HAPPY MILLENNIUM FROM THE SOCIAL COMMITTEE
by Elizabeth Dougherty

The year 2000 is expected to be a busy one for the Social Committee. We anticipate many of the same great activities you have seen in the past, as well as a whole new lineup of fun outings and events. Committee Co-Chairpersons Mike Cuff and Elizabeth Dougherty encourage all Society members to be active in the committee and to attend all events. The committee also seeks your input and ideas.

If it is any indication of the fun to be had this year, the first happy hour of 2000 was a huge success. It was held February 15 at Stars and Stripes in Crystal City and the attendance overwhelmed and thrilled both the committee and the restaurant. Many of the one hundred and fifty guests were still visible on the 23rd Street scene late into the night. The next scheduled happy hour is to be held on Wednesday, May 10, at Hamburger Hamlet in the Crystal City Underground. There will be drink and appetizer specials from 5 to 7 P.M.. We hope to see you there and encourage you to bring friends.

Other upcoming events include two trips to see the Orioles at Camden Yards: July 26, 2000, against the Yankees, and September 19, 2000, against the A’s. Tickets include the price of the bus ride to and from the game. For more information on ticket availability, please contact Mike Cuff.

The PTOS Annual Picnic will be Sunday, May 14, 2000 at Fort Hunt Park. Join in the usual fun and festivities of the picnic while also celebrating Mother’s Day. What a better way to enjoy Mother’s Day than by giving mom a special day with her family and friends and by not making her cook!

The PTOS golf season is fast approaching, too. Three tournaments will be held this year, the first two of which are already scheduled. The annual PTOS Spring Scramble will be held on Monday, May 22, at Shenendoah Valley Golf Club. This tournament sold out two days after registration began. A new addition to the tournament scene is the PTOS Summer Select Tournament which will be Monday, July 24, at Fort Belvoir. Both tournaments are first come, first served. Please note that the Fort Belvoir tournament can only accommodate thirty-six teams.

This year’s Dinner Dance will be held at the Army Navy Country Club on June 16. Watch the website and MicroSoft Outlook’s “What’s New” for information on ticket sales and prices.

Plans have already begun for this year’s Members’ Night on Capitol Hill, the purchase of D.C. United soccer tickets, and bike outings. Planning is also underway regarding a midweek bus trip to Atlantic City for beach, boardwalk, and casino fun. Other plans include theater events, vacations abroad, and of course, more happy hours!

The Social Committee would love to have you involved in all the plans - contact Liz or Mike today.

OUTSTANDING SERVICE AWARD
by Elizabeth Dougherty

On February 15, 2000, at the 83rd Annual Meeting of the Patent and Trademark Office Society, the Outstanding Service Award was presented to Ms. Karin Tyson. Ms. Tyson is the 22nd recipient of the award. Ms. Tyson began her career with the Patent and Trademark Office in 1985 and is currently a Senior Legal Advisor with the Special Program Law Office.

See Award on pg 10

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It is an honor and privilege to be able to serve you as your new President of PTOS in the year 2000. I hope to be able to continue to meet the needs of our membership in the upcoming year. I started at the PTO in 1982 after graduating from Penn State. Since coming to the office, I have seen the PTOS flourish in a number of ways, including the creation and implementation of programs such as Kids & Chemistry, Golf Scrambles, PTOS Sponsored Trips Abroad and our Holiday Fund Drive for Charity. I plan on continuing these programs and hope to expand PTOS activities in the future with the help of our dedicated volunteers.

I have been actively involved in PTOS for the past 10 years. I enjoy the PTOS because of the opportunities it presents to its membership. PTOS provides the opportunity for our membership to become involved in numerous programs. Volunteering is a great way to meet your fellow members while at the same time giving one a feeling of satisfaction in helping others. I encourage our members to become actively involved in the PTOS. There are over 15 committees to choose from, covering various interests. I’ve served on the International Relations Committee and I’ve been the Social Committee co-Chair for the past 5 years. I’ve also had the privilege of serving several years on the Board of Directors as a Mechanical Representative, most recently, for TC 3600.

