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### Karl F. Jorda: An Anthology Remembering the Remarkable Life of an IP Icon and Beloved Professor

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**KARL F. JORDA:  
AN ANTHOLOGY REMEMBERING THE  
REMARKABLE LIFE OF AN IP ICON AND  
BELOVED PROFESSOR**

**JON R. CAVICCHI<sup>1</sup>**

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## INTRODUCTION

In May 2016 I was sad to hear that Professor Karl Jorda had passed away. For twenty-five years, Karl had been my professor, while earning my LL.M. (IP) degree, as well as Faculty colleague, ardent supporter of the Library, and friend. For almost two decades, he made annual donations from his grand personal library. These materials, on the spectrum from continuing education practice monographs to exotic treatises on IP in foreign languages, helped add to the unique holdings of the IP Library. Upon retiring, he donated over a dozen cabinets of his papers, many are the foundation of the web collection of his works.<sup>2</sup>

The law school community was swift in expressing the loss; “Karl was a titan in the world of intellectual property law,” said Jordan Budd, Interim Dean at UNH Law. “He was also sincere and kind-hearted, and a tremendous mentor to our students and faculty. He left an immensely positive imprint on UNH Law. Everyone here is lucky to have called him a colleague and a friend.”<sup>3</sup>

This anthology is a collection of articles and testimonials by alumni and others, to provide a well-

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<sup>2</sup> *The Collected Works of Karl F. Jorda - Professor Emeritus*, UNIV. OF N.H. SCH. OF LAW, <http://ipmall.info/content/collected-works-karl-f-jorda-professor-emeritus> [<https://perma.cc/UD79-SBKM>] (last visited Feb. 8, 2017).

<sup>3</sup> *UNH Law Mourns The Passing of Professor Emeritus Karl F. Jorda*, UNIV. OF N.H. SCHOOL OF LAW, <https://law.unh.edu/news/2016/05/unh-law-mourns-passing-professor-emeritus-karl-f-jorda> [<https://perma.cc/45UE-BRZ8>] (last visited Feb. 8, 2017).

balanced story of Karl. The facts and personal themes are remarkably consistent. My experience is consistent with the others herein. I will limit my comments to his role as global ambassador for Franklin Pierce Law Center, as scholar on the complementariness of patents and trade secrets—one of his favorite areas of expertise.

Based on his Curriculum Vitae, during his illustrious career, Karl flew over 4.2 million miles, crossing the Atlantic Ocean 270 times, the Pacific Ocean 56 times, making 19 round-the-world trips, and visiting more than 70 countries. His professional achievements included serving as president of the New York and Pacific Intellectual Property Associations, and as an expert advisor to the U.S. Patent & Trademark Office, the World Intellectual Property Organization in Geneva, Switzerland, and for government officials from developing countries in Asia, Latin America and Africa. He presented IP programs in numerous countries including China, India, Thailand, Dubai, Brazil, Mongolia and numerous other countries, sometimes returning home after a few days to teach his law classes. His knowledge of overcoming jetlag was legendary. He was known to lecture in English, German, Spanish, and Japanese; speak French; read Latin; and had a working knowledge of Dutch, Russian, Czech, Portuguese, and Esperanto.<sup>4</sup>

It was during those two decades that wherever he spoke he promoted building IP capacity by attending the Graduate Programs at the Franklin Pierce Law Center. Under the leadership of Professor William Hennessey, also a global speaker and ambassador, the ranks of the Graduate Programs grew to close to one hundred students from around

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<sup>4</sup> For a detailed comprehensive chronological view of his career, see *The Collected Works of Karl F. Jorda*, UNIV. OF N.H. SCH. OF LAW, <http://www.ipmall.info/content/collected-works-karl-f-jorda-curriculum-vitae> [https://perma.cc/F58E-BK7M] (last visited Feb. 8, 2017).

the world. Graduate Programs was innovative in offering educational solutions customized to a wide range of IP professionals. Options included programs to earn a Diploma, Masters degree, Master of Laws degree, as well as certificates for attending annual Summer Institute in IP and the Advanced Licensing Institute.

Karl was also Co-Director of a Joint Degree Program in Intellectual Property Law between Franklin Pierce Law Center and the Gulf Institute for International Law (GIIL), Dubai, United Arab Emirates founded in 1997.

Karl also assist in the founding of IP centers at schools around the world. One example is The Institute for Intellectual Property and Leadership, established by a decision of the Academic Council of the University of National and World Economy (UNWE) of July 10, 2013, as a successor of the Centre for Intellectual Property. It was opened by the President of the Republic of Bulgaria Mr. Georgi Parvanov, the Director General of the World Intellectual Property Organization, Dr. Kamil Idris, the Minister of Education, Igor Damyanov, Ph.D., and National Assembly Deputy and Director of the Centre/Institute, Borislav Borisov, Ph.D.<sup>5</sup>

It was these relationships from academia to professional organizations which built the global reputation of Franklin Pierce Law Center as one of a handful of top schools training intellectual property professionals.

