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CHAIR'S MESSAGE

RICHARD BONE

As I began to think about this message, my last as division chair, two related ideas came to mind: continuity and transition. Continuity because of so much about the division's life is recurring, year upon year, and has continued during my years of service; transition because this is a good time to introduce the next generation of the division's leadership to those traditions but also to open the door to something new.

One of my colleagues many years ago – a mathematician – made the following observation: the probability that the weather tomorrow will be the same as it was today is about 2/3. Generally true or not, that pithy comment represents to me the idea that much change around us is gradual. And so it can fairly be said that CHAL in 2024 – 25 under my leadership functioned quite similarly to the CHAL under recent prior chairs: we've programmed consistently and robustly at the ACS Spring and Fall meetings; the division's core volunteers have met monthly to discuss and plan the year's agenda; we've delivered two newsletters to the members each year. And, many of the same faces who have kept the division running over many years have been active with us, ensuring

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CHAIR'S MESSAGE

both continuity and the strength that comes from knowing the ins-and-outs of ACS and its ways.

Yet, we've also taken some steps to improve outreach to newer members, recruit a new class of volunteers, and put the division in a position to capitalize on changes within ACS itself. Four developments of the last two years have been the overhaul of the division's website, the amendments to the division's bylaws to establish program chair as a full member of the division's executive committee and to harmonize those bylaws with those of ACS generally, the increase in collaboration with other components of ACS, and the instigation of the division's first Strategic Planning Retreat in recent memory. None of these would have been possible without the active involvement of the division's executive committee and other willing volunteers.

That then leaves a significant question of what else could have been done? I think it's fair to say that there is no shortage of good ideas for what CHAL can do for its members. It is a regret that we have been short on execution of some of those ideas. Execution requires time, planning, often engagement with others within the ACS community, and also a lot of persistence. All of which come on top of the intensely busy professional lives that we all lead. But it also helps to have collaboration. Very few things can be done by any one of us alone; whereas many of us want to actively contribute! As I note in my conclusion to this message, it is my hope in the years after my term as chair ends, that I can spend more time collaborating – and facilitating collaboration – within CHAL and with other active units of ACS. But I also want to voice thanks and praise for the newly revitalized ACS Divisional Affairs Committee, particularly Caroline Donaghy, who is responsible for CHAL among other divisions. The DAC has, over the last two years, been an incredible resource to us in running CHAL, and is helping the division navigate the changes in the larger ACS in ways that just would not be possible for us to do on our own. I am hopeful that DAC can partner with us in many ways to help CHAL implement many more new ideas.

But, for now, let me turn to what actually happens next: the transition of the Chair role. It is a vital function of the leadership of any volunteer-based organization to ensure that there is not just a transition of roles and responsibilities but a smooth one, when one leadership team moves on. This is not always easy to do in situations where one leadership team has been in place for many years, but it is also challenging when the leadership terms are short, as they are in ACS, because there is a continual need to bring in new volunteers and to encourage them to take on those leadership roles. ACS units (divisions, and sections, and the Society as a whole) use an overlapping terms model to make that transition easier: the chair-elect succeeds to the position of chair having held the role of chair-elect during the prior chair's term. So, in the first instance, Matt Hlinka, currently chair-elect, will assume the two-year role of chair in January 2026. I look forward to working with Matt to ensure a seamless transition. I am now also happy to say that Gabriel Ferrante, our current Program Chair, has put his name forward to run for chair-elect, and Yoko Bian has volunteered to take a term as Program Chair. Both Gabriel and Yoko have been active with the division for several years now, and I thank them for stepping up to fill these roles. Their names will appear on the ballot in the Fall, as both roles are of course filled by a vote of the division's members.

It is a relief to me then, that at the end of this two year term, I will be able to leave the division in good hands. If I have time to reflect, I might offer this: the division periodically gives the Roger D. Middlekauf award to a division member who has actively contributed to the division's leadership. The award is named after one of the division's founding members, who passed away suddenly in the early 1980's. It is tempting to wonder what he would think if he could see the division today, run by a generation of people he not only had never met, but who may not even have been born at the time of his passing. CHAL has endured for many generations of leaders, and has over that time provided high quality programming to the ACS across an extensive range of legal subject matters. We have an abundance of reasons to continue that mission.

Finally, our bylaws do not say much about the expectations and duties of the Immediate Past Chair, which means that there are opportunities to use the role creatively. I think of the role of past chair as akin to a "minister without portfolio" in a cabinet. I can say that, in 2026, in what will be my new role as past chair, I will be glad to be free of many of the obligations of chair. However, I will be on hand to support the new division leaders, and will continue to work on improving engagement between CHAL and other functions within ACS. Having got to know so many of you over the last several years, I am confident that we can continue to work together to further increase the relevance and standing of CHAL within the ACS community.

Richard Bone
CHAL Chair, 2024-25

ACS MEETINGS – PAST, PRESENT, FUTURE

Highlights of the Upcoming Fall 2025 Meeting

Please join us in Washington, DC, at the 2025 ACS Fall Meeting, August 17 – 21. Our programming is on Monday morning (August 18th) and Tuesday, both morning and afternoon (August 19th). We'll be located in the Marriott Marquis hotel, adjacent the Walter E. Washington Convention Center. On Thursday morning, we are jointly hosting a session with CINF on the subject of AI, patents, and chemical information. With such a broad array of programming under "hot topics" (Monday), the intersection of policy and chemistry (Tuesday morning), international IP law (Tuesday afternoon), and the program with CINF, we think there will be something of interest to almost everyone in our division, as well as across ACS.

The other highlight of our time in DC together is the CHAL Reception, at *YardBird*, directly across from the Convention Center, on Monday evening, 6 – 8pm. This event is generously sponsored by the firm Finnegan Henderson Farabow Garrett & Dunner LLP. Thank you also to CHAL Chair-elect, Matt Hlinka, and CHAL Program chair, Gabriel Ferrante for coordinating this event.

