AMERICAN CHEMICAL SOCIETY

newsletter

CHEMISTRY AND THE LAW

Volume 21, No. 1 http://membership.acs.org/c/chal/ Spring 2005

Chair's Message

Happy New Year to all CHAL members and thank you for giving me the opportunity to be your Chair. While I am looking forward to a productive year as the Chair of our Division, I continue to reflect on the successes that our Division has had in the past. I am reminded of the two-faced Roman god of doorways, Janus, from whence we get the name for the month of January. Even as he looked to the future, he did not forget about the past from which he came.

In keeping with this idea, I would first like to take this opportunity to thank our immediate Past-Chair, Bill Johnson, and the entire Executive Committee for their leadership in 2004. Their names are too numerous to mention but they can be found throughout this newsletter. Their hard work and dedication resulted in a successful 2004 and has laid the foundation for another successful year in 2005.

In looking forward to 2005 and beyond, I am truly excited about the opportunities that lie ahead for CHAL. But yet, we cannot stop here. I am reminded of the theme behind the "Enterprise 2015" project recently presented by Bill Carroll, the incoming president of ACS. From his own words, "Enterprise 2015" is a project undertaken to maximize future opportunities in the global chemical enterprise by understanding, planning for and making the most of inevitable changes. In thinking about the goals of "Enterprise 2015," I am struck by how important planning and preparing for the future is to the success of our Division. In order to maximize our future opportunities and success, I believe we need to embrace the efforts of the president and adopt his goals as our own. Thus, I would like to challenge you to begin preparing and planning for the future of CHAL.

You may be asking yourself - How? What? Where? and When can I help prepare and plan for the future of CHAL? As a first step, please consider becoming more involved in the Division.

Your involvement can start simply by getting to know the Executive Committee and other members of CHAL. Come and see us at the National Meeting in San Diego. Our upcoming series of technical sessions has the diversity, breadth and depth that we continually strive for. Of particular note, our San Diego program includes sessions directed to Intellectual Property, Forensics, Environmental Law, Biotechnology and Labor/Employment Law, 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

continued on next page

EVENTS AT SAN DIEGO

Executive Board Meeting
All welcome
6:00 - 8:00 p.m.
Sunday, March 13, 2005
Convention Center, Room 24C

Joint Reception
COMSCI-CHAL-ANYL
5:00 - 7:00 p.m.
Monday, March 14, 2005
Convention Center, Room 24C
Sponsored by Thomson Scientific

Presentation of Papers
Sunday to Thursday
March 13 - 16, 2005
Convention Center, Room 24C

Notice of Open Meeting
Monday, March 14, 2005
(after the morning session)

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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.

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will find that CHAL is not just for patent lawyers, or even lawyers in general but, rather, for all chemists from all professions.

If you have never attended a CHAL Board meeting, our Executive Board meeting in San Diego is scheduled for Sunday evening, following the technical program. This is an open meeting where your attendance is always welcome. Please stop by and provide us with your thoughts and impressions of CHAL. Let us know what you like and what you do not like. Your feedback is always welcome.

At the very least, please stop by our reception on Monday evening. In San Diego, following our Monday technical sessions, we are co-sponsoring a reception with the Committee on Science and the Division of Analytical Chemistry. There, you can come, eat, have a drink, and meet the members of CHAL along with other members from throughout the Society, before heading to the ever popular Sci-Mix presentations by Dr. Howard Peters.

If you cannot join us in San Diego, then please consider attending or even participating in one of our future meetings. For starters, it is not too late to participate in our technical program in Washington, D.C. this fall. So, consider yourself invited.

Please remember that our Divisional activities also continue between national meetings. We hold monthly Executive Committee conference calls on the second Tuesday of every month to discuss future programming and other issues of importance to the Division and the Society. These calls are open to all who wish to participate and your participation is welcomed. Please let me know if you would like to participate and I will be sure to send you more information.

Whatever forum you choose, I urge you to help us plan and prepare for our Division's future by simply contributing your thoughts and ideas. Please tell us how we can make the Division more relevant to you and your particular profession. The choice is up to you. This is your Division and it needs you. The future of CHAL is bright but its long-term success depends on the involvement of its members.

I look forward to seeing you in San Diego.

Brian C. Meadows

Membership

Application blank is on page 18 of this Newsletter.

Ask a colleague to join you in the Best Division in the ACS.

Personal invitations support our growth.

Treasurer's Report

January 1– December 31, 2004

Starting Balance	**$ 1,834.59**
Income	
ACS Division Dues, July-December, 2003	7,490.00
ACS Division Dues, January-June, 2004	4,358.00
Thomson Scientific Sponsorship for Anaheim	2,500.00
SCHB Payment for Anaheim Joint Reception	3,088.03
ACS 2004 Division Allocation	4,429.71
ACS Reimbursement for Councilor Expenses	3,014.50
Thomson Scientific Sponsorship for Philadelphia	5,000.00
SCHB Payment for Philadelphia Joint Reception	2,500.00
New Member Dues	45.00
Fall Newsletter Advertising	500.00
Total (income plus starting balance)	**$34,759.83**
Expenses	
Incorporation - C. T. Corp. System	219.00
Spring Newsletter	5,467.05
Annual Bulk Mail Fee for 2004 and 2005	300.00
Deposit for Bulk Mail Account	500.00
Postal Expenses for Spring Newsletter	233.12
Councilor Reimbursement for Anaheim	3,352.66
Microsoft Works for Newsletter Editor	85.00
Anaheim Joint Reception	9,264.10
Anaheim Executive Board Meeting	477.80
Bank Charges, January-December, 2004	29.20
Leadership Conference Reimbursement	417.50
Fall Newsletter	3,594.25
Chemical Heritage Foundation	406.25
Philadelphia Joint Reception - Jeffery Miller Catering	3,060.44
Philadelphia Speaker Registration plus Audio/Visual	696.30
Councilor Reimbursement for Philadelphia	3,185.20
Awards	279.27
Total	**$31,567.14**
Ending Balance	**$ 3,192.69**

Councilors' Report

This is the happiest report I've written. That is because one of our own has made it. Howard Peters, one of CHAL's founders, and my colleague as CHAL Councillor, has been elected to the ACS Board of Directors as Director-at-Large for the term 2005-2007.

With this good news focusing your attention, it might be a good time to describe ACS' election procedures for national offices.

The Committee on Nominations and Elections (N&E, a committee itself elected by the Council) selects 4 candidates for each position - President-Elect and those Board of Directors positions coming up in any one year. At the Spring ACS Meeting, the Council chooses 2 of the 4 as candidates. Subsequent to that Spring meeting, candidates can also be nominated by petition and if they receive sufficient signatures, also appear on the ballot and in C&EN. Petition candidates can be nominated by signatures of 300 or more ACS members, with no more than 50 from any one local section.

This year more positions had petition candidates than I can recall. For President-Elect, Anne Nalley of Cameron University was a petition candidate, and as you know, was elected by the ACS membership as ACS President-Elect for 2005.

District Directors are elected by ACS members of that district. For District Director in District IV, John Massingill of Texas State University was a petition candidate along with N&E nominations, Eric Bigham of Glaxo Smith Kline, Paul Jones of the University of North Texas and Robert Lichter of Merrimack Consulting. This was a close contest, leading to a run-off between Eric Bigham and Paul Jones; Eric Bigham is the winner.

And of most direct interest to CHAL. Directors-at-Large are elected by the Council. For the 2005-2007 term, the N&E candidates were David Eaton of Light Insights and Ted Tabor of Technology Transfer Consulting (Tabor withdrew before balloting). The petition candidates were Howard Peters, David Rahni of Pace University and Judith Giordan of Visions In Education. As I wrote happily at the start of this report, Howard won the election.

Directors are also Councillors, and a Councillor can't wear two hats, so Howard has had to step down as CHAL Councillor. Alternate Councillor James Carver will fill the remainder of Howard's 2004-2006 term. Meanwhile, I am gratified to have been chosen to represent you again for the 2005-2007 term. Ken Colton is Alternate Councillor for my position, or if Jim is unavailable for a meeting.

The Council meeting itself generated much controversy. First, N&E had decided to reduce the length of candidate statements for President-Elect and Board of Directors from the traditional 1000 words to 750 words. Former President Attila Pavlath moved that the limit remain at 1000 words. The measure was debated hotly, and was defeated by a close vote.

The Council also discussed a proposal from the Committee on Committees (ConC) to establish an Ethics Committee to coordinate ethics-related activities, serve as a clearinghouse, raise awareness, review recognition opportunities for acknowledging ethical behavior, and develop and oversee other ethics-related activities. The committee would not be an adjudicatory body. There was much interest in this issue, but a concern that it needed to be thought through further before enactment. The Council voted to refer the recommendation back to ConC for further study.

The Council also accepted three petitions for amendments to the Constitution and/or Bylaws. The petitions have been thoroughly evaluated by the Committee on Constitution & Bylaws. The petitions/amendments are: 1) to permit (not require) electronic balloting; 2) to change division annual report deadlines to be consistent with local section report deadlines; and 3) to allow experienced qualified chemistry teachers who may not otherwise meet ACS membership requirements to become members based on their status and experience and to allow those who do not meet status and experience requirements to become associate members. These petitions/amendments passed Council and the Constitutional changes have been submitted to ACS members for vote (and passed).

