

Chair's Message

Greetings again to all CHAL members from your Division Chair. Summer is now upon us bringing summer vacations, warm weather, and of course the 2005 Fall National Meeting of the American Chemical Society in Washington DC. From my own experiences, I think you will find that our nation's capital is a fantastic place to meet and mingle with your fellow ACS members, while attending memorable and informative workshops and seminars. I encourage each of you to attend and take advantage of this wonderful opportunity.

While preparing this message I had the opportunity to visit a local science

museum here in Atlanta which featured an exhibit for kids called, "Grossology®: The (Impolite) Science of the Human Body." With its easy-to-understand lingo, sometimes inappropriate sounds and flashy neon colors, as one might imagine, it has become a hit with the younger crowd. Of course, the idea behind the exhibit is to get kids interested in science by finding a commonality among such a diverse group and presenting subject matter in a manner they can relate to. I was struck by the analogy between this principle and the many goals of our Division.

CHAL represents a diverse group of individuals from a variety of professions. Notwithstanding our many differences, we all have a common love for, and interest in, the interdisciplinary connection between chemistry and the law. Thus, our growth and success as a Division depends upon our ability to provide you, Division members and the ACS membership at large, with high quality, inter-disciplinary programs, symposia, and publications in areas you can relate to and that are

continued on next page



Howard Peters, Marge Cavanaugh, and three participants at San Diego reception. (Photographer: Bruce DeCosta)



From left to right: Hubert E. Dubb, Sally B. Peters, Marc A. McKithen, Brian Meadows and Laurel Dubb (all CHAL). (Photographer: Bruce DeCosta)

EVENTS AT WASHINGTON DC

Executive Board Meeting

All welcome.

6:00 p.m. - 8:00 p.m.

Sunday, August 28, 2005

Convention Center, Room 156

Sponsored by Foxkiser

CHAL Reception

5:00 p.m. - 7:00 p.m.

Monday, August 29, 2005

Grand Hyatt Hotel, Bullfinch Room

Sponsored by Finnegan,

Henderson, Farabow,

Garrett & Dunner, L.L.P

Presentation of Papers

Sunday to Thursday

August 28 - September 1, 2005

Convention Center, Room 156

Notice of Open Meeting

Monday, August 29, 2005

(after the morning session)

NEWSLETTER INDEX – PAGE 20

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

This newsletter is published in the United States of America and copyright 2005

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 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: Dr. John F. Riley, newsletter editor. Design, layout and printing by MontiGraphics, Palo Alto, California 94043. Phil Monti, phil@montigrp.cnc.net, 650-691-0900, fax 650-691-0902.

continued from front page

relevant to you and your particular profession.

To this end, our upcoming series of technical sessions provides the diversity, breadth and depth that we continually strive for. Of particular note, our Fall program includes sessions covering Intellectual Property, Nanotechnology, Environmental Law, Doping in Sports, Litigation, and Toxic Torts, just to name a few (more information on the program can be found in the pages following this message). In looking at our technical program, I think you will find that CHAL is not just for lawyers but, rather, for all chemists from all professions. Nevertheless, we still need you to provide us with your thoughts, suggestions and ideas so we can help make the Division programming more relevant to you and your particular profession.

As I requested in my previous Chair's message, please make it your goal in the coming months to become more involved in your Division. Your involvement can start simply by getting to know the Executive Committee and other members of CHAL. For starters, you can come and see us at the National Meeting in Washington D.C. Our Executive committee meeting on Sunday evening is an open meeting and your attendance is always welcome. CHAL will also be having a reception on Monday evening where you can meet and mingle with members of the Division and with other members from throughout the Society. If you cannot join us in Washington, then please feel free to contact me or any other member of the Executive committee with your thoughts, questions, or suggestions. Also, please remember that it is not too late to help plan or participate in our technical program in Atlanta next year. So please, consider yourself invited.

Finally, as my term as the Division Chair comes to an end, I want to thank the current members of the Executive

committee for their leadership and guidance. Their names are too numerous to mention but they can be found throughout this newsletter. They are a tremendous group of volunteers whose hard work and dedication is reflected in the successes of our Division. I also

want to thank you, our members, for giving me the opportunity to be your Chair. Serving you has been a personally rewarding experience and I sincerely look forward to seeing you all in Washington D.C.

Brian Meadows

Treasurer's Report

(January 1 - June 30, 2005) *reported by Barbara Lences*

Starting Balance	\$ 3,192.69
Income	
ACS Division Dues (June - December, 2004)	7,754.00
New Member Dues	50.00
Newsletter Advertising	200.00
ACS Reimbursement for Councilor Expenses	875.00
Total	\$12,071.00
Expenses	
Incorporation - C. T. Corp. System	229.00
Donation to MARM 2005	200.00
Biotech Secretariat - 2004 Dues	100.00
Bank Charges (January - February 2005)	4.20
Spring Newsletter	4,165.75
Spring Bulletin	205.68
Councilor Reimbursement for San Diego	3,389.23
Total	\$ 8,293.86
Ending Balance	\$ 3,777.14

Councilors' Report

This report, as many of the previous ones, reports on the most recent Council meeting, in this case, the one held at the San Diego meeting on March 16, 2005.

In the last Councilors' Report, I discussed briefly the election procedures for national offices. In this issue, I will expand on that process. There are three different procedures for choosing candidates for election to national offices. The President-Elect is elected by the entire membership of the Society. The President-Elect alternates yearly between an industrial member and an academic member. For 2006, the President-Elect will be from industry. In the process leading up to the Fall membership election

for President-Elect, the Committee on Nominations and Elections (N&E) is initially required to choose four candidates by January 15, and present them to Council at the spring meeting. In San Diego, N&E presented: Pat N. Confalone, Catherine T. Hunt, John W. Kozarich, and Cynthia A. Maryanoff. The Council then selected Catherine T. Hunt (Rohm & Haas) and John W. Kozarich (ActivX Biosciences) as candidates for 2006 President-Elect. They join George E. Heinze (retired, Robert Wood Johnson Pharmaceutical Research Institute), who was certified as a petition candidate for 2006 President-Elect. Ballots will be mailed to all Society members by October 10.

The Board of Directors has one

Director from each of the Society's Districts. There are six geographic Districts, with approximately equal numbers of members in each District. There are elections for three-year terms for two District Directors each year – specifically for 2006 – 2008, District III (Mid-Atlantic) and District VI (West Coast). District Directors are elected by members residing in those Districts. In the process leading up to the Fall election for each District Director, N&E is initially required to choose four candidates by January 15. The Councilors from those Districts then select two candidates for the Fall election. At the Spring Council meeting, the results of the District Councilor selection were announced. N&E nominees for District III included: Catherine C. Fenselau, Edward J. Grabowski, Madeleine M. Joullié, and Willie E. May. Councilors from District III selected Catherine C. Fenselau (University of Maryland) and Madeleine M. Joullié (University of Pennsylvania) as District III candidates. N&E nominees for District VI included Bonnie A. Charpentier, Janan M. Hayes, Clayton H. Heathcock, and Stanley H. Pine. Councilors from District VI selected Bonnie A. Charpentier (Genitope Corporation) and Stanley H. Pine (California State University, Los Angeles). Ballots will be mailed on or before October 10 to all members in District III and District VI, respectively, for election of a Director from District III and from District VI.

The Board of Directors also has six Directors-at-Large. There are elections for three-year terms for two Directors-at-Large each year. Directors-at-Large are chosen by the Council. In the process leading up to the Director-at-Large election, N&E is initially required to select four candidates for the two positions and present them to Council at the Spring meeting. The four candidates for two Director-at-Large positions for the 2006-2008 term are: James D. Burke (retired, Rohm & Haas), Edwin A. Chandross (Bell Labs),

C. Gordon McCarty (retired, Bayer Corporation and Adjunct Professor, University of South Carolina), and Frankie Wood-Black (Conoco Phillips). The election of two Directors-at-Large will be conducted in the fall, with ballots mailed to the Council on or before October 10.

In addition to the candidates listed above, other candidates can be nominated by petition. The deadline for nominations by petition is July 15, 2005, which is beyond the press deadline for this Newsletter.

In addition to elections for national offices, there are three elected committees – the Committee on Committees (ConC), N&E, and the Council Policy Committee (CPC). Candidate names will be submitted to Council, and the Council will elect candidates to those positions at the Fall meeting in Washington.

The Committees of the Council are reviewed each 5 years by ConC. In San Diego, as part of a regular review, the Council VOTED to continue the Committee on Project SEED. The Committee on Project SEED oversees the Society's summer educational experience program for disadvantaged youth.

In the Fall, 2004, Council meeting, the Council had referred ConC's proposal to establish a Committee on Ethics back to ConC for further study. ConC reworked its proposal and presented it to this Spring's Council meeting as a proposal for establishing a Committee on Ethics as an Other Committee of the Council. The charge of this committee would be as follows: To coordinate the ethics-related activities of the Society, serve as an educational resource and clearinghouse, but not as an adjudication body, for ACS members seeking guidance on ethics issues; raise awareness of ethics issues through meeting programming and columns/editorials; review recognition opportunities for acknowledging ethical behavior; and to develop and oversee such other ethics-related

activities as will serve ACS members and promote the Society's standards of ethical conduct within the profession of chemistry and its related disciplines. After defeating a motion to assign the proposed duties of the committee to the Committee on Economic and Professional Affairs, the Council VOTED to establish a Committee on Ethics as an Other Committee of the Council.

N&E withdrew a petition on election procedures. The committee plans to offer additional changes to the Society's election procedures and introduce a new petition at the Fall national meeting.

As has been the practice at the last several Council meetings, a special discussion item was put on the Council agenda for this meeting. ACS President William F. Carroll presented an overview of his study, *Chemistry Enterprise 2015*, posing the question, "Where will our students come from in the next ten years, and where will they go?" Councilors then participated in a lively discussion of this issue. The issue was framed as follows: Currently the U.S. has a strong university system and U.S. graduate education in science is widely recognized as the best in the world, but problems loom on the horizon. In addition, a variety of factors in the nation's academic infrastructure are likely to produce change in the training and careers of new chemists. The discussion at Council intensified awareness of this issue and possibilities for solutions.

CHAL has participated in the *Chemistry Enterprise 2015* effort. The Division's activities are highlighted elsewhere in this Newsletter and will also be promoted by ACS President Carroll. There will also be specific programming by several Society organizations about *Chemistry Enterprise 2015* in Washington.

Finally, the Council VOTED to set the member dues for 2006 at \$127.