As President I feel my job is to ensure the continued growth of the society in ways which will benefit our membership and to make sure the Society operates within the bounds of our constitution. I would like to thank our many volunteers - without them the Society could not exist and prosper.

On a more personal note, my degree is in Petroleum Engineering and I work in class 166 which is petroleum production processes and apparatus. My wife Susan and I have five children (Mitchell, Matthew, Christopher, Averiana, and Levi) ranging in ages from 8-18. We would appreciate the opportunity to get to know our new members and personally acquaint you with the programs in which PTOS is actively involved. Please stop by and introduce yourself - at this year’s PTOS Annual Picnic on May 14, 2000 at Fort Hunt Park, for instance!

Again, I would like to thank our members for giving me this opportunity to serve you! I look forward to a great year!

-Butch
The 2000 PTOS Board - Your Representatives and Committee Chairs
(Those our photographer could catch)

Pictured (from left to right): Arpad Kovacs (Computer/Internet), Elizabeth Doughtery (Social), Michael Cuff (TC3600, Social), Beth Stephan (Election), Kenneth Bomberg (TC3700, Education), Dominic Keating (Legislative) and Richard Stouffer (JPOS, Historical Display, SIRA/CIO).

Pictured (from left to right): Sneh Varma (TC3700), Nicole Coy (TC1700), Dominic Keating (TC1600/2900), Justin Bettendorf (At-Large), Tricia Sonneborn (Trademark), Craig Feinberg (BPAI), William McCarty (Education, TC2700).

Pictured (from left to right): Dave Okonsky (QR/PCT/OED), T.C. Patel (Science Fair), Fred Silverberg (Comm. Office/OLIA/Solicitor), Anne Marie Boehler (At-Large), Nathan Mammen (At-Large), Darnell Boucher (TC3600, Distribution).

See next page for a complete list of Board Members and Committee Chairs)
COMMITTEE CORNER

Legislative Update
March 23, 2000

PTO Nomination
On March 23, the Senate Judiciary Committee, on a voice vote, approved the nomination of Nick Godici to be Assistant Commissioner of Patents.

Anti-tampering - Product Codes
On March 23, 2000, the House Judiciary Subcommittee on Courts and Intellectual Property approved an amended version of H.R. 2100, the “Anti-tampering Act of 2000.” The bill would amend section 42 of title 35 to permit PTO access to all fees collected without prior authorization in appropriation Acts.

PTO Reauthorization
On March 23, 2000, the House Judiciary Subcommittee on Courts and Intellectual Property approved on a voice vote H.R. 4034, the “United States Patent and Trademark Office Reauthorization Act.” The bill would amend section 42 of title 35 to permit PTO access to all fees collected without prior authorization in appropriation Acts.

International Relations Committee Bulletin

Here is your opportunity to meet and socialize with PTO Officials, Directors, SPEs, fellow examiners and colleagues from intellectual property agencies around the world. The Patent & Trademark Office Society (PTOS) International Relations Committee hosts several events in connection with the Visiting Scholars Program (VSP), the first being a lunch reception on May 8th.

The VSP is a 2-week educational program offered by the USPTO for the benefit of developing countries. Since 1985, the VSP has provided participants from over 30 foreign countries with classroom and hands-on study of the United States’ intellectual property system. The goals of the program are threefold:

a. To foster a better understanding of international intellectual property obligations and norms;

b. Using the U.S. system as an example, to expose participants to at least one method of providing TRIPS1-level protection for a variety of intellectual-property disciplines; and

c. To promote discussion of intellectual-property issues in a friendly and supportive environment.

The PTOS International Relations Committee (IRC) coordinates social and other activities for the scholars to allow the scholars to interact with their U.S. counterparts.

IRC Mentors/Sponsors
To help the scholars feel comfortable while here, the PTOS organizes a “Mentor/Sponsor” program in which USPTO employees are paired with visiting scholars to assist them by answering questions they might have about the USPTO, about the surrounding DC metropolitan area, etc. We like to have the mentors/sponsors attend the lunch reception, panel discussion, Capitol Hill briefing, PTOS picnic, and any other events being held. We want to make it a fun experience for both scholars and mentors/sponsors.