Finally, at the last few Council meetings, there have been special discussion items brought up for comment and study, but not for enactment of any specific proposals. This meeting's special discussion issue was the multidisciplinarity/dispersion of chemistry as a discipline and its impact on ACS members and the profession. There has been concern that the practice of chemistry in disciplines not labelled as chemistry impacts many aspects of the chemical enterprise. The Board and President have established a joint Board-Council task force to assess the challenges and opportunities that multidisciplinarity presents to the ACS and chemical scientists in general, and wanted input from Councillors. We will hear more from this task force in the future.

Alan M. Ehrlich

Program for San Diego Meeting

Division of Chemistry and The Law

March 13 - 17, 2005

B. C. Meadows, Chair of the Division and Program Chair

SUNDAY MORNING

Convention Center, Room 24C

CHAL's Ongoing Intellectual Property Series: Key Topics in U.S. Patent Law

B. C. Meadows, Organizer, Presiding

9:25 Introductory Remarks.

1. 9:30 Did you lose your right to a patent if you published the invention? *X. Pillai*
2. 10:00 Fight for your invention: Final rejection and the appeals process for inventors. *T. J. Kennedy III, M. Catania*
3. 10:30 Defending against frivolous inequitable conduct allegations: strategies for patent prosecution and litigation. *J. J. Hasford*
4. 11:00 Inventorship: Getting it right the first time. *S. Thompson*
5. 11:30 Patent attorneys are from Venus, inventors are from Mars. *S. Thompson*

SUNDAY AFTERNOON

Convention Center, Room 24C

The Attorney-Client Privilege, Work Product Immunity, and Confidentiality in Patent Prosecution and Litigation

B. C. Meadows, Organizer

J. J. Hasford, Organizer, Presiding

1:25 Introductory Remarks.

6. 1:30 An introduction to the attorney-client privilege for scientists, inventors, and their lawyers. *J. J. Hasford*
7. 2:00 The basics of work product immunity in patent litigation. *E. H. Barash*
8. 2:30 Confidentiality issues for patent attorneys, their clients, and third parties. *B. C. Meadows*
9. 3:00 Attorney-client privilege, work product immunity, and confidentiality considerations from a corporate perspective. *E. R. Puknys*

MONDAY MORNING

Convention Center, Room 24C

Hiring Your Competitor's Employees Without Stirring The "Trade Secrets Hornet's Nest"

G. Lemmer and R. Hayashi, Organizers, Presiding

10. 9:00 Introduction to trade secrets law for the non-lawyer. *G. Lemmer, R. Hayashi*
11. 10:00 Mock trial: an employer's request for a preliminary injunction. *G. Lemmer, R. Hayashi*
12. 11:00 Panel discussion. *G. Lemmer, R. Hayashi*

Finding Criminals with Forensic Chemistry (Part 1)

Cosponsored with COMSCI and ANYL

Take Two: New Careers for Ph.D. Chemists

Cosponsored with YCC

MONDAY AFTERNOON

Convention Center, Room 24C

Patenting Polymorphs: From the Laboratory to the Courtroom

E. H. Barash, Organizer, Presiding

1:25 Introductory Remarks.

13. 1:30 Crystal polymorphism in pharmaceuticals: Fundamentals of discovery and characterization. *A. J. Matzger*
14. 2:00 Claiming a chemical invention. *M. Feldstein*
15. 2:30 Polymorphs in patent litigation. *J. Swan*
16. 3:00 Polymorph workshop. *E. H. Barash*

Finding Criminals with Forensic Chemistry (Part 2)

Cosponsored with COMSCI and ANYL

MONDAY EVENING

Convention Center, Room 24C

Sci-Mix

H. M. Peters, Organizer, Presiding

8:00 - 10:00

17. Inventure Place. *H. M. Peters, S. B. Peters*
18. National Inventors Hall of Fame. (www.invent.org) *H. M. Peters, S. B. Peters*
19. The Original Hawaiian Chocolate Factory. *H. M. Peters, S. B. Peters*

TUESDAY MORNING

Convention Center, Room 24C

Value Creation and IP Protection for the Small Molecule Start-Up

M. Murphy, Organizer, Presiding

8:25 Introductory Remarks

20. 8:30 Freedom to operate within a Patentscape™: issues for the biological targets of small molecules. *G. Spratt*
21. 9:00 Designing for the defense: creating patents that withstand litigation and best practices in laboratory notebook maintenance. *H. J. Leonhardt*
22. 9:30 Dangerous discussions: The pitfalls of scientific collaborations for patents. *C. L. Curfman*

10:00 Intermission

23. 10:15 Preparing a small company to enter into a licensing and development arrangement. *R. B. Murphy*
24. 10:45 When to prepare and file an original small molecule patent application. *M. Murphy*
25. 11:15 Strategies for maximizing patent protection during the progression from generic structures to optimized compounds. *D. Hart*

TUESDAY AFTERNOON

Convention Center, Room 24C

Advanced Topics in Patent Law

Cosponsored with BIOCOM

D. L. Rieger, Organizer, Presiding

1:25 Introductory Remarks

26. 1:30 Safe Harbor and experimental use exceptions: can your research be free from infringing patents? *G. P. Einhorn*

27. 2:00 Inventorship and Records of Invention. *L. A. Axford*
28. 2:30 Introduction to pharmaceutical IP lifecycle management. *B. J. Greenspan*
3:00 Intermission
29. 3:15 Post grant opposition in the U.S…it is coming: proposals and pending legislation. *S. L. Biggs, C. S. Berkman*
30. 3:45 Intellectual property issues in global outsourcing. *D. L. Rieger*
31. 4:15 Assessing the patent environment for generic pharmaceuticals. *L. A. Haile*

WEDNESDAY MORNING
Convention Center, Room 24C
Current Environmental Issues Facing California and the San Diego Area
S. Thompson, Organizer, Presiding

9:25 Introductory Remarks
32. 9:30 California's Proposition 65: A (so far) unique approach to regulating chemical risks. *T. Norris*
33. 10:00 Cross-border waste water issues. *C. M. Stites*
34. 10:30 Environmental health and safety issues for biotech companies: Disposing of hazardous and radioactive wastes. *K. J. Nardi*
35. 11:00 Air quality issues in Southern California and San Diego. *R. R. Rothman, M. McDonough*
11:30 Panel Discussion

WEDNESDAY AFTERNOON
Convention Center, Room 24C
Where Biotechnology Meets the Law: Current Issues Facing the Industry
S. Thompson, Organizer, Presiding

1:25 Introductory Remarks
36. 1:30 The pharmaceutical life cycle: Part I. *A. Konski*
37. 2:00 The pharmaceutical life cycle: Part II. *A. Konski*
38. 2:30 Orphan drug laws. *D.W. Maher*
39. 3:00 Biotechnology law update. *B. J. Duft, P. D. Weinstein*
40. 3:30 IP rights and generics. *J.W. Collett*
4:00 Panel Discussion

THURSDAY MORNING
Convention Center, Room 24C
The Attorney Is In
B. C. Meadows, Organizer, Presiding
41. 10:00 Meet the members of CHAL. *B. C. Meadows, S. Thompson*

From the Editor

I have now been editing this newsletter for 4 years (including the present issue). I think I have succeeded in its most vital function – to publish the CHAL Program and Abstracts on time – in advance of the Meeting. More or less successful, I hope, in other ways too – presenting the usual reports of the business of the Division, along with some hopefully interesting features and serious commentary.

But in another way, not so successful – there is still not a broad enough range of topics and viewpoints. My only response is to continue to encourage other and new contributors, with new items, or to argue with opinions expressed in the newsletter. There have unfortunately also been occasional production glitches – for which I apologize – and hope to not repeat too often; such is the nature of publishing.