Alan Ehrlich

Program for Washington DC Meeting

Division of Chemistry and The Law

August 28 - September 1, 2005

B. C. Meadows, Chair and Program Chair

Washington DC Convention Center	Sunday	Monday	Tuesday	Wednesday	Thursday
CHAL's Ongoing Intellectual Property Series: Hot Topics in U.S. Patent Law	AM				
CHAL's Ongoing Intellectual Property Series: Hot Topics in U.S. Patent Law	PM				
Expert Witnessing in Chemical and Pharmaceutical Patent Litigation		AM			
The Future of the U.S. Patent Law System: Do Sweeping Changes Loom on the Horizon?		PM			
Sci-Mix		Evening			
Preventing Doping in Sports: A Herculean Task			AM		
Nanotechnology and Intellectual Property			PM		
The Lawyer Is In			PM		
Environmental Regulations and Related Topics in the Greater DC Area				AM	
Interference and Reexamination: Challenging Patents in the United States Patent Office				PM	
Co-sponsored Symposia: Selecting a co-sponsored symposia will take you outside of the current Committee, Secretariat or Division					
What Chemists Need to Know about Intellectual Property* (CINF)	PM				
Bayh-Dole Act: 25 Years Later* (PROF)		AM			
Where Toxicology Meets the Law-Focus on Dioxin* (TOXI)				PM	
Chemical Information and Public Policy: Green Chemistry and Homeland Security Topics* (CINF)					AM

**Cosponsored symposium, primary organizer(s) shown in parentheses.*

SUNDAY MORNING

Convention Center, Room 156

CHAL's Ongoing Intellectual Property

Series: Hot Topics in U.S. Patent Law

B.C. Meadows, Organizer

S. Thompson, Presiding

- 9:25 Introductory Remarks
- 1. 9:30 Taming of the code: Classification-based patent searching for mortals
A. Engel
- 2. 10:00 From idea to issue: A look at the life of a patent application
S. Thompson
- 3. 10:30 Polymorph patents: Patenting form over substance
J.A. Lindeman
- 4. 11:00 Do inventors really commit unconscionable acts in obtaining a patent?
X. Pillai
- 5. 11:30 Is it safe for my institution to conduct research after *Madey v. Duke and Integra v. Merck*?
J.G. Contrera

SUNDAY AFTERNOON

Convention Center, Room 156

CHAL's Ongoing Intellectual Property

Series: Hot Topics in U.S. Patent Law

B.C. Meadows, Organizer

J.J. Hasford, Presiding

- 1:25 Introductory Remarks
- 6. 1:30 Do the courts think differently from the inventors when it comes to interpreting your patent? *X. Pillai*
- 7. 2:00 Current developments in Federal Circuit court decisions on patent law: What scientists need to know *J.M. Brown*
- 8. 2:30 Enforcement of process patents before the U.S. International Trade Commission: Recent Federal Circuit decisions of interest *D.J. Feigelson*
- 9. 3:00 Scope of the Section 271(e)(1) safe-harbor provision in pharmaceutical patent litigation
J.J. Hasford
- 10. 3:30 A week in the life of a chemical patent attorney
S. Thompson

What Chemists Need to Know about Intellectual Property

Convention Center, Room 151B

Sponsored by CINF, Cosponsored with CHAL, CHED, and YCC

MONDAY MORNING

Convention Center, Room 156

Expert Witnessing in Chemical and Pharmaceutical Patent Litigation

J.J. Hasford, Organizer, Presiding

- 11. 9:25 An introduction to expert witnessing in chemical and pharmaceutical patent litigation *J.J. Hasford*
- 12. 9:30 An introduction to the law of expert witnessing *J.J. Hasford*
- 13. 10:00 Scientific expert witnessing in patent litigation *W.H. Barr*
- 14. 10:30 Patent expert witnessing: Opining on validity, enforceability, and infringement
C.E. Van Horn
- 15. 11:00 Use of damages experts in patent litigation *G.B. Price Jr.*
- 11:30 Mock deposition of an expert witness

Bayh-Dole Act: 25 Years Later

Convention Center, Room 204B

Sponsored by PROF, Cosponsored with Committee on Patents and Related Matters, BMGT, CHAL, COMSCI, and PRES

MONDAY AFTERNOON

Convention Center, Room 156

The Future of the U.S. Patent Law**System: Do Sweeping Changes Loom on the Horizon?**

Cosponsored with Committee on Patents and Related Matters

B.L. Lences, Organizer, Presiding

16. 1:25 An introduction to proposed changes to the U.S. patent law system *W.C. Rooklidge*
17. 1:30 Findings of the Federal Trade Commission and National Academy of Sciences *S.T. Michel*
18. 2:05 Patent reform on the horizon *W.C. Rooklidge*
19. 2:40 Patent reform and the US Patent and Trademark Office *J.J. Rolla*
- 3:15 Panel Discussion

MONDAY EVENING

Convention Center, Hall A

Sci-Mix*H. M. Peters, Organizer, Presiding*

8:00-10:00

20. 2005 Inductees to the National Inventors Hall of Fame - Part A *H.M. Peters, S.B. Peters*
21. 2005 Inductees to the National Inventors Hall of Fame - Part B *H.M. Peters, S.B. Peters*
22. 2005 Inductees to the National Inventors Hall of Fame - Part C *H.M. Peters, S.B. Peters*
23. Chocolate: Food of the gods *H.M. Peters, S.B. Peters*
24. Chemistry and law: Emerging bedfellows *K.E. Igue, B.C. Gbaruko, J.C. Igue*
25. Dangers of proliferation of uranium processing nuclear technology to mankind *A. Angus*
26. Lead-free handgun ammunition primers: Analysis by scanning electron microscopy/energy dispersive X-ray spectrometry *S.M. Pierce, Z. Oommen*

TUESDAY MORNING

Convention Center, Room 156

Preventing Doping in Sports: A Herculean Task*B.T. Ngatcha, Organizer, Presiding*

- 8:55 Introductory Remarks
27. 9:00 The (mis)use of gene therapy in the realm of sports *R.M. Isasi*
28. 9:30 Controlling doping in sports *R. W. Pound*
29. 10:00 New doping agents *C. Ayotte*
30. 10:30 Doping in sports *J.L. Fourcroy*
31. 11:00 The role of sport science in balancing the rights of athletes and the right of a sport to regulate itself *H.A. Findlay*
- 11:30 Concluding Remarks

TUESDAY AFTERNOON

Convention Center, Room 156

Nanotechnology and Intellectual Property*J.A. Lindeman, Organizer, Presiding*

- 1:00 Introductory Remarks
32. 1:10 It's new science, but is it patentable? *S. Choe*
33. 1:40 Prior art and patentability for nanotechnology *J.N. Townes*
34. 2:10 Patenting nanotechnology *S.J. Hauranek*
- 2:40 Intermission
35. 2:50 Paper Withdrawn
36. 3:20 Intellectual property as a business asset *E.D. Smith, M.K. Barron*
37. 3:50 Nanotechnology in business *J.D. Cuiffi, D.J. Hayes*
- 4:20 Concluding Remarks

TUESDAY EVENING

Convention Center, Room 156

The Lawyer Is In*B.C. Meadows, Organizer, Presiding*

38. 5:00 Meet the members of CHAL *A. Ehrlich, J.C. Carver, C. Lippenberger*

WEDNESDAY MORNING

Convention Center, Room 156

Environmental Regulations and Related Topics in the Greater DC Area*S. Thompson, Organizer, Presiding*

- 9:25 Introductory Remarks
39. 9:30 An introduction to the issues and regulations related to the Chesapeake Bay *S. Thompson*
40. 10:00 Regulations and issues related to the chemicals in the Chesapeake Bay *G. Allen*
41. 10:30 Nutrient over-enrichment in the Chesapeake Bay *R.A. Koroncai*
42. 11:00 Citizen suits under federal environmental statutes *B.H. Gallo, D.H. Sherman IV*
43. 11:30 Q & A on environmental regulations and issues in the mid-Atlantic region *G. Allen, D.H. Sherman IV, B.H. Gallo, R.A. Koroncai*

WEDNESDAY AFTERNOON

Convention Center, Room 156

Interference and Reexamination:**Challenging Patents in the United States Patent Office***S. Thompson, Organizer, Presiding*

- 1:25 Introductory Remarks
44. 1:30 Introduction to challenging patents in the USPTO *M. McGowan, S.E. Crane*
45. 2:00 Monitoring patents, submitting prior art and developing a defensive publication strategy *S. Thompson*
46. 2:30 Interference proceedings in the USPTO *M. McGowan, S.E. Crane*
47. 3:00 Reexamination proceedings in the USPTO *M. McGowan, S. E. Crane*
48. 3:30 Q & A on challenging patents in the USPTO *M. McGowan, S. E. Crane, S. Thompson*

Where Toxicology Meets the Law-Focus on Dioxin

Renaissance Washington Hotel, Congressional Hall B

Sponsored by TOXI, Cosponsored with CHAL

THURSDAY MORNING

Convention Center, Room 151B

Chemical Information and Public Policy: Green Chemistry and Homeland Security Topics

Sponsored by CINE, Cosponsored with ENVR, and CHAL

Abstracts for Chemistry and The Law Papers

230th ACS National Meeting

Washington DC • August 28-September 1, 2005

CHAL'S ONGOING INTELLECTUAL PROPERTY SERIES

Hot Topics in U. S. Patent Law

1. Taming of the Code
2. From Idea to Issue: A look in the life of a patent application
3. Polymorph parents: Patenting form over substance
4. Do inventors commit unconscionable acts in obtaining a patent?
5. Is it safe for my institution to conduct research after *Madey v. Duke and Integra v. Merck*?
6. Do the courts think differently from inventors when it comes to interpreting your patent?
7. Current developments in Federal Circuit Court decisions on patent law: What scientists need to know.
8. Enforcement of process patents before the U.S. International Trade Commission: Recent Federal Circuit decisions of interest
9. Scope of the Section 271(e)(1) safe-harbor provision in pharmaceutical patent litigation
10. A week in the life of a chemical patent attorney
Expert Witnessing in Chemical and Pharmaceutical Patent Litigation
11. An introduction to expert witnessing in chemical and pharmaceutical patent litigation
12. An introduction to the law of expert witnessing
13. Scientific expert witnessing in patent litigation
14. Patent expert witnessing: Opining on validity, enforceability and infringement
15. Use of damages experts in patent litigation

The Future of the U. S. Patent Law System Do Sweeping Changes Loom on the Horizon?

16. An introduction to proposed changes to the U.S. patent law system
17. Findings of the Federal Trade Commission and National Academy of Sciences
18. Patent reform on the horizon
19. Patent reform and the U. S. Patent and Trademark Office.