Additionally, IP and other matters involving chemistry and the law are heavily present in Washington. ACS Divisional Activities Committee has organized a site visit to the USPTO on Wednesday morning (thank you Caroline Donaghy for making that happen!). There will be an event in the Expo on Wednesday

afternoon relating to innovation, and CHAL has been involved with the PFAS (Per-Fluorinated Alkylated Substances) Town Hall on Tuesday afternoon. While these events do represent calendar-clashes with much of the other excellent programming that is going on, we hope you can make the most of these events.

As any of you who has attended an ACS meeting recently will be aware, there are a lot of other networking opportunities throughout the meeting. Please stop by our booth at ACS Connect, on Sunday evening, and our desk at Division Row within SciMix on Monday evening. Howard Peters will be bringing his chocolate to SciMix also, a much appreciated contribution to the occasion.

To help you navigate all these events, our program chair, Gabriel Ferrante, has put together a digital calendar, available at www.chemistryandthelaw.org.

Reflections on the Spring Meeting San Diego, March 2025

CHAL had an impressive line-up at the Spring meeting this year. Programming was offered on schedule with a full day of talks on Monday in the categories "Hot Topics in Chemistry and the Law" and "Forensics Science in the Courts". We were very encouraged to see the fascinating array of talks on forensic science and the level of engagement from the forensics community. On the Monday lunchtime, we had a well-attended career luncheon, with perspectives on careers in IP law offered by Chris Turoski (U. Minn. Law School), Eric Romeo (Goodwin Proctor), Christopher Haley (Goodwin Proctor) and myself (Genentech), ably moderated by Gabriel Ferrante. We jointly hosted a reception with CHAS and SCHB on Monday evening, at Baja Rickey's, which was filled to capacity. It was great to see many of you there. We also had brisk attendance at the division's poster at Division Row on the Monday evening. Also in our schedule, we held an annual open meeting, on the Sunday evening, in the convention center. Thank you to those who made the time to attend. Our Division bylaws provide for such a meeting, and this was a good opportunity to discuss the status of the division and solicit feedback and ideas for future growth.

2025 Regional Meetings

CHAL is increasing its visibility at the many ACS Regional meetings, with a profile at 3 such events in 2025.

In June, at the Great Lakes Regional Meeting in Appleton, WI, CHAL presented a timely session in collaboration with the ACS Division of Small Chemical Businesses (SCHB), focusing on legal and strategic considerations for chemists exploring alternative careers. As part of the "Chemical Business: Resources and Best Practices" track, Prof. Christopher M. Turoski (University of Minnesota Law School) and Adam Sussman (Crowell & Moring LLP) delivered a joint talk titled: "Intellectual Property: An Alternative Career Path for Chemists." As Chris noted, this presentation helped chemists understand how technical expertise in chemistry can translate into impactful roles in patent law, IP strategy, and technology transfer—fitting into SCHB's broader programming on "solopreneurship," business partnerships, and

entrepreneurial success in chemical enterprises.

In October, CHAL will also be contributing to two regional meetings, South Eastern Regional Meeting (SERMACS) in Orlando, and the Western Regional Meeting (WRM) in San Jose, CA: Ram Sabnis will be presenting a workshop, "Chemical Patents Workshop: Intellectual Properties for Chemists" as well as a talk entitled "Importance of Intellectual Property for Entrepreneurs" in the "How to Start a Startup" Symposium.

Howard Peters has organized a half-day session at WRM focused on IP and Tech Transfer.

We look forward to hearing more about the outreach accomplished at both meetings

2025 Pacifichem

The 2025 International Chemical Congress of Pacific Basin Societies (Pacifichem) will be held December 15-20, 2025 in Honolulu, HI. The 2025 edition of Pacifichem will be the ninth in the series of successful cosponsored scientific conferences of Pacific Basin Chemical Societies. Founded in 1984, these conferences have been held in Honolulu about every five years. The Canadian Society for Chemistry (CSC) is the designated host society for 2025, and other sponsoring societies include the American Chemical Society (ACS), the Chemical Society of Japan (CSJ), the Chinese Chemical Society (CCS), the Korean Chemical Society (KCS), the New Zealand Institute of Chemistry (NZIC), and the Royal Australian Chemical Institute (RACI).

Although CHAL will not be offering any programming at Pacifichem 2025, several CHAL members are scheduled to present on a variety of topics.

Call for Abstracts: 2026 Spring Meeting, Atlanta

ACS is returning to Atlanta for the Spring meeting next year. CHAL has secured 4 symposium programming slots, including two joint symposia, for the following topics:

- Ethics in Publishing (co-hosted with CINF and PROF)
- Current issues in Biotech Patent Law (co-hosted with BIOT)
- Hot Topics in Chemistry and the Law
- Isotopes in Chemistry and the Law

Please submit abstracts for any of these sessions online via the ACS "maps" system. The deadline for Abstract submissions is September 29, 2025.

DIVISION NEWS

Leadership updates

We are happy to announce a full slate of candidates for CHAL's annual elections in the fall. Thank you to Gabriel Ferrante for being willing to take on the reins of division leadership, and stand as chair-elect. Thanks to Yoko Bian for stepping forward for the program chair role. Thank you also to Jonathan Kennedy for being willing to continue in role as Treasurer. In our Councilor and Alternate Councilor roles, we welcome the continued work of Jim Carver and

Justin Hasford, respectively. Ballots will be sent to members in October. I also want to thank Miho Kaneko and Yoko Bian for their continued help with the division website, and Yoko for assistance with this newsletter.

CHAL has continued with its monthly video-call format (formerly a telecon!) for keeping the division leadership and other willing volunteers involved with the division's updates and ongoing work. We thank the many of you who have attended so far this year. In a recent move, we are piloting an idea to circulate a list of action items after each meeting, rather than a more formal list of meeting minutes. This will provide a more meaningful summary of immediate priorities to those in attendance and those who may have missed the meeting in question. If you want to be added to the invite list for our next meeting, please reach out to chemistryandthelaw@gmail.com.

Strategic Planning Retreat

By the time you read this, CHAL's Strategic Planning Retreat (SPR) will be underway. The SPR is being held on August 15-16, adjacent the ACS meeting in Washington DC. Two facilitators from the ACS team that hosts these meetings will take about a dozen of us through a series of steps to define the division's priorities for the coming years. A readout will be provided in due course.

