts and contributions at ACS national meetings, regional and local meetings, and to our newsletter deserve acknowledgment and thanks from your Board. We are pleased to report that the ChemLuminary Planning Committee selected CHAL as a finalist in the competition for the "Committee Activities – Division Recognition" award. Kudos to all our members for their sustained contributions. The award program will start at 7:30 p.m. on Tuesday, September 9, 2003 at the New York Hotel Pennsylvania in the Penntop Ballroom. Special mention goes to Michael Grossman as the editor of our Newsletter. The newsletter garnered favorable reviews, especially at the New Orleans meeting. Our newsletter is one of CHAL's best efforts within the ACS to communicate our many activities to further our common objectives. (Michael follows in the fine tradition and high standards set by his predecessor, Shirley Radding.) Our immediate past Chair, Dr. Carl

Myer, and our division's co-founder, Dr. Peters, served as excellent ambassadors for our division to the ACS over the last year. Of course, many others contributed too. My apologies for not being able to mention everyone, but please accept our thanks for a job well done.

CHAL would like to learn more about your interests and skills so we can better serve you and encourage your participation in division and ACS activities. Please don't hesitate to email us (CHAL board members, including Chair, Membership Director, or Ad-hoc Sub-Committee). CHAL is always seeking input from its ACS constituency, including other divisions, on topics and participants, or even co-sponsored programming at the national, regional and local level. Are you active in the pharmaceutical arts? Do you have a perspective on the debate going on about the cost of prescription drugs or gray market? What would you find interesting and helpful? If you have ideas for a new program topic or want to participate in CHAL, please let us know (kcolton@fitcheven.com). Please tell us what we need to do to make it attractive for you to present a paper, and/or attend further meetings. We look forward to your joining us in New York City, attending our programs, and attending the Division's social hour. If you cannot attend this time, make sure you will attend the Spring 2004 meeting.

Kendrew H. Colton



ChemLuminary Award

The Chemistry and The Law Division has been selected by the ChemLuminary Planning Committee as a finalist for a ChemLuminary Award: Committee on Divisional Activities - Division Recognition.

Recipients of these ACS awards are to be announced, and the awards presented, at the National Meeting, New York City, Tuesday, September 9, at Hotel Pennsylvania, Penntop Ballroom. The presentations will include awards given by 14 committees and divisions of ACS. Prior to the ceremony there will be a poster session in the Skytop Ballroom.

The schedule for the evening is as follows:

- 7:30 - 8:30 p.m.** Poster session for all finalists (Skytop Ballroom - adjacent to the Penntop Ballroom)
- 8:30 p.m.** Doors open to the ChemLuminary Awards (Penntop Ballroom)
- 9:00 - 10:00 p.m.** Presentation of awards
- 10:00 - 11:30 p.m.** Celebration with dancing

Treasurer's Report

January 1 - July 8, 2003

Starting Balance	\$12,631.54
Income	
Royalty, CRC Press Inc. (July - December 2002)	\$ 108.08
Contribution - LA Alliance for Biotechnology	200.00
Contribution - Taylor, Porter, Brooks & Phillips	1,500.00
Contribution - Shaw Environmental, Inc.	1,250.00
ACS Division Dues July to December 2002	7,964.56
ACS 2003 Division Allocation	3,036.71
ACS Reimbursement for Councilor Expenses	1,648.00
Total	\$28,338.89
Expenses	
Division Officers' Caucus 2003 Dues	\$ 60.00
Incorporation - C. T. Corp. System	210.00
Spring Newsletter	5,154.63
Annual Bulk Mail Fee for 2003	150.00
Councilor Reimbursement for New Orleans	3,734.77
Reimbursement for DLC Travel Expenses for Secretary	465.86
Reimbursement for DLC Expenses for Program Chair	478.00
Executive Board Meeting, New Orleans	236.40
CHAL Reception, New Orleans	4,038.59
Guest Speaker Registration, New Orleans	840.00
Water Cooler, New Orleans	97.64
Bank Charges (January to May 2003)	12.20
Total	\$15,478.09
Ending Balance	\$12,860.80

Editor's Corner

The CHAL program for the New York City National Meeting – listed elsewhere in this newsletter – includes a diverse range of topics: intellectual property issues, forensics, and business topics. And, as a follow-up from the New Orleans meeting, James C. Carver and Alan M. Ehrlich have written an article: DRIVING WHILE INTOXICATED. Also appearing again is Howard Peters' next installment of "PATENT TRUTHS," and my own effort of "Puzzled by the law?" Readers' comments and contributions are always welcome, especially for full articles on any topic of interest. I wish to convey special thanks to Dr. Jack Riley and Phil Monti for their last-minute help in producing this



Quotable

"...criminal courts do not necessarily deal in truth, but they deal in evidence..."

(From a trial lawyer's affidavit, used on appeal (by the appeal lawyer) - R [Her Majesty the Queen] v K., [1995] 24 Ontario Reports (3d) 199-204, at 201, Ontario Court of Appeal, 5 June 1995. The affidavit recounted the trial lawyer's advice, and resulting instructions, in a case where the client originally plead guilty for something he denied doing - as part of a plea bargain.)

Program for New York City Meeting

Division of Chemistry and The Law

September 7-11, 2003

W. R. Johnson and Elizabeth J. Berns, Co-Program Chairs

SUNDAY MORNING

Session A

Javits Convention Center, Room 1E03

The Many Faces of CHAL From the Labs to the Courts

B. C. Meadows, Presiding

W. R. Johnson, Organizer

1. 9:30 Life in the DNA lab following 9-11-01: The World Trade Center disaster. *N. J. Umbach*
2. 10:00 Intellectual property of tautomers as variants of inventions: The cases of Rofecoxib (Vioxx) and Omeprazole (Losec, Prilosec). *H. Caner, I. Agranat*
3. 10:30 Validity of the selection patent of a single enantiomer. *I. Agranat, H. Caner*
4. 11:00 Strategies for extending patent term in the pharmaceutical industry. *B. Lau*
5. 11:30 Strategies for securing international patent protection and ITC 337 practice. *H. Fox*

SUNDAY AFTERNOON

Session B

Javits Convention Center, Room 1E03

Nanotechnology Commercialization- Corporate, Funding and Intellectual Property Issues

D. Jaffer, Organizer, Presiding

6. 1:00 Establishing and funding a nanotechnology business enterprise. *S. M. Wurzburg*
7. 1:30 Patent strategies to protect nanotechnology. *J.A. Lindeman*
8. 2:00 Case study in commercializing liposome technology. *A. Bloom*
- 2:30 Intermission.
9. 2:45 Ownership of intellectual property rights, nondisclosure agreements, and confidentiality agreements. *R.O. Guillot*

10. 3:15 What VC's want, and do you want them?
R.A. Fleming, T.C. Thomas
11. 3:45 Case study: How to launch a nanomaterials venture without venture capital.
J. D. Lichtenhan

MONDAY MORNING

Session A

Javits Convention Center, Room 1E03

Doing Business in the United Kingdom

D. G. Lewis, Organizer, Presiding

12. 9:30 Doing business in the UK: Introduction and overview of patent. *D. G. Lewis*
13. 9:40 European and US patent litigation strategy: Part 1. *A. Lykiardopoulos*
- 10:30 Intermission.
14. 10:15 European and US patent litigation strategy: Part 2. *S. Ayrton*
15. 10:50 Why Viagra is obvious (in the United Kingdom). *S. J. Lee*
16. 11:25 European oppositions in preference to litigation. *R. Lawrence*

MONDAY AFTERNOON

Session B

Javits Convention Center, Room 1E03

Face-to-Face with Intellectual Property Protection and Commercialization Cosponsored with CEPA, and SOCED

S. Shab, Organizer

17. 1:00 Angel investors and venture capital. *B. Walters*
18. 1:30 Commercialization: can a graduate student do it? *S. Lemons*
19. 2:00 Establishing productive university/industry relationships: transferring technology while protecting academic freedom. *B. Kee*
20. 2:30 Intellectual property protection and transfer: the what, the why and how. *S. Shab*

21. 3:00 Keeping your eye on the ball: avoiding conflicts of interest and ownership disputes. *S. Poulter*
- 3:30 Panel Discussion.

MONDAY EVENING

Session C

Javits Convention Center, North Pavillion

SciMix

H. M. Peters, Organizer

8:00 -10:00 pm

See Abstracts 12, 15 and 16.

22. The William H. Nichols Medal-The corporate legacy of William H. Nichols. *N. D. Jespersen, M. Jespersen*
23. The William H. Nichols Medal - 100 years of medal presentations. *N. D. Jespersen, M. Jespersen*
24. The William H. Nichols Medal-100 years of medalists. *N. D. Jespersen, M. Jespersen*
25. National Historic Chemical Landmarks-Part A. *H.M. Peters, S. Peters*
26. The William H. Nichols Medal - William H. Nichols, chemist and businessman. *N. D. Jespersen, M. Jespersen*
27. National Historical Chemical Landmarks-Part B. *H. M. Peters, S. Peters*
28. The William H. Nichols Medal-Medalists as inventors. *N. D. Jespersen, M. Jespersen*
29. National Historical Chemical Landmarks-Part C. *H. M. Peters, S. Peters*
30. When the walls came tumbling down: DNA identifications for the World Trade Center disaster. *N. J. Umbach, E. T. Bieschke, Z. M. Budimlja, H. D. Cash, L. M. de Castro, S. M. Estacio, M. J. Hennessey, F.J. Lewis, E.J. Mar, C.M. Meyers, M. Moodie, B. L. Nazzarulo, A. M. Nicholson, M. O'Connor, R.C. Sbalor*

TUESDAY MORNING

Session A

Javits Convention Center, Room 1E03

Practice and Enforcement of Intellectual Property in the Chemical Arts

Cosponsored with The New York State Bar Association Intellectual Property Section (MCLE Credits Applied For)

M.A. Lieberstein, Presiding B.C. Meadows and M.A. Lieberstein, Organizers

Panel Discussion – No Abstracts Presented

- 9:30 Welcoming Remarks and Introduction to Panel Discussion - Marc A. Lieberstein, Esq., Ostrolenk, Faber, Gerb & Soffen, Chair of the New York State Bar Association Intellectual Property Section.
- 9:35 Stanley H. Lieberstein, Esq., St. Onge Steward Johnston & Reens, Moderator.
- 9:45 Sharon A. Blinkoff, Esq., Buchanan Ingersoll, Speaker.
- 10:10 Sheldon Palmer, Esq., Galvin & Palmer, Speaker.
- 10:35 Intermission.
- 10:45 Joel Bock, Esq., Sills Cummins Radin Tischman Epstein & Gross, Speaker.
- 11:10 Douglas Olson, Esq., Paul, Hastings, Janofsky & Walker, Speaker.
- 11:35 Question and Answer.

TUESDAY AFTERNOON

Session B

Javits Convention Center, Room 1E03

Recent Developments in the Regulation of Irradiated Packaged Food

Cosponsored with AGFD

J. S. Eberhard, Organizer, Presiding

- 1:30 Introductory Remarks.
37. 1:35 Keynote Address: Testing protocol for determining exposure to radiolysis products from packaging materials irradiated in contact with food. *K. E. Paquette*
34. 2:00 Food irradiation: A global. *K. E. Nanke*
36. 2:25 The regulation of irradiated packaged food: A legal and regulatory perspective. *G. Misko*

32. 2:50 Irradiated EVOH food contact notification: Current status. *G. D. Sadler*
33. 3:15 Packaging materials for irradiated food. *E. Brunton*
35. 3:40 Analytical techniques for investigation of irradiated packaging components in food simulating solvents. *P. H. Severin*

The Need for ENDA, the Employment Non-Discrimination Act, in the Chemical Process Industries

Cosponsored with PROF

WEDNESDAY MORNING

Session A

Javits Convention Center, Room 1E03

Life After A Post-Doc A Look at Career Paths and Options

Cosponsored with CHED

*PROF F. Evans, Presiding**C. Meyer, Organizer*

38. 8:30 Adjusting to changing times. *C. Meyer*
39. 9:00 A chemist's career with different emphasis at different times. *A. N. Wright*
40. 9:30 A chemist in the nuclear industry. *J. H. Davies*
41. 10:00 From England via Canada and the U.S. to the Swiss pharma industry. *F. Evans*
42. 10:30 Hard and dedicated work can still make dreams come true. *C. Meyer, D. J. Miller*
- 11:00 Panel Discussion.

WEDNESDAY AFTERNOON

Session B

Javits Convention Center, Room 1E03

The Many Faces of CHAL A Potpourri of Intellectual Property Law Issues*W. R. Johnson, Organizer, Presiding*

43. 1:00 Combinatorial chemistry and the 35 U.S.C. 112 enablement requirement: Perspectives on patent protection when using automated research techniques. *M. Hopkins*
44. 1:30 Lessons learned from the Bristol-Myers Squibb case: A practical guide to Orange Book listing. *M. Izraelewicz*

45. 2:00 Competitor analysis: Is anybody else making blue widgets? *M. D. Bauer*
46. 2:30 Protecting your client: The need to take reasonable steps to avoid infringement. *D. S. Kerven*
47. 3:00 Dealing with your attorneys: Notebooks, Invention Disclosures and other important documentation. *M. H. Brodowski*

THURSDAY MORNING

Session A

Javits Convention Center, Room 1E03

IP Thursday*S. Thompson, Presiding**B. C. Meadows, Organizer*

48. 9:30 Recent developments and drafting strategies for chemical patent applications filed in the United States. *S. Thompson*
49. 10:05 Unravelling the patent family: A closer look at the analysis of global patent filings. *M. D. Bauer*
50. 10:40 Provisional applications and the Paris Convention: What you need to know. *B. C. Meadows*
51. 11:15 Recent developments and drafting strategies for chemical patent applications filed abroad. *S. Thompson*

THURSDAY AFTERNOON

Session B

Javits Convention Center, Room 1E03

The Many Faces of CHAL: The Lawyer Is In*W. R. Johnson, Organizer*

52. 1:00 Ask the lawyers. *W. R. Johnson B. C. Meadows*
- 1:10 Question and Answer Period.

