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FEATURE

# Leading by Example: Insight from IP Leaders of the Public Sector

Erika Harmon Arner, Jency J. Mathew, Shayda Shahbazi, and Sneha Nyshadham

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This is the third “Leading by Example” article profiling leading women in intellectual property (IP) law featured in *Landslide*<sup>®</sup> magazine.<sup>1</sup> In this piece, the authors interviewed IP leaders in the public sector about a wide range of topics, including their experiences in public service, education, mentorship, and the future of IP. Participants included:

- **Kara Fernandez Stoll**, Circuit Judge, U.S. Court of Appeals for the Federal Circuit. Judge Stoll was appointed in July 2015 and is the first woman of color to serve on the Federal Circuit bench. Prior to her appointment, Judge Stoll practiced law for 17 years in private practice, where she specialized in patent litigation, with an emphasis on appeals.
- **Lisa Jorgenson**, Deputy Director General for Patents and Technology, World Intellectual Property Organization (WIPO). Jorgenson is responsible for the administration and practical application of the Patent Cooperation Treaty (PCT) and WIPO programs relating to the law of patents. Jorgenson was previously the Executive Director at the American Intellectual Property Law Association (AIPLA) and the Group Vice President, Intellectual Property and Licensing at STMicroelectronics.
- **Coke Morgan Stewart**, Former Acting Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the U.S. Patent and Trademark Office (USPTO). In this role, Stewart supported the Office of the Under Secretary and the USPTO on a wide variety of legal,

policy, and operational matters. Stewart serves on the board of advisors for STEM for Her, a nonprofit organization encouraging girls and young women to pursue careers in science, technology, engineering, and math.

- **Colleen Chien**, Senior Counselor, Office of General Counsel, U.S. Department of Commerce; Volunteer, Biden-Harris Transition Team. As a senior counselor in the Commerce Department, Chien leverages her research and expertise—which span IP, evidence-based policymaking, and criminal justice reform—to foster inclusive job growth, opportunity, and access to innovation through policy and policy delivery.
- **Molly Kocialski**, Regional Director, Rocky Mountain Regional USPTO. Kocialski is responsible for leading the Rocky Mountain Regional Office and carries out the strategic direction of the Under Secretary of Commerce for Intellectual Property and Director of the USPTO. Kocialski focuses on the region and actively engages with the community to ensure that the USPTO's initiatives and programs are tailored to the region's unique ecosystem of industries and stakeholders.
- **Wynn Coggins**, Acting Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce. In this role, Coggins supports efforts to further the Commerce Department's mission of creating the conditions for economic growth and opportunity. Coggins has over 30 years of federal government experience and has served in a variety of roles, including Acting Deputy Secretary for the Department of Commerce, and Chief of Staff to the Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the USPTO.

## Call to Public Service

Each of these remarkable women has had a unique career path that led them to public service. What is also quite evident as a common bond is their distinct and unwavering commitment to advancing intellectual property for the public good.

For Judge Stoll, it was the opportunity to give back to the community that called her into public service, coupled with her respect for her would-be colleagues on the bench. Judge Stoll explains that although she had a “really rewarding and wonderful career in private practice,” “when the opportunity to serve at the court arose, it was my opportunity to give back.”

For Stewart, it was watching her father's dedication to his service as a federal district court judge. Stewart remarks that "his example and the example of many of my friends who worked in government" was the backdrop of her career.

For others, like Jorgenson, it was private sector experience. In her roles as chief in-house IP counsel and executive director of AIPLA, she saw firsthand the impact of IP on cities and communities—both domestic and international. This encouraged Jorgenson to pursue a role in the public sector. Jorgenson was especially inspired by WIPO's mission of reaching out to small and medium-sized enterprises in developing countries. Helping these companies protect and commercialize their innovation and creativity served to foster economic growth and advancement in those regions. Jorgenson describes her role as "an incredibly unique opportunity to help shape IP and help developing countries grow their economies."

Chien echoes a similar appreciation for the power of IP to promote the public good. Chien accepted the offer to serve on President Biden's transition team because "if there's any time I can do anything to advance the public interest in patent law, then I'm signing up."