2024 Annual Report

In the Spring 2025 newsletter, I reported that the Division's annual administration and financial reports for 2024 were timely submitted to ACS National. Since then we have received comments on our submissions from ACS's review team. We welcome their constructive feedback and suggestions for further action by the Division, all of which have been reviewed by the division's executive committee.

International Matters

CHAL has many members based outside of the United States. We will welcome a number of them to our SPR in Washington DC, and also the Tuesday afternoon symposium on aspects of international IP law. Also, this year, we received outreach from a sister organization, the Royal Society of Chemistry's Law Group, in the UK. We have informally committed to sharing news updates with the RSC's law group. Further information about the group can be found on their website: https://members.rsc.org/site/content/Community/InterestGroups/LawGroup.aspx?formlink=interest_groups_search.

ACS Webinars – CHAL presentations

CHAL continues its now well-established tradition of offering two webinars each year, via ACS webinars. On June 18, Yoko Bian, Robert Frederickson III, and Olivia Uitto, of the law firm Goodwin Procter LLP, presented on "Protecting the Formula: The Role of Trade Secrets in Chemical Research", garnering more than 300 live attendees and a range of positive feedback.

Our next webinar is scheduled for September 4, 2025 and will be given by Prof. Kelly Elkins, Towson Univ., and Jim Carver, on the subject of forensics.

All ACS Webinars are available for viewing, by ACS members, at: https://www.acs.org/acs-webinars/library.html.

Forensics Subdivision?

CHAL is beginning a conversation around establishing a subdivision devoted to forensics chemistry. The forensics community has long been active in ACS and have collaborated with a number of divisions, including CHAL. As with many other divisions, CHAL's bylaws allow for formation of a subdivision. Given that the recent talks on aspects of forensics science at ACS Spring and Fall meetings have been well-attended, and our overall goal of enlarging CHAL's membership, this is a good time to have an active discussion around creating a home for the forensics professionals within ACS. Steven Hoenig has posted a comment to start some discussion around this on the CHAL component group page on the ACS website. Further details of this subject will follow.

CHAL Members in the News

CHAL former officer **MaryAnne Armstrong**, CHAL's successful nominee for ACS Fellow in 2019, was featured in AIPLA's Quarterly Policy Memo, in June of this year.

Ram Sabnis received the 2024 Patent Pro Bono Achievement Certificate from the USPTO, an award he has now received in four consecutive years.

CHAL founding member, **Howard Peters**, pursued a valiant petition campaign to be a write-in candidate for Director at Large on the ACS Board of Directors.

CHAL member, and former CPRM chair, **Kirby Drake**, became an ACS Fellow in the recently announced Fellows class of 2025. Kirby will also be giving the keynote address at the Women Chemists Committee (WCC) industry breakfast on Monday morning of the ACS Fall Meeting.

If you are a member of CHAL and would like a recent achievement or recognition to be mentioned in the newsletter, please reach out to us at chemistryandthelaw@gmail.com.

Communications Lead?

CHAL would benefit immensely from having a "communications lead", to handle publicity for our various events, on the web-site, on LinkedIN, and via e-mail. The exact scope of such a role will require some discussion. If you are interested in taking on such a role, or helping to shape it, please reach out to us at chemistryandthelaw@gmail.com.

New Members

We welcome the following new (or returning) members who have joined CHAL this year:

Olivia Alley, Sophia Bellakbira, Emily Marie Broniewicz, Melissa D Daniels, Kayla Johnson, Olivia N Manahan, Danica Martin, Uliana Matviienko, Jamie Null, Jonathan Roth, Elizabeth Ruscitti, Yuran Shi, Joudly St. Fleur, Kayla Johnson, Olivia Manahan, Nathan Motl, Michael Ruff, Vicki Booker, Sandra Brown-

ANDREW BERKS OBITUARY

Ford, Ash Quinlivan Damm, Jacob Dockery, Nestor Alejandro Gomez-Guerrero, Nayleen Garcia, Marianna Head, Graham Ingle, Kayla Johnson, Christopher Komatsu, Zachary Lucio-Rivera, Brecken Lusk, Kevin Maisuriya, Kira Matus, Amber Bartlett Mogg, Jasmine Castro Newton, Vincent Nguyen, Rachelle Smith, Dakota J Suchyta, Anushri Welipitiya, Zongtao Xiang, Katherine Xie, Sydney Ziemba, Anees Asim, Kyle Boniface, Trever Michael Bostelaar, William H Braunlin, Lihan Chen, Rogelio Elias Garcia Fernandez, Hugh James, Emily Krinos, Moniruzzaman Moniruzzaman, Ivana Ordonez, Maddilynne Ovsepyan, Kimberly Stewart, Ler Wah, Maximilian Wilfinger, Lori-Ann Williams, Dorothy Katharine Wyatt, Kyle Boniface, Cynthia Burham, David Cho, Samanthreddy Kedika, Charles R Luman, Jonathan Tietz, and Lori-Ann Williams.

We look forward to seeing you at ACS in-person, or online in various ways, throughout the coming year's activities.

Get involved!

Finally, we would welcome anyone interested in getting involved with the running of the division to join our monthly telecons (actually, video-calls on the Google-meets platform), usually on the third Monday of the month (except where holidays conflict). Please reach out to chemistryandthelaw@gmail.com for details.

IN MEMORIAM – ANDREW BERKS (1957-2025)

Earlier this year as we prepared for the Spring meeting, we were shocked and saddened to learn of the sudden passing of our friend and colleague, Andrew Berks. Andy had been a stalwart of CHAL for many years, and was busy planning programming with us for the August meeting right up until the time he passed away. We take this opportunity to pay tribute to Andy.

Over more than 25 years, Andy was active in ACS, most recently with us in CHAL, though he connected with us after a long term of service with the Division of Chemical Information (CINF). At CHAL, I always appreciated his quiet, reassuring presence, and his dry humor, but also his constant willingness to contribute his time to the division's efforts.

