

The Patent Lawyer

GLOBAL REACH, LOCAL KNOWLEDGE

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September / October 2021

South Africa and Australia tackle AI inventorship in patents



Steven M. Shape, Managing Partner at Dennemeyer & Associates, questions whether AI-generated solutions will force patent systems across the globe to re-evaluate traditional notions of inventorship.

Patenting renewable energy

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German patent reform

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AIPPI 2021
WORLD CONGRESS
SPECIAL
EDITION

Women in IP Leadership

Celebrating achievements and continuing
the empowerment of women



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We give special thanks to Traple Konarski Podrecki and Partners for their dedication and support in continuing the empowerment of women in IP by facilitating this opportunity.

This segment is dedicated to women working in the IP industry, providing a platform to share real accounts from rising women around the globe. In these interviews we will be discussing experiences, celebrating milestones and achievements, and putting forward ideas for advancing equality and diversity.

By providing a platform to share personal experiences we aim to continue the empowerment of women in the world of IP.

This segment is sponsored by Traple Konarski Podrecki and Partners, who, like *The Patent Lawyer*, are passionate to continue the empowerment of women. Anaquas' sponsorship enables us to remove the boundaries and offer this opportunity to all women in the sector. We give special thanks to Anaqua for supporting this project and creating the opportunity for women to share their experiences, allowing us to learn from each other, to take inspiration, and for continuing the liberation of women in IP.



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For Traple Konarski Podrecki and Partners promoting female entrepreneurship, developing their talents, supporting their professional aspirations and independence was a natural path to build our strenght and position on the market. The involvement of the five female Partners we have on board helped us bring diverse business experiences to a common idea. This is the most powerful example for younger female lawyers to prove that their skills are highly sought in law firms and contribute to achieving a lot in a professional career.

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Traple Konarski Podrecki and Partners

If you would like the opportunity to share your experiences with *Women in IP Leadership*, would like to nominate an individual to be involved, or would like to learn more about sponsorship, please contact our Editor.

Christine Jennings: President, Anaqua Services

An interview: inspirations, experiences, and ideas for equality.



As President of Anaqua Services, Christine oversees AQS, a global team of more than 100 experienced IP professionals committed to helping corporations and law firms manage their international payments and better align IP with their business objectives. Serving clients since 1994, the AQS team specializes in patent annuities, trademark renewals and title updates/recordals, and has an average of 10+ years of experience managing all types of IP matters as well as an ISO9001 certification.

Widely regarded as an IP industry leader with nearly 30 years' experience, Christine was previously the Managing Director of IP Preferential Limited, an IP consultancy that she founded in 2013 with a focus on delivering change management and procurement projects to IP owners and IP law firms. She also spent 15 years in senior positions at CPA Global, where she began managing the trademark teams and took on the role of General Manager for the patent business.

What inspired your career?

I didn't have any intention of working in the intellectual property (IP) industry, until I started working at an IP law firm and fell in love with IP. I worked within the trademark team, and for me, the inspiration came from seeing what parts of my everyday life were affected by IP and how significant an industry it was. There is a relationship between your daily life surrounded by IP and an IP owner enforcing their rights that people don't see right away, and this is a critical aspect of corporate and law firms' day-to-day existence. I find the IP industry fascinating as it is constantly changing, and I cannot imagine not working in this field.

How have you found the pathway to your current position? And can you offer advice from your experience?

In my early days working at the law firm, the main partner was very supportive of me and served as my mentor. He was a fantastic, inspirational person who was quite instrumental in my realization that IP would be a great career. It motivated me to externally study for a law degree, and fortunately, intellectual property had just been introduced as a new module,

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**I am proud
 of the team
 within
 Anaqua
 Services
 and what
 we have
 been able to
 implement
 for clients.**
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which for me, was a general legal acknowledgment of the importance of this industry.

When my mentor retired, I moved to an organization that was entirely different from my law firm experience. Moving from a structured law firm to a commercial organization, the scale was much bigger and it came with different challenges and opportunities. It was valuable to have experience from both types of organizations, because, when I speak to clients, I understand the expectations of a law firm, which I find helpful. Initially, I did not expect to end up in the corporate environment from a career perspective, but I got here from a progression of working with great colleagues and being constantly encouraged by peers and mentors throughout my career.

In my experience, I have learned that you are only as good as the people you have around you. Always work with people who are better than you and have better or different skills than you. It's not about one person, but how everyone works together as a team. At Anaqua, in both my immediate team and across the organization, I am working with people who are motivated and are all working toward the same goal. What really motivates me is being able to move in the same direction with the same goal as a team for the good of the clients and the business.

What challenges have you faced? And how have you overcome them?

I have been lucky in my career to have not faced significant challenges in terms of career progression or feeling held back.