Minutes of CHAL Executive Committee Meeting

March 23, 2003 New Orleans, Louisiana

The Executive Committee meeting began at 5:30 p.m. with the following persons in attendance: Andy Berks, Elizabeth Berns, Cassandra Burham, Jim Carver, Kendrew Colton, Hugh Dubb, Alan Ehrlich, David Jaffer, Bill Johnson, Neal Langerman, Barbara Lences, Carl Lippenberger, Brian Meadows, Howard Peters, Jack Riley, Edlyn Simmons.

The meeting began by acknowledging David Jaffer, Jack Riley, Chuck Hauff, Carl Meyer and Michael Grossman for their great contributions to the Division.

The minutes of the August meeting in Boston were approved.

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Chair's Report

Kendrew reported on the Divisional Activity Committee (DAC) meeting and the new DAC evaluations of division performance. Special assessments and membership increases are contemplated. There was discussion amongst the group as to whether CHAL can get access to funding for creative programming. Advance programming may help with this, as well as getting a CHAL member onto DAC.

Jim Carver presented a motion to instruct counselors to vote against change in funding. Barb Lences was second to the motion.

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Chair Elect's and Program Chair Report

Bill Johnson reported on the DLC February Conference in DC attended by himself, Elizabeth Berns, and Barbara Lences. Bill stressed the importance of volunteerism and the need for acknowledgement thereof.

Bill expressed gratitude to Barbara Lences, on behalf of the group, for planning the social events for CHAL.

Bill suggested that the program-

ming functions be shared in order to enhance overall communication, as well as looking for more opportunities to co-sponsor events and programs with local bar associations.

Some discussion took place about the ACS 9-11 programming in New York.

James Carver stressed the importance of the need for topic balance within the Division. There is a significant amount of programming in the IP areas, and not in other areas that link chemistry and the law. Some discussion took place about how CHAL can solicit more information from its membership about what the members do and what they want to see in programming. Carl Lippenberger and Jack Riley are going to work on a member survey. They were knighted as the "Survey Committee."

Neal Langerman, CHAS Chair attended the meeting and spoke about the great potential and desire for his division to do some co-programming and sponsorships with CHAL.

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Secretary's and Program Co-Chair Report

David Jaffer reported that the Annual Report filing for 2002 was timely and the ACS review of the Annual Report was favorable. In addition, Elizabeth presented the nominal co-sponsorship requests to CHAL and those were accepted.

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Treasurer's Report

Barbara Lences presented the Treasurer's report January 1, through March 21, 2003. Barbara noted the exclusion of approximately \$5000-\$7000 ACS July 2002-December 2003 dues. Barbara provided a review of the ACS budget for 2002. Discussion on

Bylaws took place regarding two-year terms for the Secretary and Treasurer.

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Councilors' Report

Howard Peters announced that he will run again, one more time. Howard will take the lead on awards. Discussion took place regarding the Petition for funding; which would provide an additional \$4000-\$6000 to CHAL if passed. Howard's firm will be joining the Corporate Associates Division, providing CHAL with a presence.

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Newsletter Report

Barbara Lences reported for Michael Grossman. The deadline for the newsletter was set as July 1, 2003. Discussions followed of (a) continuing to e-mail the newsletter as it was being well received, and (b) a Division directory. The Divisional Activity Committee (DAC) passed kudos to CHAL for their top notch Newsletter. Thank you Michael! Howard Peters noted that a second article on Judge Cordell was in the making.

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ACS Staff

No ACS staff was present at the CHAL Executive Committee Meeting.

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New Business

The Executive Committee Meeting will take place in New York on Sunday the 7th at 5 p.m. A Monday evening reception will also be held, co-sponsored by the New York Intellectual Property Bar.

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Adjournment

The meeting was adjourned at 7:30 p.m.

Elizabeth J. Berns

Announcements

ACS National Meeting New York City

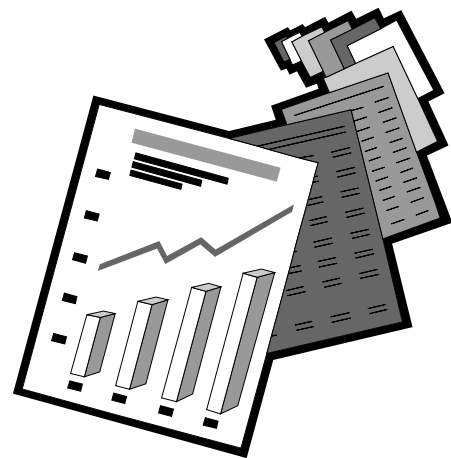
A Presidential Event on "Opportunities in the Bio and Pharma Areas" is among three career-related symposia to be presented by the Committee on Economic and Professional Affairs at the upcoming New York national meeting. Biotechnology and pharmaceutical research are hot areas today in terms of drug discovery, fundamental research, and new business opportunities. These areas are projected to produce a large segment of the employment for chemists and chemical engineers in the future.

After introductory remarks by ACS President-elect Charles Casey, a group of well-known experts will provide an overview of the many opportunities in these areas. Among the topics of discussion will be new technology, innovation and opportunities for growth. The symposium, to be held 8:30-12:00 p.m. on Monday September 8, is co-sponsored by BIOL, PROF, WCC, and YCC. A second symposium, "Face-to-Face with Intellectual Property Protection and Commercialization Issues," will explore a variety of vital issues surrounding intellectual property protection and transfer. Speakers will discuss topics ranging from patents to venture capital to establishing new businesses. The symposium will be held on Monday, 1:00-4:00 p.m. September 8. The primary sponsor is the Division of Chemistry and The Law. The co-sponsors are the Department of Career Services, Office of Graduate Education, the Division of Small Chemical Businesses, CEPA Committee on Professional Training, and the Committee on Education.

"The Need for ENDA, the Employment Non-Discrimination Act, in the Chemical Process Industries," to be held 1:30-4:10 PM on Tuesday September 9, fills out CEPA's symposia lineup. This presentation will cover

the current state of the workplace for lesbian, gay, bisexual, and transgender workers. The legal environment at the federal, state, and local levels under which they operate will be discussed, as well as efforts to change those laws. The event is sponsored by the Division of Professional Relations and co-sponsored by CEPA, YCC, WCC, and CHAL.

For more information about the symposia, call DCS at 1-800-227-5558 Ext. 6208.



CAS Expands Patent Coverage and Currency

Chemical Abstracts Service (CAS), the leading provider of chemistry-related patent information, has announced several enhancements that build upon its unique patent offering: CA patent coverage has been expanded by the addition of patents from 6 more countries; the UK and French patent offices have been added to the group of "Core" patent issuing authorities for which CAS delivers patent information within 2 days of issuance; in addition, CAS has broadened its selection criteria to include the US National Patent Classification codes.

The six national patent authorities added to CAS regular patent coverage are New Zealand, Estonia, Monaco, Bulgaria, Slovenia and Hong Kong in addition to the African Regional Industrial Property Organization (ARIPO). In total, CAS now offers patent information for 44 active patent issuing authorities.

CAS now offers ultra fast delivery of information from the UK and French patent offices, which have been added to a group of 7 Core patent issuing authorities that also includes the United States Patent & Trademark Office (USPTO), German Patent and Trademark Office (GPTO), Japanese Patent Office (JPO), European Patent Office (EPO) and

the World Intellectual Property Organization (WIPO). For these offices, patent bibliographic information and abstracts are available in CAS electronic services within 2 days of the patents' issuance. Fully indexed records for these patents appear within 27 days.

Additionally, CAS is extending its patent selection criteria by including more classification codes: the US NPC, which began in January 2003, and the ECLA codes and Japan F-Terms to be added to patents in the CA/CAplus files in the near future.

"This latest slate of enhancements builds upon our strength as a unique scientific information resource, and the only one that integrates both journal literature and patents in a comprehensive database with extraordinary currency," said CAS Editorial Operations Director, Matthew J. Toussant. "The unsurpassed currency of the chemistry-related patent information in the CAplus file continues to be a key reason for STN's standing as the leading sci-tech information service."

More information is available on the CAS web site at www.cas.org, via email to help@cas.org, or by calling 1-800-753-4227.



Abstracts for Chemistry and The Law Papers

226th ACS National Meeting

New York City • September 7-11, 2003

1. Life in the DNA lab following 9-11-01: The World Trade Center disaster.

Noelle J. Umback, Department of Forensic Biology, New York City Office of Chief Medical Examiner, 520 First Avenue, New York, NY 10016, Fax: 212-447-2630, umback@hotmail.com

Nearly 20,000 human remains, representing approximately 2800 persons lost at the WTC, were recovered between September 11, 2001 and the following June. The job of identifying and reuniting these remains fell to the NYC OCME, with the Forensic Biology Department playing an integral role. An overview of this process is offered. The vast majority of identifications have been made through matches to personal effects such as toothbrushes, or by kinship analysis to family members of the missing. Due to fragmentation, traditional means of identification (fingerprints, dental records, and personal effects, for instance) simply were not possible in most cases.

The extraction of DNA from these samples, and STR (short-tandem repeat) analysis of PCR-amplified products in order to obtain DNA profiles will be presented, along with other issues encountered. Customized databases have been developed to aid this process, which continues to this day.

2. Intellectual property of tautomers as variants of inventions: The cases of Rofecoxib (Vioxx®) and Omeprazole (Losec, Prilosec).

Hava Caner, and Israel Agranat, Department of Organic Chemistry, The Hebrew University of Jerusalem, Philadelphia Building 201/205, Jerusalem 91904, Israel, Fax: 972-2-6511907, canerb@chem.ch.huji.ac.il

A tautomer as a variant of an invention has not been considered by the courts until the UK Courts considered this issue in a case regarding the anti-inflammatory cyclooxygenase-2 inhibitor Rofecoxib (Vioxx). The relevant question was whether the patent in suit included a tautomer which was not specified in the patent, but into which one of the specified substituents was automatically converted when in aqueous solution. The court decided that the patent in suit included the keto tautomer (Vioxx) of the explicitly claimed enol form (a hydroxyfuran derivative). Tautomerism occurs also in the blockbuster gastric antisecretory proton pump inhibitor drug Omeprazole, claimed as a 5-methoxy-1H-benzimidazole derivative. It readily converts in solution into its 6-methoxy-tautomer, with which it is in equilibrium. In 2001-2002 aaiPharma obtained several US patents claiming the 6-methoxy tautomer. The intellectual properties of tautomers as variants of inventions of drugs, and chemical and pharmaceutical ingredients will be discussed.

3. Validity of the selection patent of a single enantiomer.

Israel Agranat, and Hava Caner, Department of Organic Chemistry, The Hebrew University of Jerusalem, Philadelphia Building 201/205, Jerusalem 91904, Israel, Fax: 972-2-6511907, isria@vms.huji.ac.il

Drug chirality is now a major theme in the design, discovery and development of new drugs. Most of the new drugs reaching the market today are single enantiomers, rather than the racemates that have previously dominated. Very often chiral drugs have been first claimed as racemates and later claimed as single enantiomers. The patentability of enantiomer(s) in such a scenario is an extreme case of the patentability of a selection invention. A case in point is the patents of the platelet aggregation inhibitor for preventing thrombosis, Plavix® (Clopidogrel bisulphate). The relevant priority dates of the patents were in 1983 (racemate) and 1988 ((S)-enantiomer). Plavix, the (S)-enantiomer, was approved by the FDA in 1997. In 2002 two generic companies have challenged the Plavix patents under Paragraph IV certi-

fications. The validity of the selection patent of Plavix(r) will be discussed.

4. Strategies for extending patent term in the pharmaceutical industry.

Bernard Lau, Senior Counsel, Hoffmann-La Roche Inc, 340 Kingsland Street, Nutley, NJ 07110, Fax: 973-235-2363, bernard.lau@roche.com

Abstract text not available.

5. Strategies for securing international patent protection and ITC 337 practice.

Harold Fox, Fish & Richardson P.C, 1425 K Street, Washington, DC 20005, Fax: 202-783-2331, fox@fr.com

Abstract text not available.

6. Establishing and funding a nanotechnology business enterprise.

Stephen M. Wurzburg, Pillsbury Winthrop LLP, 2550 Hanover Street, Palo Alto, CA 94304, Fax: 650-233-4545, swurzburg@pillsburywinthrop.com

The success of a start-up company depends on structuring and financing that allows the company to bring a product to market. This talk will examine financing and business structure alternatives for new enterprises.