Karl was also responsible, following the lead of his predecessor, Professor Homer Blair (past corporate patent counsel for ITEK), in expanding the IP curriculum to include a curriculum of courses teaching IP management and the intersection of IP and other areas of law involved in business

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<sup>5</sup> *In Memoriam, Passing away of Professor Karl Jorda (1929 – 2016)*, INSTIT. FOR INTELL. PROP. & LEADERSHIP, [http://cip.unwe.bg/en/?menu=passing\\_away\\_prof\\_Karl\\_Jorda](http://cip.unwe.bg/en/?menu=passing_away_prof_Karl_Jorda) [https://perma.cc/X3Z6-AU7P] (last visited Feb. 8, 2017).

transactions. Just as founder Robert Rines and Professors Robert Shaw and Tom Field had built the first patent practice program to produce client-ready patent lawyers, Karl knew the emerging roles of attorneys and IP professionals in the business setting.

One of these areas Karl developed was IP management. Based on his decades as a corporate patent counsel, he knew the role of a hybrid IP license. One of the themes of these licenses was that a patent often did not teach all that was necessary to practice the invention. As such, other property, including trade secrets and know-how/show-how, often needed to be included in license agreements and IP management plans. This nuance became the subject that he would lecture on and publish in practice-based and scholarly publications.

Karl's intent was to write an opus magnum, in book-format, as his final work. That never happened. Karl intended his final article in 2008 to be the summation of his thinking on the topic. The Introduction lays out the map and invites the reader to explore the article and citations therein.

As a matter of intellectual property management policy and strategy, it is important to exploit the overlap between intellectual property categories, especially between patents and trade secrets in order to achieve dual or multiple protection. Patents and trade secrets are not incompatible but dovetail: the former can protect patentable inventions, and the latter, the volumes of important, if not essential, collateral know-how associated with such inventions. This results in synergistic integration of patents and trade secrets and secures almost invulnerable exclusivity. Without the underlying collateral know-how, patent specifications are rarely sufficient for commercial use of patented technology.

Trade secrets often play a very valuable, if not indispensable, role in intellectual property management policies and strategies. Due to existing

deep-seated misconceptions about trade secrets and the patent/trade secret interface, it is important to review trade secret law and practice in some detail. Before I do so, I should make it unequivocally clear that my position is not that one should embrace trade secrets instead of patents, nor is it my intention to denigrate patents in any way. What I have practiced in my career, and what I endorse as the best policy and practice, is to obtain patents as the centerpiece in an intellectual property portfolio and maintain trade secrets as underpinnings for patents to protect unpatentable collateral know-how and show-how.

This article will cover operational aspects of intellectual property practice in preference to legalistic issues and will, therefore, be more like a handbook than a treatise. Additionally, it will embody my manifesto on patent and trade secret complementariness. The various chapters will discuss, *inter alia*, the definitions and other attributes and characteristics of trade secrets, the importance of trade secrets and collateral know-how, the ability to exploit the overlap between patents and trade secrets, and cases that demonstrate this relationship. Finally, it will propose an initial patent/trade secret evaluation guide as well as a best operational practice.<sup>6</sup>

An analysis of KeyCite® and Google Scholar show this article has been cited in nearly fifty academic law reviews, spreading the gospel of Karl to the next generation of patent scholars and professionals.

### **SYNOPSIS OF A FIFTY-YEAR CAREER IN INTELLECTUAL PROPERTY LAW**

Karl was a corporate patent and trademark lawyer at Miles Laboratories (now Bayer) in Indiana, and the Chief IP Counsel at CIBA-GEIGY Corporation (now Novartis) in

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<sup>6</sup> Karl F. Jorda, *Patent and Trade Secret Complementariness: An Unsuspected Synergy*, 48 Washburn L.J. 1, 1–2 (2008).

New York. He is a former President of the New York Intellectual Property Law Association and the Pacific Intellectual Property Association (PIPA). Karl served as a member of the Board of Directors, Council, or Executive Committee of the following organizations: the American Intellectual Property Law Association; the American Bar Association, Intellectual Property Section; the Association of Corporate Patent Counsel; Intellectual Property Owners; the International Trademark Association; and the International Intellectual Property Law Association (AIPPI United States).

Karl's other professional activities include leading several delegations of U.S. patent counsel at Japanese Patent Office meetings, serving as consultant to Indonesian and Bulgarian Patent Offices, participating in World Intellectual Property Organization symposiums around the world, and conducting WIPO's annual two-week academy for officials from developing countries in 1993 and 1994.

Between 1999 and 2005, Karl served as the U.S. Representative to the Confidentiality Commission (Commission on the Settlement of Disputes Relating to Confidentiality) of the Organization for the Prohibition of Chemical Weapons (OPCW), the implementing body of the Chemical Weapons Convention (CWC), located in The Hague, The Netherlands.

Between 1995 and 2003, Karl also served as Adjunct Professor at the Fletcher School of Law and Diplomacy at Tufts University in Medford, Massachusetts, teaching International IP Law. In 1997 and 1998, as Co-Director of a Joint Degree Program in IP Law between Gulf Institute for International Law (GIIL) and Franklin Pierce Law Center, he taught Patent and Trade Secret Law, International IP Law, and IP Licensing at GIIL in Dubai, United Arab Emirates.