The last 18 months have been challenging from a business travel perspective. Travel to our international offices in France, the US and Japan is a key part of my role, and it has been a struggle not being able to visit my teams and have quality time together. It's not just about meetings in the office. I also miss the water cooler chats and social events. I am really looking forward to getting back on the road.

The main business challenges I typically face are figuring out the best solutions for client requests and collaborating with clients to help them resolve their daily or long-term challenges. With clients, there are always changing needs and demands. We have to look at the situation from a long-term basis and set expectations on what we deliver now versus later, establishing what their needs are and how best we can meet those needs to find success as a business.

We had a situation recently where a firm found themselves in an unexpected high-risk situation. By collaborating across several teams within the business, we were able to respond quickly, provide a solution and eliminate the risk. Having the ability and resources to respond

positively and overcome challenges is what motivates me.

What would you consider to be your greatest achievement in your career so far?

IP is an industry where you develop long-term relationships across the globe, and these relationships have played a part in helping me achieve my potential. I enjoy the collaboration, understanding different cultures and making and sustaining long-term friendships. It's a small world and the camaraderie makes it fun. I am looking forward to catching up with friends and colleagues I've not seen in the last two years.

Working with Anaqua, I have been able to watch the company's significant growth over the years which is also rewarding. I am proud of the team within Anaqua Services and what we have been able to implement for clients, including expansion of the services and automation. Our growth has been substantial, and the team has continued to ensure the controls and procedures remain in place with these updates and capabilities. I am grateful to have a very autonomous team with a fantastic, shared vision of helping everyone succeed.

From a personal perspective, I also take my inspiration from female leaders in other industries. Karren Brady, the former managing director of Birmingham City F.C. is incredible. Not only is she a formidable force in football, a largely male dominated industry, but is also rated as one of the top inspirational leaders in the world. Confidence plays a critical role in what we can achieve, and we should not sit back or wait for the magic to happen. I didn't have a well-defined career plan; my focus has been on continuing to be the best I can be, and I feel I am achieving that goal.

What are your future career aspirations? And how will you achieve them?

I am eager to see the growth continue within Anaqua Services and see the recent acquisitions we made as a company grow in the same way. A successful career environment consists of the people you are working with, the positivity of the organization and the growth. Anaqua has ticked all those boxes for me.

Being proud of the organization you are working for is also critical to achieving your career aspirations. I was at my previous job for 15 years, and the five years I have been at Anaqua have gone by very quickly. I am very happy working with my colleagues and have no thoughts on where I am going next – I am in a good place.

There are a lot of large players in the IP industry and clients expect personal service. Over my career, I've found that being able to talk

to someone and have a personal relationship is valuable to reaching those career goals. Clients are facing more challenges and it's about the service delivery to solve those challenges.

What changes would you like to see in the IP industry regarding equality and diversity in the next five years?

When it comes to equality and diversity in the IP industry, I think that everybody should be considered on their ability and on what they can deliver. Additionally, I would like to see a lack of categorization in the long term. Although it is nice to highlight that we are "Women in IP," we are just people in IP. We should be naturally diverse and not have to put people in certain categories for women or minorities to have a voice. I appreciate we are not there yet and need to continue to work hard toward equalization as an industry. We have a collective responsibility to challenge and change for the better. I do find it's happening in other industries which were historically male dominated. Using football again as an example, female commentators are now much more common and less of a talking point. We can do this!

How do you think the empowerment of women can be continued and expanded in the IP sector?

To continue and expand the empowerment of women in the IP sector, we must support each other. Be strong leaders, good role models, and encourage other women to increase our voice in IP. I have many female friends and colleagues in leadership positions within the IP industry and our responsibility is to develop future leaders. As I say though, everyone needs to partake in this, not just women, to work toward real equality.

There is also the education aspect as empowerment goes beyond today. We should consider the next generation, too. I do think IP is now more widely understood and seen as a more viable career path and visibility must start in schools to really drive the next generation of confident women into our industry.



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Erika Harmon Arner: Partner, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP.

An interview: inspirations, experiences, and ideas for equality.

Erika, leader of the firm's electrical and computer technology practice group, is a nationally recognized leader in trial practice before the Patent Trial and Appeal Board (PTAB) and related appeals to the U.S. Court of Appeals for the Federal Circuit. She consistently ranks as one of the top three female attorneys appearing in PTAB trials and was named a PTAB Litigator of the Year by Managing Intellectual Property. She has argued and won a number of landmark cases at the PTAB and Federal Circuit for both patent challengers and patent owners.

What inspired your career?

I was inspired by women in my family who had both careers and family. My mother was a working mom my whole life, and still is in a volunteer capacity after retirement, and I really looked up to and admired her for being successful in her career.

I also had my paternal grandmother, who didn't start her career until after her kids were grown but had a very successful 40-year career in real estate.