7. Patent strategies to protect nanotechnology.

Jeffrey A. Lindeman, Nixon Peabody LLP, Suite 800, 8180 Greensborough Drive, McLean, VT 22102, Fax: 703-770-9400, jlindeman@nixonpeabody.com

How should patent applications be drafted for nanotechnology inventions? This talk will examine the patentability of smaller scale inventions, claiming size of a device, standards of patentability, and examples in various different technologies.

8. Case study in commercializing liposome technology.

Allen Bloom, Dechert LLP, Princeton Pike Corporate Center, P. O. Box 5218, Princeton, NJ 08543, Fax: 609-620-3259, allen.bloom@dechert.com

Abstract text not available.

9. Ownership of intellectual property rights, nondisclosure agreements, and confidentiality agreements.

Robert O. Guillot, Intellectual Property Law Offices, 1901 S. Bascom Avenue, Suite 660, Campbell, CA 95008, Fax: 408-558-9960, rguillot@iplo.com

Patent, trade secret, and copyright rights can easily be lost through failure to obtain ownership of these rights from employees and consultants, failure to obtain security interests in transactions involving intellectual property, or failure to restrict disclosure of confidential information. This talk addresses these ownership and disclosure issues, and provides simple ways to avoid inadvertent loss of intellectual property rights.

10. What VC's want, and do you want them?

Ronald A. Fleming, and Thomas C. Thomas, Pillsbury Winthrop LLP, One Battery Park Plaza, New York, NY 10004-1490, Fax: 212-858-1500, rfleming@pillsburywinthrop.com

Venture capitalists look for particular company profiles when investing. When is venture financing a good idea and in what instances is it preferable to finance a company in alternative ways?

11. Case study: How to launch a nanomaterials venture without venture capital.

Joseph D Lichtenban, Hybrid Plastics, www.hybridplastics.com, 18237 Mt. Baldy Circle, Fountain Valley, CA 92708, Fax: 714-962-4024, Lichtenban@hybridplastics.com

Abstract text not available.

12. Doing business in the UK: Introduction and overview of patent.

Donald G. Lewis, Chemical Patent Counsel, The Scripps Research Institute, 10550 North Torrey Pines Road, Mail Drop: TPC-8, LaJolla, CA 92037, Fax: 858-784-9399, dlewis@scripps.edu

When formulating business plans involving the development or enforcement of intellectual property rights in Britain or Europe, enterprises in the US need to coordinate and differentiate the assessment of their position in the US with respect to their position in Britain or Europe. Creation and enforcement of intellectual property rights in Britain and Europe differ materially from the US. An overview of the enforcement of patents in Britain and Europe will be provided.

13. European and US patent litigation strategy: Part 1.

Andrew Lykiardopoulos, Bristows, 3 Lincoln's Inn Fields, London WC2A 3AA, United Kingdom, Fax: 44 (0) 20 7400 8050, andrew.lykiardopoulos@bristows.com

Explanation of Position in Europe - multiple jurisdictions - interaction between EPO and national jurisdictions - unified law but differences in procedure and remedies - contrast between common and civil law countries. Filing strategy- choice between national filings and EPO - benefits and advantages of EPO - double banking strategy. Review and comparison of national jurisdictions including UK, Germany, Netherlands and France.

14. European and US patent litigation strategy: Part 2.

Simon Ayrtton, Bristows, 3 Lincoln's Inn Fields, London WC2A 3AA, United Kingdom, Fax: 44 (0) 20 7400 8050, simon.ayrtton@bristows.com

Factors to consider when planning litigation strategy - would discovery be advantageous? - is a process patent claim being asserted? - is there a pending EPO opposition? - is claim amendment necessary? - are experiments important? - would a court appointed expert be advantageous? Review of benefits of ADR for European patent disputes. Future developments in Europe.

15. Why Viagra is obvious (in the United Kingdom)?

Steven J. Lee, Kenyon & Kenyon, One Broadway, New York, NY 10004-1050, Fax: 212-425-5288, slee@kenyon.com

In 2001 a British appeals court acknowledged that Viagra had been called by the Times "one of the brightest British innovations of the 1990s" None the less, it held that the patent on Viagra was obvious. In 2002, another British appeals court held that a patent covering the formulation for Prilosec (omeprazole) was obvious; in 2003 the corresponding U.S. patent survived the same challenge. There are substantial similarities between the patent laws across the world. The requirements of "novelty" and "non-obviousness" in the United States roughly correspond to "inventive step" but the standards are quite different. We will discuss the omeprazole case, and show how the applications of those standards led to the determination of obviousness of the Viagra patent.

16. European oppositions in preference to litigation.

Robin Lawrence, Gill Jennings & Every, Broadgate House, 7 Eldon Street,

London EC2M 7LH, United Kingdom, Fax: + 44 (0)20 7377 1310, prl@je.co.uk

Industry wants reasonable certainty and economy in planning its strategy for exploiting technology throughout EU. European oppositions can give this. They can already be conducted cheaply and well, and the procedures are currently being improved further. If the patent is revoked, everyone has certainty. If the patent is maintained, the patentee has confidence that the patent is likely to survive a validity attack in at least some of the national courts, and an injunction in even one EU country may be sufficient to prevent effective EU marketing.

17. Angel investors and venture capital.

Brad Walters, Academy Funds, 111 N. Chestnut Street, Suite 105, Winston Salem, NC 27101, Fax: 336-748-9909, bwalters@academyfunds.com

So now you want to use your business plan to raise money. What do Angel Investors and the Venture Capitalists look for in your business plan, your technology and in your company? How do you pitch your pitch to these investors?

18. Commercialization: Can a graduate student do it?

Spencer Lemons, Office of Technology Asset Management, Wake Forest University Health Sciences, Medical Center Boulevard, Winston Salem, NC 27157, Fax: 336-713-0241, slemons@wufubmc.edu

How do you raise money and support the growth of a startup business based on the technology licensed from a University? It requires a road map that is generally referred to as the Business Plan. What is a business plan? What do you use it for? What are the various aspects of the business plan?

19. Establishing productive university/industry relationships: Transferring technology while protecting academic freedom.

Brooks Keel, Office of the Vice President for Research, Florida State University, 109 Westcott Building, Tallahassee, FL 32306, Fax: 850-644-9694, bkeel@fsu.edu

Technology transfer to the private sector requires a partnership, it may go through a collaborative research agreement or a direct licensing of the rights to a third party to practice the technology. How does it affect the university researchers rights to publish and disseminate knowledge?

20. Intellectual property protection and transfer: The what, the why and how.

Sadie Shab, Office of Technology Transfer, Western Illinois University, Sherman Hall 203, 1University Circle, Macomb, IL 61455, Fax: 309-298-2130, S-Shab@wiu.edu

What is technology and why transfer it to the private sector? Before transferring the technology why do I need to protect it by legal means? What are the intellectual property protection options, and how do I implement them? What are the implications of releasing information to the public domain? What are the critical steps of the technology transfer process?

21. Keeping your eye on the ball: Avoiding conflicts of interest and ownership disputes.

Susan Poulter, S.J. Quincey College of Law, University of Utah, University of Utah, Salt Lake City, UT 84112

Transferring technology to the private sector to improve the quality of life is a noble goal. The federal laws and the university policies not only require this technology transfer but they also allow financial rewards to inventors and the university. However, determining ownership of intellectual property development in the University is not always a simple matter.

continued on next page

Moreover, pursuit of personal interests through intellectual property rights is fraught with potential conflicts of interest and commitment. Graduate students, postdoctoral researchers and faculty needs to be aware of the pitfalls as well as the potential benefits of intellectual property development in the university.

22. The William H. Nichols Medal: The corporate legacy of William H. Nichols.

Neil D. Jespersen, Department of Chemistry, St. John's University, Jamaica, NY 11439, Fax: 718-990-1876, jespersen@stjohns.edu, and Marilyn Jespersen, New York Section- ACS c/o St. John's University

William H. Nichols can be considered the father of a significant number of corporate entities. His corporations and the mergers and takeovers since their founding will be detailed in this paper. Most important will be the tracing of General Chemical Corporation through to its current position as apart of Honeywell.

23. The William H. Nichols Medal: 100 years of medal presentations.

Neil D. Jespersen, Department of Chemistry, St. John's University, Jamaica, NY 11439, Fax: 718-990-1876, jespersen@stjohns.edu, and Marilyn Jespersen, New York Section- ACS c/o St. John's University

This paper will describe the development of the W.H. Nichols medal as the first ACS award. It will also trace the rules for awarding the medal as they evolved over the years. Finally, the Nichols Medal presentation has changed in the past century and that evolution will be presented.

24. The William H. Nichols Medal: 100 years of medalists.

Neil D. Jespersen, Department of Chemistry, St. John's University, Jamaica, NY 11439, Fax: 718-990-1876, jespersen@stjohns.edu, and Marilyn Jespersen, Department of Chemistry, New York Section- ACS c/o St. John's University

This paper represents the collective efforts of approximately 100 students researching the Nichols medalists. They searched the internet and SciFinder Scholar to develop vignettes of the medalists. Their complete work will be compiled into a pamphlet.

25. National Historic Chemical Landmarks: Part A.

Howard M. Peters, Peters Verny Jones & Biksa, LLP, 385 Sherman Avenue, Palo Alto, CA 94036, Fax: 650-324-1678, peters4pa@aol.com, and Sally Peters, PARC Inc

The ACS (www.acs.org) started the National Historic Chemical Landmarks (NHCL) program (<http://pubs.acs.org/botartcl/cenear/980112/historic.html>) in 1992. The first Landmark was the Joseph Priestly House in Northumberland, PA (<http://pubs.acs.org/cen/acsnews/7945/7945acs2.html>). Additional NHCL designations include the first nylon plant in Delaware, the ChemTone paint process in Ohio, the aluminum process in Ohio, commercial calcium carbide production and acetylene in North Carolina, synthetic rubber in Ohio, etc. The NHCL program and its event booklets are presented.

26. The William H. Nichols Medal: William H. Nichols, chemist and businessman.

Neil D. Jespersen, Department of Chemistry, St. John's University, Jamaica, NY 11439, Fax: 718-990-1876, jespersen@stjohns.edu, and Marilyn Jespersen, Department of Chemistry, New York Section- ACS c/o St. John's University

William H. Nichols was a 19/20th century scientist with interesting ideas and concepts that are still felt today. This paper describes the life of William H. Nichols. It features his involvement with the formation of the American Chemical Society and also with the businesses that he started.

27. National Historical Chemical Landmarks: Part B.

Howard M. Peters, Peters Verny Jones & Biksa, LLP, 385 Sherman Avenue, Palo Alto, CA 94036, Fax: 650-324-1678, peters4pa@aol.com, and Sally Peters, PARC Inc

The ACS National Historic Chemical Landmark (NHCL) (<http://pubs.acs.org/botartcl/cenear/980112/historic.html>) presentations are continued with posters describing the first commercial use of radiation in California, discovery of helium in Kansas, the fluid bed reactor in Louisiana, the Howdry process in Pennsylvania, the electrolytic production of bromine in Michigan, the synthesis physostigmine in Indiana, and nucleic acids to NYC.

28. The William H. Nichols Medal: Medalists as inventors Neil.

D. Jespersen, Department of Chemistry, St. John's University, Jamaica, NY 11439, Fax: 718-990-1876, jespersen@stjohns.edu, and Marilyn Jespersen, New York Section- ACS c/o St. John's University

Use of the internet and SciFinder Scholar produced significant information about the former Nichols medalists as inventors. Their use of the patent system in the United States and elsewhere will be documented in this presentation.

29. National Historical Chemical Landmarks: Part C.

Howard M. Peters, Peters Verny Jones & Biksa, LLP, 385 Sherman Avenue, Palo Alto, CA 94036, Fax: 650-324-1678, peters4pa@aol.com, and Sally Peters, PARC Inc

The ACS National Historic Chemical Landmark (NHCL) (<http://pubs.acs.org/botartcl/cenear/980112/historic.html>) has designated a number of international chemical landmarks. These include the Lavoisier laboratory in Paris, France, the Raman Effect in India, the polymer science program in Germany, the Priestly House in the UK, etc. These posters and event brochures will describe these landmarks.

30. When the walls came tumbling down: DNA identifications for the World Trade Center disaster.

Noelle J. Umback¹, Erik T. Bieschke¹, Zoran M. Budimlija¹, Howard D. Casb², Lydia M. de Castro¹, Sheila M. Estacio¹, Michael J. Hennessey², Felecia J. Lewis¹, Elaine J. Mar¹, Carole M. Meyers¹, Monzia Moodie¹, Bianca L. Nazzaruolo¹, Anca M. Nicholson¹, Mary-Breen O'Connor¹, and Robert C. Shaler¹.

Note: 1. Department of Forensic Biology, New York City Office of Chief Medical Examiner, 520 First Avenue, New York, NY 10016, Fax: 212-447-2630, umback@hotmail.com
2. Gene Codes Corporation

The identification of victims from Ground Zero presented many challenges to forensic scientists. Natural degradation, fire and physical damage, and commingling all had to be overcome while performing DNA typing on this massive project.

Because standard forensic STR (PCR) analysis didn't always yield enough information, additional research technologies were validated for use in WTC identifications, such as reduced-primer STRs, SNPs (single nucleotide polymorphisms) and improved procedures for the extraction of DNA from bone samples.

