



OCPLA NEWSLETTER

Orange County Patent Law Association
www.ocpla.org

Vol. 11, No. 10

October 2005

OCTOBER LUNCHEON MEETING

Please join us at our next luncheon meeting on Wednesday, October 26, 2005, when we are pleased to present **John King** of Knobbe Martens Olson & Bear LLP, who will speak on "Claims Drafting Workshop". This meeting is also our annual meeting to elect the 2006 OCPLA Directors. If you are unable to attend, please fill out the proxy form in this newsletter, and forward to Neal M. Cohen as indicated.

The lunch will be held at noon at the Wyndham Garden Hotel.

OCPLA HOLIDAY PARTY

This year's OCPLA Holiday Party is at Ralph Brennan's Jazz Kitchen, in Downtown Disney, on Friday December 9, 2005 starting at 6:30 pm. The cost is \$50.00 per person, and includes a four-course meal with choice of entree, two drink tickets, and unlimited hot tea, iced tea, and soda. SPACE IS LIMITED, and tickets will be sold on a first-pay basis, to OCPLA Members and one guest only. The reservation form is included in this OCPLA newsletter. If you have any questions, please contact Neal Cohen at nmc@cohen-sak.com.

OCPLA 2006 SPRING SEMINAR

SAVE THE DATE. OCPLA's annual Spring Seminar will be held this spring from March 24-26, 2006, at the La Costa Resort & Spa in Carlsbad, California.

OCPLA PCT SEMINAR

AND SAVE ANOTHER DATE! On October 24-25, 2005 the OCPLA is sponsoring a PCT seminar at Whittier Law School. For more information, please see the separate flyer distributed along with this Newsletter.

VIDEO GAME LEGAL PRACTICE SEMINAR

The Center for Intellectual Property at Whittier Law School is hosting a lunch seminar on November 3rd at 12:30 in the Main Conference Room 2A at Whittier Law School.

Mr. Patrick Sweeney, Of Counsel to Haight Brown & Bonesteel, will speak about both the video game legal practice, and being a lawyer for the video game industry. He is head of the Firm's video game/multimedia practice, and was formerly Senior Corporate Counsel for Vivendi Universal Games, one of the world's largest video game and software publishers. Mr. Sweeney has represented many industry-leading publishers, developers and other video game industry players.

Lunch will be served. Please RSVP to Rosalie Robles at rorobles@law.whittier.edu

NOVEMBER BOARD MEETING

On November 9, 2005 the OCPLA Board of Directors is holding its monthly meeting at noon at Birch Stewart Kolasch & Birch LLP, in Costa Mesa. Members who wish to present items for the Board's consideration should contact our president, Margaret Kivinski, to have their item placed on the agenda, and to verify the time and location of the meeting.

NEW MEMBERS

Please encourage your colleagues to renew their OCPLA membership or to join as new members!

MESSAGE FROM THE PRESIDENT

BY MARGARET KIVINSKI
THEROX, INC.
mkivinski@therox.com



We truly had an excellent presentation at our September lunch meeting by William Diaz of McDermott Will & Emery LLP telling us what every IP lawyer needs to know to keep his or her client out of antitrust trouble. The presentation materials were excellent, and included a copy of Will's slide presentation, as well as a detailed outline of his presentation with case and statutory references. If you were unable to get a copy of the materials, or didn't attend the meeting but would like a copy of the materials, please contact Will at [wdiaz@mwe.com](mailto:w Diaz@mwe.com) for a set.

A very special thank you to everyone who came out in support of our sponsored Serving People in Need (SPIN) fundraising event in September. With the support of you and other members of the local OC legal community, SPIN was able to achieve its fundraising goals and will use the proceeds to provide assistance to the homeless and others in need in OC. Special recognition is owed our own past president Matt Weil for his planning and coordination activities that contributed to the event's success.

In October, we will have two special events for our members and their guests. The first will be our Patent Cooperation Treaty (PCT) Seminar on October 24 and 25 at Whittier Law School in Costa Mesa. Two speakers will be traveling all the way here from the World Intellectual Property Organization (WIPO) in Geneva, Switzerland, to give us a presentation of PCT Basics. As you may know, the PCT rules changed significantly about two years ago and they continue to change further. This is an opportunity for all attorneys, paralegals and legal assistants to learn about the most recent changes and keep up to date in their PCT practices and support activities. Please sign up quickly as space is limited and this is a very popular event which only takes place every couple of years.