IRC Lunch Reception
The first “social” event coordinated by the PTOS-IRC is the luncheon held on the first day of instruction, on May 8th at 12:00. The IRC visiting scholars agenda is found on page 9.

Kids & Chemistry Recognition Ceremony

Please come and recognize those individuals who participated in this year’s Kids & Chemistry Program. Refreshments will also be served.
Vice President Heather Shackelford presents the Grand Ant Award to Suzanne Mason McDowell.

President Matthew Kaness relinquishes the gavel to incoming President William Neuder.

Congressman Dana Rohrabacher (R-CA) pictured with assistant Wayne Paugh answers questions about New Patent Legislation allowing the PTO to become a PBO.

Rich Stouffer presents Charles L. (Chico) Gholz with a Special Citation Award, a rare honor bestowed to an author for many outstanding articles and Letters to the Editor of the JPOS over a sustained period of years.

Rich Stouffer presents John G. Mills of TC2700 with the Rossman Award. The Rossman Award is given to the author of the article in the Journal that, in the opinion of the judges, makes the greatest contribution to the field of patents, trademarks, or copyrights.

PTOS Presidents from left to right: (back) Fred Silverberg, Richard Stouffer, Matthew Kaness, Judy Swann, Renee Luebke, Christopher Young (front) William (Butch) Neuder, Lou Zarfas, Elizabeth Dougherty.
Members enjoy a night at Camden Yards. Each year Social Committee purchases tickets and rents buses to Orioles games.

The Legislative Committee in partnership with the Education Committee, have hosted the following presentations:

**An Initiative to Help America’s Inventors** by Don Kelly, former Director of the Office of Independent Inventor Programs, and **The American Inventors Protection Act** by Robert Stoll, Administrator of Office of Legislation and International Affairs (OLIA).

Each year International Relations Committee hosts several events in connection with the Visiting Scholars Program (VSP). The VSP is a 2-week educational program offered by the USPTO for the benefit of developing countries. A IRC luncheon is scheduled for May 8.

Children at Shepherd Elementary School in NW DC work on a chromatography experiment entitled “What’s in a Color?”. The Kids & Chemistry Committee in partnership with the PTO send teams to area schools with experiment kits designed to interest children in science.

Butch Neuder, Beth Stephan, Lynn Hailey and Mike Lebentrit blow off steam at a Happy Hour sponsored by the Social Committee.
Samara Brothers, Inc. v. Wal-Mart Stores, Inc.
Docket No. 97-7933(L), 97-9003(Con)
UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
December 28, 1998, Decided

On Wednesday, January 19, 2000, at 10:00 am, the Supreme Court will hear arguments in the case of Wal-Mart v. Samara, a trade dress and copyright infringement case. This is the first instance in which the Court will consider whether clothing shapes can be inherently distinctive.

For many years, protection of the configuration (shape) of a product, a type of trade dress, was available only through the application of patent or copyright laws. Today, non-functional trade dress may be protected as a trademark if it is used in commerce as a source-indicating feature of the associated goods or services.

Products are usually configured in standard ways, their shape typically being dictated by function. Therefore, to recover for trade dress infringement (a cause of action arising under Section 43(a) of the Lanham Act), a plaintiff must prove two elements: (1) that its trade dress is protectable because it either (a) is inherently distinctive or (b) it has acquired distinctiveness by achieving “secondary meaning” in the marketplace; and (2) that there is a likelihood of confusion between the plaintiff’s and the defendant’s products.

Samara asserts that its seersucker garments are “inherently distinctive.” Samara claims that it chose to design its line of spring/summer seersucker children’s clothes using consistent design elements, so that the look would be identified with Samara, building brand loyalty. Samara claims the product line represents the “lifeblood” of the company.

The Court described the Samara “look” as follows:

“The protected trade dress will include most if not all of the following elements: seersucker fabric used exclusively; two or three identically shaped and symmetrically placed cloth appliqués (not screen printed) substantially similar to appliqués displayed on Samara clothing in vibrant colors integrated into the collar (which is typically large and white), collar line and/or packet(s) (if any); single-piece, full-cut bodies; and the absence of three dimensional features, outlines and words.”