Once profiles are obtained, the data is entered into M-FISys (Mass-Fatality Identification System), a custom database which contains the profiles of not only the remains, but also (victims') personal effect and family member profiles. Administrative reviews of the records, anthropological reviews of the remains, and data reviews of all DNA testing for a case must be conducted before an identification is finalized. Over half of the ~2800 persons who died at the WTC have been identified, including passengers from both planes. Efforts continue.

32. Irradiated EVOH food contact notification: Current status.

George D. Sadler, National Center for Food Safety and Technology, 6502 S. Archer Road, Summit-Argo, IL 60501, Fax: 708-563-1873, sadler@iit.edu

Abstract text not available.

33. Packaging materials for irradiated food.

Ellis Brunton, Senior Vice President, Science & Regulatory Affairs, Tyson Foods, P.O. Box 2020, Springdale, AR 72765

Abstract text not available.

34. Food irradiation: A global perspective.

Kevin E. Nanke, Director, Product Applications, SureBeam Corporation, 9276 Scranton Road, Suite 600, San Diego, CA 92121, Fax: 858-795-6301

Abstract text not available.

35. Analytical techniques for investigation of irradiated packaging components in food simulating solvents.

Paul H. Severin, Covance Laboratories, 210 Carnegie Center, Princeton, NJ 08540-6233, Fax: 609/452-9375, paul.severin@covance.com

Abstract text not available.

36. The regulation of irradiated packaged food: A legal and regulatory perspective.

George Misko, Keller & Heckman, LLP, 1001 G Street NW, Washington, DC 20001, Fax: 202-434-4646, Misko@kblaw.com

Abstract text not available.

37. Keynote Address: Testing protocol for determining exposure to radiolysis products from packaging materials irradiated in contact with food.

Kristina E. Paquette, Office of Food Additive Safety, U.S. Food and Drug Administration, 5100 Paint Branch Parkway (HFS-275), College Park, MD 20740, Fax: 202-418-3030, kep@cfmsan.fda.gov

The recent interest in irradiating meat to eliminate pathogens such as E. coli O157:H7 has resulted in several industry submissions to the FDA regarding the safety of new packaging materials intended for use during the irradiation of prepackaged food. Most of the packaging materials currently available for this use were approved in the 1960s. These materials do not adequately cover the expansive number of polymers, adhesives, and colorants that are used in multilayer food-packaging materials that offer special properties such as an improved oxygen barrier. Therefore, considerable motivation exists for the development of new polymeric materials for these applications. Great strides have been made in chemical analysis over the past 40 years, making it possible to identify and quantify individual volatile and non-volatile radiolysis products that form in irradiated polymers. The human dietary exposure to these radiolysis products that might result from their migration into food and subsequent consumption must be determined as part of their safety evaluation. Based on reviews of industry submissions and requests from industry and the public, the FDA is in the process of developing a testing protocol that should make it possible to analyze those radiolysis products that are relevant to the safety evaluation, and to calculate exposures to them. This testing protocol will be discussed within the context of FDA's Food Contact Substance Notification Program.

38. Adjusting to changing times.

Carl Meyer, Law Office of Carl Meyer, 704 Rand Avenue, Oakland, CA 94610, Fax: 510-834-0692, cbmeyer@msn.com

My path as a chemist was determined by opportunities that came along, rather than by planning. My interest has always been problem solving and teaching, but my activities have changed with changing times: I paid for my graduate studies in Switzerland by teaching math and physics at a junior college. I worked as a postdoctoral at McGill and at UC Berkeley, because I wanted to observe good scientists at work. I then joined the chemistry faculty at the University of Washington where I could combine basic research with teaching non-majors and chemistry majors on all levels, while working at the Berkeley National Lab, consulting with industry and federal government agencies. Extensive expert witnessing prompted me to go to law school and expand my education, and I am now a litigator, arbitrator, mediator and chemical consultant with my own small firm.

39. A chemist's career with different emphasis at different times.

A. Nelson Wright, IUPAC, Chair Committee for Chemistry and Industry, 12, 539 Ranger, Montreal, QC H4J 2L7, Canada, cbmeyer@msn.com

My highly enjoyable career within chemistry can be divided into four phases: (1) University – 13 years, McGill (1950-57 and 1959-63), Leeds (1957-59); with emphasis on research and publications, and beginning co-authorship of a book (2) Industry – 15 years (1963-78) at the R&D Center of GE, concentrating on research (including publications), patent generation, and industrial interaction. No "society" participation beyond membership; (3) Industry in Canada – 20 years (1978-98) participation at the executive/ board level of a small, growing chemical/plastics company; some publications and patent generation., with increasing involvement in professional societies, industry associations, and government committees - and direct funding for plastics research, and (4) Retirement (1998-), concentration on volunteer work for technical societies, including chairing COCI, IUPAC and SPE, and editing Pure and Applied Chemistry.

40. A chemist in the nuclear industry.

John H. Davies and Carl Meyer, 1311 Nancarrow, San Jose, CA 95120, cbmeyer@msn.com

Most ACS members are well aware that it was a pair of chemists who discovered nuclear fission and many may be familiar with the painstaking chemical studies carried out to separate and characterize the transuranium elements. However, fewer may be aware of the important contributions that chemists and chemical understanding have made to the reliable operation of nuclear fuel and nuclear power reactors. The beauty of nuclear fission to a chemist is that the fission products span every group of the periodic table. But this chemical diversity poses challenges in nuclear fuel design and operation. Additionally, control of reactor water chemistry is important to the reliable operation of both the reactor and the fuel. Characterization of some of these problems and the development of solutions will be described in this paper.

41. From England via Canada and the U.S. to the Swiss pharma industry.

Frank Evans, Pharmaceutical Company in Switzerland, Basle, Switzerland, cbmeyer@msn.com

After earning my PhD in organic Physical Chemistry in Manchester, I did postdoc work in the U.S. and Canada, and then worked in the R&D laboratory of a large U.S. Chemical industry, until I accepted a position with a large pharmaceutical concern in Basle, Switzerland

42. Hard and dedicated work can still make dreams come true.

Carl Meyer, Law Offices of Carl Meyer, 704 Rand Street, Oakland, CA 94610, Fax: 510-834-0692, cbmeyer@msn.com, and D. James Miller, Crescent Technologies

This is about the career of D.J.M., who started his career as a chemical lab-
continued on next page

oratory technician for an International Mineral Company in the South. Taking advantage of the opportunity to go to night school while working, D.J.M. gradually earned his B.S. and PhD in chemistry, while publishing and patenting basic and applied research at a level equal to the best in Academe or Industry. When the government litigated him trying to invalidate an important patent, D.J.M. took evening classes to get a law degree. Staying with the same company, as it went through several transitions, D.J.M. has served on several U.S. and local Government advisory committees, while working on large-scale mining developments abroad. First serving as Vice President, he is now Member of the Board of Directors of his company and president of a wholly owned international subsidiary, an analytical lab with a staff of more than 120.

43. Combinatorial chemistry and the 35 U.S.C. 112 enablement requirement: Perspectives on patent protection when using automated research techniques.

Mark Hopkins, Marshall, Gerstein, and Borun, 233 S. Wacker Dr., Suite 6300, Chicago, IL 60606, Fax: 312-474-0448

A patent practitioner must balance several factors to get a combi chem patent that has a reasonable scope of protection for future licensing and/or infringement. These factors and recent case law which influences these factors will be presented and discussed.

44. Lessons learned from the Bristol-Myers Squibb case: A practical guide to Orange Book listing.

Mark Izraelewicz, Marshall, Gerstein, & Borun, 6300 Sears Tower, 233 S. Wacker Drive, Chicago, IL 60606, Fax: 312-474-0448, mizraelewicz@marshallip.com

The listing of the patents in the "Orange Book" provides certain benefits to the listing company. However, in the wake of the recent settlement between Bristol-Myers Squibb and the Federal Trade Commission, the listing of a patent in the "Orange Book" also places a heavy burden on the pioneer company to avoid the improper extension of the patent monopoly and thereby improperly prevent a generic alternative from entering the market. This presentation will explore the cost-benefit analysis that goes into the listing process and will draw some practical guidance from the case of Bristol-Myers Squibb and others.

45. Competitor analysis: Is anybody else making blue widgets?

Mark D. Bauer, Online Sales, Derwent Information, 1725 Duke Street, Suite 250, Alexandria, VA 22314, Fax: 703-519-5838, mark.bauer@derwentus.com

Abstract text not available.

46. Protecting your client: The need to take reasonable steps to avoid infringement.

David S. Kerven, Jones Day, 3500 Suntrust Plaza, 303 Peachtree Street, N.E., Atlanta, GA 30308, Fax: 404.581.8330, dskerven@jonesday.com

Your company has just received a copy of a competitor's patent along with a seemingly innocuous letter expressing the competitor's desire to discuss licensing its technology to you. Alternatively, a researcher in your company has identified a patent of your competitor discussing a process that's pretty close, if not dead-on, with a process you are using to manufacture a particular compound. In either case, your company has probably assumed a new obligation. Under existing patent laws, once you become aware of a patent, you are obliged to take reasonable steps to avoid infringing it. Why is this important? Failure to meet this obligation can lead to significant consequences should the patent holder sue you for patent infringement and win. First, the failure could support a conclusion that you willfully infringed the patent; a finding of willful infringement can lead to significantly higher damages (up to three times more). Second, the failure could also support a conclusion that the situation is exceptional potential-

ly justifying a court's award to the patent holder of the attorneys' fees and costs that the patent holder expended in the litigation.

An important factor in determining whether you have taken reasonable steps to avoid infringement is whether you sought an opinion of counsel regarding your product or products and potential infringement of the patent. However, not all opinions are created equally in the eyes of the courts. This presentation endeavors to provide you with an introduction to the dangers of willful infringement and to the effective use of opinions of counsel as shield including criteria by which courts evaluate opinions.

47. Dealing with your attorneys: Notebooks, Invention Disclosures and other important documentation.

Michael H. Brodowski, Testa, Hurwitz & Thibault, LLP, 125 High Street, High Street Tower, Boston, MA 02110, Fax: (617) 790-0037, BRODOWSK@THT.com

Abstract text not available.

48. Recent developments and drafting strategies for chemical patent applications filed in the United States.

Sandra Thompson, Riordan & McKinzie, 600 Anton Boulevard, 18th Floor, Costa Mesa, CA 92626-1950, Fax: 714-549-3244, spt@riordan.com

Chemical patent applications are becoming increasingly difficult to get issued in the United States, especially if the patent practitioner wants to keep the claims broad. US Examiners are requiring that additional steps be taken when drafting the application, in order to get any meaningful claims when issued. These recent developments will be discussed in relation to the US-PCT process and general US prosecution, along with a discussion of different and creative drafting strategies in light of recent and important case law.

49. Unravelling the patent family: A closer look at the analysis of global patent filings.

Mark D. Bauer, Online Sales, Derwent Information, 1725 Duke Street, Suite 250, Alexandria, VA 22314, Fax: 703-519-5838, mark.bauer@derwentus.com

Abstract text not available.

50. Provisional applications and the Paris Convention: What you need to know.

Brian C. Meadows, Needle & Rosenberg, PC, 127 Peachtree Street N.E., 12th Floor, Atlanta, GA 30303, Fax: 404-688-9880, meadows@needlepatent.com

Abstract text not available.

51. Recent developments and drafting strategies for chemical patent applications filed abroad.

Sandra Thompson, Riordan & McKinzie, 600 Anton Boulevard, 18th Floor, Costa Mesa, CA 92626-1950, Fax: 714-549-3244, spt@riordan.com

Chemical patent applications are becoming increasingly difficult to get issued in foreign countries, especially if the patent practitioner wants to keep the claims broad. Many countries are requiring that additional steps be taken when drafting the application, in order to get any meaningful claims when issued. These recent developments will be discussed in relation to the PCT process and foreign country prosecution, along with a discussion of different and creative drafting strategies.

52. Ask the lawyers.

William R. Johnson, Needle & Rosenberg, P.C., 1200 Candler Building, 127 Peachtree Street, N.E., Atlanta, GA 30303, Fax: 404-688-9880, wjohnson@needlerosenberg.com, and Brian C. Meadows, Needle & Rosenberg, PC

This will be a 90 minute informal drop-in session where questions can be asked of lawyers and/or patent agents including, but not limited to those, listed above. These lawyers and patent agents will be members of CHAL, available here without fee. Questions may be just about any topic you desire: about legal career possibilities, and about the law itself: patent, trademark, copyright, trade secret, etc. Questions may be of practical or

theoretical interest. The discussions should be interesting, notwithstanding that correct answers are not guaranteed. This session will be of an informational and educational nature only; the considerations of questions asked will not be in the context of any lawyer-client relationship; answers (if known) will not be formal legal advice.



Driving While Intoxicated

James C. Carver¹ and Alan M. Ehrlich²

One of the interfaces between chemistry and law is the chemistry and law of driving-while-intoxicated (DWI) prosecution. A symposium on this topic was convened at the Spring, 2003 New Orleans Meeting of ACS, cosponsored by CHAL and the Division of Analytical Chemistry, and organized by James Carver and Edward Overton. Topics included papers on measuring blood alcohol concentrations (BAC), the legal regimen surrounding prosecution and defense of DWI cases, a mock trial, and an interesting on-the-spot experiment dosing volunteers.