Karl was inducted into the global Intellectual Property Hall of Fame in October 2007 for his "outstanding contribution to the development of intellectual property law



and practice, thereby helping to establish intellectual property as one of the key business assets of the 21st century." He also received the 1996 Jefferson Medal of the NJIPLA—"the United States' highest honor in intellectual property"—for "extraordinary contributions to the U.S. intellectual property law system," the 1989 PIPA medal for "Outstanding Contributions to International Cooperation in the Intellectual Property Field," and the 1998 Distinguished Alumni Award of the University of Great Falls.

At Franklin Pierce Law Center, Karl taught Technology Licensing and IP Management. He also directed the activities of the Germeshausen Center for the Law of Innovation and Entrepreneurship. He would also conduct a two-day Comprehensive Patent Cooperation Treaty Seminar each April, and until 2006, he conducted the annual one-week Advanced Licensing Institute in Concord, New Hampshire.

What lead him to Franklin Pierce Law Center? Karl recalled,

With over 30 years of corporate practice in intellectual property and licensing behind me, and after heading up CIBA-GEIGY's intellectual property operation for 26 years, the question of whether or not to take early retirement had crossed my mind. The obvious alternatives were retiring to stay retired, leaving to join a law firm as 'of counsel,' or staying on at CIBA-GEIGY for several more years.

But the very best alternative of them all, namely, to become an 'academic' and teach what I had practiced, did not occur to me at all, until Homer Blair asked me to consider replacing him as the David Rines Professor. What an interesting and challenging position this turned out to be! Two realizations made it all easier, i.e., that one can talk about something one has done for over 30 years; and that teaching - teaching inventors, R&D staffs, management, members of the Patent Department, and Examiners of the Patent

Office, etc. - is an important part of running an intellectual property operation. Teaching at the Law Center is great fun; students are dedicated and committed; the faculty and staff are cooperative and supportive. In short, the Law Center is just one happy family!<sup>7</sup>

The story of a man as accomplished as Karl cannot be understood by the sum of his professional accomplishments. He grew up in the tumultuous times of wartime Europe, where Karl, like many others, were spread with the winds of fate from their homes to the other countries of the world. In 2009, he was interviewed by Cyril Chan (J.D. 2010) for *Pierce Law Magazine*, and the resulting story follows the odyssey from a farm in Czechoslovakia to the U.S., where he was educated and Karl tells, by accident, entered the field of patent law and intellectual property. That journey took him from the highest levels of the pharmaceutical company legal departments to the campus of the Franklin Pierce Law Center. That fifty-year career resulted in hundreds of global engagements as an IP professional, scholar and ambassador for the Franklin Pierce Law Center.

### JORDA'S AMERICAN JOURNEY<sup>8</sup>

“Karl goes out of his way to teach, mentor, and nurture the talent with whom he works. He is humble with

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<sup>7</sup> Sharon Callahan, *The Kenneth J. Germeshausen Center for the Law of Industrial Innovation and Entrepreneurship Turns 20*, 10 PIERCE L. MAG. 9, 11 (2006) [http://www.ipmall.info/sites/default/files/hosted\\_resources/AlumniMag/magazine-06-winter-vol10-no1-9-12.pdf](http://www.ipmall.info/sites/default/files/hosted_resources/AlumniMag/magazine-06-winter-vol10-no1-9-12.pdf) [<https://perma.cc/P22E-BX4L>] (last visited Feb. 8, 2017).

<sup>8</sup> Cyril K. Chan, *Jorda's American Journey*, 13 PIERCE L. MAG. 2 (2009), [http://www.ipmall.info/sites/default/files/hosted\\_resources/AlumniMag/magazine-2009-vol13-no1-winter\\_1.pdf#page=3](http://www.ipmall.info/sites/default/files/hosted_resources/AlumniMag/magazine-2009-vol13-no1-winter_1.pdf#page=3) [<https://perma.cc/FZ2F-2796>] (last visited Feb. 8, 2017). Mr. Chan received his J.D. from Franklin Pierce Law Center in 2010. He is

regard to his own accomplishments and generous in his praise of the accomplishments of others.”

—Associate Dean Susan M. Richey

Karl once believed he was destined to eke out a living as a farmer on a small plot of land with poor soil. Born in 1929, Jorda grew up in a little village called Deutsch Brodek, in the Moravia province of Czechoslovakia. The village had a market place, a church and a school, but the landscape was mostly farmhouses and fields. There was no electricity and no transportation. Jorda had to walk to school, regardless of rain or snow. He lived with his family in a house with one room, and they used a stove for cooking, baking, and heating. His family raised cattle and pigs in the stables. As the oldest child, he believed his fate was to follow his ancestors in subsistence farming. Growing up in this environment, Jorda never expected he would board a troopship and come to America to study at a university in Montana. And he certainly never expected he would later pursue a distinguished career as a lawyer and law professor and become one of the foremost authorities in intellectual property law.