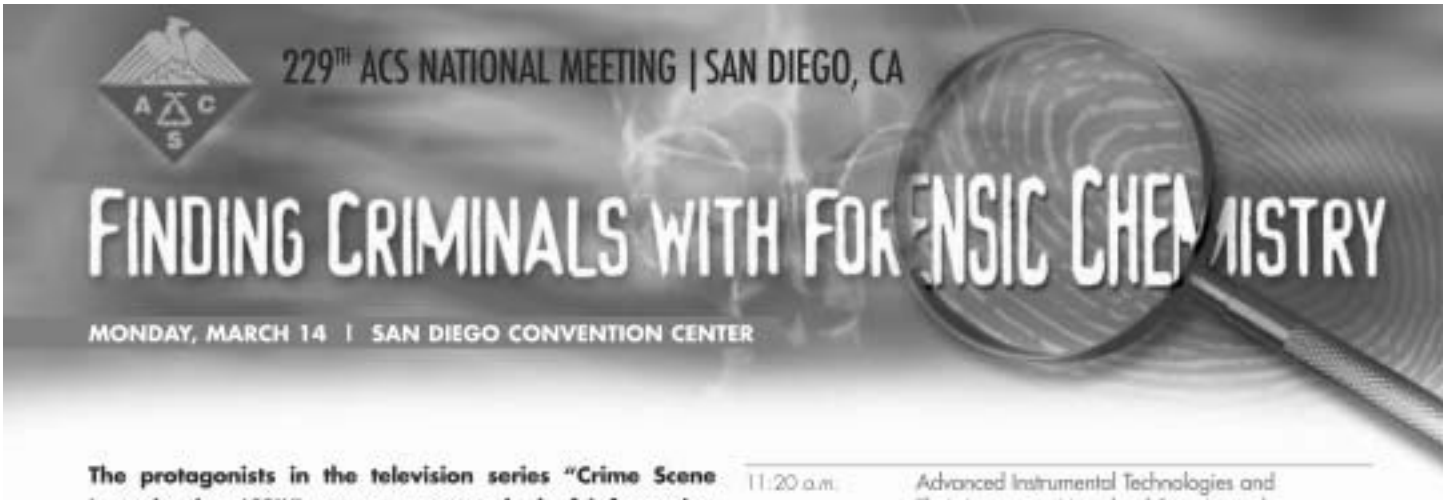
A result of two few contributors is that there is too much room in the newsletter for my own opinions which leads me to give some explanation. The views I have expressed continue to reflect the biases that come along with my own interests in law and science. These include areas of chemistry that find application in criminal law defence and in workplace health and safety. Included within these are aspects of large laboratory organization and quality assurance; and the science, engineering and labor organization of Canadian workplaces. I write about what I think I know about, and opine about current issues that surround me here in Toronto. Readers may also notice that my opinions on such are usually critical of Canadian law and government practices – but that is such an important function of government – to be criticized.

Again, I encourage readers to make their own contributions to this newsletter from their own perspectives in science and law.

Readers may have noticed from the CHAL Treasurer's Report in the Spring 2004 (Anaheim) issue that this newsletter has been a major expense for the Division. Too major. That is why the Fall 2004 (Philadelphia) issue was limited to 16 pages, and CHAL has considered alternatives to print-on-paper and U.S. Postal Service mailing to all its members. The alternative chosen is to carry the primary presentation in the CHAL web site ***http://membership.acs.org/c/chal/***, with an e-mail notice to the membership. By this alternative it could be downloaded by members. It could also be distributed at the National Meetings.

Congratulations to Dr. Howard Peters, a CHAL Founder and long-time Councillor, on his election to the ACS Board.

Michael Grossman



The protagonists in the television series "Crime Scene Investigation (CSI)" extract a great deal of information from the examination of small amounts of evidence left by the perpetrator at the scene of a crime. Advances in analytical chemistry have led to developments in the forensic analysis of a variety of evidentiary materials. As techniques allow for better selectivity and detection limits improve, the quality of the evidence improves.

The real-life forensic chemists who are called upon to analyze materials, drugs of abuse, explosives and other analytes of forensic interest are turning to analytical chemistry, not only to decipher crime scene events but also to provide defensible evidence that the investigator's conclusions are drawn 'beyond-a-reasonable-doubt.'

Please join us for a full-day of exciting presentations highlighting a scientific discipline that fascinates both chemists and television viewing audiences everywhere.

MORNING SESSION: *8:30 a.m. – 12:30 p.m.*
Convention Center, Upper Level, Room 25C

8:30 a.m.	Introduction **Luis Echegoyen**, Clemson University, and **Jose Almirall**, Dept. of Chemistry and Biochemistry, Florida International University
8:45 a.m.	Detection and Analysis of Ignitable Liquid Residues and Explosives from Scenes of Crimes **Ron Kelly**, Scientist, FBI Laboratory
9:20 a.m.	Elemental Characterization of Materials **Professor Jose Almirall**, Dept. of Chemistry and Biochemistry, Florida International University
9:55 a.m.	Advances in the Biochemistry of DNA Fingerprinting Analysis **Dr. John Butler**, Scientist, NIST
10:30 a.m.	Coffee/Tea Break (15 minutes)
10:45 a.m.	Forensic Applications of Stable Isotopes **Professor James Ehleringer**, Department of Biology, University of Utah
11:20 a.m.	Advanced Instrumental Technologies and Their Impact on Homeland Security and on Forensic Science **Professor M. Bonner Denton**, Department of Chemistry, University of Arizona
11:55 a.m.	Biological Weapons Forensics: Seeking Attribution Using an Adaptive, Integrated Approach **Dr. Randy Murch**, Virginia Tech–National Capital Region Operations

LUNCH SESSION: *12:30 – 1:45 p.m.*
Convention Center, Upper Level, Room 29C
Boxed lunches will be available for purchase along with tables at which to eat

12:30 p.m.	Staffing Issues Facing the Forensic Sciences Lunch Speaker, **Mark Dale**, Lab Director, NYPD

AFTERNOON SESSION: *2:00 – 5:00 p.m.*
Convention Center, Upper Level, Room 25C

2:00 p.m.	Developments in Forensic Science Education in the U.S. **Max Houck**, Director, Forensic Science Initiative, West Virginia University
2:30 p.m.	Evolution of Forensic DNA Typing **Bruce McCord**, Dept. of Chemistry and Biochemistry, FL International University
3:00 p.m.	DNA Contributions to Solving Cold Cases **Rock Harmon**, District Attorney, CA
3:30 p.m.	Break
3:45 p.m.	The Challenges of DNA Evidence and the Courts **George "Woody" Clark**, Judge, San Diego County
4:15 p.m.	Forensics and Funding: the NSF and NIH **Janice Hicks** (NSF) and **Brenda Korte** (NIBIB)

RECEPTION: *5:00 – 7:00 p.m.*
Convention Center, Upper Level, Room 24C

A reception will be held in room 24C immediately following the afternoon session; stay on the case with some informal conversation with the presenters.

Sponsored by the Committee on Science, the Analytical Division, and the Chemistry and the Law Division, along with special support from Thomson Scientific

Minutes of CHAL Executive Meeting – Philadelphia

Sunday, 22 August 2004

Attendees: Brian Meadows, Chair Elect; Michael Grossman; Barbara Lences; Alan Ehrlich; Didi Wijbenga, Hugh Dubb, Sandy Bercham, Ken Colton, Neil Langerman, Beatrice Ngatcha, Jack Riley, Bill Carroll, ACS President-Elect and Sandra Thompson.

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Dr. Bill Carroll spoke at the beginning of the meeting regarding possible activities by the CHAL group. ACS members may have questions about personal situations or employment situations that border on the need for legal advice; potential for ask a lawyer for basic legal issues. An ACS member who has been downsized and interested in knowing employment agreements and severance agreements. How do I know if my situation needs an attorney? Another issue may be age discrimination. We can direct them to resources on a geographic basis. We can also provide articles on specific issues. The lawyer is in session at the meetings. Dr. Carroll would help us roll this out and promote it. What 2-3 topics are important? Intellectual Property, Employment Agreements, Downsizing/Lay-offs.

We need to contact the groups that are currently in place, such as the professional affairs committee, to see what activities and services that are already available and see if there's a need for the law division. Barbara Lences volunteered to contact this group. Ken suggested a session co-sponsored by one of these groups as a hypothetical situation.

Bill Johnson: Minutes approved as written with no changes.

Councilor's Report: Reviewed the three petitions mentioned in Anaheim: 1) Permit electronic balloting (not require it) - Alan thinks its fine, but there's one problem with issues that were not well drafted - some issues were sent back to nominations and elections; 2) Change the annual reporting date to February 15 for Divisions from March 15th - currently its that way for local sections, but they are trying to make it consistent; 3) Provide that high school teachers who are teaching chemical sciences can be full members of the society - even without a BS. They have to have been employed for three years. All three petitions passed.

Discussion Item: multidisciplinary items - is there a better description of the different kinds of chemists?

Vacancy for Director at Large - 4 candidates. Howard is up by petition.

Treasurer's Report: $3000.00 Overall balance. Letter from Mid-Atlantic Region Meeting requesting funding. January-July 2004 dues have been deposited ($4000.00). Upcoming expenses include: newsletter, councilor reimbursement, and Philadelphia meeting costs. Propose a budget of about $3000-$4000 for the newsletter. ($3550.00).

Newsletter Report: e-mail provided from Michael Grossman expressing thoughts on newsletter. Most serious issue is the timing of getting the manuscript to the graphics place. Editing and publishing functions should be merging. Our next newsletter will be Spring 2005. Two issues: software and hardware needs and/or we need assistance. Pilot plans by the end of the year. They will take the current newsletter and mock it up for the Exec Board. We are considering selling ads for the newsletter. Are we going to put prices in the newsletter? Sandy Bercham will contact companies about ads and give us the prices that CINF charges.

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.

Expenses for Fall 2004 newsletter handed out by J. Riley. If we shift to desktop publishing - it affects the Embedded cost of $1.06.

Editorial Control of the content of the newsletter needs to be a board issue and should be discussed during a future conference call.

Membership/Webmaster Report: 6 newsletters have been added to the website. Membership is increasing at about 100-120 new members/year.