The second event being held in October is a patent claims drafting workshop which will be presented by John King of Knobbe, Martens,

Olson & Bear LLP, who is also our organization's President Elect. The workshop will be held at our monthly luncheon meeting on October 26. The claims drafting workshop is for both the novice and the experienced. During the workshop we will discuss drafting claims that avoid needless limitations, that target specific infringers, and that better protect replaceable components. We will also analyze a variety of humorous and real-life examples that focus on medical products, computer systems and chemical compositions. To make the workshop both entertaining and informational, the workshop includes a variety of odd and humorous patents that emphasize common claim drafting errors.

Our October meeting will also be our annual general membership meeting and election. Please come out and cast your vote for the slate of officers and directors that will provide the leadership for your organization in 2006. The President for 2006 will be John King, as previously elected. The rest of the current directors will advance one level to the next successive position and will be elected at the meeting along with a new 1st Year Director. I'm pleased to announce that this year's candidate for the position of 1st Year Director is Tom Dao of Christie Parker & Hale, LLP. Please come out and vote for your 2006 board.

Their interest and dedication will ensure that 2006 is another great year for the OCPLA. If you won't be able to attend the meeting in person, please fill out the proxy contained in this newsletter so your vote can be counted.

RSVP ON TIME FOR MONTHLY LUNCHESES

To reduce the likelihood of additional rate increases associated with last minute reservations, please RSVP early, i.e., no later than by noon on the Friday preceding the meeting, so that we can provide more accurate numbers of luncheon attendees to the hotel. Your efforts to register at least five days in advance of the lunches is greatly appreciated by the hotel and the OCPLA Board.

The costs for the monthly luncheon meetings for student members is \$15.

2005 MEMBERSHIP RENEWAL

Dues for 2005 are \$35 for attorneys and agents. Members receive the monthly OCPLA newsletter, and reduced rates for the monthly luncheons and seminars. A membership form is included in this month's newsletter and is also available at www.ocpla.org. Please renew early to reduce delays in processing.

OCPLA WEBSITE

Check the OCPLA website at www.ocpla.org for copies of the OCPLA newsletter, for membership information and for current events of interest to members. Let us have your comments. We will be making changes and improvements as time passes, and your comments will be useful in knowing what to change and what to leave alone. Send comments to "webmaster@ocpla.org."

E-MAIL DISTRIBUTION OF THE NEWSLETTER



The Newsletter is now being transmitted solely by electronic mail. If you know of anyone who should be, but is not getting this e-mail distribution, please have them contact Neal Cohen at nmc@cohen-sak.com.

OCPLA POLICY

Although we are open to comments and suggestions, present policy concerning publication of advertisements in this newsletter is as follows: (1) "Positions Wanted," "Positions Available," and other similar ads will be printed free of charge and, unless otherwise requested, will run for two months; (2) Other ads such as word processing, legal support services, and firm announcements will be published for \$15 per issue or \$150 per year (for all 12 issues), payable in advance. We reserve the right to edit each advertisement. Please contact the Newsletter editor to place your ad or with your comments and suggestions.

MINUTIAE

BY NEAL M. COHEN
COHEN SAKAGUCHI & ENGLISH LLP
nmc@cohen-sak.com



Quick Tip On Litigating A Patent That's In Reissue, Or Seeking Reissue Of A Patent That's In Litigation

This month's Minutiae is simple and straightforward. If you litigate a patent that's in reissue, or seek reissue of a patent that's in litigation, then be sure to read 37 CFR 1.178(b). The reissue applicant must notify the PTO of any prior or concurrent proceedings (including interferences, other reissues, reexaminations, and court litigation), and of the results of any such proceedings.

Please e-mail any questions, comments, or submissions for future Minutiae columns, to Neal M. Cohen, at nmc@cohen-sak.com. (Note: all submissions must be approved by the Editor prior to publication).

OTHER ARTICLES

By You
YOUR FIRM
YOUR E-MAIL

YOUR
PHOTO?

Do you have an article you'd like published in next month's OCPLA Newsletter? If so, please submit it to the OCPLA Newsletter editor, Neal Cohen, for review, at nmc@cohen-sak.com. All submissions become the property of OCPLA and may be published without compensation.

