

AIPLA's IP Practice in Israel Committee
April 29- May 2, 2018 Israel Trip Report



Thirteen AIPLA members participated in this year's delegation, led by Delegation Chair David Colb and Committee Chair Rivka Jungreis. On April 29 and May 2, the delegates participated in AIPLA meetings in Jerusalem and the Tel Aviv area. On April 30 and May 1, the delegates participated in AIPPI-Israel's Third International Convention on the Economy of Innovation.

Delegation Meetings

I. Meetings at Government Entities

a. Israel Patent Office – Jerusalem, April 29, 2018

We met with Mr. Ofir Alon, Director of the Israel Patent Office (ILPO) and the Commissioner of Patents, Designs and Trademarks. We had previously met with Mr. Alon during the 2014 AIPLA delegation trip when he was Chief Intellectual Property Officer at T³, the technology transfer company of the Technion – Israel Institute of Technology, but this was our first meeting with Mr. Alon in his current role.

During the meeting, Mr. Alon provided updates on the ILPO. In 2017, the ILPO received approximately 6,800 utility patent applications and issued around 4,000 patents. Currently, around 10-15% of applications are from applicants in Israel. The top non-Israeli applicants include Facebook, Dow Agrosiences, Philip Morris, Raytheon, Genentech, Novartis, Hoffman La-Roche, Regeneron, and Pfizer. The top domestic applicants are companies in the aerospace and bio-med industries as well as universities.

Some of the issues raised and discussed during the meeting were:

- Increasing the ILPO's capacity and shortening review times by expanding the corps of examiners.
- Identifying better search strategies to efficiently sift through prior art, including the use of artificial intelligence and machine learning.
- Israel's current pre-grant patent opposition system (considering the patentability of patent applications) in contrast with post-grant review elsewhere in the world (considering the patentability of issued patents).

- The new Israel Design Law (effective as of August 7, 2018).
- ILPO's desire to reach out to inventors, startups, and the business community to fill gaps in IP knowledge and offer support.

b. Israel Ministry of Justice – Jerusalem, April 29, 2018

The delegation met with Mr. Howard Poliner and Ms. Ayelet Feldman at the IP Division of the Israel Ministry of Justice who discussed the IP division's role in:

- Advising the Ministry on legislative matters that concern IP.
- Providing legal advice to all government offices on IP issues as needed.
- Analyzing IP provisions of international agreements to which Israel is a party.
- Working to increase levels of awareness of certain IP issues such as potential misuse of copyrighted material on the internet.

In view of the U.S. Supreme Court's *Oil States* and *SAS* decisions issued a few days earlier, a lively discussion was held regarding post-grant and inter partes reviews at the U.S. Patent and Trademark Office. While a post-grant opposition procedure is being contemplated in Israel, it is not on the agenda of the Ministry of Justice for the near term.

c. Supreme Court of Israel – Jerusalem, April 29, 2018

The delegation visited the Supreme Court of Israel. Following a guided tour of the architecturally distinctive building, we met with Judge Hanan Melzer, who is the deputy Chief Justice of the court.

The Supreme Court hears civil, criminal, and administrative appeals from Israeli courts and administrative bodies. It also sits as the High Court of Justice, and in that capacity hears cases filed against state or municipal government agencies.

Most matters coming before the Court are randomly assigned to 3-judge panels. The Court receives approximately 10-15 IP cases per year.

d. Israel Innovation Authority – Airport City, May 2, 2018

The delegates met with Israel Shamay and Les Abelson of the Innovation Authority. The Israel Practice Committee has an ongoing relationship with Mr. Shamay, who was a featured speaker at the 2016 Innovation Clusters conference that the Committee presented in collaboration with NYU's Engelberg Center on Innovation Policy in New York City. On our last delegation visit in 2016, we met with Mr. Shamay in his capacity as head of the Americas Operations at MATIMOP, a division of the Office of the Chief Scientist (OCS), then located in Tel Aviv. The OCS is now rebranded and reorganized as the Innovation Authority and has moved to expanded quarters in a new office complex in Airport City.

Messrs. Shamay and Abelson, discussed the innovation ecosystem in Israel, which consists of many contributing entities such as academia, startups, private sources of funding, multinational corporations, government entities, and the military. Multinational corporations play a big role in

funding innovation in Israel, and a large number of these companies maintain significant R&D centers in Israel.

The Innovation Authority serves as a funding resource for innovation in various ways, with programs designed to support early stage companies, international collaborations, and foreign investors.

A discussion was held regarding the need to educate entrepreneurs on the importance of obtaining high quality IP protection, and regarding ways to increase the number of innovation sector jobs in Israel.