Programming Issues Upcoming San Diego programming:

- Forensics programming
  Non-IP Programming. *Jim Carver* - can we get him involved?
- Regional Programming for San Diego: *Sandie Thompson*
- The titanic: *Howard Peters* - when the lawyers got a hold of everything
- Labor and Employment Issues: *David Jaffer*
- Mock Trials: *Jim Carver*

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

Bill Carroll: Predictions on society future in the next 10 years. A position paper developed out of the San Diego meeting.

New Business: Bill's presentation to Judge LaDoris H. Cordell to become honorary member of CHAL. Approved. Barbara Hodsen Ullyot: Presentation to her because of all she does for CHAL. She will be at the meeting/reception. Approved.

Howard gave a brief presentation about his discussion on chocolate. An article on this discussion can be found in the Fall 2004 CHAL newsletter. Howard will be giving this discussion at several Regional Meetings.

A teleconference is scheduled for the 2nd week in September.

Meeting Adjourned.

Sandra Thompson

Abstracts for Chemistry and The Law Papers

229th ACS National Meeting

San Diego • March 13-17, 2005

1. Did you lose your right to a patent if you published the invention?

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

If you published your invention in a conference or a scientific journal, displayed it to potential buyers, or made an offer to sell your invention, you may not have lost your rights to a patent forever. In this talk, I will review the law, as reflected in recent court opinions, and provide practical suggestions for inventors and entrepreneurs if they have a desire to protect their inventions. I'll also provide practical tips for obtaining and maintaining strong patents if you choose to write your own patents.

2. Fight for your invention : Final rejection and the appeals process for inventors

Thomas J. Kennedy III, Research and Development, TopFlite Golf, a division of the Callaway Golf Company, 425 Meadow Street, Chicopee, MA 01021, Fax: 413-322-5358, tom.kennedy@callawaygolf.com, and Michael Catania, Legal Department, Callaway Golf

When a final rejection office action is received from the USPTO, it may be somewhat deflating to an inventor. There has been, presumably, a trail of correspondence, research, extra experiments and review of cited prior art previous to this final rejection. Many times, the inventor will give up and let the rejection stand due to either lack of interest, good prior art arguments from the examiner, or simply due to lack of time or money. Should the inventor, however, still be committed to the invention and believes that the USPTO has not fully understood the previous arguments to the examiner, there is the route of sending the patent application to the Court of Appeals for the Federal Circuit (CAFC). At this point, there are very definite steps that an inventor should take, particularly in the area of golf equipment, to insure that the full story of the invention is explained. The author will discuss these steps and the areas where the inventor needs to have input to the process.

3. Defending against frivolous inequitable conduct allegations: strategies for patent prosecution and litigation

Justin J. Hasford, Finnegan, Henderson, Farabow, Garrrett and Dunner, 1300 I Street, NW, Washington, DC 20005, Justin.Hasford@finnegan.com

Inequitable conduct, an affirmative defense to a claim of patent infringement, derives from the equitable doctrine of unclean hands. The defense prohibits a person who obtains a patent by intentionally misleading the U.S. Patent and Trademark Office from enforcing the patent. Inequitable conduct consists of an affirmative misrepresentation of a material fact, failure to disclose material information, or submission of false material information, coupled with deceptive intent. Frequently, inequitable conduct allegations encompass either 1) intentional withholding of material scientific references or information, or 2) presentation of intentionally false affidavits to overcome Examiner rejections. Because alleged infringers plead the defense of inequitable conduct in virtually all patent infringement cases, applicants and attorneys involved in patent prosecution must exercise utmost care in complying with their duty of candor to the Patent and Trademark Office. In addition, patent litigation attorneys can engage in a number of effective counterattacks against unjustified inequitable conduct allegations.

4. Inventorship: Getting it right the first time

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

Determining inventorship in an industrial setting can be difficult, especially with joint disclosure agreements and collaboration agreements between companies. We will discuss the basics of inventorship and build on those basics to explore more difficult inventorship questions.

5. Patent attorneys are from Venus, inventors are from Mars

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

We will dissect and discuss the working relationship between patent attorneys/agents and inventors, including introductions, how to improve the relationship and long-term interaction that will help both parties and the company/client.

6. An introduction to the attorney-client privilege for scientists, inventors, and their lawyers

Justin J. Hasford, Finnegan, Henderson, Farabow, Garrrett and Dunner, 1300 I Street, NW, Washington, DC 20005, Justin.Hasford@finnegan.com

Abstract text not available.

7. The basics of work product immunity in patent litigation

Eyal H. Barash, Finnegan, Henderson, Farabow, Garrett and Dunner, 1300 I Street, NW, Washington, DC 20005, Fax: 202-408-4400

Abstract text not available.

8. Confidentiality issues for patent attorneys, their clients, and third parties

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

Abstract text not available.

9. Attorney-client privilege, work product immunity, and confidentiality considerations from a corporate perspective

Erik R. Puknys, Finnegan, Henderson, Farabow, Garrett & Dunner LLP, 700 Hansen Way, Stanford Research Park, Palo Alto, CA 94304, erik.puknys@finnegan.com

Abstract text not available.

10. Introduction to trade secrets law for the non-lawyer

Greg Lemmer and Roberta Hayashi, Pillsbury Winthrop LLP, 2475 Hanover Street, Palo Alto, CA 94304

This session provides an overview of trade secret laws for non-lawyers, including such items as the distinction between trade secrets and proprietary information and the types of protective measures employers often use to protect such information. Following the overview, attorneys will present a mock hearing on an employer's request for a preliminary injunction to protect its trade secrets from being used by a former employee who has left the employer to join a direct competitor.

11. Mock trial: an employer's request for a preliminary injunction

Greg Lemmer and Roberta Hayashi, Pillsbury Winthrop LLP, 2475 Hanover Street, Palo Alto, CA 94304

The mock hearing will illustrate several of the factual and legal issues that arise when a former employer seeks to restrain or prohibit a former employee from joining a competitor.

12. Panel discussion

Greg Lemmer and Roberta Hayashi, Pillsbury Winthrop LLP, 2475 Hanover Street, Palo Alto, CA 94304

The session will conclude with a panel discussion by the participant attorneys analyzing the steps that the former employer and competitor in the mock hearing could have taken to better protect its trade secrets or to avoid this type of litigation when hiring away a competitor's employees.

13. Crystal polymorphism in pharmaceuticals: Fundamentals of discovery and characterization

Adam J Matzger, Department of Chemistry and Macromolecular Science and Engineering, University of Michigan, 930 N. University, Ann Arbor, MI 48109-1055, Fax: 734-615-8553, matzger@umich.edu

The role of solid-state form in determining the properties of pharmaceuticals is a critical issue in drug distribution. The ability of a solid to exist as more than one polymorph, supramolecular isomers that differ only in packing and not constitution, creates a situation where each crystal form may differ substantially in properties ranging from manufacturability to bioavailability. The scientific foundation of this phenomenon will be discussed in general and several case studies will be introduced. Characterization techniques commonly employed to prove that new compositions of matter have been discovered will be discussed.

14. Claiming a chemical invention

Mark Feldstein, Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P, 901 New York Avenue, NW, Washington, DC 20001, mark.feldstein@finnegan.com

Focusing on polymorphs as a technically and commercially relevant example, issues related to describing and claiming a chemical invention will be addressed. Due to the particularities of the patent system, a chemist's intuition concerning the style and format of a patent application and its claims may lead to unanticipated problems down the road. Ultimately, the commercial value of the claimed invention could be significantly affected. In order to explain the unique perspective applied to patents, questions of importance to the chemist inventor, such as "When do I have enough information to support an application," "How should my invention defined in the claims," and "How broad should the claims be," will be addressed.

15. Polymorphs in patent litigation

Jennifer Swan, Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P, 901 New York Avenue, Washington, DC 20001, jennfier.swan@finnegan.com

An overview of the patent litigation process will be presented with particular emphasis on those areas most pertinent to cases involving polymorphs. As part of this overview, a discussion of recent case law related to polymorphs will be presented, and the relationships between claim drafting, interpretation, and enforcement will also be explored.

16. Polymorph workshop

Eyal H. Barash, Finnegan, Henderson, Farabow, Garrett and Dunner, 1300 I Street, NW, Washington, DC 20005, Fax: 202-408-4400

As part of the symposium, we will ask participants to consider how best to turn scientific data into patent claims. We will present the audience with laboratory results and data and work together to craft patent claims. This interactive approach should bring together both the scientific and patent aspects of polymorph patents.

17. Inventure Place

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

Inventure Place celebrates the creative and entrepreneurial spirit of invention innovation and inventors. The creative genius of invention is showcased through exhibits and presentations which allow visitors to experience the excitement of discovery, creativity and imagination. Inventure Place furthers the inventive spirit to address specific aspects of encouraging technological leadership and creativity in America. Inventure Place was created in 1991 and moved into new facilities at 221 S. Broadway St, Akron, OH 44308-1505 in 1995. The programs of invention and innovation are presented.

