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PERSPECTIVE

Steps and Leaps

George W. Jordan III

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I grew up in Atlanta as the only child of an aerospace engineer (dad) and certified public accountant (mom), the first in their generation to attend college. My parents encouraged me to pursue excellence, no matter the challenge. As an African American dreaming of my own future accomplishments, an early role model was Maynard Jackson, Atlanta's first African American mayor, an important milestone in the South.

The study of electrical engineering at Duke—with summers interning at Northern Telecom followed by law school in Austin—started my path that led to a profession in intellectual property (IP) law. These choices were part of my desire to solve complex real-world problems for a living. During my seventh year of practice, I decided to pursue networking and professional opportunities beyond my local reach. It was serendipity that I joined the ABA-IPL Section.

Our Section is a welcoming place where I could select whatever I wanted to do to distinguish myself and further my practice. ABA-IPL's steady dedication and persistence toward the advancement of IP law attracted and inspired me. There were many things that kept me excited, motivated, and connected: working with and learning from experts in the profession; tackling big challenges and real-world issues where I could add my voice for solutions; and benefiting from a wealth of opportunities to participate, including as author, speaker, and continuous learner.

Joining a Section committee, where policy work often begins, turned out to be a great way for me to invest in myself and chart my own course. Through working on policy at the grassroots, I became a better lawyer and a better advocate for my clients. Although we did not know it at the

time, one of our committee members was to become a role model herself: Kimberly Moore, now a judge at the U.S. Court of Appeals for the Federal Circuit.

Different views are always part of our balanced and thoughtful process toward improving the IP system. They sharpen how we are tenacious with weighing all sides, staying the course for critical analysis, and aiming for the best result—even if the best choice may be to take no action at all.

When I joined the Section though, it still had a way to go toward broad diversity in its own community. Many of the faces I saw in those days were white males over the age of 50. There have been big changes in the Section's diversity since then, and changes continue at a fast pace. This wider representation significantly contributes to helping us solve the important issues. I have been proud to witness and honored to contribute to many of our efforts. We have seen the first female chair, four others in quick succession, and the establishment of our Diversity Plan and Diversity Action Group (DAG). Following a 15-year successful Young Lawyer Fellows Program, an important next step was the Section's creation of a young lawyer member position on our Council. Today, not only do we have vibrant action groups for international associates, young lawyers, and law students, but also our Women in IP (WIP) Law Action Group has over 400 members. Productive work with the Hispanic National Bar Association, the National Asian Pacific American Bar Association, and other external groups is in high gear.

Strength in our diversity has had direct impact on ABA-IPL advocacy. This past June, two letters from our Section responded to a U.S. Patent and Trademark Office request for public comments on the report required by the Study of Underrepresented Classes Chasing Engineering and Science (SUCCESS) Act. This study concerns the goal of increasing participation of women, minorities, and veterans in the patent system and entrepreneurial activities. A WIP task force led the Section effort in responding, and a DAG task force was responsible for a supplemental letter emphasizing the importance of initial assignee data. Such dedicated work by our diverse group of volunteers is a hallmark of our advocacy efforts—keeping us at the forefront to ensure that the IP system fulfills its promise for the future.

The Section has taken important steps toward safeguarding the future health and role of the IP system. For example, ABA-IPL has long championed restoring patent eligibility to its proper role. Meritorious inventions have repeatedly been ruled patent ineligible without a proper patentability analysis, and as a result it has become impossible to predict with any certainty whether an invention is patent eligible. Anticipating this problem years in advance, the ABA in its *Myriad* brief

on behalf of the Section cautioned the U.S. Supreme Court against conflating the threshold requirement of patent eligibility and the ultimate requirement of patentability.

We have consistently advocated for efforts to modernize the U.S. Copyright Office to keep pace with the needs of users and twenty-first century copyright challenges. Last year, at the Section's request, the ABA adopted policy urging Congress to approve appropriations to adequately staff, maintain, modernize, and enhance its services, facilities, databases, studies, and digital products.

In the trademark arena, ABA-IPL has worked tirelessly on efforts to amend the Lanham Act to better protect public interests. We supported amending the Lanham Act to recognize a presumption of irreparable harm when a likelihood of confusion is established. At our urging, the ABA adopted policy for treating the nominative fair use doctrine as an affirmative defense to allegations of trademark infringement. An amendment in this area would serve the public interest by striking the right balance in protecting a plaintiff's reputation and goodwill and protecting speech in the context of product comparisons, commentary, or criticism.

There is important work on the horizon that will significantly affect our profession and the public we serve. Thank you for your membership and this opportunity to lead our Section. I look forward to hearing about your own paths as we take steps and make leaps together.

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Authors



George W. Jordan III

George W. Jordan III is chair of the ABA Section of Intellectual Property Law. As senior counsel at Norton Rose Fulbright in Houston, Texas, he specializes in patent litigation and investigations with an emphasis on wireless, mobile, and e-commerce technologies, as well as licensing and due diligence in all areas of intellectual property law.

