

New Matter

New Matter is a trademark of the Minnesota Intellectual Property Law Association.

Fall 2007

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www.mipla.net

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- Christopher K Larus, *Chair*

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Web Content (www.mipla.net)

- Peter L Malen, *Chair*

Women in Intellectual Property Law (WIPLA)

- Sarah M Stensland, *Chair*

President's Letter



Greetings Members!

Since the beginning of the 2007-2008 MIPLA year which began in July, we have golfed together, met in committee meetings, such as

the IP Law Revision Roundtable, and have attended social functions, such as the Meet the Firms events this summer. We have many items on the calendar already and more on the way. As your President, I have thought about goals for the year and have some ideas for things I would like to accomplish based upon the great strides our former Presidents have made over their terms.

For example, we finished an initial redesign of the website format last year which provides a terrific platform for serving our membership and providing information to the public. During the current year, I am hoping to steward the population of the website with information that will be helpful to members and people who visit the site to learn about who we are. Another goal for the year is to streamline the flow of information to the membership by reinvigorating the use of the New Matter as a distribution mechanism for Association information. If all goes well, the next issue of the New Matter will be in a different format that will be easier to publish and, therefore, more timely.

Further, many of our committees have provided opportunities to enhance the knowledge and professionalism of MIPLA members and to reach out to the community. I encourage those committees that have not planned an event this year to start working to serve the membership by hosting a CLE or information session on a topic relevant to their committee members and hopefully to all association members.

It has also been many years since we have hosted a national IP Association meeting in Minnesota. Based on the calendars for Associations such as the AIPLA, ABA's IPL Section, INTA, and the IPO, it will be many

more years before we could host such an event. I believe we should ask to host one or more of these events and propose that we organize a standing committee that can handle the organizing of these events, potentially, one every three years, much like Boston has done recently. We have very talented practitioners in Minnesota and a very active Association, so it should be natural that these national associations gather here.

Additionally, last year, we added a committee for patent agents that has been very successful and this year we are considering the addition of an IP paralegal committee. These people are instrumental to many of us and have asked to have a forum to improve their knowledge of IP issues and sense of community through meetings of the committee.

As with many of the past years, we are seeing a new wave of law and rule changes that effect many of us in the IP community. This will be a trying year as we work to sort out how these issues effect our practices and our client's portfolios. MIPLA has been and will continue to be a great forum for the discussion of these changes and strategies for improving our practices in the face of these changes.

Of course, paramount to our success as an association are the efforts of those providing the leadership and content for these discussions. I encourage all members to become involved with these efforts, since as a group we can accomplish far more than as individuals. Please contact me or a committee chair if you would like to help out on a committee or take on a leadership role on a committee or on one of the projects identified above, and through our hard work, we can accomplish many things this year.

Have a great week everyone!

Jeffery L. Cameron
2007-2008 MIPLA President

Message from the Outgoing President: The Year in Review

I sincerely thank the MIPLA organization for allowing me to serve as President this past year. Through the hard work of the Board, the committees, and the committee members, we have been able to achieve many accomplishments.

Support has been provided to our local students through scholarships and moot court sponsorships, as well as the annual Young Inventors Fair. Comments were submitted in response to the Patent Office proposed rule changes. Lunchtime CLEs and the MIPLA Stampede have provided several hours of CLE credit. The website (www.mipla.net) has been updated and relocated, providing user-friendly features such as the interactive calendar and committee page. Social gatherings, such as the Meet the Firm events, dinners,

and the annual golf outing, allowed our members to network with each other.

I thank all of the members for their continued support of MIPLA, and I particularly thank the members and committee chairs for their efforts in achieving these accomplishments, and allowing for our organization to be exceptional.

Our organization is strong because of the efforts of our members and is poised for success under the leadership of Jeff Cameron, our President this year.