At the time when I first met him, in 2014, Andy was Chair of CHAL. I remember him saying to

me at the time that, while the Chair role is just for 1 year (as it was, at that time), the commitment really lasts for longer than that, given the way that the chair-elect and past-chair roles bracket it. Since that time, Andy regularly contributed to CHAL's programming at the two national meetings in most years. He often teamed up with Xavier Pillai to present Federal Circuit case law updates on subjects relevant to pharmaceutical patent law. More recently, Andy joined our programming efforts to ensure that our allocation of symposia are well stocked. Andy had been scheduled to present on Federal Circuit case law at the spring meeting this year, and was working with CINF to put together a program on AI and chemical information at the upcoming August meeting. The latter program will continue and has been re-titled in Andrew's memory.

As I reached out to folks who knew Andy to prepare this piece, I learned that he had also contributed heavily to CINF in the years before he became more active in CHAL. He served CINF in a variety of capacities, among them Alternate Councilor (2003-2005); Division Chair (2002); Membership Chair (2000); Program Chair (1999-2000) and Assistant Program Chair (1996-1998). During that time, Andy organized many symposia for CINF and was a frequent speaker in their programs, often giving several presentations at a single ACS national meeting. Bonnie Lawlor, another past chair of CINF, remarked: "He was a funny, dedicated colleague who could always be counted upon to step up to the plate and get things done – his attention to detail and his memory were amazing!"

Andy therefore holds the rare distinction of having been division chair of two different ACS divisions!

Andy received a Ph.D. in Chemistry from the University of Colorado, Boulder, and began his career as an organic chemist, but quickly transitioned to the specialty of chemical information, holding positions as an information scientist in a number of US pharmaceutical companies. It was in the early 2000's that he became a patent agent, first working in-house, then pivoting to a private legal practice. He obtained a law degree from Fordham Law School in New York City.

But – as Carmen Nitsche – a former manager of the Cambridge Crystallographic Data Center pointed out in a post on LinkedIn earlier this year, Andy maintained "close ties with our chemical information community" and "over the last five years he helped CCDC and me personally in many ways, including serving as CCDC Inc.'s Board Secretary this past year."

As a practicing lawyer, after some years in big law, Andy did a stint in-house then worked at a number of patent boutiques in the New York City area, most recently at Rivkin Radler, and from time to time maintained a solo practice. His practice included counseling life sciences clients in a range of intellectual property and adjacent issues, including licensing and regulatory aspects. He blogged frequently while at these firms (a selection of posts is listed below), the last of his pieces addressing secret prior art.

But beyond professional accomplishments and being a "valued colleague", those who remember Andy observed that, "more importantly" he was "a long-time trusted friend", and that "he was generous, he was kind, he was funny". In particular, Bonnie Lawlor emphasized that:

> "Andy was a reliable friend who would always answer my frequent questions regarding intellectual property and who could raise my spirits with a joke or funny story. He was a special person in my life and I was fortunate to share my journey on earth with him."

At a memorial service to him, held at Plaza Jewish Community Chapel in New York City in May, Andrew's widow, Deloria, relayed that ACS had been his "second true love". CHAL's Yoko Bian, who was able to attend the service, described the eulogy as "beautiful and moving", and the fact that Andy's two daughters described their father as a "wonderful dad, grandfather, and a true "gentle giant."

Andy is survived by his wife, Deloria; his daughters, Jacqueline Berks Falco and Tania Berks; and grandchildren Asher, 2, Michael, 1, and Easton, born one month before his passing.

Donations in Andy's memory may be made to Maharishi International University (https://giving.miu.edu).

And finally, Andy will be the recipient of CHAL's 2025 Middlekauf Award for service to the Division.

Some posts recognizing Andy's life and career:

Rivkin Radler's website: https://www.rivkinradler.com/in-memoriam-andrew-berks

Fresh IP's website: https://freship.com/in-memoriam-andrew-berks

A selection of Andy's blog posts:

- https://freship.com/collateral-order-doctrine
- https://www.rivkinradler.com/publications/the-secret-prior-art-problem-rears-its-ugly-head
- https://www.linkedin.com/pulse/does-inventor-need-prove-invention-works-get-patent-andrew-berks-k3ofe
- https://www.linkedin.com/pulse/why-do-we-get-patents-anyway-andrew-berks-qvrwe

UPDATES FROM THE ACS COMMITTEE ON INTELLECTUAL PROPERTY (CIP)

Just this year, the ACS Board approved the change of name for the governance Committee on Patents and Related Matters (CPRM) to the Committee on Intellectual Property (CIP).

As the liaison between CHAL and ACS's formerly named Committee on Patents and Related Matters (CPRM), I can happily report my ability to continue in that role as the committee proceeds under its new name. It's my pleasure to communicate to CHAL members the following activities by CIP so far this year:

In May of this year, CIP communicated a letter to the U.S. Secretary of Commerce in support of USPTO examiner corps' ability to continue teleworking.

CIP was instrumental in drafting a letter vocalizing ACS's support of the Patent Eligibility

Restoration Act of 2025 (PERA). The letter was sent by ACS CEO Al Horvath to Sens. Tillis and Coons of the U.S. Senate Subcommittee on Intellectual Property in July 2025, and registered ACS's support of PERA's aim to create a clear separation between patent eligibility under 35 USC § 101 and other grounds of patentability.

CIP Chair Justin Krieger authored a *C&ENews* comment describing the long and illustrious career of Judge Pauline Newman of the Court of Appeals for the Federal Circuit. See *C&ENews*, June 11, 2025.

CIP meets in-person and via online for remote attendees on the Saturday before each of the Spring and Fall meetings. Please reach out to committee chair, Justin Krieger (JKrieger@ktslaw.com), for further information. Members and associate members of the committee are appointed annually. The window to express interest in serving on the committee in 2026 has now closed, but will reopen early next year to consider appointments for 2027. An e-mail from secretary@acs.org goes to all ACS members with details on how to apply to serve on CIP and other ACS governance committees.