Soft-spoken and unassuming, Jorda recalls his journey from Moravia to America with a voice brimming with gratitude and attributes much of his success to luck and having a sense of audacity. “I never had to make a decision or plan anything,” he says. “I never had to agonize about pros and cons, yes or no. Opportunities came out of the blue and I just seized them without knowing what I was getting into, and they turned out for the best—I was very lucky in that sense.” But Jorda’s journey also included many hardships, and it is really his positive view of life and his

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currently Senior Manager & U.S. Patent Attorney at SK Hynix. See Cyril Chan, <https://www.linkedin.com/in/cyrilchan> [<https://perma.cc/E5FM-6W8Q>] (last visited Feb. 8, 2017).

strong work ethic that made him who he is today. Ever since he was a young boy, to a certain extent, Jorda has been creating his own luck.

Jorda started out as low as anyone could be. Living in a German-speaking area of Czechoslovakia, in the Sudetenland, as part of the ethnic German minority, Jorda and his family were expelled from their home in Deutsch Brodek to Germany at the end of the WWII. Jorda was seventeen. Like millions of ethnic Germans from Eastern European countries, he and his family were packed into a cattle wagon and transported to Germany. "Penniless and stateless, my family and I were deported to Germany, which was a distant country to me," Jorda says. "I was not a German; I was Sudeten German or Austrian. My parents grew up as Austrians in the Austro-Hungarian Empire. Germany didn't mean anything to me. We were expelled from Czechoslovakia and all we could bring along was just one suitcase per person. We arrived in Germany penniless and stateless."

As a displaced person, Jorda might have lost his national identity, but he worked hard at school and traveled frequently to explore his personal identity. He had the chance to attend a German Gymnasium, a classical secondary school that qualified graduates to admission to a university, and study a variety of subjects, including science, math, history, geography, and five languages—German, English, French, Latin, and Ancient Greek. Growing up as an adolescent, Jorda traveled and wandered around Germany. His mother came to call him a gypsy. "I would hop on to my bike and disappear for three weeks," Jorda says. "I had an irresistible urge to get out and travel, staying at youth hostels. I was cruising around all over Germany and into the wild blue yonder on my bike." Many years later, with this same spirit, he would travel from Great Falls, MT to upstate New York and spend his first summer in America

hitchhiking from New York City to Washington, D.C. and then back to Montana.

It was this sense of adventure and boldness that led Jorda to America, a place he had heard little about when he was in Germany. The appealing opportunity to go to America to study came out of almost nowhere. Every year, through an externship program, a valedictorian from St. Olaf's College in Minnesota would come to the Gymnasium that Jorda was attending and teach the students English. Jorda was an excellent student, graduating from the school with honors, and the American student teacher took the initiative to arrange a scholarship for Jorda through an international humanitarian agency called Catholic Relief Services. While he was waiting for the scholarship to come through, Jorda studied at the University of Frankfurt and at the time he did not actually think much of the scholarship because it seemed like a pipe dream. But if there was ever a critical moment that luck took part in Jorda's success, it was when he received the full scholarship to study at the University of Great Falls in Montana and along with it, contrary to his expectation of receiving a one year student visa, an immigration visa that gave him permanent residence in the United States. Unbeknownst to him, he fell under a special American immigration quota for 140,000 displaced Germans from Eastern countries. Somehow, all of a sudden, he was heading towards another country again.

The trip took ten days. It was 1951 and Jorda was 22 years old. American soldiers were returning home and they brought immigrants along with them. Since the trip was free, the immigrants were put to work. In the troopship, on the way from Bremen, Germany to New York City, Jorda worked as a supervisor in the "baby kitchen," the dining room for children and babies. He was feeling adventurous, but at the same time, he had no idea what America was going to be like. He could not visualize how things were going to

work out, nor could he fathom what this experience would mean.

In early December, Jorda arrived in New York City, again penniless and stateless. His passport stated that he was of German nationality, but did not have German citizenship; he would remain stateless until he obtained U.S. citizenship five years later. Jorda was taken on a car ride straight from the harbor to Grand Central Station, and he was then given six dollars for his three-day train ride via Chicago to Montana. With one suitcase and what remained of six dollars, Jorda arrived at the University of Great Falls, a Catholic university run by the Sisters of Charity of Providence. He took up a part-time job as a delivery and clean-up boy at a shop that sold and repaired typewriters. He worked hard to improve his English, and the diverse study he had at the Gymnasium influenced him to continue to select a wide variety of subjects to broaden his education. Jorda was an exceptional student, graduating summa cum laude, and the Sisters, who had studied at the University of Notre Dame, steered him towards graduate school and insisted that he continue his studies at Notre Dame, where he would complete a master's degree in chemistry. In graduate school, he worked as a night watchman at a residence hall and taught a course in German language and literature to college students.

At the time, the idea of becoming a lawyer never crossed his mind; on campus, he passed by the law school building frequently but the building meant nothing to him. Unlike most people around him who had specific plans and goals, Jorda was simply grateful being an "eternal student" because no one in his family had been to college. Eventually, the idea of law school came to him as a suggestion from two students in his German class. They were headed to law school after graduation and suggested Jorda to come along. And so, on a whim, he went to the dean of the law school and, less than half an hour later, he came

out of the office with a sheet of paper stating that he was admitted into law school with a full scholarship for three years. Jorda did not know much about the law profession, but he was relishing this opportunity to go on studying.