## Intellectual Property and the Public Good

According to Stewart, while obtaining and enforcing IP rights can seem complex, "the USPTO is really in a position to demystify, simplify, and streamline the processes so more people can participate." Stewart notes that "the USPTO has a lot of programs" and is "working on developing more to assist independent inventors and small businesses and people who've been underrepresented in the system." With emerging technologies like machine learning and artificial intelligence, Stewart hopes that "artificial intelligence will be able to help independent inventors and small businesses file and prosecute patent applications and identify prior art and put their claims in condition for allowance."

Kocialski says that her favorite aspect of her public role is "meeting people who are implementing their dreams." Kocialski is often reminded of the important role that IP plays in peoples' personal lives and in the American dream, adding: "I always tell examiners . . . that the patent application in front of you is not just a piece of paper. It is somebody's dreams, it's their hopes, it might be the way that they're bringing their family out of tragedy."

Coggins also notes that “IP rights incentivize creators to invent and create by giving them ownership of their ideas and the exclusive right to use them.” Coggins says that giving inventors these rights “serves as the foundation for new businesses to develop and for jobs to be created from new products that are going into the market, and that resulting economic growth is so fundamental to the mission of the Department of Commerce.”

Judge Stoll emphasizes that emerging technologies are helping not only independent inventors and small businesses but the public as a whole. Judge Stoll’s view is that “if it wasn’t for strong intellectual property protection in the United States, we wouldn’t be able to have been in a position to develop the new mRNA vaccine so quickly and to test existing drugs to see which ones could effectively treat COVID-19.” She thinks that without innovations in technology, we might not have had “the technology that we needed in order to be able to work remotely and do what we’re doing right now.”

## Importance of Making Mistakes and Learning from Them

Another common theme that emerges among the women is the importance of continued education and lessons that can be learned from making mistakes. Jorgenson describes mistakes as a vehicle for growth and learning in both professional and personal settings. “There are very few mistakes that anybody could make that are catastrophic in nature. So, when you’re working with people, let them make mistakes. And then after the fact, try to explain to them why you thought it might have been a mistake and ways that it could have been handled differently,” which will allow them to grow professionally.

Coggins has a similar sentiment, emphasizing the importance of “being accountable when mistakes are made” and of making sure team members are “allowed to fail and recover.” According to Coggins, this is so critical in building trust and confidence in employees—which is the key to empowerment and future success.

Kocialski emphasizes that continuous education, whether of the public or at the USPTO itself, is necessary in the field of IP. Kocialski notes that the USPTO refers to itself as “America’s Innovation Agency” because it is charged with “protecting America’s innovations.” “What I love about the agency is its own willingness to innovate as well. We’re not afraid to get hard feedback and really take a look at it and change if we have to. And that’s awesome,” she says.

## Fostering Organic Mentorships

The interviewees agree that there is more than one “right” way to mentor and be mentored. When it comes to seeking mentors, Coggins recommends “actively seeking mentors who really don’t think like you do.” Coggins says that she makes an effort to surround herself with people who push her outside of her comfort zone: “I think we gravitate naturally to people who are more like us. But I don’t always need someone to reinforce my thinking. What I actually need is someone to challenge me, to push me to think differently and have those productive kinds of discourse and conversations.” Coggins credits her professional success, in part, to her ability to find different mentors. She notes, “what really stretched me and really elevated my performance was seeking people who didn’t think like me, they didn’t approach problems like I did, they were so very different. Now it doesn’t mean that I adapted or adopted everything that they were doing, but I certainly learned what worked for me and what didn’t work for me, and it really, really elevated my performance.”

Jorgenson has found that throughout her career, friends and colleagues made for great mentors. Her view is that “you may not even know that someone is actually mentoring you or sponsoring you” until “you learn a year or more later that they threw your name into the hat for that next job that someone was hiring for.” But she also emphasizes the importance of being a role model to others. She recalls watching her role models and striving to “emulate that person and follow in their footsteps. I don’t know if they would have thought of themselves as mentors, but I was watching their careers.”