18. National Inventors Hall of Fame (www.invent.org)

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

The National Inventors Hall of Fame (NIHF) celebrates the creative and entrepreneurial spirit of great inventors. The creative genius of invention is showcased through exhibits and presentations which allow visitors to experience the excitement of discovery, creativity and imagination. The NIHF furthers the inventive spirit to address specific problems of declining technological leadership and creativity in America. The NIHF was established in 1973 by the National Council of Patent Law Associations, now the National Council of Intellectual Property Law Associations, and the Patent and Trademark Office of the U. S. Department of Commerce. The National Inventors Hall of Fame Foundation was created to administer it. National Inventors Hall of Fame, 221 S. Broadway St, Akron, OH 44308-1505.

19. The Original Hawaiian Chocolate Factory

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

Cocoa beans are grown and processed at only one location in the United States. That is at The Original Hawaiian Chocolate Factory in Kona on the Big Island of Hawaii - sometimes now referred to as the smallest gourmet chocolate company in the world. But that title is guaranteed to change as it expands. The web site for more information is ***http://www.originalhawaiianchocolatefactory.com/index.html***. Bob and Pam Cooper moved from North Carolina several years ago to a producing theobroma cocoa tree grove in Kona. They produce gourmet chocolate that is estate grown only in Hawaii using a single variety of bean -- never blending. Their chocolate product is fine -- it can be injected directly to a vein. The sugar industry is leaving Hawaii for the Philippines. The pineapple industry will be the next to immigrate. The Coopers' vision is to create a viable chocolate industry in Hawaii in the near future.

20. Freedom to operate within a Patentscape™: issues for the biological targets of small molecules

Gwen Spratt, Needle & Rosenberg, P.C, 999 Peachtree Street, NE, Suite 1000, Atlanta, GA 30309, gspratt@needlerosenberg.com

Companies with small molecules should be concerned about the impact of patents covering the biological targets on their freedom to screen for molecules of interest using those targets. Knowing the Patentscape™ is the key to determining freedom to operate. The Patentscape™ also includes the company's own patents. These patents can be used to prevent competitors from practicing a technology, to create the ability to charge a "monopoly price," to create negotiating power, to create licensing revenue, and to provide a corporate asset.

21. Designing for the defense: creating patents that withstand litigation and best practices in laboratory notebook maintenance

Harry J. Leonhardt, Senomyx, Inc, 11099 North Torrey Pines Road, La Jolla, CA 92037, Harry.Leonhardt@senomyx.com

Abstract text not available.

22. Dangerous discussions: The pitfalls of scientific collaborations for patents

Chris L. Curfman, Needle & Rosenberg, P.C, 999 Peachtree Street NE, Suite 1000, Atlanta, GA 30309, ccurfman@needlerosenberg.com

Many patentable inventions are the result of scientific collaborations. And during these collaborations, scientists often discuss various aspects of an invention, share data, and make improvements. These discussions and interactions can, however, jeopardize the ability to obtain patent protection on the invention. According to often overlooked statutes, communications between scientists or inventors can, in certain situations, destroy

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the novelty of an invention or, in combination with other references, render an invention obvious. While the harsh consequences of these collaborative discussions can be avoided under narrow exceptions, recent legislation has been proposed to broaden these exceptions. The impact that these legislative amendments will have on the state of scientific collaborations and the effect joint R&D agreements will have on avoiding such pitfalls will be discussed.

23. Preparing a small company to enter into a licensing and development arrangement

Richard B. Murphy, Director, Research Licensing, Schering-Plough Corporation, 3525 John Hopkins Court, San Diego, CA 92121, richard.murphy@sp-corp.com

One of their primary business objectives of most small pharmaceutical companies is to enter into a relationship with a major pharmaceutical company to further develop their technology into a commercial product. Frequently these discussions and negotiations are unnecessarily time consuming for a variety of reasons, many of which relate to a misunderstanding of the decision making process within a major pharmaceutical company and a failure of the small company to have adequately prepared their technology for licensing. This presentation will focus on specific actions that can be taken by a small company to ensure that it is ready to enter into negotiations with a major pharmaceutical company, what to expect of a due diligence investigation by a potential pharma partner and how to plan for it and some insight into the decision making process within a major pharmaceutical company. Additionally, there will be discussion of some specific deal terms which often lead to stalemates and some potential ways to resolve them.

24. When to prepare and file an original small molecule patent application

Mark Murphy, Needle & Rosenberg, PC, 999 Peachtree Street, Atlanta, GA 30309

The first patent application for a new genus of small molecules falls into a complex and shifting middle ground between the issues that predominate in biotechnology patent applications and traditional chemical patent applications. The legal standards used in examination, the types and breadth of claims that may issue and then be enforceable also differ widely in various countries. When deciding when to draft and file the first patent application to a new class of small molecules, the maturity of the R&D work, the Applicants business position and goals, competitor pressures, the relevant prior art, especially the Applicants' prior applications, the ability to enable and describe both the synthesis and biological administration of the claimed compounds, and the data in hand or likely to be soon obtained on biological activity, and the Applicants' long term ability to pay international prosecution costs all need to be considered and balanced.

25. Strategies for maximizing patent protection during the progression from generic structures to optimized compounds

Dan Hart, Knobbe, Martens, Olson & Bear, LLP, 550 West C Street, San Diego, CA 92101, dhart@kmob.com

Often, patent protection is initially sought before lead compounds have been fully optimized and subsequent patent applications hone in on the optimized compounds. This presentation will address patent prosecution strategies relevant in this scenario and pitfalls to be avoided.

26. Safe Harbor and experimental use exceptions: can your research be free from infringing patents?

Gregory P. Einborn, Morrison & Foerster LLP, 3811 Valley Centre Drive, Suite 500, San Diego, CA 92130, geinborn@mofo.com

What happens when you discover an important part of your proposed research project is within the scope of another party's patent? Are your options limited to negotiating a license for that patent or stopping that aspect of your work? Not necessarily. There are exceptions - and you should be aware of them so your research is not unnecessarily limited or blocked. For example, research undertaken solely for uses reasonably related to the development and submission of information required for FDA drug approval may be protected from infringement claims. Also, the experimental use exemption for purely scientific research, for example, to study and understand a patented invention, has recently been severely limited. The changing scope of these protections will be discussed.

27. Inventorship and Records of Invention

Laurie A. Axford, Burns Doane Swecker and Mathis LLP, 402 W. Broadway, Suite 400, San Diego, CO 92101, laxford@burnsdoane.com

Under our patent laws, only inventors are entitled to apply for patent protection. Thus, it is important to establish inventorship before filing a patent application. Inventorship is determined by evaluating the contributions of the parties on view of specific legal standards. During this session, we will discuss those standards and provide several real world examples. Also, when inventorship is at issue, resolution of disputes usually involves an analysis of invention records. We will also discuss best practices for keeping invention records, the importance of records, and provide examples in a modern laboratory setting.

28. Introduction to pharmaceutical IP lifecycle management

Bernard J. Greenspan, Director, IP Strategy Management, Pfizer La Jolla Laboratories, San Diego, CA 92127, bernie.greenspan@pfizer.com

Developing a strong IP portfolio is crucial to launching a successful product. Careful attention must be paid to IP throughout development. This presentation will examine strategic elements of IP lifecycle planning as they relate to the lifecycle of a pharmaceutical product.

29. Post grant opposition in the United States…it is coming: proposals and pending legislation

Suzanne L. Biggs, Pillsbury Winthrop, LLP, 11682 El Camino Real, Suite 200, San Diego, CA 92130, slbiggs@pillsburywinthrop.com, and Charles S. Berkman, Associate General Counsel and Chief Patent Counsel, Ligand Pharmaceuticals, Inc, 10275 Science Center Drive, San Diego, CA 92121, cberkman@ligand.com

A discussion of the pending and proposed legislation for post-grant opposition in the United States and its potential effects on patent strategies. Will post-grant opposition have more impact on certain types of patents and patentees? A comparison of the U.S. proposals to opposition proceedings in other jurisdictions will also be explored.

30. Intellectual property issues in global outsourcing

Dale L Rieger, Fish & Richardson, P.C, 12390 El Camino Real, San Diego, CA 92130, Fax: 858-678-5099, rieger@fr.com

Global outsourcing is becoming increasingly important in pharmaceutical and other areas of research. This talk will explore the intellectual property implications of global outsourcing, examine the pitfalls, and provide thoughts on managing such outsourcing arrangements.

31. Assessing the patent environment for generic pharmaceuticals

Lisa A. Haile, Piper Rudnick Gray & Cary, 4365 Executive Drive, Suite 1100, San Diego, CA 92121, lisa.haile@piperrudnick.com

This session will review the current patent environment with respect to design grounds, patent validity, patent enforcement and infringement, and product-by-process patents for generic pharmaceuticals. We will also discuss patent strategies for follow-on or generic pharmaceuticals including strategies for new IP. Important case law that affects the generic pharmaceutical field will be discussed including Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co. Ltd.; SmithKline Beecham Corp. v. Apotex Corp.; Ranbaxy Pharmaceuticals Inc. v. Apotex, Inc.; and product-by-process cases Atlantic Thermoplastics Co. v. Faytex Corp. and Scripps Clinic & Research Foundation v. Genentech, Inc.