A jury held that the Samara look is inherently distinctive; that Wal-Mart intended to copy Samara’s look; that because Wal-Mart intended to copy Samara’s look, a legal presumption was raised that Wal-Mart’s intent to deceive was successful and consumers were deceived; and that Wal-Mart had failed to rebut the legal presumption. Wal-Mart was held guilty of infringement and ordered to pay damages to Samara.

On appeal, the U.S. Court of Appeals for the Second Circuit affirmed the district court, finding that there was not “a complete absence of evidence to support the jury’s verdict.” The appellate court, however, amended the injunction that was fashioned by the district court, narrowing its scope to exclude two garments that it believed had so few of the described design elements that to afford them protection “would mean awarding Samara a monopoly on all seersucker children’s clothing with appliqués placed anywhere on the garment.”

A strongly-worded dissent argued that it was not reasonable to find the Samara look to be distinctive. The dissent recounted the factors that Samara testified were present in the Samara look, noting that most of them are commonly used in the clothing industry, Samara itself does not use these elements consistently on its garments, and nearly one-third of Samara’s garments lacked a key feature. Thus, the dissent contended, Samara’s line was not distinctive and did not qualify for trade dress protection.

Wal-Mart has appealed this case to the Supreme Court. On January 19, 2000, at 11:00 am, the Supreme Court heard oral arguments.
Agenda for IRC Visiting Scholar’s Luncheon

Introduction -
• Eleanor Meltzer, Program Coordinator

Short Presentations by USPTO Officials -
• Mr. Q. Todd Dickinson, Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office
• Ms. Esther Kepplinger, Deputy Commissioner for Patents
• Ms. Anne Chasser, Commissioner for Trademarks

Remarks by PTOS Representative -
• Butch Neuder, PTOS President

Introduction of each Visiting Scholar -
• Eleanor Meltzer, Program Coordinator

This year’s list of Visiting Scholars includes:

Costa Rica Mr. Rolando Cardona Monge
Egypt Ms. Azza Abdulla Saleh Abu El-Naga
Egypt Ms. Mona Mohamed Ahmed Khalifa
El Salvador Ms. Marilena Duarte Urrutia de Parada
Guatemala Ms. Sofia Posada
Honduras Mr. Walter Gustavo Ramirez Villalobos
Hong Kong Mr. David Fong
Kuwait Mr. Ahmed Falah Al-Mutairi
Moldova Ms. Maria Chernobrovchuk
Morocco Ms. Noria Lahlou
Nicaragua Mr. Allan Brooks
Panama Mr. Rolando Yanis
Philippines Mr. Claro Orlando Parlade
Taiwan Mr. Chen Ming-Bang
Thailand Justice Maitree Sutapakul
Vietnam Mr. Tran Huu Nam
Vietnam Mr. Phan Ngan Son

Capitol Hill Briefing

The second event is a briefing for the scholars and mentors on Capitol Hill by Garry Ewing, Staff Director of the Government Oversight/Civil Service Subcommittee. This will be from 3:30 p.m. to 4:30 p.m. on Tuesday May 9, 2000 in Rm. 2203 of the Rayburn Building. Reception to follow.

Panel Discussion

The third event is a panel discussion on May 19th. David Moore will be moderating the panel discussion for the VSP. This year we will have a ½ hour formal discussion and then a ½ hour informal round table discussion where the scholars and experts from the PTO can break off into several groups and discuss specific topics.

EAP Corner

The topic this month is on feeling overwhelmed. This feeling is a normal feeling for human beings and most people feel this way at some point in their life. However, if that overwhelmed feeling lasts for long periods of time, is severely impacting some part of your life, or is affecting your ability to function, then professional help may be needed. There are some techniques to help you decrease that overwhelmed feeling. The following may be helpful:

• Break tasks/projects/chores down into small manageable chunks
• Prioritize what is important in your life or job
• Use a datebook/calendar to help you keep track of your life
• Use a manual file/folder system to help keep you organized
• Use computer programs such as calendar or other software to help you keep organized
• Use one of those small electronic organizers
• Talk to your spouse or someone else when you are feeling overwhelmed
• Take a short break when feeling overwhelmed; take a walk, listen to music, talk to someone
• Reframe the way you are thinking about what is making you feel so overwhelmed; instead of thinking of everything you are not doing or not able to do, think about and focus on one thing at a time that you can do and accomplish
• Reward yourself for accomplishing a difficult task
• Use a daily to do list that can help you manage and prioritize

For further information on overwhelmed feelings, please call the PTO EAP at 703-305-3766 or e-mail Bernard Berger. Feel free to stop by our resource room for free information or brochures on mental health issues. Visit the EAP WEB site on the PTO intranet after clicking on Human Resources.

How like a winter hath my absence been
From thee, the pleasure of the fleeting year!
What freezings have I felt, what dark days seen!
What old December’s bareness every where!
And yet this time removed was summer’s time,
The teeming autumn, big with rich increase,
Bearing the wanton burden of the prime,
Like widow’d wombs after their lords’ decease:
Yet this abundant issue seem’d to me
But hope of orphans and unfather’d fruit;
For summer and his pleasures wait on thee,
And, thou away, the very birds are mute;
Or, if they sing, ‘tis with so dull a cheer
That leaves look pale, dreading the winter’s near.

Shakespeare, Sonnet 97
Soon after joining the PTO, Ms. Tyson represented mechanical examiners as an elected representative to the PTOS Board of Directors. During her tenure on the Board, she assisted the Society in the role of Membership Committee chairperson. She was also active in the Legislative Committee, the International Relations Committee, and as a science fair judge.

Her lasting contribution to the Society is through her extended work with the Journal of the Patent and Trademark Office Society. In 1992, Ms. Tyson was elected to the Board of Governors for the JPTOS. She held this position until stepping down to take the position of Assistant Editor of the JPTOS in October of 1994. She still holds the position of Assistant Editor and has contributed much to the content, format, and administration of the Journal. Ms. Tyson has been particularly active in writing book reviews and corresponding with Journal authors. Notably, Ms. Tyson was the initiator of the now annual JPTOS student paper contest. She has served tirelessly in helping to make the Journal a publication recognized for its quality in the field of intellectual property.
Every spring thousands of people visit the tidal basin to see the cherry blossoms. And every year it’s worth it!

Photo by Suzanne Dino Barrett, TC3600

You know you’re a “real” patent examiner when…

1. You look forward to the weekends ——so that you can wear your “sweats” to work!
2. You wonder if PTO style allows you to cite talking to yourself as “personal communication.”
3. Your office is better decorated than your apartment.
4. You can analyze the statistical significance of data that you cannot understand.
5. You take prior art to a bar.
6. Everything you read for fun reminds you of something you can use as prior art.
7. You discuss rejections with other real examiners as if they are sporting events.
8. There is a microfilm reader in the STIC that you consider “yours.”
9. You actually have a preference between microfilm and microfiche.
10. You regard ibuprofen as an essential vitamin.
11. You find the bibliographies in text books more interesting than the actual text.
12. You have accepted guilt as an inherent feature of relaxation.
13. You spend too much time trying to figure out just what “one of ordinary skill in the art” actually looks like.

- submitted Jerry Lorengo, TC1700
EPO Visitors Arrive at the USPTO

By Jeremy Stroud, EPO and Fran Lorin, USPTO

A group of eight colleagues (examiners and directors) from the EPO visited the USPTO at the end of September, 1999, during their one-week technical study trip to the US. They arrived September 25th at Dulles Airport, drove to visit Lucent Technologies in New Jersey for a few days, then visited Corning Glass in New York State. On September 30th they drove to the USPTO before returning home again on October 2nd. Although the end of the fiscal at the USPTO, a few examiners found time to spend with the EPO visitors. The EPO finishes its fiscal year on December 31st.