While Jorda was in law school, he met the woman he would eventually marry. His wife, Alice, his “Sweet Swiss Miss,” came from Switzerland and her family sent her to Indiana, coincidentally also in 1951. A doctor’s family took her in. When Jorda was at Notre Dame, she was attending nursing school at St. Mary’s. They met through a friend, and they immediately fell in love and tied the knot in 1956. They have been married for fifty-two years and have four children and five grandchildren. When his first child was born, Jorda was taking final law school examinations. In 1958, they went back to Germany and Switzerland for the first time, to visit parents and siblings. During his first seven years in the United States, everything happened rather unexpectedly, but he is thankful for all that had happened and would frequently utter the phrase: “Only in America, only in America.”

The discovery of patent law as his future vocation did not come about in any anticipated manner either. “Becoming a patent attorney was a total accident,” Jorda says. “I didn’t even know that such a job existed. I graduated from law school and I had never heard of patents before.” Jorda had applied for a job in the legal department of Miles Laboratories (now Bayer), in Elkhart, IN, but all positions had been filled. But there was an opening in the patent department. “When I heard about the opening, I probably asked ‘What’s a patent department and what’s a patent?’” Jorda says. “It seems that, for most of my life, I just fell into things. Patent law just fell into my lap, most likely because a lawyer with a technical background was very rare back then. I accepted the position, and it just became a perfect fit. Being a patent attorney was just meant to be my career, and the best career possible.”

From that point on, Jorda would gain over thirty years of experience in corporate practice in intellectual property and licensing. He began his job at Miles Laboratories, writing patent applications, when the United States patent system was still rather uncomplicated. Three years later, he moved on to work at Geigy (later known as Ciba-Geigy and now known as Novartis, a leading pharmaceutical company). When he first arrived at Geigy, in Ardsley, NY, there was only person working in the patent department—the head of the department, a man from Switzerland with a PhD in chemistry who three years later decided to return to Switzerland. The position of chief intellectual property counsel and director fell into Jorda's lap. With only six years of work experience, Jorda at first did not feel ready to run a patent operation as a director. But over the next twenty-six years, Jorda expanded the intellectual property department, hiring more people, and the company became more patent-conscious as a pharmaceutical company.

Although he was in an administrative and management position, Jorda continued to do patent prosecution work because he wanted to stay intimately involved with the daily work of people in his department. "I wanted to know about the problems they were facing in dealing with inventors and patent office examiners," Jorda says. By the 1970s, Jorda was successfully heading a large operation—the company was ranked second in the world in terms of patent activity in the chemical/ pharmaceutical industry.

From time to time, during these many years as a patent attorney in America, Jorda would become nostalgic about the times in Europe. "I was once on a business trip with a colleague from Ciba-Geigy, and he told me he was going to get bees after returning home. Boy, when he said that, it hit me, so hard, that I went out and also bought beehives right away." After that, Jorda became an avid



beekeeper. “Bees are such fascinating creatures,” he says. “They have been around for millions of years and they know how to survive. In the wintertime, they can maintain heat in the hive; in the summer, they know how to cool it down. And beekeepers don’t have arthritis because of the therapeutic substance in bee venom.” Jorda swore he would never be without bees, but he was eventually forced to give up his favorite hobby. “Bears just love honey too much and would always end up finding the beehives. One time I came out, it looked like a tornado hit the beehives. I didn’t go back into beekeeping because I knew it would be so much more heartbreaking if the bears kept coming back and destroying the beehives.”

In 1989, Jorda received a phone call out of the blue from Homer Blair, Pierce Law’s first David Rines Professor of Intellectual Property Law and Industrial Innovation and the Germeshausen Center’s first director. Jorda knew him from professional meetings. Blair was retiring, and he asked Jorda if he was interested in succeeding him. “At first, I felt that I was not a professor, and teaching was not for me,” Jorda says. “I was very skeptical, coming from Europe, where becoming a professor was so difficult that I could never have contemplated becoming one. But this was another opportunity that just came along, and perhaps I wasn’t qualified for it in my mind, but I felt I should give it a good try.” Jorda was terrified at the beginning of the first class he taught, but he became more comfortable teaching when he realized that he could pass along all his industrial and operational experience to his students. In many ways, Jorda’s arrival at Pierce Law brought the school more worldwide recognition. For ten years, from 1989 to 2009, as the second David Rines Professor, Jorda has enjoyed teaching International Property Management and Technology Licensing, courses that students from all around the world have thoroughly enjoyed taking. As the Germeshausen Center’s director, he has organized numerous

intellectual property conferences and symposiums that draw an international audience of lawyers and administrators. He has given over three hundred talks on intellectual property and licensing topics in more than forty countries. “His travel schedule would challenge a cabinet-level diplomat!” says Pierce Law professor and Jorda’s good friend William Hennessey JD ’86. “As a matter of fact, he is, indeed, rightly known as Pierce Law’s ‘roving ambassador.’” Today, Jorda is well known and very much respected in the intellectual property field. “Karl is perhaps the quintessential example of a true professional,” said Pierce Law President and Dean John D. Hutson. “He is one of the most well respected and beloved lawyers I have ever met. There are some brilliant lawyers and some nice lawyers, but not many brilliant, nice lawyers. Karl is one of very few. He is a perfect gentleman and an IP icon around the world.” Among his many honors, Jorda received the 1996 Jefferson Medal for his exceptional contributions to the United States intellectual property law system. In 2007, Jorda was inducted into the global Intellectual Property Hall of Fame.