BOARD OF DIRECTORS AND COMMITTEE CHAIRS**BOARD OF DIRECTORS TELEPHONE/E-MAIL**

President	Margaret A. Kivinski	949-757-1999	mkivinski@therox.com
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Immediate Past President	Matthew F. Weil	949-851-0633	mweil@mwe.com

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OCPLA NEWSLETTER

Orange County Patent Law Association

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This document is provided for informational purposes only. The articles contributed by identified authors express only the views of the particular author or authors, and do not necessarily reflect the opinions of the Orange County Patent Law Association or its editorial staff. Any questions or comments concerning the articles should be directed to the author. Any errors should be brought to the attention of the Editor so that appropriate corrections can be published in a subsequent edition of the Newsletter.

The OCPLA reserves the right to determine which, if any, submitted articles will appear in this Newsletter.

We hope that the Newsletter is helpful, informative, entertaining and interesting. Comments, ideas, announcements, proposed articles, suggestions and any other communications concerning the content, form or other aspect of this newsletter may be directed to:

OCPLA Newsletter Editor
Neal M. Cohen
 Cohen Sakaguchi & English LLP
 2040 Main Street, 9th Floor
 Irvine, CA 92614
 Tel: (949) 724-1849
 Fax: (949) 625-8955
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5450 Trabuco Road
Irvine, CA 92620-5074
949-756-5000 x218

STEPHEN T. FREEMAN, ESQ.

Straddling, Yocca, Carlson & Rauth
Corporate and Tax Matters
(949) 725-4000

OFFICE AVAILABLE

Sublease 9' by 14' window office in intellectual property law suite, \$500/mo. Join a patent attorney, patent agent and a transaction attorney. Phone, fax, DSL, high speed copier/printer/FAX, postage meter. JW airport area, free parking, close to 405, 55 and 73 freeways. Call: 714/ 668-1900

Ad: xaft1205P4

OFFICE SPACE AVAILABLE

New class A construction in Irvine Spectrum available for sublease. 3 offices, open secretarial space, kitchen, copier room, and shared conference room. Free surface parking. Your own first floor entrance.

Contact: Michael Shimokaji

mshimokaji@shimokaji.com.

Ad: xaft1205SK4

POSITION AVAILABLE

Law firm in Irvine seeks chemical/biotechnology associate (attorney or agent) with about two or more years patent application preparation/prosecution experience. Growth opportunity with competitive salary and benefit package. Send resume to: jmcghee@patlawyers.com

Ad: xaft1144053

**PAUL HASTINGS
ATTORNEY POSITIONS AVAILABLE**

Paul Hastings has a full-service intellectual property practice dedicated to serving leading information technology and life sciences companies all over the world. From Shanghai to Southern California, Palo Alto to Paris, our fast-growing practice includes more than 80 full time IP attorneys, many with advanced degrees in physics, mechanical engineering, electrical engineering, chemical engineering, biology, biochemistry, molecular biology and chemistry. We combine in-depth technical expertise and sophisticated legal talent to provide our clients with the best possible representation.

Paul Hastings currently has openings in Los Angeles, Palo Alto and San Diego for motivated intellectual property attorneys with 2 to 5 years of patent litigation and/or patent prosecution experience in the following areas:

- Electrical Engineering
- Computer Engineering
- Computer Science
- Physics

Excellent academic credentials and writing skills required; technical degrees are preferred (but not required).

Please submit resumes and transcripts to:

Lisa Patterson, Attorney Recruiting & Development Coordinator

PAUL, HASTINGS, JANOFSKY & WALKER LLP

3579 Valley Centre Drive
San Diego, CA 92130

lisapatterson@paulhastings.com

Please specify the location(s) you are interested in.

Ad: xaft1005PH2

Patent Attorneys: Big Firm Clients in a Small Firm Environment

Klein, O'Neill & Singh, LLP, a growing Southern California IP firm is seeking experienced patent prosecutors who enjoy working with major corporate clients, but would prefer a small firm environment with more reasonable billable hour requirements. At least 1 year of patent prosecution experience with a top-line law firm or corporate patent department, preferably in the electrical and/or computer arts, with some experience in the mechanical arts. Competitive salaries and benefits, with flexible working arrangements, collegial relationship with other attorneys and staff, and a potential fast track to partnership. Send resume to info@koslaw.com or fax it to 949-955-1921. No phone calls

Ad: xzft1205K3

CHANDRAKANT M. JOSHI

INDIAN PATENT & TRADEMARK ATTORNEYS

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Other Offices: New Delhi, Kolkata, Ahmedabad,
Hyderabad & Chennai

Member: IPR Professional Associations: U.S.A.,
U.K., Germany, Japan, France, Italy, et. al.