The trip was organized by Elio Lo Conte (Director, Directorate 1.2.18, inorganic chemistry including glass technology and coatings, e-mail: cloconte@epo.org). The other colleagues that were part of the visiting group were directors Jos van den Berg who assisted in arranging the trip (Director, Directorate 1.2.34, optics/physics), Michel Deprun (Director, Directorate 1.5.2.4, optics/physics), examiners Marco Ciarrocca (search examiner, Berlin office, optics), Guus Sarneel (search and substantive examiner, optics); Konrad Mathyssek (search examiner, optics), Bert van Bommel (glass chemistry and coatings) and Jeremy Stroud who initiated the trip (glass technology), both of whom are search and substantive examiners as part of the on-going BEST program, discussed later in this article.

Each directorate (comparable to an “art unit” at the USPTO) has a budget of about $10,0000 US per annum for such trips, to be fairly shared among about 20-30 examiners of a directorate. In effect, an examiner gets to go on such a trip once every 3-5 years, depending on costs/demand. The selection of the patent applicants to visit is usually left to the examiners in the relevant technological fields, as are the preliminary arrangements; directors may assist/accompany them. Note that a “Director” at the EPO manages about 20-30 examiners, somewhat comparable to an “SPE” at the USPTO.

After their arrival on September 30, Hubert Lorin (Board of Patent Appeals and Interferences) and Francis Lorin (GAU 1775) spent some time chatting with the EPO scholars at the Days Inn lounge. Ron Stern, President of POPA, also spoke with the scholars. Shortly thereafter, Jeffrey Rossi showed up with an entourage from OLLA (Office of Legislative and International Affairs) with pre-arranged plans to go to Philips Flagship Restaurant at the Waterfront in DC. Sean Vincent (examiner, GAU 1731) also joined the group.

Differences between EPO & USPTO Examining Practice

We learned about some significant and not-so-significant differences between the USPTO and the EPO. For example, most examiners at the USPTO are unaware that the EPO is generally divided between three types of examiners: those working in The Hague, Netherlands, and in Berlin who only perform the first phase of examination, i.e., searches, on EP and PCT applications, very similar to the Chapter I, form 210, in PCT practice that US examiners are familiar with; those examiners working in Munich, Germany, who only perform the second phase, i.e., substantive examination on the same applications, similar to Chapter II, or 408/409, PCT practice in the USPTO; and those examiners who perform both searches AND substantive examinations in an ongoing program that was begun 10 years ago in both The Hague and in Munich.

The on-going project of combined search & examination (Bringing Examination & Search Together – “BEST”) is well beyond “pilot” stage and has just had its 10 year anniversary. In the “search” directorates of the Hague & Berlin (both designated DG1) made up of around 900 examiners, around 250-270 are in the “BEST” project; of the approximately 900 substantive examiners in Munich (DG2), about 130-150 are involved in the project - the latter have no paper documentation at their disposal.

The average time allotted for search of an application varies between 1.3 and 3 days, depending on the technical field; the overall average of the averages comes out at 1.6-1.7 days per weighted application (note: some applications are based on previous searched applications and thus count for less, hence figures for weighted applications not total). A search examiner will process approximately 130 applications per annum.

Substantive examination starts (after analysis) with the first communication (letter) and ends with a decision to grant or reject (deemed withdrawn). Around 2.5 days in total is allotted for this task, reduced to 2 days for those doing “BEST” (due to efficiency factors). A substantive examiner will process around 85 grants or equivalent per year.

The average time allotted to the examiners in The Hague to perform the searches is 1½ days per application. When a response is submitted by an applicant to an Office action, the EPO examiners have up to 4 months to reply with a subsequent Office action. Although the EPO examiners are also on a production schedule like their US counterparts, they are not rewarded for production above the minimum re-
required so they have no incentive for producing above the quota. On the other hand, the EPO examiners are provided additional funds to make trips to visit various manufacturing facilities, such as this particular trip.

The applicant has 4 months to reply, extendable by 2 months by simple request (which most do), further extendable by 2 months with grounds. The examiner has 4 months to respond to the reply (in exceptional cases 6 months). These flexible time limits are for the EP procedure - PCT processing is 3 months.

Presently, EPO examiners are all under pressure to produce more while maintaining the quality of their work. In effect they are expected to increase productivity to finish a search in 1.5 days average (in some areas less) and a grant in 1.7 days, ultimately reducing the total time to under 3 days for both parts of the work. The senior EPO management holds the USPTO in high regard concerning “timely grant” and would very much like to see the same in Europe, only with the notable difference that EPO quality should be maintained, which is generally considered much higher than that at the USPTO.