The science portion contained papers on the sampling considerations in obtaining an accurate and reproducible sample of exhaled gases containing low concentrations of alcohol,³ the physiology of the breath test for alcohol,⁴ and the testing protocols for alcohol analysis used by law enforcement agencies.⁵ The law and policy portion included papers on the policy concerns related to DWI,⁶ prosecuting DWI cases,⁷ and defending DWI cases.⁸ The mock trial was typical of a trial that might have occurred.⁹ Perhaps unique to ACS meetings was the on-the-spot experiment - a demonstration on dosing of volunteers. The demonstration modeled what would happen in a stop in real life, so let us review that regimen first. An officer may stop a driver if the officer suspects an alcohol-related situation - either because the driving was erratic, because the driver had committed a moving violation, or

because the driver's behavior at a road block aroused suspicion. In such cases, the officer asks the driver to step out of the car and the officer conducts three tests. The first test is the Horizontal Gaze Nystagmus test where the driver follows the officer's finger or a pencil as the officer moves the finger or pencil from side to side; failure to follow, or jerky eye movements constitute failure. The second test is walking a straight line. The driver walks along an imaginary straight line, putting one foot in front of the other (feet touching), turns around, and walks in the other direction. Inability to do this is a failure. In the third test, the driver holds one foot six inches to a foot off the ground without losing balance. Generally, a driver must fail all three tests before the next test, the Breathalyzer test is conducted. If the driver fails the Breathalyzer test, he/she is arrested and taken to the station where a blood test is usually administered.

For the CHAL demonstration, several volunteers were chosen - CHAL Councilor Alan Ehrlich and graduate students attending the symposium. The demonstration was conducted carefully. First, ID's of the graduate students were checked to make sure they were at least twenty-one. Alan would have been flattered to have his ID checked - but no such luck. Then, all subjects were given a consent form to read and sign. All subjects had to verify they had no allergic sensitivity to alcohol, no medical conditions - such as diabetes - for which alcohol

could be harmful, and were not taking medications for which alcohol exposure is contraindicated. All subjects had to pledge they had not had any alcoholic beverages in the previous 10 hours, and for 10 hours after the demonstration would not imbibe alcohol, would not drive a vehicle, and would remain accompanied in case any health problems emerged.

Next, all subjects were weighed to estimate the amount of alcohol necessary to reach a BAC of 0.08%. Because of his size, Alan was "sentenced" to double shots. Subjects began drinking - one drink approximately every 15 minutes. Mixers and finger food were also provided for the test subjects. The first round of Breathalyzer tests came after three drinks. Alan's BAC was 0.05%. Fifteen minutes later, his BAC was 0.03%. According to Sgt. Chustz, the drop is expected. There is a brief period of time after drinking that the Breathalyzer measures mouth alcohol as well as BAC; there is a finite time period before the ingested alcohol leaves the mouth, is ingested, metabolized, and then exhaled. Alan's observations at this point are interesting. First, Alan thought he only had two drinks by this point; Sgt. Chustz, who was conducting the test and keeping careful records, said it was three. Sgt. Chustz said people tend to lose count after two (not just to lie to officers, but because their memory has already become impaired). Alan also already felt a bit woozy; he would not have wanted to drive even at this point (remember, this was - in effect - six drinks in less than an hour). Although

continued on next page

Alan's normal perceptivity had blurred at this point, he recalls the graduate students had become a bit silly.

Testing went on. Although Alan's weight suggested 10 - 12 drinks, Alan has no idea how many drinks he actually had (Sgt. Chustz may still have those records, but who cares). Alan failed all three of the field sobriety tests listed above, so he would have been given the Breathalyzer test had he been stopped while driving in this condition.¹⁰ Alan knew he could not do anything that needed thought, perception or coordination. Yet his BAC was only 0.075%, below the legal level for DWI or driving under the influence. Most critically, Alan knew he could not drive. Sgt. Chustz said Alan's response was typical - people at 0.08% often know they should not be driving; they retain at least a modicum of mental ability and perception. It is the fully inebriated, in the range of 0.15%, who have lost all sense and believe they are just as able to drive on the roads as they would in sober condition.

While Alan and the others were being dosed, the mock trial was in progress and Jim Carver, acting as judge, was able to observe, albeit from across the room, the behavior of the subjects. Within about 30 minutes from the time when the dosing began, all of the subjects began to get a little giddy and occasionally loud. Alan seemed very happy and mellow. A couple of the graduate students appeared to be getting drunk and a couple of the other ones showed very few effects. At the end, when the breath test was given, the person who seemed the most in control actually registered over 0.10% (we learned later that her parents owned a bar and she was accustomed to drinking), while one of the persons who seemed drunk actually registered under 0.08% (we learned that because of school and job that she almost never went out and had very little opportunity to consume alcohol). At

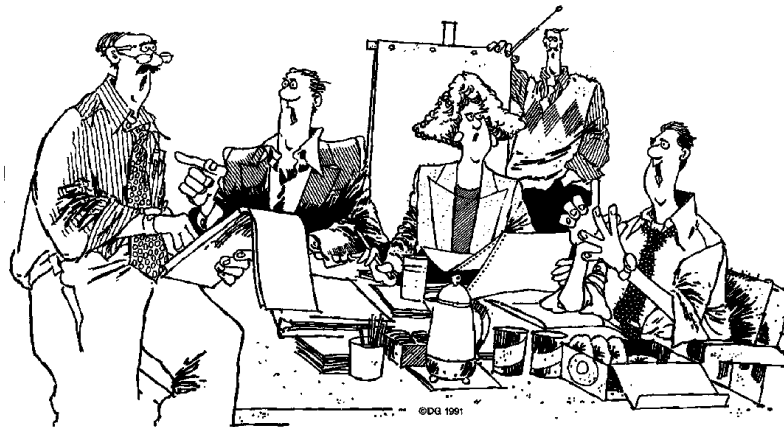
the end of the dosing, all of the subjects were accompanied by a person who did not participate.

Alan's companion was Jack Riley while they attended other convention functions.¹¹ About two hours after the demonstration had been completed, Alan was at his worst-dizzy, tired, nauseous, and spacey. He came close to passing out, and was glad he could sit down. Maybe it was for the best - this occurred during speeches of the nominees from whom the Council would select two candidates for President-Elect, and Alan remembers little of the speeches. The evening concluded with Sci-Mix. By now, Alan was close to normal. Unfortunately for him, he had to give up his beer tickets - remember, he pledged not to drink again for 10 hours. But note how easy it is for someone to obtain a drink while impaired; Alan obtained the free beer for one of his CHAL colleagues. By morning, Alan was fine - with only a touch of hangover.

Alan believes this is a demonstration that should take place in many public gatherings. It is instructive and brings home to test subjects and observers, alike, how easy it is to get the point of impairment. Alan's experience with the demonstration is apparently typical. A recent article in *The Washingtonian* looked at drunk-driving laws and how alcohol affects people.¹² The article tracks Alan's experience.

NOTES:

1. James Carver is a partner of Taylor, Porter, Brook & Phillip, Baton Rouge, and Alternate Councilor of CHAL. The views expressed here are his own, and not necessarily the views or policies of his firm, its clients, CHAL or ACS.
2. Alan Ehrlich is Patent Counsel at the US Environmental Protection Agency (EPA), Councilor of CHAL and a member of ACS' Committee on Patents & Related Matters. The views expressed here are his own, and not necessarily the views or policies of EPA, CHAL, or ACS.
3. Edward Overton, Ned Roques and Kenneth Carney, Louisiana State University, Baton Rouge.
4. Joseph McGarity, Baton Rouge, LA
5. Sgt. Terry Chustz, Louisiana State Police
6. Catherine Childers, State Executive Director, MADD, Baton Rouge, LA
7. Beau James Brock, formerly an Assistant District Attorney in East Baton Rouge Parish, Baton Rouge, LA and now with the US EPA in the Environmental Crimes Division, Baton Rouge, LA
8. John Calmes, Defense Attorney, whose primary practice area is in the defense of DWI offenses, Baton Rouge, LA
9. Written by John Calmes and Beau Brock (based on an actual case tried by Mr. Calmes). The scripted actors were: Beau Brock, prosecuting attorney; John Calmes, defense attorney; Sgt. Terry Chustz, witness for the prosecution as the arresting officer, and Joseph McGarity, expert witness for the defense. Jim Carver presided as judge.
10. Alan has enough of a balance problem that he has trouble with the one foot off the ground test even when sober. But remember, a suspect usually must fail all 3 tests before being given a Breathalyzer test.
11. Thank you, Jack, for baby-sitting.
12. Cindy Rich, "Step Out of the Car, Please," *Washingtonian*, December, 2002, pages 76 - 79 and 131.



Patent Truths - Wills, Gifts, Trusts and Estates

1. Much as been made in the business news recently concerning the Hershey Chocolate Company and the fabulously wealthy trust that still owns and controls the largest chunk of the voting stock. One of A Kind Milton S. Hershey, a local German Mennonite, was originally considered a ne'er-do-well who finally focussed and created a caramel candy company. He sold out this candy company in Lancaster PA about 1898 for about \$1 million. These funds were used to create the Hershey Chocolate Company in Hershey PA in 1903. At about age 40 he married Catharine (Kitty) Sweeney. To the surprise of everyone, she was a fun-loving vivacious Irish-American Roman Catholic girl from New York State – and probably a diabetic. They had no children and together they created the Hershey Industrial School in Hershey for homeless boys. She died in 1915 and soon thereafter Hershey transferred most of his ownership of the stock to the Trust for the Industrial School. He never remarried. During World War II he single-handedly made a Hershey bar a part every Allied soldier's daily C-rations – and created a very loyal following. He died still running Hershey in 1945 at age 88. The School and the Trust continued to prosper. About 1960, the State of Pennsylvania took the trust to court charging that they were not spending the Trust income fast enough. The Trust complied and created the Milton S. Hershey Medical School and Center with a \$50 million gift in Hershey which is now operated by Penn State University. After the recent news events, I think we will soon see the State go again to the Trust to distribute another large part of its \$5,000,000,000 endowment.
PS Milton Hershey had one U.S. Patent, No. 1,740,693. If you can understand it, then you are a better patent attorney than I. He preferred trade secrets to protect his chocolate products. Remember this is the same man who refused to advertise and said, "Why advertise? Doesn't everyone see our candy wrappers on the ground?"
2. Gordon Battelle's will in the 1920's left significant funds to improve the welfare of the citizens of Columbus and Ohio. The trustees in 1925 created Battelle Memorial Institute (BMI) in Columbus to provide technology, jobs, etc. – very important during the 30's. By 1950s, Battelle had joined a risky commercial development effort with Chester Carlson and Haloid, a small Rochester NY printing firm to automate dry ink copying. The project was a huge success and the company changed its name to XEROX. At one point in time Battelle was the single largest holder of XEROX stock. It was such a burden the State of Ohio stepped forward in the courts to reinterpret Battelle's will – that the welfare of the citizens of Columbus needed to be more improved. The \$80,000,000 Columbus Convention Center was built almost entirely with XEROX stock proceeds. Battelle continues to prosper as a non-profit research institute. See <http://www.battelle.org>.
3. Most chemists are unaware of the extent of the philanthropy of Donald and Mildred (Mid) Othmer. Much of this text is taken from the Chemical Heritage Foundation book, Donald F. and Mildred Topp Othmer. Don Othmer was from Omaha NB and eventually received his Ph.D in chemical engineering from the University of Michigan. After a time at Eastman Kodak in Rochester, he became increasingly frustrated watching the technology he invented (and for the patents he received \$10 each) as it produced millions for the company. He left and joined Brooklyn Poly as a professor. In the 40's he joined with Raymond Kirk to launch the multi-volume Kirk-Othmer: Encyclopedia of Chemical Technology. Kirk died shortly thereafter. About 1950 Othmer married Mildred Topp the local career woman/buyer for the family Topp's Department Store of Omaha. About 1955 Don and Mid had each accumulated about \$25,000 in savings and Mid's mother strongly suggested they invest it with the bright young man down the street who seemed to know something about investing – Warren Buffett. Yes, they were apparently original investors in Buffett's Berkshire Hathaway. They were frugal (some say too much so) and didn't spend the rapidly accumulating funds. They had no children. The ACS Othmer headquarters building in Washington was a first indication of the personal estates they had created. Don died at age 91 in 1995 in New York City. Mid died at age 95 in 1998 in an Omaha nursing home after several years dealing with Alzheimer's. Their combined estates were worth about \$800,000,000. Almost all of it went to charity. Brooklyn Poly received about \$200 million and quadrupled its endowment. The Chemical Heritage Foundation (CHF) in Philadelphia received about \$100,000,000 – which explains much about the recent renovation of the CHF center. If you are interested in more details about this fascinating couple, the book is available at <http://www.cbemheritage.com>.
4. Charles Schwab, for those of us 60 and older and from the industrial East, is not the local Stanford MBA who founded the local wildly successful discount stock brokerage company. The first Charles M. Schwab lived large over 100 years ago in Pittsburgh, PA and New York City. Schwab had little formal education but major gifts – a photographic memory he used to great

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advantage and a salesman's charm. He rose using self-taught chemistry in speciality steels with Carnegie Steel to become a favorite of Andrew and in 1897 became the President of Carnegie Steel. When Carnegie wanted to pursue his social ambitions, Schwab brokered the sale of the company in 1900 to J.P. Morgan and the Wall Street interests creating the first billion dollar corporation – US Steel. He became its first president. In 1903 on a trip to Europe to visit steel plants, Schwab ventured into Monte Carlo and was seen gambling in the casino by several newspaper reporters. The “yellow journalism” of the day blew his actions out of proportion. By the time Schwab returned to the US, he was in serious disfavor with US Steel and Carnegie. He

resigned, took his millions, and invested in a little steel company – Bethlehem Steel and rode it up. Schwab Auditorium (now 100 years old) at Penn State is one of his many contributions. It is estimated that Schwab earned over \$100,000,000 (most of it not taxed) during his lifetime. Yet when he died about 1936, his estate was insolvent by \$100,000. He also knew how to spend his money.