Jorda has decided to retire in June 2009, and everyone at Pierce Law will surely miss him. These days, when asked where he will go next, Jorda says he has no plans. And perhaps, in light of his remarkable journey from Moravia to America, his reply is not so surprising. Today Jorda proclaims, ‘Only in America! Only in America!’ with even more conviction.

## **TESTIMONIALS**

Karl touched the lives of many generations of IP professionals in his fifty-year career as a corporate lawyer; active member of professional associations; speaker and teacher at governmental, NGO, professional and continuing legal education events; and Professor at the Franklin Pierce Law Center. Given such an enormous number of lives he

touched, it was a challenge to narrow the outreach to those who could provide his story as a professional and human being. He was blessed to live eighty-seven years. It was very difficult to find colleagues in the corporate law space due to the passage of time. Those who commented were primarily his students, and I am sure that would make him proud—as he shaped the education and future of hundreds of students from around the globe. Despite these stories from different decades, it is remarkable how consistent the remarks were about their relationships with Jorda.

I received numerous testimonials from alumni. It was difficult to choose representatives to paint the relationships. Common themes from all testimonials show that Karl was well regarded and liked by all. Many called him a good friend and an excellent attorney. He was extremely generous with his time, a great human being who was sweet-natured, funny and kind. He went out of his way to make sure that families of students felt welcome and engaged.

He was a thoughtful adviser and a compassionate man. He hosted law student mixers at his home, where he talked at length about his life and career, IP law and practice, as well as his favorite hobby of many years—bee keeping.

### ***Ron Myrick: Perspective of a Fellow IP Titan***

Ron Myrick has more than forty-five years of experience in the intellectual property field, serving as in-house counsel, private practitioner, consultant, and IP bar leader. He is one of few near-contemporaries with the similar level of global experience, expertise and gravitas over a long-term career. He served as the Chairman of the Advisory Council on Intellectual Property, a diverse group of IP professionals and educators who met for a decade and engaged with the IP Faculty and Franklin Pierce Law Center administration on the landscape of IP practice and how the curriculum and other activities could enhance the global

reputation of the school and continue its role as thought leader in IP education. Myrick shares,

Karl Jorda was a singular star as a person, a man, a leader, a gentle soul and a professor. I never had the opportunity to take a formal course from Karl, but I'd have liked to have had that privilege.

Clarity, understanding and wisdom are among the objectives of any teacher; Karl understood those objectives and improved on them. He put the soul of the law into his teaching and into his polite relationships with his colleagues.

What a joy it was to talk with Karl. He made nothing but well considered arguments and he did it in a way that made sense for almost anyone; his arguments were right, good and even fun. What a joy it was to talk with him with his upbeat viewpoint on virtually any argument as long as it was well reasoned.

But he was no pushover. Advance a poor argument and expect a clarification from Karl. He was a scholar and an advocate.<sup>9</sup>

***Jeff Hawley: Thought Leader & Educator on  
Patent Law***

Professor Jeff Hawley shares a similar background with Karl. He joined Eastman Kodak as a chemical engineer in the Photographic Technology Division in July of 1969, immediately after graduating from NYU School of Engineering. In 1974, he transferred to Kodak's Patent Department and attended George Washington Law School, where he received a Juris Doctor degree in 1978. He was

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<sup>9</sup> Email from Ron Myrick, COO of TotalValueIP, to author (Dec. 28, 2016, 18:14 EST) (on file with author). *See also*, Ronald E. Myrick, <http://ronmyrick.com/index.cfm?fa=ceremony> [<https://perma.cc/7SMP-XD9S>] (last visited Feb. 8, 2017).

admitted to the New York State Bar in 1979. He retired from Kodak in July of 2006. Like Ron Myrick, before retirement, he served on the Franklin Pierce Law Center IP Advisory Committee. He began his more formal association with the law school in 2007.

He is a former president of the Rochester Intellectual Property Law Association and, like Jorda, is a former president of PIPA (Pacific Intellectual Property Association). He was president of the Intellectual Property Owners Association (IPO) in 2004–05. In 2005–06, Hawley served on the Executive Committee of the Association of Corporate Patent Counsel (ACPC) and was the treasurer. He continues as an Emeritus member of ACPC. Hawley shares,

My introduction to Karl Jorda goes back to the days when we were both in corporate practice. We first met at a PIPA (Pacific Intellectual Property Association) meeting in Sendai Japan in the early eighties. Karl was one of the experienced attendees, and that was my first International PIPA meeting. He was a terrific mentor. The PIPA organization was exactly Karl's type of organization. It was internationally focused, and its purpose was to promote mutual understanding and respect—in the case of PIPA, between Japan and the United States. It was also strongly focused to the corporate environment and the practical aspects of day-to-day practice.