Both of them talked to me a lot about their jobs, about how much they loved their careers and it really inspired me to be a working woman - not to the exclusion of having a family, because they both did both very successfully, but along with having a family. Those were both very important.

How have you found the pathway to your current position? And can you offer advice from your experience?

I discovered my direction during school. At college, when trying different subject areas, I discovered that computer science was an area

that I enjoyed more than the other classes. That's how I chose that technical degree. Then, as I finished up school, I took one class in law and realized I loved how lawyers thought - so I pursued law school. I found what I really loved doing and followed that.

Then in law school those things came together and when I was starting to look for jobs a recruiter mentioned to me that, with a technical background, patent law might be a good path for me that would combine my technical interests and background with my legal training. I started looking into patent law and found Finnegan, and I've been here ever since!

Thinking about my path, a lot of benefits came from trying a bunch of different things while not knowing, at the beginning, exactly where I would end up and being comfortable with that. Giving myself the permission and the freedom to experiment and try different things let me figure out what really spoke to me - which things I really enjoyed in college and in law school and then for my career.

Now I realize, having been in my job at the same firm for 22 years, it might be perceived that I haven't continued to do that, but I am fortunate that I found a position that has such variety that I actually do still try new things all the time - learning new technologies, new legal issues, new industries.

My advice would be to not feel like you have to have a plan for your whole career. Keep your mind open, be flexible, and don't worry if you don't know exactly where you're going to end up.

What challenges have you faced? And how have you overcome them?

Raising kids and working in a busy job certainly has been a challenge for the last 18 years, and

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of being a successful wife - as well as doing all of the things that I want to do at the same time. That's definitely a challenge! It hasn't always worked perfectly but I've been really fortunate to have support from terrific caregivers, from my family, from my husband who has been willing to stay home for many years with our kids and supported me when my job got really big. I've also benefitted from terrific flexibility from the firm to still be able to be very present in my family's life for a lot of the milestones and activities. Flexibility is the key there.

In recent years as my kids have grown - my daughter is going to be a senior in high school and my son just started college - my job has got bigger with more responsibility and the challenge now is just the number of hours in the day. Maybe that's just a version of the earlier challenge, but there's not enough time to do everything that I want to do for all the different roles I have. Figuring out how to manage that is a challenge that I continue to work on.

Thinking back about work/life balance, the most important way I got through was to decide what my priorities were for myself. I've always said that my family comes first. I love my job, my firm, and my career, but they will always come second to my family - that's my personal priority. Figuring out what your priorities are and owning them and not keeping them a secret is important. When I was younger I worried about even telling people that I had kids - it seemed like something that was not talked about in the business world. But times have evolved since I started practicing in the 90s, and things are different now which is terrific and companies are able to be more flexible to support working families.

When my kids were born, I took advantage of my firm's part-time policy which allows attorneys to work reduced hours but stay on the partnership track. I was able to do that for four years from when my son was born until he was four and my daughter was two. I worked 60% so I was home with them almost as much as I was at work - it slowed me down professionally, so it took longer to make partner and I made less money, but it was a no brainer for me because my priority at the time was spending time with the babies.

I think that once you get your priorities straight for yourself it really helps to make the right choices for you. I felt very fortunate that my firm had that program even in the very early 2000s. I believe more law firms offer flexibility now. I think it's really nice too, certainly for working moms and dads, but also for people who just want to do something outside of work.

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I think there is a lot more conversation about that now, that you can have a very fulfilling life and you may want to do things like volunteer or travel. Flexibility doesn't have to be just for parents, I think that it's so much healthier for people and really great to see that a lot of companies and firms are recognized that some people just want to work less. And now that I'm the other side of things in a management role I'm helping to find ways to accommodate people who do have those kinds of priorities, that want to be terrific lawyers and have really successful practices but also have these other things going on. Finding ways to accommodate them so that we don't lose them is something I focus on every day.

What would you consider to be your greatest achievement in your career so far?

There are a lot of cases that I've won, I've worked landmark cases at the Supreme Court and Federal Circuit and at the highest levels of



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the practice - that's all terrific - but my proudest accomplishment so far is helping to start a number of women's initiatives to promote and support women in IP. I've done that internally at my firm and also externally where I've helped to found or co-found women's organizations and then lead them or hand them off to other future leaders to run with them. That's definitely been the most gratifying and proudest accomplishment.

What are your future career aspirations? And how will you work to achieve them?

I've been to the US Supreme Court as a second chair, but I haven't argued there, so arguing before the US Supreme Court is one thing that I hope to do.

I've been very active in bar associations, but I'd also like to find some way to serve in a public role, such as on the patent public advisory committee to the PTO or something similar.