Contact Person: Mr. Hiral Chandrakant Joshi

Areas of

- Patent & Trademark Search
- Patent & Trademark Watch
- Registration, post registration
- Infringement, etc.
- Translation of Patent Specification
- Franchise & Joint Venture Agreements
- Cyberlaw, Mergers & Acquisitions

Ad: xaft0806IN

POSITIONS AVAILABLE PATENT ATTORNEYS

Stetina Brunda Garred & Brucker, P.C., a growing intellectual property law office located in Aliso Viejo, CA, has immediate openings for patent attorneys having 1-5 years of experience. Qualified candidates will have significant experience in either patent prosecution and/or intellectual property litigation, with a preferred engineering degree in the mechanical or electrical arts.

Please send employment inquires to:

Stetina Brunda Garred & Brucker, P.C.
Recruiting Attorney
75 Enterprise, Suite 250
Aliso Viejo, CA 92656

or email at recruiting@stetinalaw.com

Please visit us at www.stetinalaw.com

Ad: xaft1205K2



SAVE THE DATE FOR THE UPCOMING

OCPLA-SDIPLA SPRING SEMINAR

24 – 26 MARCH 2006

Location: The La Costa Resort and Spa in Carlsbad, San Diego

Legal Program: Saturday and Sunday mornings, including the annual patent law, trademark law and copyright law reviews.

Social Program: Friday evening reception
Saturday evening banquet
Saturday afternoon golf, tennis, spa, etc.

More details will surely follow.

Orange County Patent Law Association

October Meeting

Date: Wednesday, October 26, 2005

Time: 12:00 Noon; Lunch will be served promptly at 12:15 p.m.

Location: Wyndham Garden Hotel
3350 Avenue of the Arts
Costa Mesa, California

Topic: Claims Drafting Workshop

Speaker(s): **John King** of Knobbe Martens Olson & Bear LLP

Cost: \$30 for members, \$15 for students (proof of student status required), and \$35 for non-members

Reservations: Please make reservations by filling out the form below and mailing it with a check to T.J. Singh to reach his office address given below, by the Friday before the meeting. If time is short, please also email T.J. at tjsingh@koslaw.com or call in your reservation to the OCPLA Reservations Line number at (949) 955-1920.

The Orange County Patent Law Association certifies that this activity has been approved for minimum Continuing Legal Education credit by the State Bar Association of California in the amount of 1.0 hour. The Orange County Patent Law Association certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing Minimum Continuing Legal Education. The Orange County Patent Law Association is a State Bar of California MCLE-approved provider.

Reservation Form

Enclosed is a check for \$_____ payable to ORANGE COUNTY PATENT LAW ASSOCIATION for the OCPLA General Membership luncheon on Wednesday, October 26, 2005 for the following person(s):

This form and check should be mailed to:

T.J. Singh
Attention: OCPLA Lunch Reservations
Klein, O'neill & Singh, LLP
2 Park Plaza, Suite 510
Irvine, CA 92614
Tel: (949) 955-1920
Fax: (949) 955-1921
E-mail: tjsingh@koslaw.com



Orange County Patent Law Association

WWW.OCPLA.ORG • P.O. Box 7632 Newport Beach, CA 92658

2005 OCPLA MEMBERSHIP APPLICATION/RENEWAL FORM

This is an application for (please circle one): **Membership Renewal or New Membership**

Member / Applicant Information:

Name: _____

Firm/Employer: _____

Address: _____

E-mail Address (**required to receive newsletter**): _____

Telephone No.: _____ Facsimile No.: _____

Professional Information:

	Yes	No	
Are you a member of the California bar?	___	___	Bar No. _____
Are you a member of the bar of another state or the District of Columbia?	___	___	Jurisdiction/Bar No. _____
Are you registered to practice before the U.S.P.T.O.?	___	___	Reg. No. _____
Are you a student?	___	___	School: _____

Please circle not more than TWO committees in which you would like to participate:

Annual Seminar	Law Office Management	Membership
Copyright Practice	Legislation	Patent Practice
Federal Courts	MCLE	Trademark Practice
International Practice	Meetings/Programs	Trade Secret/Unfair Competition

Dues Membership Year 2005 (please circle one):

Regular Membership (attorneys, agents):	\$35.00	(New Member After 07/01/05) \$17.50
Student Membership	\$17.50	\$ 8.75
Associate Membership (other)	\$35.00	\$17.50

New Applicants please complete the following:

I believe I qualify for membership in the Orange County Patent Law Association.