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* Dr. Peters is a founding and charter member of CHAL. He is a patent attorney in Palo Alto, California. This column, inspired by Dr. Peters' Trivial Pursuit® confrontations with his family, is also to appear (with the same or similar content) in the Silicon Valley Chemist. For this issue he quotes his wife, Sally, after she read the draft: “You can really tell a guy wrote this column.”

H₂SO₄ Spill at the Owen Sound Jail and Bill 57 to Amend the Ontario Occupational Health and Safety Act¹

Michael Grossman, B.S., Ph.D., LL.B., Barrister & Solicitor²

Recent amendments proposed to the Occupational Health and Safety Act³ by the Ontario government would include changes to the Workplace Hazardous Materials Information System.⁴ WHMIS is Canada's chemical hazard communication/right-to-know law.⁵ It is a co-ordination of federal and provincial legislation that imposes uniform standards and procedures across the country. One of its main features is Material Safety Data Sheets, which are similar to MSDSs required under the US Hazard Communication Standard,⁶ and now commonly available from many other sources.⁷

Ontario's WHMIS provisions,⁸ as originally enacted, uniquely included that an inventory⁹ of substances for which MSDSs are required at workplaces be publicly available, through local fire departments and Medical Officers of Health.¹⁰ As far as I know, such inventory-revealing provision of WHMIS, now to be repealed,¹¹ has rarely been used. Here is the story that includes how I used it, about two years ago.

As a criminal law defence lawyer, I had clients who, as sometimes phrased amongst legal workers, were

guests of Her Majesty – not at Windsor Castle – but at the provincial jail facility at Owen Sound, about 190 miles northeast of Detroit, on Georgian Bay, not too far from the US border, on the Canadian side, that passes through Lake Huron. This old building would better serve as a museum, but at the time, it was still a functioning jail.

From my clients, confirmed later in news reports,¹² I learned that there was a spill into a drain inside the jail on Wednesday, June 9, 1999, about 1:30 p.m. Apparently, there was a not-too-well supervised use of cleaning chemicals, by jail employees, who were not inmates. The actual spilling may have been done by one employee, but I would assume that there would also be responsible supervisors in a chain of authority. Inmates became ill, apparently from the spill's resulting vapors, and were given medical treatment, and one was hospitalized.

I made some enquiries:

From the Ontario Ministry of Labour,¹³ I learned that there was no report to that Ministry, although my reading of the OH&S Act is that it would have been required.¹⁴

From the Ontario Ministry of Correctional Services,¹⁵ I eventually learned that its one existing report was, in effect, secret, because it contained personal information. But, there was no indication of any willingness to separate such personal information from the incident information.

However, the Ministry of Correctional Services did provide me with a copy of an MSDS, from which I concluded that the spilled substance was sulphuric acid,¹⁶ about 90-100% concentration. Curiously, this copy¹⁷ had a fax heading, apparently from the supplier and dated about ½ hour after the spill, suggesting that the document was not on-site at the time of the spill, as required by sensible disaster preparation procedure.

The jail is quite close to the waterfront. I did not know what kind of drain was involved. If it were simply for run-off, then the sulphuric acid, and chemical reaction products, might have drained more or less directly into the ground, or into the lake system. If it were for sewage, then the acid and products might have drained elsewhere. If the sulphuric acid drained into the lake, then there

may be an international jurisdiction.¹⁸ From the point of view of a citizen seeking information, an international jurisdiction has an attractiveness, in that what goes on in US government offices in Chicago would be beyond the reach of Ontario government bureaucrats to unduly influence.

From my enquiry, by e-mail, to the Co-Chairs of the Great Lakes Water Quality Board, at Environment Canada, Ottawa, and at the US Environmental Protection Agency, Chicago, replied to from the Canadian side, I understood that the spill of about $\frac{1}{2}$ quart of sulphuric acid, as Clear-Line Drain Opener,¹⁹ was not reported to Environment Canada because it did not exit the facility.

Perhaps consistent with this, I learned from the Ontario Ministry of the Environment, Spills Action Centre,²⁰ that a spill had not been reported.

From the office of the Medical Officer of Health, for the Owen Sound area, I received a copy of the "WHMIS Product List for Owen Sound Jail," which listed:²¹

Basement

Javex	56-6 Lt
Germ Destroyer - Pine	46-4 Lt
Acrylic Copolymer Floor Cleaner	10-4 Lt
Bowl Aide (Toilet Cleaner)	12-1 Gal
Ammoniated Cleaner & Stripper	1-4 Lt

Laundry and Kitchen

Ultra San	45-4 Lt
Pan Dandy	24-4 Lt
Lime-A-Way	6-4 Lt
Microkline Germicide	7-4 Lt
Aclaim	12-3 Kg
Jet Dry	5-4 Lt
Lever Clean	2-4 Lt
Fabric Softener, So Fresh	2-20 Lt
Destainer 2000	2-20 Lt

Maintenance Shop

Clear Lime Drain Cleaner	4-4 Lt
Earth Bond (7200 Glue Coverbase)	1-346 g
Diamond Outdoor Finish	4-11 Oz
Minwax-Fast Dry Polyurithane	1-1 Lt
Rust Coat Paint	1-1 Lt
Acrylic-gloss Paint, Beauti-tone	1-1 Lt

Tremclad Spray Paint	1-340 g
Rustex Spray Eamel, Valspar	1-346 g
Semi-gloss Paint, Beauti-tone	1-Lt
Plastic Cleaner Spray	1-19 Oz
Beauti-tone Paint	1-Gal
Furniture Polish, Wood & Co.	1-550 g
Gunk Liquid Wrench	1-311 g
Wood Finish, Minwax	1-946 g
Paint Thinner/Cleaner	1-4 Lt
WD 40 Spray Lubricant	2-Cans
CLR Cleaner	1-3 Lt
Raid House and Garden	10-Cans

My enquiries ultimately led to little specific information beyond what one of my clients told me - that sulphuric acid was spilled.²² But the story of my search is an instructive example of actual hazard communication responsiveness of the Ontario government. Not so good. And that government now wants to reduce its obligation to communicate hazards.

Notes:

1. Reprinted (slightly edited), with permission, from the toronto workers' health & safety legal clinic newsletter. Vol. 11, No. 2, [Feb.] 2002, pages 2 & 3; Toronto Workers' Health & Safety Legal Clinic, 180 Dundas Street West, Suite 301, Toronto M5G 1Z8; 416 971 8832; fax: 416 971 8834. WORKClinic@olap.org www.worksafety.ca.
2. © M.G. MMI. The opinions expressed here are those of the author who may be contacted: The author practises criminal law in Toronto. He is on the Board of Directors of the Toronto Workers' Health & Safety Legal Clinic, and is the Clinic's Treasurer.
3. Occupational Health and Safety Act, RSO 1990 c. O.1, as amended. www.gov.on.ca/MBS/english/publications/statregs/contents.html
http://www.elaws.gov.on.ca/tocStatutes_E.asp?lang=en http://192.75.156.68/DBLaws/Statutes/English/90o01_e.htm Government Efficiency Act, 2001, Statutes of Ontario 2001, c. 9 (Bill 57) - An Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain Acts - Royal Assent: 29 June 29, 2001
http://www.e-laws.gov.on.ca/.
4. Bill 57, Government Efficiency Act, 2001 (Government Bill), 37th Legislature, 2nd session, First Reading 17 May 2001.
http://www.ontla.on.ca/library/bills/57372.htm
http://www.ccr.gov.on.ca/mccr/english/4WTSV5.htm http://alerts.web.net/show.cfm?app=OFL&id=2835
http://www.off-fto.on.ca/.
5. See M. Grossman, The Law of Occupational

Health and Safety in Ontario, Second Edition, Butterworths, Toronto and Vancouver, August 1994, ISBN 0-409-90414-7; Chapter 11.

6. Occupational Safety & Health Administration, US Department of Labor. OSHA Regulations (Standards - 29 CFR) Hazard Communication. - 1910.1200
http://www.oshaslc.gov/OshStd_data/1910_1200.html.
7. e.g.: http://www.msdssearch.com/
http://www.msdssearch.com/GovLinksN.htm# OSHA.
8. OH&S Act - see notes above.
9. s. 36.
10. 38(2). The medical officer of health, at the request of any person, shall request an employer to furnish a copy of the most recent version of the inventory or of an unexpired material safety data sheet, as the case may be. 38(3). At the request of any person, the medical officer of health shall make available to the person for inspection a copy of any inventory or material safety data sheet requested by the person and in the possession of the medical officer of health. 38(4). A medical officer of health shall not disclose the name of any person who makes a request under subsection (2) or (3). 38(1)(c). A copy of the most recent version of the inventory and of every unexpired material safety data sheet required by this Part in respect of hazardous materials in a workplace shall be...furnished by the employ-er on request or if so prescribed to the medical officer of health of the health unit in which the workplace is located...
11. The public availability of the WHMIS inventories is removed by Bill 57; the public availability of the MSDSs remains.
12. "Inmates complain of fumes," The Globe and Mail/national news/national report/ONTARIO, Saturday, 19 June 1999, page A5, www.theglobeandmail.com/ Jim Algje & Jonathon Jackson, Sun Times staff, "Fumes make inmates sick / Men screamed to be released from cells in city jail," The Sun Times, Owen Sound, Saturday, 19 June 1999, pages A1& A2, www.southam.com/owensoundsuntimes/.
13. http://www.gov.on.ca/LAB/main.htm.
14. Although the OH&S Act is primarily concerned with workers, it does occasionally apply to others in relation to work site incidents - as would appear for s.52(1). This more general concern for others-than-workers appears to be consistent with the Ministry's Mission Statement. s.52 (1). Where an accident, explosion or fire causes injury to a person at a workplace whereby the person is disabled from performing his or her usual work or requires medical attention, and such occurrence does not cause death or critical injury to any person, the employer shall give notice in writing, within four days of the occur-

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rence, to a Director, and to the committee, health and safety representative and trade union, if any, containing such information and particulars as are prescribed. (emphasis added.) <http://www.gov.on.ca/LAB/mol/aboutme.htm> Mission Statement: To advance safe, fair and harmonious workplace practices which are essential to the social and economic well-being of the people of Ontario.

15. www.corrections.mcs.gov.on.ca/english/cservices/default.htm.
16. Chemical Abstracts Registry Number 7664-93-9. (American Chemical Society <http://www.acs.org/>).
17. MSDS for CLEAR-LINE DRAIN OPENER = 90-100% sulphuric acid; C.P. INDUSTRIES LTD., 25 Black Street, Fergus, Ontario, Canada N1M 1A5.
18. www.ijc.org Boundary Waters Treaty, 1909, and the Great Lakes Water Quality Agreement, 1972 & 1978, & 1987 Protocol. Sulfuric Acid is listed under the 1978 PROTOCOL, ANNEX 10, APPENDIX-HAZARDOUS POLLUTING SUBSTANCES.
19. I assume that "CLEAR-LINE DRAIN OPENER" is the correct name of the product of concern, as in the MSDS; and that "CLEAR LIME DRAIN CLEANER" is intended to be the same thing, but is mistakenly named in the inventory; but I am not sure.
20. <http://www.ene.gov.on.ca/spills.htm>.
21. I assume that "CLEAR-LINE DRAIN OPENER" is the correct name of the product of concern, as in the MSDS; and that "CLEAR LIME DRAIN CLEANER" is intended to be the same thing, but is mistakenly named in the inventory; but I am not sure.
22. My preliminary speculation had been that incompatible cleaning products were mixed - bleach and ammonia solutions - producing chloramines:

$$3 \text{ Na O Cl} + 2 \text{ N H}_4 \text{ OH} \rightarrow \text{N H}_2 \text{ Cl} + \text{N H Cl}_2 + 3 \text{ Na OH} + 2 \text{ H}_2\text{O}$$
 See: "High School Chemistry work sheets and information files," Richard A. Brown, Minnechaug Regional High School, Wilbraham, Massachusetts 01095. (As of June 1999: rbrown@k12.oit.umass.edu <http://k12.ucs.umass.edu/brown/safeab1.doc>)



Puzzled by the law

Here is a legal puzzle to ponder – readers' comments are sought – to be summarized in the next issue. According to Canada Criminal Code,¹ a judge may order a bio-sample from a person convicted of certain offences – for a national DNA data bank,² if the concerns for that person's privacy are outweighed by society's security needs.³ Readers are invited to construct legal arguments for an order for a convict's bio-sample, or not, on the basis of rights of the convict's bio-relatives – to protect their privacy. Similarly, readers are invited to construct legal arguments on the basis of the legislation's silence on quality assurance standards, scientific verification, accreditation, and personnel training.