PROFILE OF A FORENSICS SCIENTIST

Kelly M. Elkins

I joined ACS as a graduate student in the year 2000 and have continued to be a member for the past 25 years. I attended my first ACS meeting to present my research; ACS was the place to share science and get leads on post-doctoral and entry positions. I am a biochemist by training - but like most CHAL members – my practice is in a different area than what I originally studied.

For the past twenty years, I have been teaching forensic science courses. As forensic science is an applied science, it is applied to evidence investigations in criminal and civil cases that change the courses of lives. It is important that forensic science applications are based upon verified theoretical principles, peer-reviewed science, and consensus standards; teaching these is essential to forensic chemistry courses.
I have taught at six institutions of higher education in five states from Community College to a Research University. The course names are numerous: Introduction to Criminalistics, Introduction to Forensic Chemistry, Field Testing and Laboratory Analysis of Drugs, Chemical Forensics, Forensic Chemistry, Forensic Serology, Forensic Molecular Biochemistry, Body Fluid Analysis, Advanced Sequencing Methods, Forensic Science Capstone, Senior Experience, Graduate Seminar for Forensic Science, Research Project in Forensic Science, Internship in Chemistry and Criminalistics Internship I & II. In addition, I recently began teaching Professional Ethics for Scientists.

GUEST POST – UNIFIED PATENT COURT

Forensic scientists have an intense job not only to learn and apply the theoretical underpinnings of the science, but also to correctly and clearly communicate their findings both in writing and in oral testimony statements. For example, in an undergraduate forensic chemistry curriculum course on ethics for professional scientists, students learn to identify ethical infractions and practice decision making aligned to policy and professional standards.

An important outcome of the graduate-level forensic chemistry course is students learning to practice ethically collecting, analyzing and reporting laboratory data and interpretating and presenting data compiled in Scientific Working Group for the Analysis of Seized Drugs (SWGDRUG) monographs, research papers, and from their own laboratory work. Simulated forensic evidence and mock crime scene cases are used to facilitate experience and practice.

As an educator in the field of forensic science, I joined the American Academy of Forensic Sciences (AAFS) and was promoted to Fellow. I have attended numerous AAFS meetings over the years as well as given workshops at AAFS as well as meetings of the International Association for Identification, Mid-Atlantic Association of Forensic Scientists, and the International Symposium on Human Identification.

I am also the Co-Director, TU Human Remains DNA Identification Laboratory (THRIL), the Tri-Editor-in-Chief, Journal of Forensic Science Education, and the Councilor representing Maryland Section of the American Chemical Society.

Even as I have enlarged my network and engaged with new audiences, I have continued to attend forensic symposia at ACS regional and national meetings. Given that forensic science is uniquely inter-disciplinary, a number of ACS's divisions have organized symposia or scheduled talks and posters in the area of forensic science. These have of course included CHAL, as well as CHED, ANYL, NUCL, ENVR, AGFD, and PROF and I look forward to continuing my involvement in years to come.

Prof. Kelly Elkins
Towson University, Towson, Maryland

GUEST POST

Alex Rogers

The Unified Patent Court – Where are we now?

It is a little over two years since the Unified Patent Court started operations on 1 June 2023. Alex Rogers, a UPC Litigator and European Patent Attorney, takes a brief look at how it is going.

The UPC was brought into being to provide a single court in which patents can be enforced across many countries in Europe. Before this, the only option for bringing a pan-European patent infringement action was to go to court in each individual jurisdiction - fine for companies with deep pockets, but difficult for many. So, after many years of negotiations, a collection of European Union countries agreed to set up the Unified Patent Court. At present, 18 states have ratified the UPC, including France, Germany

and Italy. However, this is fewer than half of the states that are members of the European Patent Convention – 39 states in total. What this means is that, when you gain a European patent, it can cover 39 states, but you can only enforce in the Unified Patent Court in 18 of those (recent case law aside); in the other states, you will need to enforce in each of the national courts. Notable countries that are not part of the UPC include the UK, Ireland, Spain, and Switzerland. The UPC is an EU agreement, so some of the remaining EU countries may still yet join. There is even talk of the UK, which after Brexit is not a member of the EU, possibly joining the UPC in the future. Many UK patent attorneys are also qualified European Patent Attorneys and have rights of audience in the UPC; in view of the activity of UK patent attorneys before the UPC, the pressure for the UK to join may grow.

As with any new court, practitioners and potential litigants were curious as to how effective it would be, how consistent its judgments would be and, at the most basic level, whether anyone would use it. It is safe to say that it is being used, and it seems to be gaining in popularity. The UPC provided an update on its case load in June 2025 and the numbers make interesting reading. Since the court began accepting cases in 2023, 351 infringement actions have been filed, and counterclaims for revocation have been filed in 188 of those cases. Parties can also file stand-alone revocation actions, and by now 68 of those have been filed. Such revocation actions become attractive when the 9-month window for opposing centrally at the European Patent Office has closed (patents need to be opposed at the EPO within 9 months of grant). Nevertheless, the EPO's opposition procedure is still much more heavily used – around 1700 – 1800 patents are typically opposed at the EPO each year. The relative numbers of EPO oppositions and UPC revocation actions is understandable when you consider: (i) an EPO opposition has the potential to knock out a patent in all 39 EPC member states, not just the 18 of the UPC, (ii) the official fee for filing an EPO opposition is considerably lower (€880) than the UPC Court fee for revocation (€20,000), and (iii) many patents are opted-out of the UPC jurisdiction so cannot be subjected to UPC revocation proceedings in any case. Additionally the nine-month cut-off for EPO oppositions provides a pressure to oppose even in situations where the opposition may not be "business-critical", since a party may not wish to miss the opportunity, whereas there is no such deadline with the UPC and understandably parties only launch UPC revocation proceedings when it is essential for a business.