Sci-Mix

20. 2005 Inductees to the National Inventors Hall of Fame: A
21. 2005 Inductees to the National Inventors Hall of Fame: B
22. 2005 Inductees to the National Inventors Hall of Fame: C
23. Chocolate: Food of the Gods

24. Chemistry and law: Emerging bedfellows
25. Dangers of proliferation of uranium processing nuclear technology
26. Lead-free handgun ammunition primers: Analysis by scanning electron microscopy/energy dispersive x-ray spectroscopy

Preventing Doping in Sports: A Herculean Task

27. The (mis)use of gene therapy in the realm of sports
28. Controlling doping in sports
29. New doping agents
30. Doping in sports
31. The role of sport science in balancing the rights of athletes and the right of a sport to regulate itself

Nanotechnology and Intellectual Property

32. It's new science, but is it patentable?
33. Prior art and patentability for nanotechnology
34. Patenting nanotechnology
35. Withdrawn
36. Intellectual property as a business asset
37. Nanotechnology in business

The Lawyer Is In

38. Meet the members of CHAL

Environmental Regulations and Related Topics in the Greater DC Area

39. Introduction to the issues and regulations related to Chesapeake Bay
40. Regulation and issues related to chemicals in Chesapeake Bay
41. Nutrient over-enrichment in Chesapeake Bay
42. Citizen suits under federal environmental statutes
43. Q and A on environmental regulations and issues in the mid-Atlantic region

Interference and Reexamination: Challenging patents in the USPTO

44. Introduction to challenging patents in the USPTO
45. Monitoring patents, submitting prior art and developing a defensive publication strategy
46. Interference proceedings in the USPTO
47. Reexamination proceedings in the USPTO
48. Q & A on challenging patents in the USPTO

1. Taming of the code: Classification-based patent searching for mortals

Alan Engel, Paterra, Inc, 526 N Spring Mill Road, Villanova, PA 19085-1928, Fax: 610-527-2041, aengel@pattera.com, Phone: 610-527-4500

Patent classification systems are indispensable tools for searching patents and are the primary tools used by patent examiners to find prior art. Classification is the first expert input into a patent document independent of the inventor. Every patent searcher needs to know how to use classification systems. However, these systems are extensive, complex and require years of training to master. Current database platforms also confront users with a variety of input code formats and retrieval practices. Paterra is developing an approach in which abstracts are supplemented with the titles of the classifications that have been applied to them and the

results supplied to a full text search engine. This allows classification-based searching using common full text techniques. At the same time, it imparts a defacto controlled vocabulary that offsets the variable terminology problem inherent in conventional keyword searching. Paterra is implementing this approach in an ad-based (i.e., free-to-the-user) environment.

2. From idea to issue: A look at the life of a patent application

Sandra Thompson, Bingham McCutchen LLP, 600 Anton Boulevard, Costa Mesa, CA 92626-1950, Fax: 714-830-0722, sandra.thompson@bingham.com, Phone: 714-830-0622

A step-by-step review of how an idea in the chemical field becomes a patent in the United States. Other related issues will be discussed, such as

on-sale bars, sampling and testing of products and proposed products and publications/presentations.

3. Polymorph patents: Patenting form over substance

Jeffrey A. Lindeman, Nixon Peabody LLP, Suite 900, 401 9th Street NW, Washington, DC 20004-2128, Fax: 202-585-8080, jlindeman@nixonpeabody.com, Phone: 202-585-8350

"The invention is: 1. A compound of formula (I) ..." For medicinal chemistry patents, that phrase introduces a chemical formula often covering thousands of compounds. What typically follows is a structural formula depicting a common core chemical structure with lists of substituents, (R groups), defining the compounds claimed. Because a polymorph is a single, solid state form of a specific chemical compound, a polymorph patent claim cannot follow this traditional strategy. Traditional genus/species relationships used in medicinal chemistry patent applications do not hold for polymorphs. Given the importance of polymorphs in pharmaceuticals new patent strategies and techniques are required—going back to the chemistry itself to prepare a patent application to a single form of a single compound, for a polymorph. This presentation starts briefly with the building blocks for patent applications, considers the uniqueness of polymorphs, and gives specific steps and strategies for polymorph patents.

4. Do inventors really commit unconscionable acts in obtaining a patent?

Xavier Pillai, Leydig, Voit & Mayer, Ltd, Two Prudential Plaza, Suite 4900, Chicago, IL 60601, Fax: 312-616-5700, xpillai@leydig.com, Phone: 312-616-5600

Very often those who want to imitate your patent seek a court's help to have the patent declared useless by accusing that unconscionable acts were committed in obtaining the patent. Courts sometimes, much to the grief of the patent owner, agree with the imitator. This talk will focus on how courts have found unconscionable acts and provide pointers to avoid situations in obtaining a patent that is free of unconscionable acts.

5. Is it safe for my institution to conduct research after *Madey v. Duke* and *Integra v. Merck*?

Joseph G. Contrera, Jacobson Holman, PLLC, 400 Seventh Street, N.W., Washington, DC 20004, Fax: 202-393-3264, jcontrera@jhpc.com, Phone: 202-638-6666

The recent cases of *Integra v. Merck* and *Madey v. Duke* U. have shaken what were widespread misconceptions regarding internal research using patented materials in both corporate and university settings.

The Federal Circuit has clearly stated that there is no longer a de minimus research exemption for corporate or academic institutions using patented materials without proper licensing. Furthermore, the court has clarified the Hatch-Waxman exemption under 35 USC 271(e)(1) so that companies cannot use patented research materials and methods to screen for potential candidates for FDA approval

The case of *Integra v. Merck* will be heard by the US Supreme Court on April 20, with a decision in late June. The talk will analyze the Court's holding.

Key Points/Objectives/Major Message:

1) What is the research exemption? 2) What happened in *Integra v. Merck* and *Madey v. Duke* U? 3) What research is safe for my company or institution to perform without fear of patent infringement?

6. Do the courts think differently from the inventors when it comes to interpreting your patent?

Xavier Pillai, Leydig, Voit & Mayer, Ltd, Two Prudential Plaza, Suite 4900, Chicago, IL 60601, Fax: 312-616-5700, xpillai@leydig.com, Phone: 312-616-5600

After spending valuable time and money to obtain a patent with the hope of protecting your business, inventors sometimes find that their patent is not so valuable in the eyes of the court when the inventor attempts to stop another person from copying the patent. This talk will take a look at the way the courts interpret chemical patents and provide pointers on how to write the patent so that the court would interpret it the same way the inventor would.

7. Current developments in Federal Circuit court decisions on patent law: What scientists need to know

Jay M. Brown, THE ECLIPSE GROUP, 2530 Meridian Parkway, Suite 300, Durham, NC 27713, Phone: 919-522-0312

Key decisions over the past year by the Court of Appeals for the Federal Circuit and by other federal courts as appropriate, with respect to patent matters will be discussed. The focus will be on the perspective of the scientist as inventor and as business manager, interested in maximizing the effectiveness of a patent portfolio. Emphasis will be placed on court decisions that shed light on measures to be taken for the preparation and prosecution of strong and enforceable patents. Developments will be reviewed as to the written description, enablement, and best mode requirements, and preservation of access to the doctrine of equivalents. Lessons for the success of both scientists and the patent lawyers with whom they work in partnership will be addressed.

8. Enforcement of process patents before the U.S. International Trade Commission: Recent Federal Circuit decisions of interest

Daniel J. Feigelson, Sanford T. Colb & Co, 35 Hanasi Harishon St., Rehovot, Israel, djfeigel@netvision.net.il, Phone: 972-8-947-4131

Many non-attorneys, and even many attorneys, are unaware that Federal District Courts are not the only vehicle for enforcing patent, copyright and trademark rights. The U.S. International Trade Commission (ITC) is empowered to investigate the importation of goods which allegedly infringe registered U.S. patents, copyrights and trademarks, and, in cases where violations are found, to issue cease-and-desist or exclusion orders, which result in the infringing products being kept out of the United States. There are several aspects of ITC proceedings which, in certain circumstances, may warrant making use of such proceedings, either instead of or as an adjunct to proceedings before a district court. Although the Federal Circuit's decision in *Vastfame Camera, Ltd. v. ITC* (386 F.3d 1108) diminished some of the attraction of ITC proceedings, the Federal Circuit's decision in *Kinik Co. v. ITC* (362 F.3d 1359) made ITC proceedings an option that must be considered with respect to the enforcement of process patents against foreign entities under 35 U.S.C. §271(g).

9. Scope of the Section 271(e)(1) safe-harbor provision in pharmaceutical patent litigation

Justin J. Hasford, Finnegan, Henderson, Farabow, Garrett and Dunner, 901 New York Avenue, NW, Washington, DC 20001, Fax: 202-408-4400, Justin.Hasford@finnegan.com, Phone: 202-408-4000

Under 35 U.S.C. 271(e)(1), making, using, selling, offering to sell, or importing a patented invention "solely for uses reasonably related to the development and submission of information under a Federal law which regulates the manufacture, use, or sale of drugs" does not constitute patent infringement. This safe-harbor provision, enacted in 1984 as part of the Hatch-Waxman Act, allows generic drug manufacturers seeking FDA approval of Abbreviated New Drug Applications to conduct experiments on patented drug products, without liability for patent infringement. In the case of *Merck v. Integra*, the U.S. Supreme Court is currently reviewing the scope of the Section 271(e)(1) safe-harbor provision. This presentation will examine the outcome of the Supreme Court's decision in *Merck v. Integra*, as well as its impact, if any, upon the ability of pioneer drug companies to protect their investments in scientific research and promote the development of new and advanced pharmaceutical products.

continued on next page

10. A week in the life of a chemical patent attorney

Sandra Thompson, Bingham McCutchen LLP, 600 Anton Boulevard, Costa Mesa, CA 92626-1950, Fax: 714-830-0722, sandra.thompson@bingham.com, Phone: 714-830-0622

A discussion of the requirements to practice as a patent attorney, including moving from the lab bench to the office, expectations, quality of life, job details, compensation and advancement opportunities.

11. An introduction to expert witnessing in chemical and pharmaceutical patent litigation

Justin J. Hasford, Finnegan, Henderson, Farabow, Garrett and Dunner, 901 New York Avenue, NW, Washington, DC 20001, Fax: 202-408-4400, Justin.Hasford@finnegan.com, Phone: 202.408.4000

Expert witnessing is virtually indispensable in modern complex patent litigations. From scientific and technical matters, to issues of patent claim construction, validity and infringement, to the determination of damages for a successful patent owner, expert opinion plays a vital role in the substance and procedure of a patent infringement suit. This symposium will explore various aspects of expert witnessing in chemical and pharmaceutical patent litigation. In addition, a mock deposition of an expert witness will be conducted.

12. An introduction to the law of expert witnessing

Justin J. Hasford, Finnegan, Henderson, Farabow, Garrett and Dunner, 901 New York Avenue, NW, Washington, DC 20001, Fax: 202.408.4400, Justin.Hasford@finnegan.com, Phone: 202-408-4000

Abstract text not available.

13. Scientific expert witnessing in patent litigation

William H. Barr, Center for Drug Studies, Department of Pharmacy, Virginia Commonwealth University, 410 North 12th Street, Richmond, VA 23298-0583, wbbarr@vcu.edu, Phone: 804-828-8334

Abstract text not available.