There are no direct financial incentives/rewards for overproduction, other than a small possibility of somewhat faster promotion. The EPO has always been concerned that such incentives would simply lead to some producing more of lower quality and that such a system would not be fair.

Other major differences are that for substantive examination a division of 3 examiners is used: primary, second member, chairman. In project “BEST” the primary examiner performs the search too.

On Friday evening, October 1, Michael Safavi (GAU 3621) and Francis Lorin went and spent about an hour (7:30-8:30pm) with the scholars one last time at the same Days Inn lounge. The scholars then left to visit Old Town and returned home to The Hague the next day.

On this second visit, we learned that examiners who are promoted to the EPO’s “Board of Appeals” are chosen based on particular language and technology skills that are needed to fill particular vacancies there. A law degree is not required to be promoted to the board there. Also, we learned that few examiners leave the EPO before retirement – only about 1-3% do so each year.

Board of Appeals Practice at the EPO Concerning the boards of appeal (DG3, Munich), a distinction must be made between the legal boards of appeal, where legal qualifications are indeed required (i.e., law degree) and the technical boards of appeal, where technical knowledge and experience in applying the EPC & guidelines are required (senior substantive examiners are promoted to this position). There are also joint boards of appeal for dealing with overlapping cases and the enlarged board of appeal for deciding on serious questions/interpretations of the patent law (EPC), particularly where no relevant case law exists.

Before leaving to go to Old Town Friday evening, our visiting EPO counterparts thanked everyone at the USPTO for their kindness and time in showing them around and speaking with them, both professionally (in classes held at the Patent Academy on Thursday and Friday) and socially (at PTOS events). We all learned a lot about each other’s intellectual property systems. They also said that they welcome e-mails from fellow colleagues at the USPTO and would love to reciprocate whenever someone from the USPTO visits them in Europe, as they did for Fran Lorin in April, 1997.

A Big Thank You!

To all those from the USPTO/PTOS who contributed to making the visit by our EPO colleagues pleasant, at the busiest time of the fiscal year, here is a message from Jeremy Stroud, one of the visitors who provided most of the valuable details given above:

“It was a pleasure to meet you and, on behalf of all of us, a big thank you for making our stay enjoyable and one to remember.

- Best regards, Jeremy Stroud (search and substantive examiner, glass technology)”

“The willow is deceptively strong. It bends, but it does not break. Its roots are deep and can withstand the worst storm. It promises rest, and shade, and cool breezes to those who would find rest beneath it. You have become my willow, and we have all found shelter in your kindness.”

- Byron to Lyta, “Strange Relations”, Babylon 5
PTOS Activities Calendar:
Upcoming Events

May 8 - IRC Visiting Scholars’ Luncheon
Sheraton Ballroom level, 12:00 P.M.

May 10 - Happy Hour
Hamburger Hamlet, drink and appetizer specials.
5-7 P.M.

May 14 - Annual Picnic - Happy Mother’s Day!
Fort Hunt Park, Area A; 12-6 pm.

May 22 - Spring Golf Scramble
Shenandoah Valley Golf Club. 9:00 a.m.
Shot Gun start.

June 16 - Dinner Dance
Army Navy Country Club; Ticket sales and prices
to be announced.

June 27 - Kids & Chemistry Awards Ceremony
Patents Theater; 10 am.

July 24 - Summer Select Golf Tournament
Fort Belvoir, watch for upcoming details.

July 26 - O’s v Yankees
Camden Yards, bus leaves no later than 5:00 pm
in front of CPK 4.

September 19 - Battle of the vowels: O’s v A’s
Camden Yards, bus leaves no later than 5:00 pm
in front of CPK 4.

This bud of love, by summer's ripening breath,
May prove a beauteous flower when next we meet.
- Romeo and Juliet Act 2 Scene 2

UNOFFICIAL GAZETTE of the
Patent and Trademark Office Society
P.O. Box 2089
Arlington, VA 22202