It is interesting to consider which sectors have been most active at the UPC? The statistics provided by the UPC classify cases according to the eight International Patent Classification (IPC) Sections (see https://www.wipo.int/en/web/classification-ipc). By far the most active IPC Section is 'H' or 'Electricity', which covers electronic circuits, mobile phone communications and other electric-based technologies: 138 infringement actions have been filed in this IPC Section. The second most popular Section is 'A' or 'Human Necessities', which covers medical and veterinary inventions, food chemistry and tobacco-related technologies – 64 infringement actions have been launched in this IPC Section. Looking at chemical subject matter, Section "C" or "Chemistry and Metallurgy" will be of interest to CHAL readers; this IPC Section has seen 19 infringement actions so far. The relatively low

number of infringement actions in Section C may be indicative of some caution regarding the use of the new court system from major players in the chemical industry.

As for the judgments, there is a general view, at least among the UPC experts in my firm, that they seem sensible. One of the latest contentious topics is the 'long-arm' jurisdiction of the UPC. Recent UPC decisions indicate the possibility of effects beyond the borders of the 18 UPC countries, i.e., in the non-UPC European states in which a European patent is also in force. This has borne out in some cases with a finding of infringement in the UPC – and the consequent injunction against the defendant –extending to non-UPC European countries such as the UK. In relation to a finding of invalidity, recent judgements indicate that the UPC's jurisdiction has only an inter partes effect in non-UPC countries; in other words, if a patent is found invalid by the UPC, it is revoked in the 18 UPC countries and cannot then be enforced in UPC action against any party, but it remains in force and can be asserted against third parties in non-UPC countries. The long-arm jurisdiction makes the UPC an increasingly attractive forum for companies wishing to enforce their rights across Europe.

This author believes we are at the start of a new era of patent litigation in Europe. The initial caution that people naturally had about the UPC seems to be diminishing and the usefulness of the court is becoming evident. It will be interesting to watch it develop.

Alex Rogers is a partner at Haseltine Lake Kempner LLP, a UPC Litigator, European and UK Patent Attorney.

A link to the UPC's latest update on its case load can be found here: Case load of the Court_30 June 2025.pdf

Longer articles on the long-arm jurisdictions of the UPC can be found here: The Unified Patent Court 2025 - UK | Global Practice Guides | Chambers and Partners, The long arm of the UPC - HLK and Newsflash: UPC Court hands down first long-arm injunction - HLK.

SOME REFLECTIONS ON THE LIFE OF AN EXPERT WITNESS

Neal Langerman

Dr. Neal Langerman is a chemist with a Ph.D. in biochemical thermodynamics from Northwestern University and a B.S. in Chemistry from Franklin & Marshall College. After academic appointments at Tufts University Medical School and Utah State University, where he led departmental safety programs, he transitioned into chemical safety consulting. In 1980, he founded Chemical Safety Associates and later established Advanced Chemical Safety, retiring in 2020. A recognized leader in chemical health and safety, he has chaired the ACS Division of Chemical Health and Safety and received multiple honors, including the Tillsman-Skolnick Award and a Lifetime Contributions to Chemical Safety award. He continues to pursue work that promotes human well-being and serves as a Research Activity Representative on the NOAA NWHI-CRES Sanctuary Advisory Council.

Cox vs. Pacific Hyde & Fur was one of my first deposition appearances. It took place in 1987, about two years after I began working in litigation support. The case was a classic Failure-to-Warn (FTW) matter, with the plaintiff's primary complaint centered on inadequate labeling of chemical information on the product. It was through this case that I was first introduced to the FTW concept, and it helped me see how intellectually stimulating and rewarding litigation support work could be in the long run. I'd like to share some of the lessons I've learned and highlight some of the most notable cases in which I was involved.

During my career, I participated in approximately 90 deposition and trial appearances. I was retained by defense attorneys about 60% of the time, with the remainder being for plaintiffs.

Early in the "retention dance," I make it very clear to the attorney that, while I will provide sound advice on the chemical merits of the case, they must reveal everything to me and abide by my first principle: "Do not cause me to be embarrassed." I learned this lesson during a preliminary hearing in a criminal matter, People vs. Keith Looney & Amerigo Giovannoni, Jr. While explaining how the defendants' actions aligned with contemporary safety practices, the judge asked me whether I had seen the incident video. I had not. After viewing the video, I returned to court and revised my testimony, which led to the defendants' convictions. Although I did the right thing, the experience taught me how easily others' actions and omissions can professionally embarrass you.

On May 4, 1988, a fire at the Pacific Engineering and Production Company in Henderson, Nevada, resulted in a series of detonations that consumed approximately 4,500 metric tons of ammonium perchlorate. About 100 plaintiff firms represented various interests. My work on the case included conducting a small-scale simulation of the chemical causes of the detonations, as well as offering opinions on the direct and contributing causes of the fire. I also addressed the applicable OSHA and EPA regulations. My involvement in the matter spanned several years and multiple deposition sessions.

The West, Texas ammonium nitrate explosion on April 17, 2013, was another fascinating learning experience. I was retained by attorneys for one of the defendants to develop opinions on the applicable OSHA and EPA regulations. The litigation continued for several years, with multiple deposition appearances.

In the 1890s, property that ultimately became part of Emeryville, California, was the site of a lead-arsenic pesticide production facility. The pesticide was used to protect apples and kill boll weevils. Production continued through World War II, after which organic pesticides replaced the inorganic ones. Following several changes in ownership, Elementis Pigments, Inc. acquired the property and produced iron sulfate from scrap steel. Eventually, the City of Emeryville acquired the property and discovered recoverable concentrations of lead and arsenic in the soil. In City of Emeryville et al. v. Elementis Pigments, Inc. et al., the City sought to recover the remediation costs from Elementis. At one point, an expert for the City claimed that sulfuric acid spills had deposited

the lead and arsenic. However, calculations based on the lead and arsenic concentrations present in steel showed that this would have required several million gallons of sulfuric acid pickle solution. We demonstrated that such a mechanism was untenable and that no acid spill of the necessary magnitude had ever occurred along San Francisco Bay. I worked on the so-called "Shellmound" case for over three years, before settlement was reached. Today, the site is occupied by a retail shopping mall and a major hotel.