14. Patent expert witnessing: Opining on validity, enforceability, and infringement

Charles E. Van Horn, Finnegan Henderson Farabow Garrett & Dunner, LLP, 901 New York Avenue, NW, Washington, DC 20001-4413, charles.vanborn@finnegan.com, Phone: 202-408-4000

Abstract text not available.

15. Use of damages experts in patent litigation

Griffith B. Price Jr., Finnegan Henderson Farabow Garrett & Dunner, LLP, 901 New York Avenue, NW, Washington, DC 20001-4413, griff.price@finnegan.com, Phone: 202-408-4000

Abstract text not available.

16. An introduction to proposed changes to the U.S. patent law system

William C. Rooklidge, President, American Intellectual Property Law Association, 2020 Main Street, Suite 1000, Irvine, CA 92614, RooklidgeW@hourey.com, Phone: 949-759-3904

Patent Reform on the Horizon: This symposium will discuss recent studies by the Federal Trade Commission and National Academy of Sciences urge reform of our patent laws, and Congress is seriously considering dramatic changes to those laws that would affect both how you patent your inventions and how your patents are enforced.

17. Findings of the Federal Trade Commission and National Academy of Sciences

Suzanne T. Michel, Chief Counsel for Intellectual Property, Federal Trade Commission, 600 Pennsylvania Ave., NW, Washington, DC 20580, smichel@ftc.gov, Phone: 202-326-3094

This presentation will discuss recent studies of our patent laws, recommendations for reform and recent proposals for legislative changes to the patent system.

18. Patent reform on the horizon

William C. Rooklidge, President, American Intellectual Property Law Association, 2020 Main Street, Suite 1000, Irvine, CA 92614, RooklidgeW@hourey.com, Phone: 949-759-3904

This presentation will discuss the patent bar's view of the FTC and NAS recommendations for Patent Law Reform and the potential impact of recent proposals for legislative changes to the patent system.

19. Patent reform and the US Patent and Trademark Office

Joseph J. Rolla, Deputy Commissioner for Patent Policy, United States Patent and Trademark Office, Alexandria, VA 22313-1450, Joseph.Rolla@USPTO.gov, Phone: 571-272-8400

This presentation will discuss the Patent Office perspective of the recent Patent Law Reform recommendations and proposed legislative changes to the patent system.

20. 2005 Inductees to the National Inventors Hall of Fame - Part A

Howard M. Peters, Peters Verny Jones Schmitt & Aston, LPP, 425 Sherman Avenue Suite 230, Palo Alto, CA 94306, Fax: 650-324-1678, peters4pa@aol.com, Phone: 650-324-1677, and Sally B. Peters, PARC Inc, 3333 Coyote Hill Road, Palo Alto, CA 94304, Fax: 650-812-4028, speters@parc.com, Phone: 650-812-4994

The induction to the National Inventors Hall of Fame of the 2005 inventors occurred in May in Akron OH. See www.invent.org. Included in this induction were: Selman Waksman No. 2,443,485 for Streptomycin; Jacob Rabinow No. 2,933,246 for text recognition machines; Glenn Seaborg No. 3,000,695 for atomic technology; and Garrett Morgan No. 1,090,936 for the gas mask & 1,475,024 for the traffic signal. Their biographies, the U.S. patent and a photo are presented.

21. 2005 Inductees to the National Inventors Hall of Fame - Part B

Howard M. Peters, Peters Verny Jones Schmitt & Aston, LPP, 425 Sherman Avenue Suite 230, Palo Alto, CA 94306, Fax: 650-324-1678, peters4pa@aol.com, Phone: 650-324-1677, and Sally B. Peters, PARC Inc, 3333 Coyote Hill Road, Palo Alto, CA 94304, Fax: 650-812-4028, speters@parc.com, Phone: 650-812-4994

The induction to the National Inventors Hall of Fame of the 2005 inventors occurred in May in Akron OH. See www.invent.org. Included in this induction were: Leopold Mannes & Leopold Godowsky No. 1,997,493 for Kodachrome photography; Clarence Birdseye No. 1,773,079 for frozen foods; Matthais Baldwin No. 8,401X for the steam locomotive; and Leo Sternbach No. 3,371,085 for VALIUM & LIBRIUM. Their biographies, the U.S. patent and a photo are presented.

22. 2005 Inductees to the National Inventors Hall of Fame - Part C

Howard M. Peters, Peters Verny Jones Schmitt & Aston, LPP, 425 Sherman Avenue Suite 230, Palo Alto, CA 94306, Fax: 650-324-1678, peters4pa@aol.com, Phone: 650-324-1677, and Sally B. Peters, PARC Inc, 3333 Coyote Hill Road, Palo Alto, CA 94304, Fax: 650-812-4028, speters@parc.com, Phone: 650-812-4994

The induction to the National Inventors Hall of Fame-C of the 2005 inventors occurred in May in Akron OH. See www.invent.org. Included in this

induction were: Les Paul No. 3,018,680 for the solid body guitar; Dean Kamen No. 4,410,164 for the AutoSyringe; Alec Jeffreys No. 5,413,908 for genetic fingerprinting; Robert Gundlach No. 2,812,709 for photocopy improvements at XEROX; and C. Donald Bateman No. 3,922,637 for the Global Proximity Warning System (GPWS) for aircraft. Their biographies, the U.S. patent and a photo are presented.

23. Chocolate: Food of the gods

Howard M. Peters, *Peters Verry Jones Schmitt & Aston, LLP*, 425 Sherman Avenue Suite 230, Palo Alto, CA 94306, Fax: 650-324-1678, peters4pa@aol.com, Phone: 650-324-1677, and Sally B. Peters, *PARC Inc*, 3333 Coyote Hill Road, Palo Alto, CA 94304, Fax: 650-812-4028, speters@parc.com, Phone: 650-812-4994

This poster features chocolate manufacture, chocolate history, chocolate trivia, chocolate patents some new chocolate companies, e.g., COCOPETE'S CHOCOLATE ADVENTURES AT <http://www.cocopetes.com>, and the like. The anticipated free chocolate tasting and free raffle for a 10 pound bar of chocolate are planned.

24. Chemistry and law: Emerging bedfellows

Kingsley E. Igwe, *Legal department, c/o Ezedike chambers, No 1 B.S.C Road, The Beach, Orlu 234, Nigeria, keigwe@yahoo.ca*, Phone: 08045278918, Benedict C. Gbaruko, *Industrial Chemistry, Abia State University, and Jude C. Igwe, Industrial Chemistry, Abia State University, Uturu*

The use of expert and scientific testimony in law courts has increased recently. Without law there are no enforceable standards dealing with any scientific problems and without science there are no feasible means to resolving conflicts that inevitably accompany the many technical aspects of civilization. This paper tends to review areas of compromise between chemistry and law and to emphasise the importance of chemical training for trial judges and others involved in medicinal jurisprudence.

25. Dangers of proliferation of uranium processing nuclear technology to mankind

Andrew Angus, *Absolute Knowledge Foundation, 2267 Woodbranch Road, San Jose, CA 95131, andrewangus@yahoo.com, Phone: 408-937-7924*

The purpose of this paper is to explain the dangers of proliferation of uranium processing nuclear technology or UPNT to our environment, our planet earth and mankind.

The dangers of proliferation of UPNT are as follows: 1. The proliferation of UPNT leads to a "covert or secret nuclear arms race". 2. The proliferation of UPNT will lead to a "long-term nuclear war". 3. The proliferation of UPNT increases the number of "nuclear terrorist states".

The author argues in this paper that the trading of uranium is a thousand times more dangerous than the trading of steroids. The trading of uranium leads to the proliferation of UPNT, which in turn, will lead to the destruction of our environment, the planet earth and the extinction of mankind.

The author gives the following policy recommendations: 1. The US Congress must set an example to the global community by passing a bill banning the trading of uranium and related chemicals such as plutonium used in manufacturing of nuclear bomb. 2. The US Congress must invest more in energy research that is environment-friendly such as hydrogen-based energy. 3. The US Congress must pass a bill to stop companies or university research institutions that are engaged in uranium processing technology. 4. The US Congress must pass a bill to make the sharing of Uranium Processing Nuclear Technology or UPNT a heinous crime.

A regional action or agreement among US, Canada and Mexico on my proposed policy recommendations would create a global awareness of the dangers of the proliferation of UPNT to the environment, our planet earth and mankind.

The policy recommendations of the author are bitter pills. However, if

these policy recommendations are passed as laws, the environment, mankind and the planet earth will be more safe a thousandfold.

26. Lead-free handgun ammunition primers: Analysis by scanning electron microscopy/energy dispersive X-ray spectrometry

Scott M. Pierce and Zachariah Oommen, *Criminal Justice and Forensic Science, Albany State University, 504 College Drive, Albany, GA 31705, scottpierce@mchsi.com, Phone: 229-888-5190*

The elemental composition and distribution of post-firing residues from several "lead-free" or "non-toxic" center-fire handgun ammunition types currently available to the American retail market are analyzed by Scanning Electron Microscopy and Energy Dispersive X ray Spectrometry. Extensive imaging and spectral determinations are carried out utilizing well-established testing protocols, including position tagged spectrometry and spot analysis. Offerings from Winchester, Remington/UMC, Federal and Speer were obtained from retail sources in both .45 ACP and 9mm. 112 post-firing residue samples (SEM pins) were collected at varying distances from the muzzle, at two distances from impact, and from the shooter's hands. 20 additional samples were collected by direct ignition of primers to determine elemental composition of the priming mixtures.

Spherical and Non spherical particles in size range 3- 30 μm are studied for frequency, distribution and composition. Frequency and distribution are studied as a function of shooting distance and collection area. Correlations between distance from muzzle and distance away from impact are established.

All types tested contain traces of Aluminum, Silicon, Copper and Zinc. Most contain traces of Sulfur and Calcium. Winchester WinClean™ and Remington LeadLess™ contain potassium. Federal BallistClean™ contains Barium, while Speer Lawman Clean-Fire™ contains Strontium. These compare favorably with manufacturers' safety data sheets and patents granted.

Most literature available on small arm ammunition primers is based on Lead, Barium and Antimony composition. Few studies have reported on lead free primer composition and distribution. Therefore, an attempt is made to prepare a database with an extensive image/spectra gallery and statistical analysis of particle distribution of lead free primers for future reference.

27. The (mis)use of gene therapy in the realm of sports

Rosario M. Isasi, *Centre de recherche en droit public, Université de Montréal, C.P. 6128 succ. Centre-ville, Montreal, QC H3C 3J7, Canada, rosario.isasi@umontreal.ca, Phone: 514-343-6111*

Scientific developments in gene therapy and genetic transfer technologies for the prevention and treatment of serious diseases – although still in the experimental stages may be exploited within the realm of sports competition. The use of genetic technologies for non-therapeutic purposes such as performance enhancement in sports ("gene doping") poses risks that go beyond issues of health and safety.