Applicant's Signature: _____ Date: _____

Printed Name: _____

Send Application to OCPLA P.O. Box 7632 Newport Beach, CA 92658

OCPLA Holiday Dinner at Ralph Brennan's Jazz Kitchen

-Downtown Disney, Anaheim-

Friday, December 9, 2005

6:30 p.m. – Drinks and hors d'ouvres

8:00 – Dinner & Program

\$50 per person

Reserve your spot(s) by returning this form with check payable to OCPLA to:

Neal M. Cohen
Cohen Sakaguchi & English LLP
2040 Main Street, 9th Floor
Irvine, California 92614

Member Name: _____ Phone #: _____ Entrée No.: _____
Guest Name (1 guest maximum): _____ Entrée No.: _____

Menu

Hand Passed Hors d'ouvres

Spicy Parmesan Cheese Straws

Zydeco Grilled Chicken Skewers with Cilantro Bordelaise

Boiled Spicy Shrimp with Remoulade Sauce

Appetizer

Onion Soup (with entrée selections 1-4 below)

Stuffed Tomato (with entrée selection 5 below)

Salad

French Quarter salad

Choice of Entrée (**non-changeable**)

Please choose from the following entrées and indicate your number choice above:

- 1) Roasted Chicken Rosemary
- 2) Jazz Kitchen Grilled Fish (Chef's selection)
- 3) Filet Mignon
- 4) Pasta Jambalaya
- 5) Vegetarian Linguini (vegetarian selection)

Dessert

Beignets – A New Orleans Classic! French donuts deep fried and topped with powdered sugar

** Price also includes coffee, hot tea, iced tea, soda, and two drink tickets **

Complementary self-parking is available for up to 5 hours with validation.
Please call Neal at (949) 724-1849 if you have any questions.

OCPLA Election of Officers Annual Meeting




Wyndham Garden Hotel
Wednesday, October 26, 2005
12:00 p.m.



The Officers and Board of Directors up for Election and Re-election for 2006 are:

- V.P./President Elect Leonard R. Svensson
- Secretary Greg S. Hollrigel
- C.F.O./Treasurer Neal M. Cohen
- Director (3rd year) T.J. Singh
- Director (2nd year) Marlene Klein
- Director (1st year) Tom Dao

The President for the year 2006 will be John King



Proxy Statement Form*

I, _____, a member of the Orange County Patent Law Association:

- vote by proxy for the proposed slate of officers listed above for the 2006 term;
- designate John King or _____ as my proxy at the October 26, 2005 meeting; or
- abstain from voting but submit this proxy for purposes of establishing a quorum only.

This Proxy Statement form should be filled out and mailed, faxed, or emailed (as a pdf) to:

Neal M. Cohen
Attention: OCPLA PROXY
Cohen Sakaguchi & English LLP
2040 Main Street, 9th Floor
Irvine, CA 92614
Tel: (949) 724-1849
Fax: (949) 625-8955
E-mail: special@cohen-sak.com

*If you are unable to attend the Annual Meeting on October 26, 2005, please fill out this proxy statement form prior to the meeting.

2005 OCPLA EVENTS SCHEDULE

Date	Location	Speaker/Event	Topic
October 26, 2005	Wyndham Garden Hotel	John King Knobbe Martens Olson & Bear LLP	Claims Drafting Workshop
November 23, 2005	Wyndham Garden Hotel	Mimi Justice Deloitte & Touche	Calculating and Proving Patent Damages in Litigation
December 9, 2005	Ralph Brennan's Jazz Kitchen (Downtown Disney)	OCPLA Holiday Party	Fun



Orange County Patent Law Association
P.O. Box 7632
Newport Beach, CA 92658