As we all know, Karl went on to academia where he touched many, many lives. Our paths would cross from time to time, as he attended various professional meetings, such as the ACPC meetings. As others have noted, he was a gentle giant in the profession but also a vigorous debater. On those occasions where you would disagree with Karl's position, it was great fun to have heated but respectful discussions.

As noted, “international,” “corporate,” and “practical” are words that come to my mind, when I think of Karl. He carried these perspectives over into his academic life. I was teaching part-time at the law school, when

Karl retired. I missed the opportunity to have our lively discussions.<sup>10</sup>

***Stanley Kowalski: Fellow Scientist with Passion  
for Building International IP Capacity  
through Education***

Professor Stanley Kowalski, like myself, was both a student and colleague of Karl. Both Kowalski and Karl were both scientists who turned to the law. Both were internationalists with a passion to educate and build IP capacity in developing nations. Kowalski shares,

Karl Jorda was not only a professor and colleague at the law school, but, as my faculty advisor, a mentor and guide. With decades of practice-based experience in intellectual property law, he had an acutely clear understanding of the role it plays in research, business, international commerce and development. Although a scholar, his approach was not that of the intellectual property academy: eschewing their abstract and arcane predilections, he instead focused on a practical understanding which provided students with a foundation for success, whether they be U.S. based or global. For example, he repeatedly pointed out the dynamic interactions between patents and trade secrets, decried the use of derogatory, pejorative, anti-intellectual property jargon such as “patent monopoly,” and he strived to establish a global network of professionals that would benefit graduates of the Franklin Pierce Law Center. Karl brought his knowledge, experience and wisdom to Franklin Pierce, and by generously sharing this guided many

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<sup>10</sup> Email from Jeff Hawley, Adjunct Professor, Distinguished Fellow in Intellectual Property, to author (Jan. 10, 2017, 13:52 EST) (on file with author). Mr Hawley was Assistant General Counsel Patents for 10 years and past President, Intellectual Property Owners Association. See, J. Jeffrey Hawley, UNIV. OF N.H. SCH. OF LAW, <https://law.unh.edu/faculty/hawley> [<https://perma.cc/B48G-R4ZU>] (last visited Feb. 8, 2017).

students towards fulfilling their career development objectives.<sup>11</sup>

***Peter Lando: Success as a Patent Law Firm  
Founder and Longtime Friend to UNH  
Law***

I met Karl Jorda in the Fall of 1989 when he began teaching his first class, Licensing I, at Franklin Pierce Law Center. I had learned that Professor Jorda joined the school after retiring from a long career at Ciba-Geigy Corporation, a company that was familiar to me from my prior experience in the chemical industry. Though it was almost 30 years ago, I still recall sitting up and listening attentively when he began speaking. He seemed a bit uneasy at first, but this was a new role for him. As time went on, it became apparent that it was more his manner than anything else; he was a modest man. I had heard of his years of experience leading a large international intellectual property group, and travelling the world negotiating, speaking at and leading international associations of IP lawyers, and working on crafting intellectual property statutes and procedures for newly-formed governments. Among many things, he shared two simple thoughts in that first class (and he repeated them frequently): Patents are not monopolies; and trade secrets are the most forgotten, and important, IP rights for any company. I often repeat these to clients.

Professor Jorda had an unusual supplemental text for his courses, Licensing I and II. There was no functional Internet, so he assembled a text from bound reported cases and articles that he or his friends had authored. Our assignments, beyond the readings, often involved drafting various agreements and

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<sup>11</sup> Email from Stanley P. Kowalski, Associate Research Professor, Director, International Technology Transfer Institute (ITTI), to author (Dec. 30, 2016, 12:25 EST) (on file with author). *See*, <https://law.unh.edu/faculty/kowalski> [<https://perma.cc/9BQ5-4X3Q>] (last visited Feb. 8, 2017).

licenses. In these exercises, he always reminded us that payment structures and amounts, most typically in the form of a royalty, will always work themselves out if the deal is a good one and there is an agreement on other broad terms. Professor Jorda always insisted that the best agreements are “win-win”; anything else, will lead to conflict and potentially expensive litigation. Looking back, I have confirmed these simple truths many times.

After I graduated in 1991, I made efforts to stay involved with the school and faculty—Karl always greeted me with a warm smile and insightful conversation; he was always such a gentleman and a willing source of references and information. When I served as the Activities Chair for the Boston Patent Law Association (BPLA) in 1993, I reached out to him for assistance developing programs on various licensing topics. That year, he presented to the BPLA on “IP in Central and Eastern Europe.” A few years later, Karl helped to put together, and spoke at, a day-long program on “Hot Topics in Licensing.” His contact list was very helpful in bringing together many speakers from various industries and regions. Years later, when I became the President of the BPLA in 2002, and soon after co-founded a law firm in 2003, Karl was among the first to congratulate me and wish me well.