It is estimated that genetically enhanced athletes could be competing at the Beijing Olympics in 2008. The notion of enhancement is the raison d'être of doping in sports. According to the World Anti-Doping Agency 'gene doping' is defined as 'the non-therapeutic use of genes, genetic elements and/or cells that have the capacity to enhance athletic performance' (World Anti-Doping Code, Prohibited List: International Standard 2004).

This presentation analyzes the current regulation of gene therapy (especially with respect to clinical applications) in the context of gene doping. It will also address questions such as, which gene therapy uses are considered therapeutic and which ones are considered or should be considered non-therapeutic? Should gene therapies aimed at curing diseases and ailments in all individuals (including elite athletes) but which also have the potential to improve the athletes' performance be considered 'enhancement' as defined by WADA's Anti-Doping Code? In the latter case, where do we draw the lines between therapy and enhancement? Which are the broader social implications of drawing such lines? *continued on next page*

28. Controlling doping in sports

Richard W. Pound, Chairman, World Anti-Doping agency, Stock Exchange Tower, 800 Place Victoria, Suite 1700, Montreal, QC H4Z 1B7, Canada, rpound@stikeman.com, Phone: 514-904-8816

Abstract text not available.

29. New doping agents

Christiane Ayotte, Doping Control Laboratory, INRS-Armand-Frappier Institute, 245, boul. Hymus, Pointe-Claire, QC H9R 1G6, Canada, christiane.ayotte@iaf.inrs.ca, Phone: 514-630-8806

New substances are available to athletes who wish to dope but are submitted to controls. We learned in past months that "designer" steroids and supplements were distributed in certain circles. It is however not limited to the Balco scandal, or to the USA. In some instances, the steroid or stimulant could be identified further to a seizure, or to an indication provided by an informant. The laboratory analyses of the urine samples remain, however, the most viable source of information.

We wish to present, using examples, the strategies developed for characterising new substances taken for doping purposes, their metabolites as well as their properties. We will also discuss the situation in North America, what the sources of information are and how one can get those substances and distribute it.

30. Doping in sports

Jean L. Fourcroy, U.S. Anti-Doping Agency, 6310 Swords Way, Bethesda, MD 20817, Fourcroy@aol.com, Phone: 301-897-5563

Immediately following the 2000 Olympic games in Sydney, the United States Anti-Doping Agency (USADA) began operations. By the 2004 Olympic games in Athens, USADA had emerged as one of the most effective anti-doping agencies in the world. USADA was given full authority to execute a comprehensive national anti-doping program encompassing testing, results management, education, and research and to develop programs, policies, and procedures in each of these areas. USADA focuses on four primary areas: education, research, testing and results management. Our current Board of Directors represents the best of professional, scientific, and the athletic community. Our educational program is designed to equip younger athletes with the knowledge and skills necessary to make responsible, ethical and healthy choices. (www.usadakids.org) A strong commitment to scientific research has been instituted from the beginning. Each year a scientific symposium identifies research issues necessary to support our athletic community and funded research grants. A major goal in testing is to achieve quality and consistency in the collection process and prompt, efficient handling of results without any conflicts of interest and dedication in supporting the athletes. Of course, none of the work of USADA could be achieved without an expert and excellent staff. The web site (<http://www.usantidoping.org/>) includes ongoing information regarding USADA activities.

31. The role of sport science in balancing the rights of athletes and the right of a sport to regulate itself

Hilary A. Findlay, Centre for Sport and Law, P.O. Box 4065, St. Catharines, ON L2R 7S3, Canada, hbf@sportlaw.ca, Phone: 905-682-6098

Anti-doping policies and practices must strike an appropriate balance between the rights of sport itself to regulate doping and the rights of athletes themselves. Doping regulation is premised on the notion of 'strict liability'. It juxtaposes the 'normal' or typical burden of proof and places it largely on the athlete. This presentation will look at the actual and potential repercussions of this on the rights of athletes and the central place of sport science in doping regulation having reference, among others, to the Diane Modahl case in Great Britain, and various methods of doping that have emerged over the recent past.

32. It's new science, but is it patentable?

Soheui Choe, Nixon Peabody LLP, 401 9th Street, NW, Washington, DC

20004, Fax: 202-585-8080, schoe@nixonpeabody.com, Phone: 202-585-8270

Invention is only the first step in the process of obtaining a patent. Preparing and filing a patent application is the required second step. Yet, though it describes the invention, a patent application is as much a legal document as it is a technical document. In a patent, nanotechnology must take the form of a legal property right—intellectual property. This seminar looks at what is required for a patent and what having a patent really means.

33. Prior art and patentability for nanotechnology

Jeffrey N. Townes, Pillsbury Winthrop LLP, 1600 Tysons Blvd, McLean, VA 22102, jtownes@pillsburywinthrop.com, Phone: (703) 905-2087

To be patented an invention must be "novel" and "not obvious to one of ordinary skill in the art." This presentation considers how these two criteria for patentability affect nanotech inventions. What effect does known macro- or microscale technology, "prior art", have on ones ability to patent new nanotech inventions?

34. Patenting nanotechnology

Scott J. Hawranek, Nixon Peabody, LLP, 401 9th Street NW, Suite 900, Washington, DC 20004-2128, shawranek@nixonpeabody.com, Phone: 202-585-8351

To obtain a patent, one must first prepare and file a patent application. A patent application must describe the invention, enable others to make and use the invention, and end with patent claims the particularly point out and distinctly claim the invention to be patented (the intellectual property defined by the patent.) Nanotechnology, as an emerging area, presents unique considerations for the preparation of nanotech patent applications. Considerations for preparing nanotech patent applications and language to be used will be discussed in this presentation.

36. Intellectual property as a business asset

Elizabeth D. Smith and Michael K. Barron, Nixon Peabody, LLP, 100 Summer Street, Boston, MA 02110-2131, esmith@nixonpeabody.com, mbarron@nixonpeabody.com, Phone: 617-345-1010

For business, technology comes in many forms—as a patent, as know-how, as trade secrets. Often to make the most of technology as a business asset a company must transfer its technology to others and/or acquire technology from others. Other times a company must leverage its technology to get funding. This presentation looks at the mechanics of transferring or obtaining rights in technology and how intellectual property acts as a business asset upon which to build a company.

37. Nanotechnology in business

Joseph D. Cuijffi and Daniel J. Hayes, NanoHorizons, Inc, Technology Center, Suite 208, 200 Innovation Blvd., State College, PA 16803, jcuijffi@nanohorizons.com, dbayes@nanohorizons.com, Phone: 814-861-9909

NanoHorizons, Inc. is a nanoscale materials and devices company focusing on nanotechnology applications for drug discovery, flexible microelectronics, and medical diagnostics and monitoring. Company representatives will talk about how the company began, its growth, and its use of patents to develop and commercialize its nanotechnology. NanoHorizons was founded in 2002 by Professor Stephen J. Fonash of Penn State.

38. Meet the members of CHAL

Alan Ebrlich, Weiss, Moy & Harris, P.C, 1101 14th Street, N.W, Washington, DC 20005, Fax: 202-216-0082, ebrlichpolin@comcast.net, Phone: 202-216-0082, James C. Carver, Taylor, Porter, Brooks & Phillips, and Carl Lippenberger, Lippenberger, Thompson, Welch, Soroko & Gilbert LLP

This will be an informal drop-in session where questions can be asked of

a panel of lawyers including, but not limited to, those listed above. These lawyers will be members of CHAL, available here without fee. Questions may be about any topic you desire: such as legal career options and about the law itself, including such areas as intellectual property, occupational health and safety, regulatory compliance, forensic science, product liability, toxic tort and environmental law. 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 cannot and will not be given in the context of any attorney-client relationship. Answers (if known) will not be given as legal advice.

39. An introduction to the issues and regulations related to the Chesapeake Bay

Sandra Thompson, Bingham McCutchen LLP, 600 Anton Boulevard, Costa Mesa, CA 92626-1950, Fax: 714-830-0722, sandra.thompson@bingham.com, Phone: 714-830-0622

A discussion of how the Chesapeake Bay became an environmental problem area, how past groups and regulations have addressed the environmental issues and the successes and failures along the way.

40. Regulations and issues related to the chemicals in the Chesapeake Bay

Greg Allen, Toxics Coordinator, Chesapeake Bay Program Office, U. S. Environmental Protection Agency Region III, 1650 Arch Street, Philadelphia, PA 19103, allen.greg@epa.gov, Phone: 410-267-5746

A discussion of recent work regarding the regulation of "chemicals of concern" in the Chesapeake Bay and how those chemicals are being profiled by the Environmental Protection Agency.

41. Nutrient over-enrichment in the Chesapeake Bay

Robert A. Koroncai, Region III, United States EPA, 1650 Arch Street, Philadelphia, PA 19103-2029, koroncai.robert@epa.gov, Phone: 215-814-5730

The Chesapeake Bay has suffered from excessive loadings of nutrients (nitrogen and phosphorus). EPA and all of the states in the Chesapeake Bay watershed have charted a plan to restore the Chesapeake Bay by reducing the nutrients to acceptable levels. Bay specific water quality criteria have been identified along with recommended nutrient loading goals. Innovative permitting approaches (including nutrient trading) are under development to allow the Bay to achieve the nutrient loading goals at a reduced but still significant cost. The cost of achieving these nutrient goals are estimated to be \$30 billion.

42. Citizen suits under federal environmental statutes

Barbara H. Gallo and Daniel H. Sherman IV, Epstein Becker & Green P.C., Resurgens Plaza, Suite 2700, 945 East Paces Ferry Road, Atlanta, GA 30326, bgallo@ebglaw.com, dbsherman@ebglaw.com, Phone: 404-923-9066

The filing of citizen suits under the federal environmental statutes is increasing dramatically. Citizen suits are being filed by public interest groups, which are generally interested in halting violations of environmental laws, and by private citizens, who are usually more interested in recovering damages through supplemental tort claims. Regardless of who files the suit, the cost in terms of litigation expenses, civil penalties, injunctive relief, and damages can be quite high. This presentation will focus on what can be done to avoid such suits and what can be done to minimize the costs associated with such suits once filed. Topics to be discussed include the common types of citizen suits, procedural prerequisites to such suits, bars to such suits, defenses to such suits, and the role of experts in such suits.

43. Q & A on environmental regulations and issues in the mid-atlantic region

Greg Allen, Toxics Coordinator, Chesapeake Bay Program Office, U. S.