32. California's Proposition 65: A (so far) unique approach to regulating chemical risks

Trent Norris, Bingham McCutchen LLP, Three Embarcadero Center, San Francisco, CA 94111, trent.norris@bingham.com

Following a ballot initiative almost 20 years ago, California has taken a unique approach to regulating hundreds of chemicals that are "known

CHAL Founder and Councillor Elected to Board of ACS*

Howard M. Peters, Ph.D., J.D., a Palo Alto, California, chemist and patent attorney, has been elected to the board of directors as a director-at-large for the American Chemical Society, the world's largest scientific society. He will serve through 2007.

A founding partner of Peters, Verny, Jones & Schmitt, LLP, he has been an ACS member since 1963. For more than 40 years Dr. Peters has been active on a wide variety of ACS committees and has served on a number of ACS division programs. He has had more than 10 papers published in journals and monographs, performed his first industrial/patentable research at 21, is a co-inventor on 7 U.S. patents, given numerous technical and legal lectures and has filed and written hundreds of U.S. and foreign patent applications.

Dr. Peters has been involved in ACS programs dealing with patents, economics, chemical

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by the State" to be carcinogens or reproductive toxicants. For example, the law covers exposures to reproductive toxicants at 1/1000th of the level at which no observable effect is found in animal studies. It is enforced primarily by "private attorneys general" (also known as "bounty hunters"), as opposed to publicly elected officials. It covers exposures in the workplace, emissions from smokestacks, and exposures caused by consumer products -- everything from tuna fish to raincoats, nail polish to china, carbonless paper to telephone cords. Companies with no California presence can be affected if they supply materials that end up in products sold in California. This session will provide an introduction to Proposition 65 as well as key resources for ensuring compliance.

33. Cross-border waste water issues

Catherine M. Stites, Bingham McCutchen LLP, 300 South Grand Avenue, Los Angeles, CA 90071, catherine.stites@bingham.com

This presentation will explore the history of cross-border, Mexican-U.S. pollution issues in Southern California, including both lessons learned and progress made.

34. Environmental health & safety issues for biotech companies: Disposing of hazardous and radioactive wastes

Karen J. Nardi, Bingham McCutchen LLP, Three Embarcadero Center, San Fancisco, CA 94111, karen.nardi@bingham.com

This presentation will explore the federal and California requirements for disposal of radioactive and hazardous wastes in a biotech company. Topics will include what the law requires in terms of storage, transport and disposal of these wastes and how these laws are enforced by federal, state and local agencies. Additionally, it will also review issues that commonly come up in entering into vendor contracts for removal of hazardous and low level radioactive wastes.

35. Air quality issues in Southern California and San Diego

Rick R. Rothman and Michael McDonough, Bingham McCutchen LLP, 355 South Grand Avenue, Los Angeles, CA 90071, rick.rothman@bingham.com, michael.mcdonough@bingham.com

An overview of the how natural events and cross border emissions can impact local air pollution regulation in Southern California and the San Diego area, including the impact of the 2004 wild fires and Mexican development and how local air agencies are struggling with the implications.

36. The pharmaceutical life cycle: Part I

Antoinette Konski, Bingham McCutchen LLP, 1900 University Avenue, East Palo Alto, CA 94303, Fax: 650.849.4800, anoinette.konski@bingham.com

A strong patent position is critical to maximizing research and development investments in all areas of pharmaceutical science. However, a patent is but one means to obtain a market advantage through exclusivity. We will review the various mechanisms by which market exclusivity can be obtained for a new chemical entity (NCE) as well as the timing and legal landscape for bringing a generic version of the NCE onto the market.

37. The pharmaceutical life cycle: Part II

Antoinette Konski, Bingham McCutchen LLP, 1900 University Avenue, East Palo Alto, CA 94303, Fax: 650.849.4800, anoinette.konski@bingham.com

A strong patent position is critical to maximizing research and development investments in all areas of pharmaceutical science. However, a patent is but one means to obtain a market advantage through exclusivity. We will review the various mechanisms by which market exclusivity can be obtained for a new chemical entity (NCE) as well as the timing and legal landscape for bringing a generic version of the NCE onto the market.

38. Orphan drug laws

David W. Maher, Buchanan Ingersoll, PC, First National Bank Center, 401 West A Street, Suite 1900, San Diego, CA 92101, maherdw@bipc.com

US and European orphan drug laws, status and related issues will be discussed.

39. Biotechnology law update

Bradford J. Duft, Buchanan Ingersoll LLP, San Diego, CA 92101-7908, Fax: 619-578-5940, duftbj@bipc.com, and Peter D. Weinstein, Buchanan Ingersoll, PC, San Diego, CA 92101, weinsteinpd@bipc.com

Recent legal developments and changes in the field of biotechnology will be discussed.

40. IP rights and generics

James W. Collett, Buchanan Ingersoll, P.C, First National Bank Center, 401 West A Street, Suite 1900, San Diego, CA 92101, collettjw@bipc.com

Public policy has recently given much attention to enhancing the availability of low cost generic drugs to consumers. This talk will provide a review of patent term and The Drug Price Competition and Patent Term Extension Act (Hatch-Waxman). Recent thoughts and selected topics relating to the Hatch-Waxman act will be presented.

41. Meet the members of CHAL

Brian C. Meadows, Needle & Rosenberg, PC, 999 Peachtree Street, Suite 1000, Atlanta, GA 30309, Fax: 678-420-9301, bmeadows@needlerosenberg.com, and Sandra Thompson, Bingham McCutchen LLP

This will be an informal drop-in session where questions can be asked of lawyers and/or patent agents including, but not limited to those listed above. These lawyers and patent agents will be members of CHAL, available here without fee. Questions may be about any topic you desire: about legal career options, and about the law itself: patent, trademark, copyright, trade secret, etc. Questions may be of practical or theoretical interest. The discussions should be interesting, notwithstanding that correct answers are not guaranteed. This session will be of an informational and educational nature only; the considerations of questions asked will not be in the context of any lawyer-client relationship; answers (if known) will not be given as legal advice

information, minority affairs, awards, chemistry and the law and chemical education.

He believes the Society should focus on using additional resources and programs "to benefit ACS members in their career development and career transitions." Dr. Peters also would like the ACS to expand programs to improve science literacy and science education in the U.S. from pre-kindergarten through graduate school. He also cites the importance of legal issues to chemistry and chemistry professionals.

Dr. Peters received a B.S. degree in chemistry in 1962 from Geneva College, Beaver Falls, Pennsylvania. In 1967, he earned his Ph.D. in chemistry from the Stanford University and his J.D. in 1978 from Santa Clara University. He and his wife Sally (also a CHAL member and ACS Councillor from the Santa Clara Valley Local Section) live in Menlo Park.

Over the years since the founding of CHAL, Dr. Peters has always been an active participant; and he has frequently contributed to this newsletter --- recent readers would be aware of his PATENT TRUTHS column. Attendees at the SciMix at ACS meetings may recognize his and Sally's posters on patent topics, with both of them near-by as purveyors of the ten pound chocolate bar -- and free chocolate raffle.

See the election report in C&EN ***http://pubs.acs.org/cen/news/8246/8246election.html*** His web site, created for the ACS election ***http://www.howardpeters.net/*** may be of interest. He may be contacted at PETERS4PA@aol.com .

* adapted from Dr. Peters' news release

Monsanto v Schmeiser

Monsanto v Schmeiser was reported in the CHAL newsletter, Fall 2001.[1] It has now been heard by the Supreme Court of Canada, and judgment rendered.[2, 3, 4]

Notes:

1. Vol. 17, No. 2, pages 16 - 24.
2. Monsanto Canada Inc. v. Schmeiser, Supreme Court of Canada, Neutral citation: 2004 SCC 34. File No.: 29437, 20 January 2004; 21 May 2004. On appeal from the Federal Court of Appeal. http://www.lexum.umontreal.ca/csc-scc/en/ http://www.lexum.umontreal.ca/csc-scc/en/ rec/html/2004scc034.wpd.html
3. www.percyschmeiser.com
4. http://www.monsanto.com/monsanto/layout/ default.asp http://www.monsanto.com/monsanto/layout/media/04/05-21-04.asp

On Becoming a Patent Agent – A Chemical Career Alternative
What You Need to Know and Some Practical Advice

John A. DiNatale*

There seems to be a need for an overview of the patent agent occupation from a scientist's point of view that isn't merely a regurgitation of facts about patent law and licensure procedures. I've tried to walk the line between opinion and fact in writing this article in order to provide the chemist-reader with some insight which might assist in career choices. If this article serves its purpose by being unique via its style, the results may be a double-edged sword: I urge the reader to investigate further before making any important decision or investment of time/money based on one brief article.

What is a patent agent ?