Catherine Klima
2006-2007 MIPLA President

Upcoming Social Events



Save the dates! Mark your calendars so that you don't miss out on the following MIPLA Social Events:

Fall Social -- Thursday, November 29, 2007 at the Chambers Hotel

Meet the Firm -- Thursday, January 10, 2008 at Fulbright & Jaworski LLP

Authors and Inventors Dinner -- February 2008 (tentatively scheduled for the week of February 11, 2008)

Meet the Firm -- tentatively scheduled for Tuesday, March 11, 2008; firm TBD

Spring Gala -- April 2008 (tentatively scheduled for the week of April 21, 2008)

Young Inventors Dinner & Annual Meeting -- tentatively scheduled for Tuesday, May 20, 2008 (the CLE Stampede will be held the same day)

Meet the Firm -- tentatively scheduled for Wednesday, June 18, 2008; firm TBD

Golf Social -- July 2008

Meet the Firm -- tentatively scheduled for Thursday, August 21, 2008; firm TBD

Committee News

Patent Agents Committee

By Milena Higgins, Committee Co-Chair

Last year's activities of the Patent Agents Committee included:

- Drafting and sending a recruiting letter to registered Patent Agents residing in Minnesota.
- Discussion of the AIPLA Patent Agent Survey conducted in 2005/2006.
- Participating in a CLE titled "Ethical Issues for Patent Agents".
- Continued discussions about professional development.
- Discussion of the new MIPLA web site and adding content to the Patent Agents Committee page.
- Our first social event, an informal happy hour.

Jim Keogh and I co-chaired the committee during the 2006/2007 term. Jim stepped down as co-chair on June 30 and Brad Wright volunteered to be the new co-chair. I will remain as co-chair for another year so that the committee will continue to have two co-chairs with overlapping two-year terms.

Our plans for the 2007/2008 year include:

- Drafting and sending a letter of introduction to the professional community (including law firms and local businesses).
- Adding content to the Patent Agents Committee page.
- A possible MIPLA Patent Agent Survey.
- Continued discussions about professional development and issues related to Patent Agents.
- Plan a networking event.

Publications Committee

By Erik Drange, Committee Chair

I follow Eduardo Drake as the new chair of the Publications Committee. We would like to thank Eduardo for all of his hard work on *New Matter* over the past several years.

As for upcoming news, we are in the process of moving *New Matter* towards an electronic newsletter format. We are currently evaluating several providers and plan to send the next issue of *New Matter* in its new, electronic format.



All MIPLA members are encouraged to submit articles pertaining to intellectual property law issues, committee activities or law school news for publication in *New Matter*. Please submit your articles by e-mail to Erik Drange at drange@ptslaw.com.

Law School News

William Mitchell Announces New Intellectual Property Institute

ST. PAUL, Minn. - The William Mitchell College of Law today announced the formation of a new Intellectual Property Institute, which will provide the structure and resources to make the college's intellectual property law program one of the nation's best.

The institute will advance the college's intellectual property program, which focuses on patent, trademark, and copyright law. Through educational, research, and service initiatives, the institute addresses the issues of protecting and fostering innovation, which is a need that is dramatically increasing worldwide as businesses and individuals determine ownership of creative ideas and innovation such as new technology, software development, music, artwork, and business processes and equipment.

With four nationally and internationally recognized faculty members and eight adjunct faculty, the institute has one of the largest IP faculty of any law school; the IP program is one of the top academic areas at William Mitchell.

Jay Erstling, professor of law, is the most recently hired faculty member and is one of the most recognized practitioners in the field of patent law. He is past director of the Patent Cooperation Treaty in Geneva, Switzerland, where he oversaw the international patent system. He

was also an adviser to the director general of the World Intellectual Property Organization.

"The formation of the Intellectual Property Institute is really a reflection on William Mitchell and the strengths and quality of the educational programs here," said Ken Port, director of Intellectual Property Law Studies. "As the area of intellectual property law continues to rapidly gain importance in today's global business climate, the institute is positioned to show significant leadership by benefiting from the unprecedented depth of knowledge and talent that Jay Erstling and the rest of our faculty will share with students and IP practitioners and scholars throughout the world."