Environmental Protection Agency Region III, 1650 Arch Street, Philadelphia, PA 19103, allen.greg@epa.gov, Phone: 410-267-5746, Daniel H. Sherman IV, Epstein Becker & Green P.C., Resurgens Plaza, Suite 2700, 945 E Paces Ferry Rd., Atlanta, GA 30326, dbsherman@ebglaw.com, Phone: 404-923-9038, Barbara H. Gallo, Epstein Becker & Green P.C., Resurgens Plaza, Suite 2700, 945 E Paces Ferry Rd., Atlanta, GA 30326, bgallo@ebglaw.com, Phone: 404-923-9038, and Robert A. Koroncai, Region III, United States EPA, 1650 Arch Street, Philadelphia, PA 19103-2029, koroncai.robert@epa.gov, Phone: 215-814-5730

An open Q&A session wherein follow-up questions can be asked of the individual speakers.

44. Introduction to challenging patents in the USPTO

Malcolm McGowan and Sharon E. Crane, Bingham McCutchen LLP, 1120 20th Street, N.W., Suite 800, Washington, DC 20036, malcolm.mcgowan@bingham.com, sharon.crane@bingham.com, Phone: 202-778-6150

An overview of how to challenge a patent in the USPTO is discussed. Specifics of these methods of challenging patents will be discussed later in this session.

45. Monitoring patents, submitting prior art and developing a defensive publication strategy

Sandra Thompson, Bingham McCutchen LLP, 600 Anton Boulevard, Costa Mesa, CA 92626-1950, Fax: 714-830-0722, sandra.thompson@bingham.com, Phone: 714-830-0622

Monitoring new patents and defensive publication can be used to lay the groundwork for challenging patents in the USPTO. Third parties may also submit prior art to the patent office, however this course of action can be risky in view of the treatment by the USPTO and the potential consequences.

46. Interference proceedings in the USPTO

Malcolm McGowan and Sharon E. Crane, Bingham McCutchen LLP, 1120 20th Street, N.W., Suite 800, Washington, DC 20036, malcolm.mcgowan@bingham.com, sharon.crane@bingham.com, Phone: 202-778-6150

Interference proceedings are one way of challenging patents in the USPTO. A detailed outline of how interference proceedings are initiated, the ground rules for using the process and possible outcomes and risks will be discussed.

47. Reexamination proceedings in the USPTO

Malcolm McGowan and Sharon E. Crane, Bingham McCutchen LLP, 1120 20th Street, N.W., Suite 800, Washington, DC 20036, malcolm.mcgowan@bingham.com, sharon.crane@bingham.com, Phone: 202-778-6150

Reexamination proceedings - both ex parte and inter partes - will be discussed, including how to initiate proceedings, the process in general and pitfalls/risks.

48. Q & A on challenging patents in the USPTO

Malcolm McGowan, Bingham McCutchen LLP, 1120 20th Street, N.W., Suite 800, Washington, DC 20036, malcolm.mcgowan@bingham.com, Phone: 202-778-6150, Sharon E. Crane, Bingham McCutchen LLP, 1120 20th Street, N.W., Suite 800, Washington, DC 20036, sharon.crane@bingham.com, Phone: 202-778-6150, and Sandra Thompson, Bingham McCutchen LLP, 600 Anton Boulevard, Costa Mesa, CA 92626-1950, Fax: 714.830.0722, sandra.thompson@bingham.com, Phone: 714-830-0622

An open Q&A session wherein follow-up questions can be asked of the individual speakers.

Minutes of Chemistry and The Law Executive Committee Meeting

Sunday, March 13, 2005

Meeting brought to order by Brian Meadows, 2005 Chair.

Attendees: Brian Meadows; Barbara Lences; Alan Ehrlich; Hugh Dubb, Sandy Bercham, Dr. Barbara S. Gibbs, Valerie McDevitt, Howard Peters, Sandra Thompson Dr. John F. Riley..

Chair Report:

Various handouts were presented by the Chair, including the agenda, a current copy of the Bylaws along with written comments related to the Bylaws, and information related to the CHAL Newsletter.

Treasurer's Report:

\$10,413.49 Ending Balance from January 1 to March 10, 2005. Information was presented related to the CHAL Reception sponsorship. A request was made by the Treasurer to determine if CHAL dues will be raised, which are \$15 now. This issue will be discussed in detail at the next Board Meeting in August, 2005 and possibly take the issue up in a follow-up survey to CHAL members; however, at the current time, dues will not be raised as approved by the Board.

Secretary's Report:

The minutes from the Fall 2004 Executive Board Meeting were approved. Corrections and additions to the 2005 Board Members list were collected.

The questionnaire response was terrific with almost 40% of the members with E-mail addresses responding positively. Bad E-mail addresses were collected and submitted to Jack Riley. The results of the questionnaire will be tallied and forwarded to the Board.

Councilor's Report:

The ACS elections were discussed. Slates of 4 candidates are presented and 2 are chosen to go forward to ballot.

Proposed dues for 2006 are \$127.

CHAL Bylaws: The CHAL Bylaws were discussed in detail, including the

information related to the Councilor elections, specifically how CHAL elects alternate councilors, who is the successor when there is a vacancy and councilor attendance at meetings.

The Bylaws should also be amended with respect to several sections, including a) privileges of membership (model); b) vice-chair duties; c) secretary duties; d) councilor information (tabled); e) officers and quorum and f) nominating committee. Alan Ehrlich will be working on proposed amendments.

Newsletter Report:

E-mails provided from Michael Grossman (MG) expressing thoughts on newsletter and his resignation from the Editor position. The Board appointed Jack Riley the Editor of the CHAL Newsletter and discussed appointing Michael as the assistant. Discussion continued from Fall 2004 Board Meeting related to selling ads in the Newsletter. Some initial fees for

ads were discussed, including \$200 for a business card, \$400 for a half page ad and \$700 for a full page ad. Additional discussion centered on keeping the ad prices competitive with other ACS groups.

We still want to put out the paper copies for those members who want it in that format. The expanded version will go on the web. A long version of the newsletter versus a short version was discussed.

Programming of Washington DC:

25th Anniversary of Tech. Transfer Legislation. CPRM joint symposium. Ken and Alan are appointed to work with CHAL on that symposium.

The goal of 2 days of Intellectual Property programming and 2 days of non-Intellectual Property programming was set with Thursday being an "open" day as far as programming.

Bill Carroll's Challenge to CHAL:

Howard submitted an E-mail report to the Board and supplemented it in person. He spoke with Dr. Marinda Wu, chair of CEPA regarding the Challenge and he presented the Board with several suggestions for discussion during the Board Meeting and additionally with Bill Carroll. A copy of Howard's E-mail is on record and can be viewed upon request to the Secretary.



MGM v. Grokster

by Ken Colton

For those who are interested in Supreme Court decisions, on June 27th the Court reversed lower courts in MGM v. Grokster. Previously, summary judgment had been entered in favor of the Defendant. There is some strong language in this decision that would put to death peer-to-peer file sharing of copyrighted works.

Follows is a link to the decision: <http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=us&navby=000&invol=04-480>.

Membership Application

Application blank is on page 17 of this Newsletter. Ask a colleague to join you in the Best Division in the ACS. Personal invitations support our growth.

CHAL Enterprise 2015 Program

Help for ACS Members with Their Legal Needs

As part of his "Enterprise 2015" project, Bill Carroll, ACS president, challenged CHAL to help ACS members with their legal needs.

To meet this challenge, CHAL has adopted the following three-part program:

- **A Lawyer Referral Service.** CHAL will provide a directory of CHAL members who would be willing to answer questions from ACS members, refer them to an attorney who could help them, or, if appropriate, represent them.
- **A Speakers Bureau.** CHAL will provide a directory of attorneys who would be willing to speak to ACS groups on topics of mutual interest.
- **The "Lawyer is In."** CHAL will tweak this existing program to make it more helpful to members.

Bill Carroll liked CHAL's response, saying "You guys rock! This is really good," so we are off to a good start.

Now that we have a program, we need volunteers to make it happen – attorneys to serve as panelists for the Lawyer Referral Service, speakers to join the Speakers Bureau, attorneys to participate in the "Lawyer is In," and administrators to help set up the program.

This program is truly a "win-win." You can help ACS members and at the same time, market your services to a group that you have a lot in common with – chemistry or chemical engineering – and network with CHAL members.

If you are interested in volunteering, please call or e-mail Carl Lippenberger, CHAL Chair Elect, at 415-927-5200 or carl@ltws.com.

CHAL's Enterprise 2015 Program

To meet Bill Carroll's challenge to CHAL for Enterprise 2015, CHAL plans to do the following:

1. Provide a directory of CHAL attorney members who would be willing to provide legal services to ACS members, as needed and as requested.
 - a. CHAL would recruit its attorney members to participate in this program, through its newsletter, e-mails, and telephone calls to the membership.
 - b. The attorneys in the directory would agree that the first consultation would be free. At the initial consultation, the CHAL member would give the needed advice, or if the matter required more work, either offer to represent the ACS member on a fee basis, refer the ACS member to one or more other attorneys, or both.
 - c. The directory would be organized by state and then

by area of law to ensure that the attorney was qualified and licensed to give the necessary advice.

- d. The directory would be posted on the CHAL web site and would include links to attorney's web sites, if any.
 - e. CHAL would work with ACS to communicate the availability of the new service to the ACS membership. This could include a link on the ACS web site to the directory on the CHAL web site, e-mails to Division chairs, an article in C&E News, and many other possibilities.
 - f. CHAL/ACS would not be giving the legal advice; the attorneys in the directory would be, and the directory would make that clear.
2. Organize a Speakers Bureau to provide speakers to other divisions and local sections on legal matters of interest CHAL would recruit the speakers, provide a directory, post the directory, and communicate the service, as set forth above. The directory would be organized by topic and then by speaker. The attorneys listed in the directory of attorneys willing to provide services to members would be encouraged to join the Speakers Bureau.
 3. Provide "The Lawyer Is In" program at ACS National Conventions at a more favorable time during the convention. The program will be on Tuesday in Washington DC. Also, offer the program for an hour or so at regional meetings. CHAL will provide the "Lawyer is In" at MARM in June 2006.

Carl Lippenberger

Howard Peters Activities as Director-at-Large

I was asked to provide a brief account of my last year running as a petition candidate and my short time on the ACS Board of Directors. Here goes...How did this come about?

Last year in May 2004, I was asked to represent the ACS and the Board at the memorial service for Dr. Winifred Burks-Hauk in nearby San Mateo. Winifred who passed suddenly in her 50s was the past president of the National Organization of Black Chemists and Chemical Engineers (NOBCChE at www.nobccche.org). The ACS also pledged some funds for the memorial scholarship established in NOBCChE in her name. About the same time, I learned that Dr. Ted Tabor of Michigan had withdrawn from the election for ACS Director-at-Large leaving as the field: Dr. David Eaton and Dr. Judith Giordan. There was an initial ground swell of one who suggested that I consider running for this Board position as a petition candidate. If you haven't checked recently, the ACS election procedures are very, very specific. However, the ACS Office of the Secretary was very good about fielding my many questions.