In order to obtain a patent, an inventor (and, if appropriate, the inventor's employer) initiates a legal proceeding with the US Patent and Trademark Office by filing an application. An inventor can handle that filing and subsequent legal engagement, or more wisely, may seek the help of a "patent practitioner" who is licensed by the USPTO to represent inventors (similar to the way attorneys represent clients in civil or criminal matters before the courts). In order to gain licensure as a patent practitioner, the greatest hurdles are (a) significant technical coursework in science/engineering, and (b) a passing grade on an exam in patent law administered by the USPTO (a/k/a the "patent bar exam"). If the prospective practitioner fulfills all the requirements for registration to the patent bar, and additionally is, or subsequently becomes, a state-licensed attorney, he is deemed a "patent attorney;" if the prospective practitioner is not an attorney, he is a "patent agent." The USPTO requirements for registration to the patent bar is the same for both patent attorneys and patent agents. Since patent law is federal law, the requirements do not vary from state to state. Logically, the requirements for registration that are administered by the USPTO allow one to handle patent issues with the USPTO. That means that if patent matters go beyond the USPTO, for example in a patent infringement lawsuit in a federal court setting, this is beyond the scope of the duties of the patent agent, and only an attorney would be able to handle the representation.

All the legal procedures and requirements necessary to become registered as a patent agent are located on the USPTO website (***www.uspto.gov***) in the form of a (pdf) booklet with the long-winded title "General Requirements Bulletin for Admission to the Examination for Registration to Practice in Patent Cases before the United States Patent and Trademark Office." As the title suggests, the requirements must be met are in order to sit for the exam. As of 1/1/05 the pdf file can be accessed from ***www.uspto.gov/web/offices/dcom/olia/oed/examregist.htm,*** but as the USPTO often moves things around, be aware that its exact location on the website may change. My advice to the novice is to follow the document to the letter of the law. You might as well get used to it.

What does a patent agent do?

The easiest way to understand what a patent agent does is to understand the activities that must be performed in order to obtain a patent. Consider for example, a small R&D company that synthesizes a new protective polymer coating. The company approaches an independent patent law firm to handle the matter with the USPTO. The law firm will usually make sure that the following activities are performed: 1) the researchers responsible for the invention are interviewed for information about the invention, 2) the patent literature is searched for similar inventions (i.e., patent "searching"), 3) the patent text is written and submitted to the USPTO in the form of a patent application (i.e., patent "drafting"), and 4) concerns and rejections posed by the USPTO are responded to (i.e., patent "prosecution").

There are different ways that law firms can get these activities accomplished. It may be helpful to think of it from an economic point of view and by way of some examples.

If it is a small law firm, all these activities may be performed by a sole patent attorney; similarly, a patent agent may even have a business which perform all activities. In the case of the polymer invention, the R&D company may be well-advised to approach a practitioner with a knowledge of polymer chemistry. Although licensed practitioners must have had the aforementioned coursework in science/ engineering, there is nothing, except professional discretion, that prevents a practitioner with coursework in a different field (e.g., electrical engineering) from handling the polymer case. Some fields are easily bridged by the practitioner, some are not. Additionally, it should be noted that it may be cost effective (and hopefully quality effective) for either the agent or attorney practitioner to subcontract the patent searching stage to a professional patent searching firm; this type specialization of activity may occur more often at a larger firm.

If a large patent law firm is retained, it may have found it to be cost effective to hire full-time scientists with expertise in certain technologies (often designated "patent engineers" or "technical specialists" or similar title) to work on the patent drafting and prosecution stages rather than occupy the time of their higher-paid, experienced patent attorneys. Additionally, those scientists have been hired because they have specializations in technical fields in

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which the firm has (or anticipates having) a client base. The polymer case may be delegated to a Ph.D. polymer chemist with the ability to understand and write about the advantages of the invention. That scientist may be encouraged or even expected to successfully pass the patent bar examination in a reasonable period of time to become a patent agent, thereby extending his own knowledge and ultimate usefulness to the firm. To further departmentalize activity, the firm may have even hired scientists with experience in patent searching to perform the patent searching stage. For law firms, hiring scientists without a J.D. may lower salary costs while simultaneously raising specialization and extending their scientific knowledge base.

As an example of specialization of all activity, consider a large pharmaceutical company with its correspondingly large number of patent matters and filings, that has found it economically advantageous to hire their own in-house patent attorneys in order to avoid frequent and expensive charges from independent patent law firms. In addition to patent agents, that company may also have scientists that act as patent "liaisons" who interview the researchers and provide invention summaries to their patent practitioners to use for patent drafting, thus saving the time of their more experienced, higher-salaried practitioners. It is fairly common for these companies to encourage their patent liaisons to pass the patent bar exam to become agents. As patent attorneys become more familiar with experienced liaisons/agents they might allow them to draft more of the patent and it is not unfamiliar for the attorney to merely sign-off on the entire patent draft. In addition, the company may employ "information scientists" for patent searching who might have an information science, traditional science, and/or library science degree, and may interact with patent practitioners or the research scientists themselves in order to perform their searches most effectively.

Where are the patent agents employed?

It should probably be clear after reading this far that patent agent jobs exist where it becomes economically advantageous. Extracting from the previous section, the likely places are patent law firms and companies with R&D activity. Though a small R&D company may have no practitioners on staff (thereby electing outside patent counsel) at some point that company's patent portfolio may grow to where it is advantageous to employ a salaried practitioner rather than pay for many billable hours charged by an independent law firm.

Another place for a technical professional to work in patents is at the USPTO itself. The scientist who examines patent applications as they are submitted by practitioners are appropriately called "patent examiners" and the USPTO has many on staff. You do not need to have passed the patent bar exam to work as an examiner, only to apply for the job opening; the major prerequisite is the particular scientific background they seek for any given hire. It is common for former examiners to be hired by law firms as they have a unique perspective on the patent application process; hence the USPTO is considered a formidable training ground.

How do I learn patent law?

In addition to working as a patent examiner at the USPTO, another way for a scientist to learn patent law is to be hired as a technical specialist by a large patent law firm willing to train a patent novice. This is the most traditional entry point into the field and training consists of on-the-job patent drafting and prosecution while being supervised by an experienced patent practitioner. The scientist then takes the patent bar examination based on the laws and regulations learned through on-the-job experience and private study.

There are a few patent bar exam preparation courses available by private vendors that will teach patent law in order to pass the exam but will do little to provide the drafting and prosecution experience that on-the-job training brings. Nevertheless, some can be very good for teaching patent law principles quite effectively. Much in the way that organic chemists have a place in their heart for their own undergraduate introductory organic textbook, many practitioners have the same feeling toward their patent bar prep course, so it is actually difficult for anyone who has taken only one course to be objective. An internet search of the phrase "patent bar review" brings numerous hits. Without any previous patent law exposure, but with a friend's advice on course choice, I purchased the home study option provided by the Patent Resources Group, Inc. and found I could understand all the material without assistance, given enough time to study. Some of the legalese may be new but the home study course allows studying at one's own pace, and video pausing prevents losing the logical thread that may occur in live lecture; the one drawback of the home study option is the unavailability of a lecturer to question. An insightful prospective employer might realize that in addition to having the particular technical specialization desired, you have taken the time to study patent law and pass the patent bar exam, so they may be more apt to hire you at the level of technical specialist or patent liaison (even though having passed the exam you are a patent agent) as a big fish in a small pond. But if the employer is not that insightful, then you may be categorized as a patent agent with no on-the-job experience, and therefore a small fish in a big pond.

Another alternative is to begin patent training as (the aforementioned) patent "liaison" at a large company that has found it economically advantageous to create that position. It is additionally advantageous for that company to hire a scientist who understands the specific technology that the inventors are engaged in, and so from that point of view, the liaison may come directly from the scientific

ranks of the company. This may pose opportunity for someone who is looking to transition from the lab to patents as the in-house hire may be more amenable to human resources than an outhouse hire.

Less common, but, as is always possible if there is economic justification, small R&D companies without patent practitioners may find it advantageous for a scientist-employee to extend his duties to be the contact for outside patent counsel, slowly building patent experience with a ceiling on responsibility that ultimately is company-specific. But companies that are small to mid-size that decide to make a larger leap by formally hiring their first practitioner might not be in an economic position to train a novice and would likely hire a registered practitioner with at least 2 years experience, if not more, in order to handle all patent matters from A-to-Z, without supervision.

How closely will I by involved in chemical research if I enter chemical patent law?

The cultures may be as different as the fields of chemistry and law are. Although an in-house corporate patent liaison, which is probably the patent position closest to that of the researcher, may be involved in interviewing researcher-inventors, that may be as far as the position gets to the lab. The position will be most likely under the umbrella of the law department not the research department, and the culture will be that of attorneys, not scientists. The terminal degree in chemical patent law is not a Ph.D. in chemistry, it is a J.D. degree. A Ph.D. chemist who becomes a patent agent may very well find himself working under a B.A. chemist who is a patent attorney. The difference between the values and lifestyles of chemists and attorneys can be vast, and the importance of this point easily underestimated. Scientists may have to break the instilled habit of carefully checking the science and analyzing data, and turn their focus to production and the need of their employer to record a profit. An employer will more likely be wondering while an application wasn't submitted to the USPTO yesterday than appreciative that you were up all night finding a misplaced point on an inconsequential graph.

What must the scope of my chemical knowledge be?