II. Academic Research Institution

Weizmann Institute of Science – Rehovot, May 2, 2018

The delegates visited Yeda, the technology transfer company of the Weizmann Institute of Science, hosted by Professor Mudi Sheves, Vice President of Technology Transfer. Other participants at this meeting included Aharon Jaffe, General Counsel of Yeda; Ruth Granot, Chief IP Officer; and Rivka Berkowitz, Yeda Attorney. Prof. Sheves provided an overview of the research conducted at the Weizmann Institute while Mr. Jaffe discussed the role of Yeda in helping to commercialized this research.

At the request of Professor Sheves, a presentation was provided regarding new developments in the United States concerning subject matter eligibility, presented by Ms. Rochelle Lieberman. Ms. Lieberman provided an overview of recent Federal Circuit and District Court decisions on this topic which was much appreciated by the Yeda attendees at the meeting.

III. Networking Events

a. Israel Chapter of AIPPI – Tel Aviv, May 1, 2018

After the conclusion of the AIPPI-Israel conference, the delegates met with members of the Board of AIPPI-Israel and certain conference speakers over dinner at a nearby restaurant. The AIPLA delegates had the opportunity to network with AIPPI-Israel members and their guests, to learn about each association's activity, and to discuss future collaborative efforts between the two organizations.

b. Lunch at Colb Farm and Startup Company Presentation – Rehovot, May 2, 2018

Just prior to the delegation's meeting at the Weizmann Institute, we enjoyed a delightful barbecue lunch hosted (and grilled) by David Colb at the Colb family farm in Rehovot. In addition to lunch and networking, the delegates met with representatives of Genie, an Israeli startup that recently developed an instant-meal preparation device that offers healthy, eco-friendly, high-tech food designed to suit diverse food preferences and dietary restrictions. The delegates learned about Genie's development work and enjoyed sampling the cutting edge food creations prepared on the spot using the Genie device.

IV. AIPPI-Israel's Third International Convention on the Economy of Innovation

As we have done in the past, the delegation split its time in Israel this year between attending AIPLA delegation meetings and collaborating with AIPPI-Israel on its bi-annual international conference. This year's AIPPI-Israel Convention took place in Tel Aviv on April 30-May 1. Ilan Cohn and Nachman Cohen-Tzedek served as co-chairs of the organizing committee for this event.

In addition to promoting the AIPPI-Israel conference and supporting it through the attendance of its delegation at the event, AIPLA's IP Practice in Israel Committee organized a panel discussion on U.S. intellectual property law that was presented during the conference. The panel discussion highlighted developments in IP law in the United States that occurred since the time of the 2016 conference, with subsections focusing on updates in patent litigation, trademarks, designs, and biosimilar litigation under the BPCIA. Delegation members Patrick Coyne, Sheldon Klein, Frederick Rein and David Postolski conducted the panel discussion, which was moderated by David Colb. Sheldon Klein, as President-Elect of AIPLA, also delivered greetings at the start of Day 2 on behalf of AIPLA. Rivka Jungreis and David Colb served on the AIPPI-IL conference planning committee in the year leading up to the event.

2018 Delegation Members:

AIPLA Leadership

Sheldon Klein	AIPLA President-Elect Gray Plant Mooty
Patrick Coyne	AIPLA Board Member Finnegan
Marc Richards	AIPPI-US Vice Chair Brinks Gilson & Lione

Committee Leadership

Rivka Jungreis	Committee Chair Teva Pharmaceuticals
Daniel Feigelson	Committee Vice Chair 4 th Dimension IP
David Colb	Delegation Chair Sanford T. Colb & Co.

Delegation Members

Bill Frankel	Brinks Gilson & Lione
Roy D. Gross	The Roy Gross Law Firm, LLC
Rocky Lieberman	Lieberman & Brandsdorfer, LLC
Rob Mallin	Brinks Gilson & Lione
Daniel Melman	Pearl Cohen Zedek Latzer Baratz
David Postolski	Gearhart Law LLC
Frederick H. Rein	Goodwin Procter LLP

Report By: Rivka Jungreis with assistance by Fred Rein

Delegation Photos:



Members of the delegation at the Israel Patent Office (Jerusalem) with Commissioner Ofir Alon



Members of the delegation at the Ministry of Justice (Jerusalem) with Howard Poliner and Ayelet Feldman



Meeting with Justice Hanan Melcer at the Supreme Court of Israel (Jerusalem)



Meeting at Israel Innovation Authority (Airport City) with Israel Shamay and Les Abelson



Photos from the 3rd International AIPPI Convention (Tel Aviv): Top: David Colb, Sheldon Klein, Patrick Coyne, Fred Rein, and David Postolski presenting a panel discussion on U.S. IP updates; Bottom: Sheldon Klein delivering greetings on behalf of AIPLA