And I'd like to find a way to expand the work I've done for women's initiatives to other diverse groups. I think we have a good history of how to build women's initiatives and how to promote women in STEM. That has been a topic for decades now and we're starting to see some progress. I feel a lot of the initiatives for other diverse groups and racial minorities could benefit from these frameworks and we could use those as a model for how to bring along underrepresented groups.

The advice that I've got from being involved in initiatives and discussions, especially about issues surrounding racial justice, is that when you get uncomfortable, you're doing something right. We need to get comfortable with being uncomfortable and push through to learn the real lessons and make meaningful progress.

What changes would you like to see in the IP industry regarding equality and diversity in the next five years?

I'm hopeful, there are initiatives underway and some proposed legislation, to find ways to measure the participation of various groups in the IP ecosystem, both as inventors and participants on the innovation side and also practitioners - because without the data of who is participating it's very hard to measure progress. Even for women's initiatives the data has been based on 'Mr' or 'Ms' checkboxes on the application - it's only recently that the patent office started capturing that data for gender and often that's even wrong because they're guessing whether gender neutral names, like Chris, are a man or a woman, so it's even worse for underrepresented groups with no specification.

There's lots of challenges on how to do that but I think it's a really important step because every framework for accomplishing goals

needs to be measurable: seeing where you started and where you're getting to. One big improvement would be ways to capture and measure that data in a safe, respectful, constructive way - which is easy to say but very hard to do.

On the substantive side, patent law in the US has an albatross around its neck in patent eligible subject matter. The law around what can be patented is just this never-ending churn of problems that everyone says is a problem but there's no solution yet, and it's been like that for 20+ years. I'd like to see that stop because I think the uncertainty is undermining confidence in the US patent system and damaging inventors' belief in the patent system and it may even be causing a disincentive to patenting which needs to stop.

How do you think the empowerment of women can be continued and expanded in the IP sector?

I recently attended a conference in Women Leaders in the Law and the data they shared was pretty predictable and unfortunate in that it hasn't changed much in the last 20 years. The pipeline of graduates in law is about 50% women, but if you look at any organization the higher up you get the fewer women there are. Women are being lost at every step in the pipeline until the very highest level of firms and corporations - managing partners, share partners, or the C-Suite in a company - where we're looking at around 20% women. Finnegan is actually near the top for AmLaw 100 firms, with about 23% of share partners being women. It's great that we're in the top 10 but top 10 being only 23% women is itself a problem.

We need to not just retain women but find ways to encourage women to get to the very highest levels: to give role models for successfully building a career that takes you to the very top. We need to see more examples of women that have been able to do that because it seems vital for getting more women into those very top positions. We need examples to show people can do it, not all at once and not perfectly but there are lots of women that have and many ways to do it.

I think the problem is societal. It's hard for women to say that they want power, or to even use the word 'power'. We're taught that it's not ladylike, that it's too ambitious, too aggressive, to say, 'I want to be president of something' or 'I want to be the managing partner of something' or 'I want to have power' and that's unfortunate. I think that we need to practice letting women own that while reminding people that when you say 'I want power' it doesn't have to mean 'I want power over people' but mean 'I want power to do something' - "power to" rather than

"power over." Looking at it that way allows you to help lift other people up, to change an organization, to change the world, that's really the reason that we want to have power - not because we want to be bossy and have power over people. Once that conversation is had people feel more comfortable, women especially. I think it's a societal thing where women shouldn't want to make money, they shouldn't talk about money, they shouldn't say "I want to make a lot of money!". It's just saying that and owning that is hard for many women. So, I think we need to have these conversations to make women comfortable, but it doesn't mean you're a bad woman or a bad person for wanting those things.

I would like to mention the role of men in getting women to the top positions. A lot of women's opportunities come from men because more men tend to be partners at law firms or senior leaders at companies. Many of my biggest opportunities have come from male clients or male attorneys at the firm, and we need to recognize and encourage that. That part of the conversation can get a bit lost when we focus on promoting women and promoting women's events and initiatives - we are actually missing the opportunity to make the men our allies which would really move the needle. Many men want to be allies and just don't know how.

I think the most useful thing men can do to become allies is starting the conversation. For example, I've had conversations with men in bar organizations and companies who say, "I want to help promote more women, we don't have enough women in our organization, there aren't enough women at the Chief IP level, but I have no idea what to do! I'm a white man but I know it's my issue too, and I don't know what to do." Just by saying that, by having that sentiment and expressing it and starting that conversation, they are being helpful.

I think a lot of men feel uncomfortable doing that because they don't know the answer, but they know that they'd like to. Maybe they have daughters and now they really understand the importance, or maybe they just understand and believe in equality. But starting that conversation in the first place is a terrific first step. Then getting comfortable being uncomfortable - nothing's really going to change or improve without people being willing to be a little bit uncomfortable but keep making progress.



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