I was Daubert challenged at least once. This was in Vincenzo Variale v. American Honda Motor Company, an airbag case in Nevada. The plaintiff claimed serious injury from the "white smoke" released during airbag deployment. The plaintiff's attorney filed a Daubert challenge —a legal motion seeking to exclude expert testimony on the grounds that it lacks scientific validity or the expert is unqualified under the standards established in Daubert v. Merrell Dow Pharmaceuticals. In this case, the plaintiff's attorney argued that I was unqualified to render opinions on the chemistry of airbag deployment or the composition of the visible smoke, on the ground that the airbag deployment was an "explosion" not a "chemical reaction." The challenge was denied, and the judge ultimately dismissed the entire case, even issuing a fine against the plaintiff's attorney for filing a frivolous lawsuit. At the time, I really didn't know much about Daubert or Frye, but that experience was a turning point. It made me more disciplined about providing precise literature citations and making sure all supporting documentation was included in my discoverable file. Since then, I've never been disqualified or limited in my testimony. In fact, I've spent a great deal of time educating both attorneys and the Court on the underlying chemistry in my cases.

My 40 years of work as a chemical safety expert have indeed been intellectually exciting. While I am nominally retired, I remain willing to accept cases that offer an opportunity to learn and keep my mind engaged.

TRIVIUM

Last month, *trivium* looked at a 1970's era federal regulation that targeted the element Thallium. This month, we pick an obscure item from the world of forensics.

Conspiracy theorists would likely tell you that there is not a molecule of truth in the Warren Report (the now infamous 1964 "Official Report on the Assassination of President John F. Kennedy"). Chemists might otherwise be surprised to find a couple of actual molecules lurking within the report's Appendix X ("Expert Testimony"). Amongst the section addressing ballistics evidence is an analysis of the Dallas Police Department's finding that Lee Harvey Oswald's hands showed evidence of nitrates, whereas his cheek did not. This is based on application of the "paraffin test" in which layers of gauze-soaked with warm paraffin are applied to the suspect's skin. The paraffin is supposed to "open[] the skin's pores and pick[] up any dirt and foreign material present at the surface." When the paraffin cools it forms a cast, and if either of the compounds *diphenylamine* or *diphenylbenzidine* turns blue when applied to the cast, evidence of nitrates from the person's skin is assumed. And nitrates – so the theory

goes – are indicative of gunpowder, which can arrive on a person's skin if they discharge a weapon. However, in this instance, the evidence in question could not be summoned to bolster the ultimate conclusion that Oswald had fired the fatal shots, either against the President or a Dallas police officer who was gunned down later the same day. As the report acknowledged: "[t]he unreliability of the paraffin test has been demonstrated by experiments run by the FBI." This included tests conducted before the assassination that showed little to no correlation between presence of nitrates on the skin and recently firing shots with a gun, as well as comparable tests run on the rifle that Oswald was alleged to have used in Dallas. The Warren Report makes fascinating reading, still today, not just for conspiracy theorists, but for anyone interested in the types of forensics methods that have been deployed in high profile cases of yesteryear.

COUNCILORS' REPORT

DR. JAMES CARVER & DR. BRIAN MEADOWS

From the July 2025 Meeting of Council

The Fall ACS Meeting (2025) is scheduled for Washington, DC from August 16-August 21, 2025. The Spring ACS Meeting (2026) is scheduled for Atlanta, GA from March 22-March 26, 2026. These meetings again will be a hybrid meeting. Most of the governance functions will also be available on a hybrid basis. Technical presentations will be from Monday through Thursday, with Sunday being a day of networking meetings.

For 2025, the President is Dorothy Phillips, the President-Elect is Rigoberto Hernandez, and the Past-President is Mary Carroll.

Two Candidates for President-Elect for 2026 are Christina C. Bodurow (Stanford University School of Medicine) and Dawn Mason (North Carolina State University). All ACS members will have an opportunity to vote in the fall.

- **The nominees for District II Directors are:**
  Kimberly Agnew-Heard (incumbent)
  Mary Engleman
- **The nominees for District IV Director are:**
  Milagros (Milly) Delgado
  Lisa Houston (incumbent)
- **The candidates for Directors-at-Large are:**
  Anna Cavinato
  Donna Friedman
  Malika Jeffries-EL (incumbent)
  Will Lynch (incumbent)

The members of the following committees will be elected at the Fall Meeting; the nominees are listed below:

Council Policy Committee

- Penny Beuning
- Raychelle Burks
- James Carver
- Gregory Ferrence
- Fran Kravitz
- Jason Ritchie
- Stephanie Watson
- Frankie Wood-Black

Committee on Committees

- William Carroll, Jr.
- Robert Cohen
- Roger Egolf
- Carmen Gauthier
- Timothy Hanks
- Thomas Lane
- Louise Lawter
- Margaret Levenberg
- Lori Stepan
- Keith Vitense

Committee on Nominations and Elections

- Mary Anderson
- Maria Contel
- Kelly Elkins
- Jennifer Hollingsworth
- Alison Hyslop
- Julie Jessop
- Jingbo Louise Liu
- Marge Matthews
- Lisa McElwee-White
- Kristina Proctor
- Elsa Reichmanis
- Gregory Tew
- Ellene Tratras Contis
- Jackie Trischman
- Kathryn Uhrich
- Lichang Wang
- Don Warner
- Peter Zar

Committee on Nominations and Elections

- Changes to the name and duties of the "Committee on Patents and Related Matters" was adopted. The new name is "Committee on Intellectual Property" (CIP).
- A petition has come before Council to establish a Committee on LGBTQ+ Chemists.
- A petition to change the name and duties of the Committee on Public Relations and Communications to the Committee on Communicating Chemistry.
- The activities of the Society Committee on Publications will be reassigned to an Advisory Board reporting to the Governing Board on Publications.
- A petition to change the duties of the Committee on International Activities will come before Council.
- A new Professional Employment Guidelines will be offered for approval
- Some changes in Local Section Territories will come before Council.
- Approval for the Charter of new International Chemical Sciences Chapters will come before Council.