1. Revised Statutes of Canada 1985, c. C-46; as amended.
2. Criminal Code - Forensic DNA Analysis - s 487.04 et seq. <http://laws.justice.gc.ca/en/> <http://laws.justice.gc.ca/en/c-46/42185.html> DNA Identification Act 1998, c. 37 <http://laws.justice.gc.ca/en/d-3.8/48198.html> DNA Identification Regulations P.C. 2000-1109 27 July, 2000 <http://laws.justice.gc.ca/en/d-3.8/sor-2000-300/95711.html>.
3. 487.051(2) The court is not required to make an order...if it is satisfied that the person...has established that, were the order made, the impact on the person's...privacy and security of the person would be grossly disproportionate to the public interest in the protection of society and the proper administration of justice, to be achieved through the early detection, arrest and conviction of offenders.



In the previous *Puzzled by the law* readers were asked why a US Constitutional amendment* was necessary to prohibit beverages containing ethanol, but cocaine is prohibited by mere acts of Congress and state legislatures? Readers may have noticed that this *Puzzled by the Law* appeared reprinted in last issue of the CHAL newsletter, from the previous issue, because of production difficulties. This was unfortunate, from a newsletter editorial point-of-view, but fortuitous otherwise, because the answer is obscure. I was hoping that a reader would help, but the warnings to students in law school about not asking questions of witnesses to which you do not know the answer, has come to pass. The criminalization of ethanol and narcotics likely derives from a successful movement in the USA, in the early part of the 20th century. It was related to religious movements, and to the US occupation of the Philippines.

I took this idea for *Puzzled by the Law* from the 1973 book of David F. Musto, M.D.: *The American Disease/ORIGINS OF NARCOTIC CONTROL*.** According to Dr. Musto, the issues were largely political, beyond the medical and legal. My reading of his text is that these issues, in the late 19th and early 20th centuries, were then to some extent related to concerns that would today be simply seen as racist, if not bizarre. In the legal context, it appears that both ethanol and narcotic criminal law enforcement were related to a substantial increase of federal police powers, and the previous US federal peace-time police apparatus had been relatively slight. This involved significant states' rights issue. A distinction between historical ethanol and narcotics use in the USA may be that ethanol has a longer and more intense tradition in American culture. Temperance and the Prohibition movement were extremely controversial. Dr. Musto, poses and suggests an answer to the question:*** "...Why did the Supreme Court agree that a federal statute [Harrison Act, 1919] could outlaw narcotics, when the Constitution itself had to be amended to outlaw alcohol? One answer to this may be that in the case of narcotics the consensus was almost absolute; everyone appeared to agree on the evils of these drugs. For alcohol there was no such agreement."

* <http://www.nara.gov/>, <http://www.nara.gov/education/cc/prohib.html>, <http://www.nara.gov/exhall/charters/constitution/>

** David F. Musto, M.D., *The American Disease/origins of narcotic control*, Yale University Press, New Haven..., 1973; In Chapter 11, "The Dynamics of Narcotic Control," page 244, et seq.

*** *ibid.*, page 247.

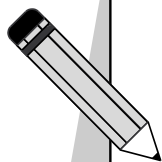
12 Benefits of ACS Division Membership

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6. Membership directories
7. Scientific and technical exchange with colleagues that sparks new directions in your work
8. Timely information on the latest trends in areas of special interest
9. Enthusiasm and renewed commitment to your professional goals
10. Recognition of your discipline's vital contribution to chemistry's advancement
11. Opportunity to suggest symposia topics and participate in technical programming
12. Continuing education and professional development opportunities

Membership

Application blanks are part of this Newsletter. Ask a colleague to join you in the Best Division in the ACS. Personal invitations support our growth.



Welcome New Members

In the past year, Chemistry and the Law was pleased to welcome 256 New Members. They constitute 22.6% of the membership (256/1135). Of the 256 new members, 110 are new ACS members who chose our Division as their one "free" division, exempt from dues for their first year. Of the 256 new members, 146 or 12.9% of the total membership are veteran ACS members who accepted our invitation, joined the Division and paid their dues for the first year.

A warm welcome to each new member. We believe that both the veteran and the new ACS member have chosen wisely, will respond positively to our programs, will enjoy both the technical interchange and the social aspects.

Our mission is to promote and increase the public understanding of chemistry and its interaction with the law.

You are invited to participate in all the Division activities at national and regional ACS meetings. Perhaps your local section has an interest in a joint meeting or a speaker. If there are things we should be doing, speak up with suggestions, even ask for what you need to strengthen your career.

Jack Riley

Membership Chair

Here are the names and cities of the new members:

Please join in welcoming them.

Abdelrahim, Zaid A	Vega Alta, PR
Acharya, Ajay	Matawan, NJ
Adesola, Morenikeji A	San Ramon, CA
Agostino, Sandra V	Toronto, Ontario
Agyei, Anthony A	Rouses Point, NY
Andersen, Gayle Lynn	Miami, FL
Aremu, Cole Janet	Central, SC
Autry, Mark	Saint Loui, MO
Aveline, Beatrice M	Boston, MA
Aylesworth, Stacy L	Sacramento, CA
Bachmeier Cullin	Richfield, MN
Bakke, Brian Allen	Fayetteville, AR
Balasubramanian, Marudai	Ann Arbor, MI
Ballard, Greg	Phoenix, AZ
Barkley, Sam	Salt Lake City, UT
Barry, Chester T	Arlington, VA
Bass, Chancey	Jackson, MS
Baysinger, Grace	Stanford, CA
Beerman, Daniel M	West Chicago, IL
Bell-Ajy Kimberly Ann	Norcross, GA
Benitez, Marcelino	Ceiba, PR
Bennison, Shelly M	Newton, MA
Betzels, Margaret	Columbus, OH
Bhat, Tara	Billerica, MA

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Boeshaar, David J	Greenfield, WI	Gartner, Jennifer	Parsons, KS
Bouchez, Cynthia M	San Diego, CA	Geoffrey, Michael M	Lombard, IL
Bradford, Ivy D	Tuskegee Inst, AL	Giametta, Jeffrey G	New Windsor, NY
Branch, Catherine S	Winston Salem, NC	Goel, Vineet	Martinez, GA
Brent, Lacey D	Colorado Springs, CO	Gordon, Leonard	Norwalk, CT
Buckwalter, Brian Lee	Half Moon Bay, CA	Gossard, Michael T	Bethlehem, PA
Burton, Carlyn A	Houstonm, TX	Gottlieb, Dan G	Rahway, NJ
Bynum, Michael R	Kileen, TX	Grayson, E Lynn	Chicago, IL
Cadena, Deborah Lynn	Encinitas, CA	Greeley, Michael R	Woburn, MA
Cardoza, Laurie Ann	Lawrence, KS	Greene, Robert I	Raleigh, NC
Carmichael, Peter T	San Diego, CA	Guild, Jennifer R	Costa Mesa, CA
Carroll, Angela S	Willowbrook, IL	Guittman, Harry J	Washington, DC
Carvere, Maureen A	Austin, TX	Haack, Abby K	Kenosha, WI
Cetto, Kara L	Huntersville, NC	Haberman, John Xavier	New York, NY
Chason, Jennifer M	Waxhaw, NC	Hall, N Gail	Chestnut Hill, MA
Choi, You Chul	Foster City, CA	Hallenbeck, Robert M	Somerville, MA
Chronister, Chris William	Alachua, FL	Harding, Kathy A	Parker, CO
Cirks, Starr	Westmont, IL	Hathcock, Kevin W	Woodstock, GA
Cole, Susan J	Coral Gables, FL	Hemmick Sr, Lucinda	Stony Brook, NY
Colovic, Dusanka	Munster, IN	Hodge, Julia	Los Angeles, CA
Condo, Anthony	Ithica, NY	Holman, Jeffrey William	Victoria, Australia
Coppons, Janet L	Fairfax, VA	Hoong, Lee K	Suwanee, GA
Corman, Daniel	Hoston, TX	Hoyte, Wayne M	Morris Plains, NJ
Cox, Dawn	Lawrenceville, IL	Hurst, Tamiika K	Detroit, MI
Coyne, Martin	Pittsburgh, PA	Ingram, Vedoster	Washington, DC
Creech, Denise L	Washington, DC	Jacobs, Gregory Francis	Blue Bell, PA
Crystal, Joseph	New York, NY	Jenkins, Stephen R	New Orleans, LA
De Crosta, Michelle Ann	East Hanover, NJ	Jimenez, Wilberto	San Sebastian, PR
Delafield, Bobby A	Arlington, TX	Johnson, Ann Marie	Seattle, WA
Diaz, Roy P	Washington, DC	Johnson, Brent Arthur	Irvine, CA
Dixon, Gail M	Quincy, IL	Johnson, Bryan J	San Diego, CA
Dorn, Loretta Therese	Hays, KS	Johnson, Stephen E	Spring House, PA
Dunay Volk, Pamela	Glenville, NY	Johnson, William L	Ann Arbor, MI
Duncan, Christine A	Richmond Hill, Ontario	Karnes, Tasha A	Covington, LA
Duquenne, Celine	Collegeville, PA	Keenan, Kathleen	Dayton, OH
Elaiwat, Hebah	North Bergen, NJ	Keith, Kirk E	Warrenton, MO
Esekhaigbe, Peter O	Benin City, Nigeris	Khayat, Jason F	Buffalo, NY
Fallowfield, Zack S	Castleton, IN	Kim, Hyunjin M	San Ramon, CA
Figueroa, John J	Washington, DC	Klein, Daniel A	Alexandria, VA
Fischer, Ryan J	Chicago, IL	Klingman, Steven D	Carbondale, IL
Fitzsimmons, Patricia K	Saint Louis, MO	Knutson, Jennifer R	Bloomington, IN
Flores, Aquino Qi Eric	Ensenada, Mexico	Koepke, Kathryn J	Glencoe, IL
Foley, Melody Russo	Bartow, FL	Kombolias, Mary	Harahan, LA
Fortin, Michelle R	Oxnard, CA	Krenicky, Michael	Ridgeway, CT
Foster, Charles R	Largo, FL	Kwok, Chun Fung	Hong Kong, China
Fournier, Marcia A	Ann Arbor, MI	Ladd, Thomas A	Indianapolis, IN
Fowkes, Steven W	Menlo Park, CA	Lau, Bernard	Nutley, NJ
Frank, Walet C	Philadelphia, PA	Le, Quyen T	Elgin, IL
Gadiraju, Priya D	Chicago, IL	Leach, Douglas R	Hockessin, DE
Gallis, David E	Downingtown, PA	Lederer Jr, Donald A	O'Fallon, MO
Gara, Denise M	Chicago, IL	Lenk, Thomas Joseph	Mountain View, CA
Garciapacheco, G	Mexico	LERCHEN, Megan E	Richland, WA