I sent out some (actually many) letters and e-mail

continued on next page

continued from previous page

messages with my bio & election statement to many ACS members with a copy of the petition requesting their support. The effort snowballed. I was stunned with the positive response by ACS members. And in about 30 days (15 days prior to the July 15 deadline), many more than the 300 required ACS signatures were submitted for certification. Dr. David Rahni was also certified as a candidate. This established the field of 4 candidates (three by petition) for one director as was reported in C&ENEWS.

At the ACS meeting in Philadelphia I took part in the Town Hall on Sunday, and on Monday evening we had our usual CHAL chocolate tasting and free raffle at SCIMIX (Surprisingly, I had a number of comments about my clever way of reaching the electorate.) The candidates were announced again at Council on Wednesday, and I later presented my first two papers in the Division of the History of Chemistry (HIST). One was on my tenuous connection to Joseph Priestley. I learned that I have five-times great grandparents Nicholas and Barbara Paul (He was a Revolutionary War militia man in Lehigh County PA.) buried less than 10 yards from the Priestley family. (This was confirmed by Ned Heindel of Lehigh, who quipped, "Well, Howard, your family lies with the greats, and that is as close as you get to greatness.") The second paper explored the connections between major US inventors and their colonial ancestors. (See my web site www.howardpeters.net under Presentations).

The election was announced in C&ENEWS in September, and the ballots went out to the electorate, the members of the ACS Council. The nail-biting period ensued for 7 long weeks until I learned the election results - that I had won by about 30 votes. (It was an emotionally charged personal victory because my wife Sally who many of you know is also an ACS Councilor and eligible to vote commented, "Congratulations, I voted for you - this time!").

As a courtesy I was invited to observe the workings of the ACS Board of Directors meeting in early December in Washington, DC.

I attended this meeting and my politically correct response was that I found the experience to be invaluable - to see the personalities, positions and viewpoints around the table. (My unofficial response was that growing up on a farm in Pennsylvania was great experience for this position, You know, if you love the law and love sausage, don't watch either of them being made. The Board, of necessity, at times makes sausage.)

My official Board duties since January have included:

January

- Special Board Budget Planning Workshop, Washington DC
- ACS Annual Leadership Conference in Baltimore, MD
- First ACS Director's Comment on Science Fairs in

C&ENEWS, Jan. 31, p. 45.

February

- Represented Board (as a member of Grants and Awards Committee) at the PRF Advisory Committee Meeting in San Francisco, CA

March

- First official ACS Board Meeting in San Diego, CA
- Became an official member of the Board Committee on Grants and Awards

April

- Participated in local section mock/interview session at U. San Francisco (an ACS local section joint special innovation project)

May

- Intel Int. Sci. & Engineering Fair, Phoenix, AZ (as invited judge for chemistry & ACS had its first information booth).
- Presented an Appreciation Award to Supelco (for 30 years as the sponsor of the ACS Chromatography Award (in Bellefonte, PA)

June

- Attended My Second Board of Directors Meeting in Baltimore, MD.
- Represented ACS Board at the NORM regional meeting in Fairbanks, Alaska.

At the San Diego meeting in March, I presented a paper on "Patriots, Immigrants and Patentees in the National Inventors Hall of Fame" on Sunday, and on Monday we had our usual SCIMIX Chocolate Fest. For the upcoming Washington meeting, I have learned that I have a continuing talk in HIST on Immigrants, Patriots and Chemical Inventors in the National Inventors Hall of Fame. Also, I just learned that I have a poster presentation accepted for PacifiChem in December concerned with important chemical inventors of the Pacific Basin.

You should, as an ACS member, be very proud of this Board. My experience (albeit short) has been very positive working cooperatively and diligently with committed long-time ACS members (and in our usual all-volunteer mode) at a very high professional level. The ACS staff I have dealt with thus far are committed, have stepped up to the plate and gone that extra mile to accomplish some important projects having a very short time fuse.

Some topics under consideration by the Board include: membership retention, PubChem, Chem Abstracts & free access to journal articles, immigrant visas, evolution, globalization, outsourcing, chemistry.org., etc. Can you suggest some other important topics that should be of particular interest to the Board?

So far, it has been a rewarding (and fun) ride and I expect it to continue. If you have comments or questions, I can be reached at peters4pa@AOL.com.

CHAL Newsletter Is on the Web

This newsletter (Fall 2005) is Vol. 21, No. 2, and is now available on our web page. The address for the home page for Chemistry and The Law is:

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

All twenty pages are available and the two page program for the Washington DC meeting is also there as a separate entity. The newsletter was posted on July 15, 2005.

If you haven't visited our home page, you may be surprised to find that we have also posted the previous five newsletters as well. So with the addition of Fall 2005, you have six full years of CHAL newsletters at your beck and call.

The newsletters are in PDF format and to view them you will need the software, Adobe Reader, which is available free at: <http://www.adobe.com/products/acrobat/readermain.html>.

Books in Brief

by Michael Grossman

Forensic Science — An Introduction to Scientific and Investigative Techniques

Stuart H. James & Jon J. Nordby, editors, CRC Press, Boca Raton, 2003; ISBN 0-8493-1246-9 www.crcpress.com
To be revised in 2005. A large book with chapters by various authors covering an extensive range of forensic science related to criminal law — in clear overview, but also with considerable detail for many topics; many reference cited and many photographs.

Forensic Investigation of Clandestine Laboratories

Donnell R. Christian, CRC Press, Boca Raton, 2004; ISBN 0-8493-1227-2 www.crcpress.com

This book deals with the illegal production of drugs of abuse in usually small and hidden processing facilities. Included is a chapter dealing with the serious physical and toxic hazards that such labs present not only to the investigating authorities, but also to the labs' innocent neighbors. A good guide and reference for various professionals involved in regulation, law enforcement and court presentation. Contains useful appendices, including photographs and references list.

A History of the International Chemistry Industry — From the Early Days to 2000

Second Edition, *Fred Aftalion*, Chemical Heritage Press, Chemical Heritage Foundation, Philadelphia, 2001. Translated by Otto Beckman Center for the History of Chemistry Theodor Benfey, Preface by Patrick P. McCurdy. ISBN 0-941901-29-7.

Within this history of chemical manufacturing, in its European and American economic contexts, may be found much of the history of the modern progress of chemistry. Many illustrations and a bibliography.

Workplace Health & Safety Crimes — Bill C-45 and the New Westray Criminal Offences

Norm Keith, Lexis Nexis Canada Inc., Butterworths, April 2004; ISBN 0-433-44473-8.

The Westray coal mine disaster in Nova Scotia¹ now has legal ramifications all across Canada with new amendments to the Criminal Code. This timely book, by a senior lawyer of a major management-side Toronto law firm,² carefully explains the legislative background of this new criminal law, and discusses its provisions in detail. Also well explained are important aspects of the Canadian law of workplace health and safety, and its constitutional context. Mr. Keith clearly indicates the importance of the new legal regime his clients are facing.

GUNPOWDER/ALCHEMY, BOMBARDS, & PRYOTECHNICS: The History of the Explosive that Changed the World


Jack Kelly, Basic Books, 2004, paperback edition 2005, ISBN 0-465-03722-4.

The story is told of gunpowder's effect on the history of warfare and the design of weapons over the centuries, and its more modern use in mining. This book does not contain too much about chemical science, but enough for an understanding of the history. Includes historical aspects of Dupont, Wilmington, Delaware. There is a reference list and index.

Notes: 1. See also, in this newsletter, Spring 2004, pages 14, 15 & 16 : "The Use of the Criminal Law for Workplace Health and Safety Enforcement in Canada — Please No — a Polemic."

2. Mr. Keith is a partner at Gowling Lafleur Henderson. www.gowlinglafleurhendersonllp.net/index.asp

Newsletter Sponsors



TEL: (650) 328-4036
FAX: (650) 328-8883
Email: jfriley2004@sbcglobal.net

AMERICAN CHEMICAL SOCIETY
SANTA CLARA VALLEY SECTION

Dr. John F. Riley, Councilor
1842 Edgewood Drive
Palo Alto, CA 94303-3015

PETERS, VERNY, JONES & SCHMITT, LLP
ATTORNEYS AT LAW

Specializing in Intellectual Property Law

Howard M. Peters, Ph.D.
ATTORNEY AT LAW

425 Sherman Avenue, Suite 230 Tel: (650) 324-1677, ext. 103
Palo Alto, CA 94306 Fax: (650) 324-1678
www.pvjsa.com E-mail: hmpeters@pvjsa.com

Membership and Recognition (by Jack Riley)

The Division had a total of 1114 members and affiliates on April 30, 2005. That number includes 253 new members, comprising 95 Free members who as new ACS members, chose Chemistry and the Law as their one free division and 158 other ACS members. We are a healthy division with 22.9% as new members and 14.3% in their 2nd year. For the 3rd, 4th, and 5th years we have 9.2%, 8.3%, and 5.9% respectively.

How many of the 95 Free Members will transform into 2nd year members and begin paying division dues will depend upon what they find. Does the division meet their expectations? Does our mission resonate their needs?

How about the core of the division? We have 15 members with 20 years of membership, 11 members with 21 years, 22 members with 22 years, and 39 members, the "Founders" with 23 years of membership. The names and locations for the core years are listed below.

The following members have reached 20th, 21st, 22nd and the 23rd years of CHAL membership.

20 YEARS

Lucile E Decker	Columbus, OH
Tom Duesler	Beaumont, TX
Fred M Gretch	Little Neck, NY
Richard E Henderson	Wexford, PA
Harold J Herzlich	Las Vegas, NV
Thomas E Jackson	Indianapolis, IN
Marina T Larson	Silverthorne, CO
Stanley H Lieberstein	Stamford, CT
K DALE Livingston	Tallahassee, FL
Albin J Nelson	Minneapolis, MN
Stephen E Reiter	San Diego, CA
Charles J Sikora	Cleveland, OH
James S Smith	Coatsville, PA
Mark K Suri	Bannockburn, IL
Michael H Teschner	Westfield, NJ

Congratulations

to the new twenty year members. Your loyalty and your participation is very much appreciated.