PROGRAM SCHEDULE

Monday August 18 — University of DC

Hot Topics in Chemistry & the Law

8:00am - 12:00pm EDT
Room: University of DC
(Marriott Marquis Washington)

8:00am - 8:25am EDT
Rising influence of chemophobia and scientific distrust on emerging chemical legislation and litigation
Presenter: Peter Coneski

9:15am - 9:40am EDT
Double edged sword: Advances and challenges in contemporary forensic chemistry
Presenter: Raychelle Burks, American University; Co-authors: Georgina Sauzier, Brooke Kammrath, Max Houck

9:40am - 10:05am EDT
From standing at the bench to Standing in Court
Presenter: Jonathan Underwood

10:05am - 10:30am EDT
Freedom-to-operate analysis: Ensuring a clear path for chemical innovations
Presenter: Jie Lu

10:30am - 10:55am EDT
From discovery to dollars: Winning strategies for attracting investors
Presenter: Annaka Nava

10:55am - 11:20am EDT
From academia to IP litigation
Presenter: Lihui Bai

11:20am - 11:45am EDT
Considerations for maximizing a therapeutic product's value based on patent strategies
Presenters: Miho Kaneko, Goodwin Procter

11:45am - 12:00pm EDT
Hydrofunctionalization of unsaturated compounds using Ca precatalysts with or without irradiation
Presenter: Moniruzzaman Moniruzzaman

6:00pm - 8:00pm EDT
CHAL Reception
Sponsored by Finnegan
Location: Yardbird
901 New York Ave NW
Washington, DC 20001

Chemistry Inside the Beltway: Live Policy Issues in Chemistry

8:00am - 11:20am EDT

Room: George Washington University (Marriott Marquis Washington)

8:00am - 8:25am EDT

Synopsis of federal science funding

Presenter: Alessandra Zimmermann

8:25am - 8:50am EDT

U.S. federal policy on critical materials: An overview

Presenter: Matthew Diasio

8:50am - 9:15am EDT

Policy and funding to aid DNA analysts in meeting training standards in forensic science

Presenter: Kelly Elkins, Towson University

9:15am - 9:40am EDT

Big "C" in trade and tariffs: Chemicals

Presenter: Samantha De Carlo

9:40am - 10:05am EDT

National security is threatened by supply of chemical additives for polymer and rubber industries

Presenter: Irene Yurovskaya; Co-authors: Anthony Mariniello, Joe Walker

10:05am - 10:30am EDT

Science and public policy: How scientists can shape the regulatory environment following the Supreme Court's holding in Loper Bright Enterprises v. Raimondo

Presenter: Roger Hanshaw

10:30am - 10:55am EDT

IP Policy in 2025

Presenter: Gabriel Ferrante, Goodwin Procter LLP

International Aspects of Intellectual Property Law

2:00pm - 4:05pm EDT

Room: University of DC (Marriott Marquis Washington)

2:00pm - 2:25pm EDT

Inventorship and patentability of AI-related inventions: Comparative insights from IP5 guidelines and recent case study

Presenter: Dongyan Yu; Co-author: Jianqiang Xue

2:25pm - 2:50pm EDT

Fate of patents with broad functional claims in the U.S. and in Europe: A discussion of Amgen v. Sanofi

Presenters: Holger Tostmann

2:50pm - 3:15pm EDT

Perspectives from two years into the European Unified Patent Court (UPC)

Presenter: Joseph Lenthall

3:15pm - 3:40pm EDT

Secret commercial use and grace periods in Australia, New Zealand and South East Asia

Presenters: John Landells

3:40pm - 4:05pm EDT

Global IP Trends Facing the Chemical Sector

Presenter: Mary Critharis

Jointly with the Division of Chemical Information, and in memory of Andrew Berks: Patents, Chemical Information, and AI

8:00am - 12:00pm EDT

Room: East Salon B (Walter E. Washington Convention Center)

8:00am - 8:05am EDT

Introductory Remarks

8:05am - 8:25am EDT

Exploring relationships between chemicals, genes, proteins, diseases, and organisms in PubChem using analysis of their co-occurrences in patents

Presenter: Leonid Zaslavsky; Co-authors: Tiejun Cheng, Asta Gindulyte, Sunghwan Kim (National Institutes of Health), Paul Thiessen, Qingliang Li, Evan Bolton (National Center for Biotechnology Information)

8:25am - 8:45am EDT

Patent peekaboo: Uncovering reactions hidden in analogy

Presenter: Rachael Pirie; Co-authors: John Mayfield, Roger Sayle

8:45am - 9:05am EDT

Mapping safer chemical space using a benign chemical database

Presenter: Tobias Muellers; Co-authors: Predrag Petrovic, Paul Anastas

9:05am - 9:25am EDT

Mining the outputs of AI drug discovery from patents

Presenter: Christopher Southan

9:25am - 9:45am EDT

Extracting comprehensive organic reaction data from over 4000 papers: A multi-modal AI approach

Presenter: Samuel Munday, University of Southampton

9:45am - 10:05am EDT

CAS SciFinder with customer data: A personalized solution for our users

Presenter: Brinda Ramasubramanian

10:05am - 10:15am EDT

Break

10:15am - 10:35am EDT

Celebrating 40 years of ChemDraw: Evolution and innovation in chemical drawing

Presenters: Lindsey Rickershauser, Nicolas Triballeau

10:35am - 10:55am EDT

Harnessing the power of large language models in computational chemistry

Presenter: Qianyi Cheng

Thursday August 21

Walter E. Washington Convention Center

10:55am - 11:15am EDT

Evaluation of saagar descriptors for cheminformatics applications

Presenter: Alexander Sedykh; Co-authors: Vijay Gombar, Adrian Green, Alexandre Borrel, Austin Ross, Ruchir Shah

11:15am - 11:35am EDT

Advancing molecular design: Leveraging language models for modular de novo compound generation

Presenter: Ruchir Shah; Co-authors: Christoper Norman, Brian Howard, Adrian Green, Alexander Sedykh, Alexandre Borrel, Vijay Gombar, Daniel Svoboda

11:35am - 11:55am EDT

Advances in substructure search of chemical databases (from patents)

Presenter: Roger Sayle; Co-author: John Mayfield

11:55am - 12:00pm EDT

Closing Remarks

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