Lewin, Edward F	Chicago, IL	Rogers, Jesse W	Wichita Falls, TX
Li, Sonia	Pembroke Pines, FL	Rollins, Scott Franklin	Cincinnati, OH
Lightner, Derek A	Berlin, Germany	Rosado, Anabelle	Bayamon, PR
Lincoln, David G	Webster, NY	Roth, Joshua K	Groton, CT
Liu, Jih Hua	Libertyville, IL	Rubio, Ramel J	Riverside, CA
Lugo, Libia	Canovanas, PR	Ruiz, Jennifer	Elmhurst, NJ
Luis, Steven J	San Diego, CA	Ruiz-Morales, Yosadara	Mexico City, Mexico
Maier, Leigh C	Centreville, VA	Rusconi, Danielle P	Middleboro, MA
Manluccia, Charles S	Ridgefield, CT	Russo, Alicia A	New York, NY
Marino, Melissa J	Takoma Park, MD	Sanders, Benjamin M	Henderson, NV
Martin, Laurie A	Fairbanks, AK	Sanders, Vanessa R	Terre Haute, IN
Mathias, David S	Ankeny, IA	Sandusky, Peter Olaf	Savannah, GA
Mazur, Tanya	Oakland, CA	Saxon, Peter	New York, NY
McNeil, Jane F	Belmont, MA	Schweitzer, John A	Ann Arbor, MI
Means, Jennifer M	Chicago, IL	Selisker, Adam M	Warminster, PA
Mehta, Peter	Walnut, CA	Shackelford, Amy	Fairmont, WV
Michaud, Stephanie	Ottawa, Ontario	Shah, Azam	Cincinnati, OH
Miller, Abayomi	Lithonia, GA	Shao, Feng	Treose, PA
Mokaya, Cara L	Golden Valley, MN	Sharma, Anita P	Farmingdale, NY
Moody-Kosman, Peggy J	Ruffs Dale, PA	Shingler, John	Mount Pleasant, SC
Moss, Andrea Y	Cleveland, OH	Shortell, David B	Atlanta, GA
Murray, Jeffrey Henry	Audubon, PA	Shu, Zhifu	Bridgewater, NJ
Nelson, Angela L	Overland Park, KS	Sikes, Meriem J	Wilson, NC
Nicosia, Angela T	Madison, WI	Sikes, Robyn	Sullivan, MO
North, Doug	Waterbury, CT	Sipsas, Ioannis	Forest Hills, NY
O'Conner, Ryan P	Minnnetonka, MN	Sistrunk, Melissa	Houston, TX
Olson, Ragnar R	Lincolnwood, IL	Skinner, Keith K	Denver, CO
O'Neal, Toiriste W	Greenville, NC	Skrla, Nancy	Angleton, TX
Onwuka, John Anya	Omaha, NE	Skwartz, Ronald J	Tucson, AZ
Orlando, Jean S	Owings Mills, MD	Smeland, Tor Einar	Forest Hills, NY
Ortiz, Cesar G	Bryan, TX	Smith, Ron	Charlotte, NC
O'Shaughnessy, Donald J	Sparta, NJ	Smith, Roy Edward	Forest Hills, NY
Owens, Richard	Parsippany, NJ	Snow, Robert Allan	West Chester, PA
Passway, Michael W	Edinburgh, UK	Snyder, Nicole L	Storrs Mansfield, CT
Patrick, Rebecca C	Fountain Hill, PA	Sorokac, Elizabeth M	Las Vegas, NV
Payne, Yehudah Yehude	Euclid, OH	Spruce, Lyle Warren	Chula Vista, CA
Penn, David G	Lonmdon, UK	Stephens, Robin M	Burlingame, CA
Persaud, Joseph R	Farmingdale, NY	Strathmann, Steve	Round Lake, IL
Peterson, Gretchen Susan	Cambridge, MA	Sueyoshi, Tsuyoshi	Tokyo, Japan
Pinchard, Deborah J	Oak Creek, WI	Summerfield, Ann E	Fairfax, VA
Potrykus, Henry G	Alexandria, VA	Sun, Jin Hua	Wallingford, CT
Potts, Jamaica	New York, NY	Sundeen, Joseph E	Yardley, PA
Praise, David	Sioux Falls, SD	Swartz, Michael E	Milford, MA
Pratt, Jennifer C	Irondequoit, NY	Szczerbicki, Sandra K	Portland, OR
Provenzano, Paige	Gainesville, FL	Tavassoli, Bahareh	Bristol, UK
Quaerna, Jeffrey R	Milton, WI	Taylor, Jonathan P	Chicago, IL
Raboisson, Pierre J	Exton, PA	Taylor, William J	Caledonia, MI
Ray, Kevin	Windsor, CO	Tchedam-Ngatcha, Beatrice	Hull, Canada
Raymond, Alistair Y	Portland, ME	Thiessen, Marcie	Leander, TX
Replogle, Eric Scott	Sunol, CA	Thompson, Daniel A	Akron, OH
Riley, Jasmine	Derwood, MD	Thornburgh, Bruce	Lowell, MA
Roberts, Michael P	Mooers Forks, NY		

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Tidwell, Jeffrey H	Washington, DC	Williams, Steven A	Reading, MA
Tokar, Richard J	Long Lake, MN	Williams, Teresa P	Wilson, NC
Tran, Andrea E	Houston, TX	Willis, Richard John	North Waterboro, ME
Triano III, Nicholas P	North Andover, MA	Wilson, Jeffery	Cambridge, MA
Trippe, Anthony Joseph	Columbus, OH	Winkle, Nicole	Chicago, IL
Turner, James P	Clayton, NC	Winstanley, Tara L	Peabody, MA
Tygielski, Nicole L	Kalamazoo, MI	Withrow, Lisa P	Newberg, OR
Ukat, Patrick O	Ikot Ekpene, Nigeria	Woolery, Robin J	Chicago, IL
Van de Voort, Dena M	Woodbury, MN	Worth, Gerald E	Gales Ferry, CT
Verrill, Harland L	Flint, MI	Yogaish, Soophul S	Mauritius
Wallace, Michael S	Westminister, CO	Young, Jennifer A	Winston Salem, NC
Waters, Joseph E	Cleveland, OH	Zell, Lou Ann	Richmond, VA
Watkins, Wayne H	Akron, OH		

◆ ◆ ◆

15 Year Members

Congratulations and thank you to these 10 members for participation in CHAL.

Karen Marie Berka	<i>Van Wert, OH</i>
Scott Harris Blackman	<i>Washington, DC</i>
Thomas W Brooks	<i>Columbia, SC</i>
James Clark Carver	<i>Baton Rouge, LA</i>
David Paul Cooper	<i>Portland, OR</i>
Karen Marie Dellerman	<i>Research Triangle Park, NC</i>
Dara Lisa Dinner	<i>King of Prussia, PA</i>
Thoburn T Dunlap	<i>Painesville, OH</i>
William Frederick Gray	<i>Guildford, CT</i>
David H Jaffer	<i>Palo Alto, CA</i>
Michael Aaron Kay	<i>Portland, OR</i>
Jeffrey Alan Lindeman	<i>McLean, VA</i>
Michael Joseph McGreal	<i>Rockville, MD</i>
Craig E Mixan	<i>Indianapolis, IN</i>
Bruce Malcolm Monroe	<i>Wilmington, DE</i>
Darlene M Murphy	<i>Lincoln University, PA</i>
Cedric Mark Richeson	<i>Oshkosh, WI</i>
Joseph Anthony Romagnoli	<i>Frederick, MD</i>
Philip John Sallee	<i>Springfield, IL</i>
Robert Silverman	<i>Cabbridge, MA</i>
Allan J Spiegel	<i>Springfield, NJ</i>
Robert W Strozier	<i>Houston, TX</i>
Lourdes I Villanueva	<i>Toa Alta, PR</i>
Gary Edmund Wnek	<i>Richmond, VA</i>

◆ ◆ ◆

Member Statistics

Chemistry and The Law is both an "old" and a "new" division.

We are an "old" division as we celebrate our 21st year as an ACS technical division. But we are a "new" division because we have 256 new to CHAL this year. That is 22.6% of our total membership of 1135. Of the 256, 110 are "free" new members in their first year of ACS membership who chose CHAL as their one "free" division. Of the 256, 146 or 12.9% are "veteran" AQCS members who chose to join Chemistry and the Law.

Please join in welcoming all 256 newcomers to the Division.

How many of the new, "free" members become dues-paying members will depend upon Chemistry and the Law offers to their chemistry career and how well they see the benefits we provide. To the new, veteran ACS members, we want to meet your needs and fulfill your expectations.

We have 179 members who completed their 2nd year, 118 have completed their 3rd year, 87 and 51 who completed their 4th and 5th year of membership.

Again we see ourselves as new because we have 691 members or 55% of the total (1135) with 5 years or less of membership.

We enjoy the continued support and participation of 46 members who founded this Division. Our sincere thanks to each.



Who Are We?

One measure is to ask, to what ACS Divisions do we belong, in addition to Chemistry and The Law (CHAL)? The table presents the answer: the ACS Divisions are listed in alphabetic order by their acronyms, and the CHAL members who belong. The 1086 CHAL member account for 1271 members in other divisions. Of course some CHAL members belong to only one division and others belong to 3 or 5 or even 7 divisions.

ACS Division		Members
Agriculture and Food Chemistry	AGFD	26
Agrochemicals	AGRO	24
Analytical	ANYL	91
Biological Chemistry	BIOL	60
Biochemical Technology	BIOT	49
Business Development and Management	BMGT	38
Carbohydrate Chemistry	CARB	10
Cellulose, Paper and Textile	CELL	10
Chemistry and The Law	CHAL	1086
Chemical Health and Safety	CHAS	60
Chemical Education	CHED	35
Chemical Information	CINF	89
Colloid and Surface Chemistry	COLL	8
Computers in Chemistry	COMP	43
Environmental Chemistry	ENVR	80
Fluorine Chemistry	FLUO	7
Fuel Chemistry	FUEL	7
Geochemistry	GEOC	6
History of Chemistry	HIST	35
Industrial and Engineering Chemistry	IAEC	44
Inorganic Chemistry	INOR	43
Medicinal Chemistry	MEDI	77
Nuclear Chemistry and Technology	NUCL	6
Organic Chemistry	ORGN	105
Petroleum Chemistry	PETR	8
Physical Chemistry	PHYS	18
Polymeric Materials: Science and Engineer	PMSE	32
Polymer Chemistry	POLY	40
Professional Relations	PROF	27
Rubber Division	RUBB	0
Small Chemical Businesses	SCHB	35
Chemical Technicians	TECH	10
Chemical Toxicology	TOXI	48
TOTAL		2257
	CHAL	1086
	Other Divisions	1271

Note: Average CHAL member belongs to 2.2 divisions.

Mission/Goals of CHAL

The mission of the Division of Chemistry and The Law is to provide a forum within ACS for members who work in careers involving the interaction of Chemistry and The Law. Some typical examples would include chemists and chemical engineers working in the fields of patents, copyright, trademarks, intellectual property, occupational health and safety, regulatory compliance, forensic science, product liability, toxic tort and environmental law.

Our goals are to provide an interactive forum for chemists who work in these positions, to provide Division members and the ACS membership at large with high quality, inter-disciplinary programs, symposia, and publications in these areas, and to promote and increase the public understanding of chemistry and its interactions with the law.

We also desire to expose ACS members (chemists, chemical engineers, and students) to alternative career opportunities which provide an interdisciplinary challenge, between chemistry and its application to areas of law, and in law and its applications to chemistry.



Notes

Application for Membership

Chemistry and The Law
Division of ACS

Please enroll me as: Member
 Affiliate

of Chemistry and The Law (CHAL)
ACS Members, Please print your
name and address exactly as they
appear on the C&EN label

Dr. Mr. Mrs. Ms. (Circle one)

Mailing Address

City/State/Zip Home Office

Work Phone No.

Home Phone No.

eMail Address

Check One:

- ACS Member (\$15.00)
- ACS National Affiliate (\$15.00)
- ACS Emeritus/Student (\$5.00)

ACS Membership No.

Divisional Affiliate (\$20.00)

Please make a check payable to "Chemistry and The Law"
and mail to J.F. Riley, 1842 Edgewood Drive
Palo Alto, CA 94303-3015

Signed: _____

Date: _____

PNI: 7635N

Application for Membership

Chemistry and The Law
Division of ACS

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 Affiliate

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ACS Members, Please print your
name and address exactly as they
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Mailing Address

City/State/Zip Home Office

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Chemistry and The Law
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ACS Members, Please print your
name and address exactly as they
appear on the C&EN label

Dr. Mr. Mrs. Ms. (Circle one)

Mailing Address

City/State/Zip Home Office

Work Phone No.

Home Phone No.

eMail Address

Check One:

- ACS Member (\$15.00)
- ACS National Affiliate (\$15.00)
- ACS Emeritus/Student (\$5.00)

ACS Membership No.

Divisional Affiliate (\$20.00)

Please make a check payable to "Chemistry and The Law"
and mail to J.F. Riley, 1842 Edgewood Drive
Palo Alto, CA 94303-3015

Signed: _____

Date: _____

PNI: 7635N

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Oakland, CA 94610
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cbmeyer@msn.com

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Charles F. Hauff, Jr.

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chauff@swlaw.com

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aordnr@att.net

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Dr. Hubert E. Dubb

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Belmont, CA 94002
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San Diego, CA 92122
858-535-9001, 858-597-1585 FAX
ccampbell@candf.com

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Ken Colton

Litigation Committee Chair

Elizabeth J. Berns

Regulatory

Diane Robertson

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drobertson@foxkiser.com

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Charles F. Hauff, Jr.

Chair of Ad-hoc Sub-committee

Carl Lippenberger

Lippenberger et al
201 Tamal Vista Boulevard
Corte Madera, CA 94925
415-927-5200, 415-927-5210 FAX
cl@ltws.com

Board-Member-At-Large

Valerie L. McDevitt

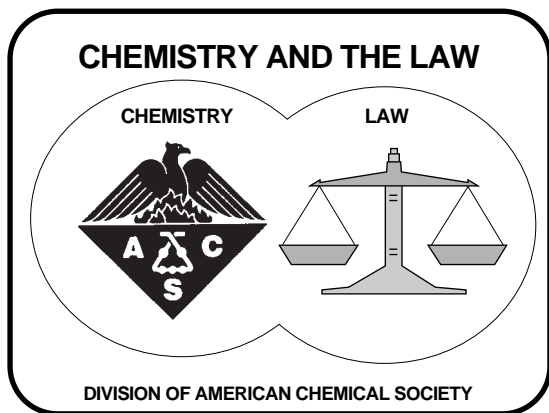
Patent Attorney
Division of Patents and Licensing
University of South Florida
4202 East Fowler Avenue, FAO 126
Tampa, FL 33620
813-974-2466, 813-974-8490 FAX
vmcdevitt@research.usf.edu

Edlyn Simmons

5528 Brewer Road
Mason, OH 45040
513-627-5664
simmons.es@pg.com

Please note: New Officers for CHAL

By succession rule, Ken Colton became Chair, 2003
By succession rule, Carl Meyer became Past-Chair, 2003
By election, Bill Johnson became Chair-Elect, 2003
By election, Elizabeth Berns became Secretary, 2003
Congratulations to the new officers.



Visit our web site at:



<http://membership.acs.org/c/chal/>

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FALL 2003 NEWSLETTER

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