The Intellectual Property Institute has four key initiatives:

- Establish an intellectual property legal clinic by 2008.
- Create an LL.M. program in intellectual property by 2009.
- Develop publications devoted to intellectual property scholarship and application.
- Oversee national moot court competitions for IP students.

"The Intellectual Property Institute reflects the great sense of energy and vitality that is indicative of the William Mitchell faculty," said Eric S. Janus, interim president and dean. "It's also another excellent example of bringing together scholarly education with critical practical applications that are crucial in today's legal industry."

Minnesota Inventors Hall of Fame

by Jim Young of Westman Champlin & Kelly PA

HONORS for the MN Creative!

As IP attorneys, where would we be without our Minnesota inventors? Looking for work somewhere else, no doubt. That is not the case, however, thanks to the abundance of intellectual creativity found right here in Minnesota.

There are many ways to honor those creative individuals, ranging from a mere "thank you", to a company bonus, to the pride of being named on an issued patent, and even to a MIPLA-acquired proclamation from the governor of the State of Minnesota. Another way, for the most very special inventor/scientist is a nomination in the Minnesota Inventors Hall of Fame (MIHF).

I am a new board member on the MIHF, and we are seeking nominations for candidates for election to the MIHF. Please read on, and perhaps take a few moments to consider whom you might nominate. Call me with any questions about the process.

The Minnesota Inventors Hall of Fame is a Minnesota non-profit corporation. Its volunteer Board of Directors includes inventors, patent lawyers and members of the scientific community or the public.

The Minnesota Inventors Hall of Fame was established in 1976 for the purpose of honoring inventors generally and bringing to the attention of the public the economic and social importance of their contributions to society. This is done by identifying those Minnesota inventors who have made significant contributions to our society through their inventions.

The Minnesota Inventors Hall of Fame inductees are honored in an exhibit at the Redwood Area Community Center in Redwood Falls, MN. Each inductee is identified with a photograph and a bronze plaque summarizing their accomplishments. In addition, up to ten inductees are highlighted in the exhibit each year with more information about their accomplishments, photographs, patents, artifacts and examples of their work.

The most recent inductee into the MIHF is Dr. Frank

D. Werner, a prolific inventor and, among other things, the founder of Rosemount Engineering Company (now Rosemount, Inc.) and Novus, Inc.

To be eligible for induction into the MIHF:

- A candidate is one who is an innovator, a creator, a solver of problems.
- A candidate is one who has made a significant contribution to the betterment of life - especially here in Minnesota.
- The impact of the candidate's contribution in the general economic sphere in terms of capital injected, business generated or jobs created.
- The impact in the social sphere in terms of improved quality of life through greater convenience, saving of time, better health, safety, superior products, etc.
- Most likely, the candidate's inventions will have had a significant impact in both economic and social areas.
- A candidate's contributions may be measured in terms of patents, but the number of patents, if any, is secondary to considerations of economic and social impact.
- A candidate regards himself/herself as a Minnesotan and is so recognized by others.
- A candidate has strong Minnesota ties through any one or more of birth, education, long residence, employment, family relationships, or the like, but contributions for which he/she is honored need not be made in Minnesota.

More information about the MIHF can be found at its website: www.minnesotainventors.org.

The names of all the inductees are listed there, along with stories about many of them. In addition, you can fill out an electronic nomination form for the very special inventor of your choice. What could be easier?

For those who insist on making it more difficult, a nomination form follows this article. Please print it out, complete it and send it in. Don't miss out on this opportunity to assist us in bestowing a great honor on those individuals who truly are "hall-of-fame" material.

Minnesota Inventors Hall of Fame Nomination Form

You can send us information on someone you feel deserves to be an inductee of the Minnesota Inventor's Hall of Fame.