21 YEARS

Theodore G Brown III	Palo Alto, CA
John W Caldwell	Philadelphia, PA
Hiram K Evans	San Bernardino, CA
James L Koewler Jr	Richfield, OH
Jay Gregory	Kolman Miami, FL
Alex Mich Jr	Tucson, AZ
Charles E Miller	New York, NY
James K Poole	Loveland, CO
Susan R Poulter	Park City, UT
Leonard Spialter	Dayton, OH
Yuriy P Stercho	Blue Bell, PA

22 YEARS

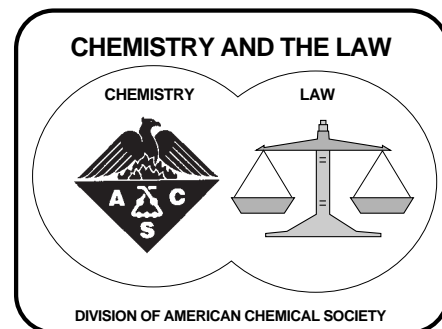
Elizabeth A Bellamy	Westweed, NJ
Allen Bloom	Princeton JCT, NJ
Maurice U Cahn	Rockville, MD
Alain Colens	Bryxelles, Belgium
Barbara D Davis	Arlington, VA
John L Herrman	Placerville, CA
Randall A Hillson	Wayzata, MN
Michael J Hughes	Campbell, CA
Gary K King	Moriarty, NM
Roger L Kohn	Manhattan Beach, CA
Edward L Korwek	Sandy Spring, MD
Edward A Miller	Alexamdroa, VA
Hal D Peterson	Austin, TX
Richard B Racine	Washington DC
Frnacis J Rattay	Pittsburgh, PA
John H Runnels	Baton Rouge, LA
Evelyn M Sabino	Huntsville, AL
Bernhard Saxe	Springfield, VA
Harry B Shubin	Arlington, VA
Oskar Stuhl	Duesseldorf, German
John Todhunter	Falls Church, VA
R Leonard Vance	Midlothian, VA

23 YEARS

Howard J Beim	W Hemstead, NY
Kenneth Bjork Sr	Midland, MI
Jean M Bostwick	Wilmington, DE
Michael E Burns	Frederick, MD
Ling T Chwang	Dallas, TX
Kendrew H Colton	Washington DC
Francis P Di Bella	Kalamazoo, MI
Hubert E Dubb	Belmont, CA
Derek P Freyberg	Menlo Park, CA
Michael J Gilroy	Atlanta, GA
Michael Grossman	Toronto, Canada
William P Hauser	Kenneth Square, PA

William E Heyd	Kalamazoo, MI
Susan E Johnson	Los Altos, CA
Walter D Johnson III	Sioux City, IA
Benjamin Kagan	Palm Coast, FL
Melvyn M Kassenoff	West Orange, NJ
John G Keller	Olney, MD
Dolores Kenney	Park Ridge, IL
Steven J Lee	Glen Ridge, NJ
Donald G Lewis	La Jolla, CA
Ernest V Linek	Boston, MA
Martin J Marcus	Ottawa, Canada
Thomas O McGovern	Bloomfield, NJ
Walter J McMurray	Madison, CT
Evelyn K Merker	Boca Raton, FL
Howard M Peters	Menlo Park, CA
Sally B Peters	Palo Alto, CA
John F Riley	Palo Alto, CA
Richard P Ryan	Middletown, CT
David S Saari	Lawranceville, NJ
George N Sausen	Hockessin, DE
Rosanne M Savol	Granger, IN
Edlyn S Simmons	Mason, OH
James R Thornton	Orange, CA
Linda Z Vag	Far Hills, NJ
Paul J Vincenti	Piscataway, NJ
Timothy M Webster	Philadelphia, PA
Warren D Woessner	Minneapolis, MN

Our international connection is evident by the number of our members (177) who have preferred addresses which are foreign countries. Our Newsletter goes to 32 countries; of the 177 members, 14 are in Canada and 8 members each in Nigeria and India.



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.

Volunteers

As everyone should know, there are no paid positions in the ACS Division of Chemistry and The Law! There is however a lot of "pro bono" work on behalf of our Division and we should acknowledge our appreciation for the many hours contributed by the volunteers. In particular, Barbara Lences, our Treasurer as been doing double-duty by serving as Secretary as well. Brian Meadows, our Chair, has served as Program Chair for the past two national meetings. Any progress we make is due to our volunteers and their willingness to "pitch in" and serve CHAL.

Thank you to the "movers and shakers" of our Division.

12 Benefits of ACS Division Membership

Whether you join CHAL or several ACS Divisions, you will find your professional life enhanced – by new knowledge, new contacts, and new accomplishments. Division membership affords unique benefits – at modest cost. Among the benefits most valued by division members are:

1. Access to national meeting abstracts, preprints, and/or reprints of papers
2. Enhanced opportunities to present papers at national and divisional meetings
3. Substantial savings on publications
4. Career advancement through professional development and networking opportunities
5. Advance notice of upcoming events
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

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 Society 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

Questionnaire Regarding the Newsletter Mailing List as for email and/or U.S. Postal Service

Please return this form to Sandra Thompson, CHAL Secretary at Bingham McCutchen,
600 Anton Blvd. Suite 1800, Costa Mesa, California 92626.

Any questions, please contact her by email (sandra.thompson@bingham.com).

Name: _____ e-mail: _____

Address: _____

City, State and Zip Code: _____

Telephone: _____ Fax: _____ Other: _____

We are now printing the CHAL newsletter in PDF form and can send it to members by e-mail.

Do you want to continue receiving printed copies of the CHAL newsletter? Yes No

Do you want to start receiving electronic copies of the CHAL newsletter? Yes No

We are looking for new speakers for the local and national ACS meetings for CHAL sessions. Intellectual Property, and non-Intellectual Property topics are welcome – regulatory, environmental, forensics, biotech., sports, workplace health and safety, lab accreditation, etc.

Are you interested in speaking at the Washington, DC National Meeting in 2005? Yes No

Are you interested in speaking at future meetings? Yes No

We are considering putting together a directory that will be provided to CHAL members. Information about the members will not be provided by CHAL to outside groups or companies, and we will ask all CHAL members to do the same. The directory should be used only for CHAL members to contact other members of CHAL.

Are you interested in listing your name and address in a CHAL directory? Yes No

Would you like to receive a CHAL directory? Yes No

Erratum: Abstract number 35 was marked withdrawn on page 6.

Title: **Examination of Nanotech Patent Applications** with a U.S. PTO representative presenting.

2005 Officers and Board of Directors

Chair

Brian Meadows
Needle & Rosenberg, P.C.
999 Peachtree Street, Suite 1000
Atlanta, GA 30309
678-420-9300
678-420-9301 FAX
bmeadows@needlerosenberg.com

Chair-Elect

Carl Lippenberger
Lippenberger, Thompson, Welch,
Soroko & Gilbert, LLP
201 Tmal Vista Boulevard
Corte Madera, CA 94925
415-927-5200
415-927-5210 FAX
cl@itws.com

Past Chair

Bill Johnson
Avenue Orban, 76
11150 Brussels, Belgium
32-2-763-1702
32-2-763-1730 FAX
wjohnson2001@comcast.net

Secretary

Dr. Sandra Thompson
Buchalter, Nemer, Fields & Younger
18400 Von Karman Ave., Suite 800
Irvine, CA 92612
949-760-1121
949-702-4448 Cell
sthompson@buchalter.com

Treasurer

Barbara L. Lences
Wyeth Research
CN 8000
Princeton, NJ 08543
732-274-4678
732-274-4533 FAX
lencesb@wyeth.com

Councilors

Dr. Alan Ehrlich
7425 Democracy Blvd., No. 205
Bethesda, MD 20817
202-216-0082, 202-216-0083 FAX
301-365-0246 (Home)
aehrich@weissmoyharris.com

Dr. James C. Carver
Taylor, Porter, Brook & Phillip
P.O. Box 2741
Baton Rouge, LA 70821
225-387-3221, 225-346-8049 FAX
james.carver@taylorporter.com

Alternate Councilor

Ken Colton
Fitch Even Tabin & Flannery
1801 K Street NW, Suite 401L
Washington, D.C. 20006
202-419-7015, 202-419-7007 FAX
kcolton@fitcheven.com

Archivist

Dr. Hubert E. Dubb
Professional Intellectual Property
Management Corp.
1 Lyndhurst Court
Belmont, CA 94002
650-591-4243, 650-631-8146 FAX
hdubb@comcast.net

Biotechnology Secretariat

Cathryn Campbell
Campbell & Flores, LLP
4370 La Jolla Village Drive, 7th Floor
San Diego, CA 92122
858-535-9001, 858-597-1585 FAX
ccampbell@candf.com

Litigation Committee Chair

Dr. James C. Carver

Intellectual Property

Ken Colton

Newsletter Editor,

CHAL Webmaster
Dr. John F. Riley
1842 Edgewood Drive
Palo Alto, CA 94303
650-328-4036, 650-328-8883 FAX
jfriley2004@sbcglobal.net

Regulatory

Diane Robertson
Fox Kiser
750 17th Street, N.W., Suite 1100
Washington, D.C. 20006
202-778-2339, 202-778-2330 FAX
drobertson@foxkiser.com

Newsletter Contributor

Dr. Michael Grossman
P.O. Box 5954, Station "A"
Toronto, Ontario
Canada M5W 1P3
416-363-4464 Voice & FAX
h2841@netcom.ca

Communications Chair

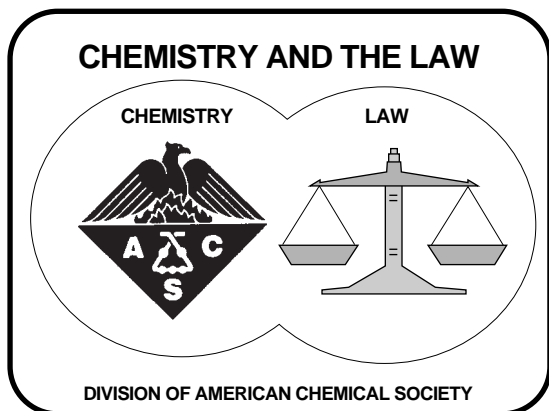
Charles F. Hauff, Jr.
Snell & Wilmer L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AZ 85994
602-382-6314, 602-382-6070 FAX
chauff@swlaw.com

Board-Member-At-Large

Valerie L. McDevitt
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



Visit our web site at:



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

INDEX

Chair's Message	1
Treasurer's Report	2
Councilor's Report	2
Program for Washington DC Meeting	4
Abstracts for Chemistry and The Law Papers	6
Minutes of CHAL Executive Committee Meeting	12
CHAL Enterprise 2015 Program.....	13
Howard Peters Activities as Director-at-Large	13
CHAL Newsletter Is on the Web	15
Book in Brief	15
Membership and Recognition.....	16
Mission/Goal of CHAL	17
Volunteers	17
12 Benefits of ACS Division Membership.....	17
Application for Membership.....	17
Questionnaire Regarding the Newsletter Mailing List.....	18
Officers and Board of Directors	19

CHEMISTRY AND THE LAW

P.O. BOX 561
PALO ALTO, CA 94302

FALL 2005 NEWSLETTER

Non-Profit
Organization
U.S. Postage
PAID
Permit No. 30
Palo Alto, CA

Time Value