In reflecting upon her relationships with students, fellow moms, and colleagues as examples of positive mentors in her life, Chien notes that those relationships were invaluable to her. She saw how others dealt with similar situations, and that gave her the assurance that she “wasn’t alone in juggling all that is happening” and provided the necessary support in “figuring out how to balance the different priorities.”

To this end, Judge Stoll recommends taking time in your day to foster those important relationships. She suggests that everyone “take a break every day for one hour during lunch” because “by forcing yourself to put that hour in your schedule,” you can “use that time to catch up on messages” and form relationships.

## The Future of IP

Notwithstanding recent advancements in the field of IP, there remains work to be done to ensure that the future of IP is inclusive for all. These leaders all were happy to share their beliefs about the future.

Chien hopes that the future of IP policy and practice promotes patenting inclusion. She looks forward to seeing “growing diversity in who participates in innovation, including entrepreneurs and young companies of all kinds leveraging their IP to grow their businesses and build an inclusive economy.” Coggins explains that she is “inspired by the opportunities that are evolving and going to continue to evolve” and sees “public service as a fundamental piece to that.” She is hopeful that “policy and practice can adjust to this changing world.”

Kocalski’s belief is that “what America needs to do is to figure out how to make sure that the IP system is accessible by all. Any brain that wants to invent, they should be able to invent. They should be able to get through the system, and they should be able to build on those hopes and dreams.” Stewart is inspired all the time by the “brilliant and hard-working people” in the private sector, along with the nonpartisan collaboration among congressional members, past USPTO leaders, and stakeholders to better the current system. Stewart believes that the future is bright.

All of these remarkable women have unique career paths that led them to public service. All six encourage those who are interested to continue working hard and taking those opportunities to serve the community. Judge Stoll’s call to action is to “fake it ’til you make it.” Stewart’s encouraging words make it clear that “if you are a hard-working person and do great work, in the long run, those opportunities are going to come for you.”

## Endnote

1. See Erika Harmon Arner & Jessica L. A. Marks, *Leading by Example: Words of Wisdom from Women Leaders in IP*, LANDSLIDE, Mar./Apr. 2018, at 42, [https://www.americanbar.org/groups/intellectual\\_property\\_law/publications/landslide/2017-18/march-april/leading-example](https://www.americanbar.org/groups/intellectual_property_law/publications/landslide/2017-18/march-april/leading-example); Erika Harmon Arner, Jency J. Mathew & Courtney Kasuboski, *Leading by Example: Elevating Women through Intentionality*, LANDSLIDE, Nov./Dec. 2019, at 52, [https://www.americanbar.org/groups/intellectual\\_property\\_law/publications/landslide/2019-20/november-december/leading-example-elevating-women-through-intentionality](https://www.americanbar.org/groups/intellectual_property_law/publications/landslide/2019-20/november-december/leading-example-elevating-women-through-intentionality).

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## Authors

**Erika Harmon Arner**

Erika Harmon Arner is a partner at Finnegan, Henderson, Farabow, Garrett & Dunner LLP in Washington, D.C. She represents clients before the USPTO and Federal Circuit, where she has argued and won appeals from the PTAB and district courts in technologies ranging from graphical user interfaces to complex telecommunications systems to large-scale scent diffusion devices.

**Jency J. Mathew**

Jency J. Mathew is an associate at Finnegan in Reston, Virginia. She focuses her practice on patent litigation and post-grant proceedings across a broad array of technical fields, including medical devices, consumer electronics, and computer software.

**Shayda Shahbazi**

Shayda Shahbazi is an associate at Finnegan in Washington, D.C. She specializes in drafting and prosecuting utility and design patent applications related to digital electronics, computer software, financial technology, telecommunications, and business methods, as well as litigation in district courts.

**Sneha Nyshadham**

Sneha Nyshadham is an associate at Finnegan in Palo Alto, California. She maintains a broad practice spanning patent litigation, patent prosecution, and strategic intellectual property counseling, where she focuses primarily on technologies in the computer and electrical industry.