Name of Inventor:

Living? Yes _____ No _____

If living, present address:

If deceased, closest survivor's address or last known address of inventor:

Approximate date of death: _____

Please list patents and/or description of invention(s):

To the extent applicable, and known, list any articles or books, or excerpts from same, written by or about the inventors with respect to his/her invention(s), any honors or awards received because of the invention(s), or any other pertinent information showing recognition and acceptance of the invention(s):

Please describe:

What contributions of this inventor you feel make him/her outstanding as a Minnesota inventor:

Why do you believe this inventor should be inducted into the Minnesota Inventors Hall of Fame?

Your Name: _____

Company or affiliation: _____

Address: _____

Phone: _____

Email: _____

Deadline is March 31st of each year.

Mail to:
Minnesota Inventors Hall of Fame
PO Box 50
Redwood Falls, MN 56283

In Memoriam

This past year, MIPLA lost four members who had been quite active in the organization over the years. Memorials have been prepared and are presented below for each of these men. As members of a professional organization such as MIPLA, it is important to pause and reflect on those that have come before us and helped make MIPLA the strong and viable organization that it is today. We honor these men for their service to MIPLA (or as it used to be known in their day, the “Minnesota Patent Law Association”), for their service to the legal community in general, for their service to each of their broader communities and for their devotion to their families.

As you can see by reading of these short memorials, each man made a significant difference in the lives of many, far beyond the daily impact of providing legal services to their clients. We are grateful for having known them, and for having been their colleagues.

*Jim Young
Westman Champlin & Kelly PA*

Robert Clifford Baker
May 21, 1924 – December 19, 2005
by the family of Robert C Baker

Robert Baker was born to Charley and Alice (Fods) Baker, and spent his early years in Madison, South Dakota; Austin; and Wausau, Wisconsin. He was a graduate of Wausau High School (1942), the University of Minnesota (1948) and the George Washington University Law School (1952). Bob loved music and played the cornet with both his high school band and a dance band called the “Top Hatters,” which he thoroughly enjoyed. He worked his way through law school, and later convinced his son, Bill, and his wife, Vera, that if he could accomplish that, they could too. Robert was supportive and proud of their efforts when they attended and graduated from law school.

During World War II, Bob served in the South Pacific. During the Korean War, he was a patent attorney for the Army’s Office of Judge Advocate General. A First Lieutenant, he earned both the Army Occupation Medal (Japan) and the National Defense Medal.

Bob spent more than 50 years in the private practice of patent, trademark and copyright law in Minnesota. Beginning in 1954, he was associated with the firm of Carpenter, Abbott, Coulter & Kinney. He later started his own firm, and he practiced with Vera from 1990 until his death. Bob never lost his interest in or enthusiasm for the challenges of intellectual property law. He considered retirement to be a fine idea for other people, but not something he wanted for himself.

However, he was not averse to an occasional afternoon of golf. He was a member of numerous professional associations and also enjoyed longstanding affiliations with the Midway Toastmasters Club, the Masons (where he served in 1981 as master of Macalester Lodge No. 290 in St. Paul) and the Shriners.

Bob’s second marriage to Vera (Sellin) spanned more than 28 years and was highlighted by extensive foreign travels. During these trips, they were often joined by his sister, Elaine Isherwood, and her husband, Clare.

In 1999, Bob underwent surgery for cancer, followed by chemotherapy. He wasn’t the type to complain about health problems but instead considered himself lucky to be a survivor. The cancer recurred in 2005 and responded only temporarily to radiation treatment and further chemotherapy.

Bob is survived by his wife, Vera; and four children from his first marriage to Mary Joan Herdeman: Charles (wife, Karen; daughters, Catherine and Clare), William (wife, Lori; daughter, Madeline), Emily (husband, James Larson; son, Matthew; and daughter, Rebecca) and Beverly (husband, Kevin Farraher; daughters, Alexandra and Julia).

Bob treasured family reunions and celebrations and enjoyed wonderful relationships with his sister, Elaine Isherwood; brother-in-law, Clare; their daughters, Diane and Janet; and numerous relatives in South Dakota and elsewhere. He was preceded in death by his brother-in-law, Clare; and granddaughter, Angelica Farraher.