Chemists with all levels (B.A., M.S., Ph.D.) of chemistry degrees can become patent practitioners. Those with Ph.D.s may be a bit more desirable to employers, if for no other reason to use the Ph.D. degree as indirect advertisement to (external or internal) inventor-researchers who appreciate the ability of their practitioner to understand their invention. The experience that a doctorate brings may also assist in confronting patent projects outside your immediate chemical expertise, but is probably not a reason to attend chemistry graduate school. But what the employer, whether it be a corporation or law firm, is looking for in the way of technical background is the ability to write about and understand the chemical technology and the advantages of the inventions you will be presented with. Your technical background is your strength and what makes you desirable. The reason that law firms hire each technical person is due to the firm's interest in that person's specific technical background, albeit that may be, for some employers, as general as "chemistry." With a degree in biochemistry, for example, pharmaceutical technology may be straightforward; but at a medium-sized law firm, a biochemistry background may make you a relative expert in plastics if your colleagues have only backgrounds in electrical and mechanical engineering. It should be noted that often there is a demand for technical people in areas of science that are "hot" as those areas begin to result in patents (i.e. if there is considerable influx of plastics patent proposals, it might be time to give the biochemist a break and hire someone with an appropriate background).

How much does a patent agent get paid?

It is insightful to understand the billable hour system that most law firms use. Practitioners at independent law firms typically keep track of the time they spend on each of their projects, the firm billing each client at the practitioner's hourly rate (which is higher than the rate at which the practitioner is paid by the firm). A firm's receivables then pay practitioner salaries, administrative salaries, overhead, and the leftover is kept as profit by the firm. A firm typically requires a certain number of billable hours of their patent attorneys and patent agents, usually in the range of 35-40 hours per week. If the firm requires 1800 hrs/yr (that is, 36 hrs/wk x 50 weeks) and bills the client at a rate of $120/hr, that is a revenue of $216,000/yr. One-third of that money may be returned to the agent as a salary of ~$70,000/yr. The actual amounts may vary considerably, via the billing rate, depending on the area of the country and the experience of the practitioner. A billable hour requirement may even be expected of any patent engineers or patent searchers on staff, even though they may bill the client at a lower rate for these services (or they might not!). So the system is innately based on production; the greater the production by the practitioner, the more money is made by the firm. If the billable hour requirements are exceeded by the practitioner, that practitioner may also be paid one-third of the revenue generated from the extra hours. It should be noted that the salary of an experienced patent agent will tend to hit a ceiling (though a lucrative ceiling) sooner than that of an experienced attorney. Of course, an option for all chemists is to solve that problem by attending law school, though this option should be considered carefully, and perhaps above all else, from an economic point of view. In addition to the time crunch night school may bring (or, for day school, lost earning time), a significant student loan debt may be incurred that a quick calculation reveals is quite

continued on next page

steep and will take some time to be paid off. This should be weighed economically against a patent agent situation that requires relatively no time or money invested. There are some law firms that pay tuition to attend night classes after work, though I suggest this be made clear at the onset of employment.

If the agent works at company instead of a law firm, there is a good chance that the agent/ liaison will not have to reach a certain billable hour requirement, though that doesn't necessarily mean that hours spent on each project will not be tracked by the powers that be. Although agent salaries may vary considerably, companies are more likely to have salaries that reflect the educational level obtained and industrial experience acquired, similar to that of a chemist. It is difficult to provide exact figures as there is most likely a very large variation based on region of the country.

It was my goal to provide you with some information about the patent agent occupation which you can use along with other criteria to support a measured and proper career reflection. I hope that I've done that and I wish you all the best.

* John DiNatale has a B.A. in chemistry from Haverford College, and M.S. and Ph.D. in chemistry from the University of California, San Diego. He is a registered patent agent who spends most his time in Manahawkin, NJ and Dallas, TX. Email: JohnDiNatale@aol.com.

New Honorary Members of CHAL

The national ACS presently has no mechanism to create honorary members of the ACS having rights, privileges and responsibilities. CHAL is not so limited.

Judge LaDoris Cordell

At the recent national meeting in Philadelphia, CHAL created its first two honorary members Judge LaDoris H. Cordell Vice Provost at Stanford University and Barbara H. Ullyot, the Director of the ACS Department of Meetings and Expositions (retired) and a patron of the Chemical Heritage Foundation (CHF).

Barbara Ullyot

Judge Cordell was the subject of an interview published in this newsletter, Spring 2003 at ***http://membership.acs.org/C/CHAL/CHAL03-1v1.pdf***.

Judge Cordell's induction as an honorary member, with an engraved ACS plaque, was by CHAL Chair Bill Johnson at the conclusion of the ACS Minority Affairs Committee luncheon on September 20. Judge Cordell was the luncheon speaker.

Ms. Ullyot, a long term member of ACS staff, was involved with meeting organization for many years. Barbara was very kind and listened to the officers of the fledgling Division in its early years to see that our meeting rooms were as convenient to our audience as possible. She and her late husband Glenn later provided the funds of the Ullyot Room and Ullyot Scholarship at CHF.

Ms. Ullyot's was inducted as an honorary member of CHAL by Bill Johnson as part of the CHAL reception at the CHF in Philadelphia.

Howard Peters

Puzzled by the Law?

Here is a law-related puzzle to ponder – readers comments are sought – to be summarized in the next issue: According to the Canadian Weights and Measures Act,[1] the pound Unit of Measurement, by definition = .45 359 237 kilogram. How is this possible, when pound is a unit of force or weight, and kilogram is a unit of mass; and weight and mass are related on our planet Earth by: mass = weight / the acceleration of gravity; and it is known that the acceleration of gravity varies with location on the Earth's surface and with altitude?[2]

In the previous Puzzled by the Law readers were invited to derive the equation:

car speed = 15.946 x (drag constant x skid distance)$^{1/2}$ (km/hr)

that was said to be usable to calculate a car's speed from its visible tire skid marks and an experimentally found drag constant.

When the wheels lock and the skid starts – leaving a mark on the horizontal road surface – the frictional drag of the tires on the road will cause the car to decelerate in a straight line. The constant frictional drag force = - f = m x a = (w/g) x a

where: f = frictional drag force
m = car mass
a = acceleration (the car's deceleration = -a)
w = car weight
g = acceleration of gravity = 9.81 metres/sec^2

Therefore: the car's deceleration = - a = - f x g/w [eq.1][3]

Now, in general,

an accelerating body, here the car, may be described by: $v_t = v_{t=0} + (a \times t)$ [eq.2]

where: $v_{t=0}$ = initial velocity
v_t = velocity at time t
t = time

When the wheels lock and the car starts into the skid, its velocity, which is sought to be calculated here = $v_{t=0}$. The velocity when the car skids to a stop = velocity at time t = v_t = 0. Thus, $0 = v_{t=0} + (-a \times t)$ [eq.3]

Combining equations [1] and [3]: $v_{t=0} = f\ g\ t\ /\ w$ [eq.4]

During the time it takes to stop, the car will have an average velocity
$= 1/2 \times (v_{t=0} + v_t) = 1/2 \times (v_{t=0} + 0) = v_{t=0}/2$ [eq.5]

Now, in general:
average velocity = distance (metres) / time (seconds) = length of skid / t [eq.6]

Combining equations [5] & [6] : length of skid / t = $v_{t=0}$ / 2
t = 2 x length of skid / $v_{t=0}$ [eq.7]

Combining equations [4] & [7]:
$v_{t=0}$ = (f x g x 2 x length of skid / w)$^{1/2}$
$v_{t=0}$ = (f x 9.81 x 2 x length of skid / w)$^{1/2}$ [eq.8]

Now, the frictional drag force results from the friction between the tires and the road, and would be expected to be a constant, here called the drag constant = f / w [eq.9]

This is a property between two material surfaces pressed against each other and may be measured by separate experiment.

Thus combining equations [8] & [9]:

the velocity of the car when it started into the skid
= (2 x 9.81 x drag constant x length of skid)$^{1/2}$ (metres/second) [eq.10]

= (2 x 9.81 x drag constant x length of skid)$^{1/2}$ x (60 x 60/1000) (km/hr) [eq.11]

= 15.946 (drag constant x length of skid)$^{1/2}$ (km/hr) [eq.12][4]

erratum for the result in the previous Puzzled by the Law (Anaheim, Spring 2002): "Edinburgh" was misspelled – corrected here.

Notes:

1. Revised Statutes of Canada 1985, c. W-6, s.2; SCHEDULE II – CANADIAN UNITS OF MEASUREMENT – Measurement of Mass or Weight, (c) http://laws.justice.gc.ca/en/ http://laws.justice.gc.ca/en/w-6/text.html
2. See Robert Resnick & David Halliday, Physics/Part I, John Wiley & Sons, Inc., New York, 1966, Chapter 16-5, page 395.
3. ibid., Chapter 6-2, page 115.
4. some general references:
   - http://www.harristechnical.com/skid11.htm
   - http://www.e-z.net/~ts/speedch.htm
   - http://www.accidentreconstruction.com/ index.html
   - Randall K. Noon, "Vehicular Accident Reconstruction" in Stuart H. James & Jon J. Nordby, editors, Forensic Science/An Introduction to Scientific and Investigative Techniques, CRC Press, Boca Raton, 2003; ISBN 0-8493-1246-9; page 436, et seq. www.crcpress.com

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.

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

❖ ❖ ❖

Membership Application is on the next page.

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).

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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

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