Family and acquaintances miss Bob’s friendly smile and frequent laughter.

Robert W Gutenkauf
November 30, 1942 – October 14, 2006
by Malcolm Reid,
Gray Plant Mooty Mooty & Bennett PA

Robert Gutenkauf passed away suddenly in October 2006. He is survived by his lifelong partner, Vicky Gutenkauf, and his brothers, James Gutenkauf and Dr. Jay Gutenkauf.

Bob was rather reserved in demeanor, but had a highly developed, subtle and elusive sense of humor that he enjoyed sharing with his colleagues and friends. On the other hand, he was impatient with those who were not up to his exacting standards in the pursuit of the law. He was also quite firm in his political beliefs and at times did not hesitate to express them.

He always had good judgment and gave sound advice. Moreover, Bob had an uncanny ability to grasp, assimilate and interpret complicated patent law, which was greatly appreciated and well-received by his colleagues and clients. He was truly a trusted voice of reason. His longtime clients insisted on his counsel, which Bob gladly dispensed with great clarity of analysis and in his no-nonsense manner. Bob was a very intelligent and respected attorney.

Bob was born in St. Paul. After the end of World War II, he and his family lived in Tokyo for nine years. They returned to St. Paul for a few years and then lived in Okinawa in Japan and Pakistan. Bob returned to St. Paul to attend his senior year of high school in West St. Paul and then continued on to the University of Minnesota, where he received a bachelor of science degree in aeronautical engineering. While working as an aeronautical engineer at Rosemount Engineering Company, he was admitted to William Mitchell College of Law in St. Paul and obtained his law degree in 1969.

After graduation from law school, Bob served for a year as a law clerk for Judge Elmer R. Anderson of the Hennepin County District Court. Bob then joined the intellectual property law firm of Byrd, Braddock & Bartz. That firm later became Byrd, Bartz & Gutenkauf, where Bob embarked upon his career as a patent and trademark attorney. Bob litigated many patent and trademark infringement cases during his 30-plus years with Byrd, Bartz & Gutenkauf and wrote and prosecuted

many patents and trademarks. After the retirement of his partners, Bob joined the Gray, Plant & Mooty law firm in 2001, became a partner, and continued the pursuit of his intellectual property career until his untimely death.

Bob will always remain in our hearts as the consummate professional attorney. But more importantly, he will be remembered as a kind, gentle man with a big heart, all of which he displayed in a soft, quiet manner. He was a good, caring man. We miss him.

Henry Lewis Hanson
August 26, 1921 – March 14, 2006
by Clyde C Blinn &
the family of Henry L Hanson

Henry Lewis “Hank” Hanson was born on August 26, 1921, on Echo Valley Farm, outside of Odebolt, Iowa. The son of Zella and George Hanson, he later graduated from Odebolt High School and left to attend Iowa State University in Ames, Iowa. He graduated with an electrical engineering degree and was a member of Sigma Alpha Epsilon fraternity. During World War II, Hank served with the Army Signal Corps in the Philippines.

After the war, Hank joined Minneapolis Honeywell, studying for his juris doctor degree at night at William Mitchell College of Law in St. Paul. He graduated in 1951. Hank worked as a patent attorney at Honeywell for 40 years. He retired from the firm as the director of intellectual property. Hank was admitted to practice law in Minnesota, Pennsylvania and Massachusetts, as well as before the Court of Customs and Patent Appeals and the U. S. Supreme Court. During his years at Honeywell, Hank was counsel in the ENIAC trial, considered a landmark case regarding the disputed invention of the computer.

In 1985, Hank published the book “Managing Creative Assets.” He also wrote two family histories: “The Family of Henry Hanson and Augusta Mathilda Ekblom, a Genealogical and Biographical Record” in 1991 and “The Family of Albion Paris Hardy and Mary Jane Scott, a Genealogical and Biographical Record” in 1994.

Hank was active in the YMCA, Scouting, his church and world peace organizations. He enjoyed sailing the Mississippi River and creating pottery, as well as oil

and acrylic painting. In retirement, Hank and his wife, Dorothy, left Edina and settled in Sun City West, Arizona.

Five months after Hank died, Dorothy passed away. College sweethearts, Hank and Dorothy were married for 63 years. Hank is survived by four children: Jo Ellen Grossmann, Mark Hanson, Eric Hanson and Kay Campbell; nine grandchildren and two great-grandchildren.

The Hansons have a deep and rich family history in Hank's hometown of Odebolt. In June 2006, Hank's family planted trees along Hanson Boulevard in Odebolt in his memory.

Donald M Sell

November 12, 1925 – November 15, 2006

by Philip M. Goldman, Fredrikson & Byron PA

Don Sell passed away at the age of 81 in November, 2006. He is survived by Estelle Quinn Sell, his loving wife of 56 years, and by their children Mark (Cheryl Kirkland), John (Emily), Matthew (Gwen Leifeld), Ellen, and Susan (Doug Abrahms); grandchildren, David, Max, Emily and Rebecca Sell, and Nicholas and Timothy Abrahms; and his caregiver, Tanneh Dormoh.

Born November 12, 1925, in Johnstown, Pa., Don graduated from the University of Pittsburgh with a B.S. in Chemical Engineering, and received his law degree from Georgetown University Law Center. After a one week stint in industry, finding life as an engineer not to his liking, Don went on to attend law school, while working as an examiner for the United States Patent Office. After graduation, he began private practice in Washington, D.C., before being hired by 3M in 1955 and moving to the far away land of Minnesota, where he spent 35 years before retiring as Chief Patent Counsel.

While at 3M, Don's professional accomplishments were many. He was active in an array of professional associations and served on various committees of the American Intellectual Property Association, the American Bar Association and the Association of Corporate Patent Counsel. He was Past President of the Minnesota Patent and Trademark Law Association, and served as Vice President of the Licensing Executives Society. He represented the United States as a Delegate

to the Diplomatic Conference on Patent Harmonization at the World Intellectual Property Organization in Geneva. Outside of 3M, Don served as Past President of the Saint Paul Tennis Club, the Gyro Club and the Minnesota Interprofessional Association.

Anyone who knew Don will remember his clear love for his family, for ideas and for animals, as well as for reading, learning, tennis, skiing, music, travel - and doodling. He will be remembered as a man of honor and integrity, who had a marvelous sense of fun and a great zest for living.

More personally, Don was instrumental in helping to start and nurture the careers of many young lawyers, myself included, and took particular joy and pleasure in doing so. His skills as a lawyer and mentor were well known and much appreciated by his colleagues, contemporaries, and even competitors, as well as the many inventors and researchers he loved to serve. Don most clearly helped to move 3M into the prominent role it now enjoys in the world of business, and particularly intellectual property.

Long time friend, Frank Porcelli, a partner at Fish & Richardson, speaks on behalf of many when he recalls, "When I first met Don 26 years ago, he made me feel like he had known me for years. That was his way--warm, encouraging, respectful with a great sense of humor and enjoyment of life. He loved the practice of law and encouraged and guided me near the start of my litigation career to help me overcome doubts and fears. He epitomized what has always been 3M's strength--its dedication to innovation and protection of intellectual property rights. But I think his greatest contribution was the outstanding family of five accomplished and decent children he and Estelle raised. They reflect the wonderful caring, spiritual and intellectual relationship he had with her for so many years.

Above all, Don's kindness and warmth were exceeded only by Estelle's, who adds to those qualities sheer strength. Their loving family now continues on, as does his legacy, as well as the many now not so young lawyers, researchers, and others in the Twin Cities, national and international business and IP communities who can trace their roots back to Don's words and acts of support. We will all be forever indebted to him.