We would see one another at various alumni functions and at IP association meetings around the country until his retirement. I recall the retirement gathering the school had for Karl, where CAFC judges and various other dignitaries made the trip to Concord from all over the world, and faculty, staff, and current and former students, filled a large room to give thanks and pay respect to this great man’s careers. I last saw Karl at a celebration of the naming of the Jorda Conference Room in the IP Center. He smiled and said a few



words, but seemed as uneasy as I recall on that first day—he really was a humble man.<sup>12</sup>

***Mark Bloom: Following in the Footsteps of Jorda  
as a Global Licensing Professional***

As Director—Office of Technology Transfer at Sidra Medical and Research Center in Qatar, Bloom helps to transform Sidra’s biomedical innovations into biomedical products.

Sidra’s technology transfer and business development mission is to be a pioneer in clinical and translational biomedical research of value to the population of Qatar and the World. Achieving this vision will encompass three essential missions: World Class Family-Centered Care, Medical Education, and Biomedical Research.<sup>13</sup>

Mark has completed over 5000 licensing, sponsored research, technology transfer, general business and intellectual property-related agreements, has been involved in the creation of 19 high-technology companies, has given 103 public presentations on a variety of relevant topics, and has 31 publications, including four book chapters. Mark is an active member of professional organizations including the Licensing Executives Society-USA & Canada (LES) and the Association of University Technology Managers (AUTM).<sup>14</sup>

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<sup>12</sup> Email from Peter C. Lando, Partner, Lando & Anastasi Solution., LLP, to author (Feb. 1, 2017, 19:36 EST) (on file with author). *See*, Peter C. Lando, LANDO & ANASTASI, <http://www.lalaw.com/people/peter-c-lando/> [<https://perma.cc/QQ5N-AHA8>] (last visited Feb. 8, 2017).

<sup>13</sup> Mark G. Bloom, <https://qa.linkedin.com/in/mark-g-bloom-clp-rttp-b121773> [<https://perma.cc/3EY5-PQQ4>] (last visited Feb. 8, 2017).

<sup>14</sup> *Mark G. Bloom*, BIGELOW LABORATORY FOR OCEAN SCI., <http://www.biomarine.org/wp-content/uploads/2013/04/Mark-Bloom->

Bloom is a shining example of an alum who has taken to the world of licensing and technology transfer to create and build businesses using the Jorda philosophies of “win/win” negotiating and “green light lawyering.” Bloom recalls,

*Harking back to the summer of 1989 . . .*

After being placed on a wait list for admission to FPLC, I decided to travel to Concord to plead my case for admittance into the Class of 1992. This was OK'd by then Admissions Director Lisa Deane, and I flew from Raleigh, NC to Manchester on a well-known US carrier—to arrive Sunday night before Monday morning interviews. As I was boarding the plane, the gate agent stopped me and said, “We’re out of overhead compartment room, so we need to gate-check your carry-on . . . you can pick it up plane side in Manchester.” Unfortunately, my luggage didn’t arrive with me. I eventually learned that the bag had somehow been put on the wrong flight and was enjoying the sunshine in Arizona, but the airline would do their best to get it back to me “by midnight.” Midnight came and went. No bag. The next morning (still no bag), I decided to just wing it and go to my interviews in my jeans and short-sleeve shirt as my favorite interview suit was somewhere in the air desperately trying to make it to Manchester, NH. I was supposed to meet with Dr. Robert Rines and Professor Bob Shaw, but they both had something come up and had to cancel. Lisa then told me, “we have a new senior faculty member starting and I think that he’s here. I’ll ask him if he could meet with you.” That new faculty member was Professor Karl Jorda. Lisa walked me to Karl’s office and introduced me.

As it turns out, Karl was just moving into his office and was even more casually dressed than I. Over the next three hours, I helped him move boxes of textbooks (so many boxes!) and we talked extensively about why he was now at Franklin Pierce Law Center after retiring from Ciba-Geigy and why I wanted to attend FPLC. I learned about his storied background as a corporate patent counsel and his love of licensing as a legal subject. He also regaled me with stories about the joys of skiing and bee keeping, among many other activities, which usually involved travelling with his beloved wife to far flung places around the globe to teach others about the importance of intellectual property and licensing. Since I had started my career as a pharmaceutical sales rep for the Upjohn Company, we discussed the industry quite extensively and he was quite convincing in his belief that I should become a patent attorney, but focus on licensing and deal-making as the way to go. Although, he did suggest that it was important to “do patent prosecution for a few years” to learn what it was all about. He told me that he agreed with Dr. Rines’ admonition that “attorneys should be deal makers and not deal breakers,” and he came to FPLC because he believed in its mission and vision and wanted to help train the next generation of licensing professionals. When he asked me why I wanted to go to FPLC, I told him that I had wanted to become a patent attorney since graduating from college five years ago, but wasn’t exactly sure why until today—as our conversation helped crystalize what I found intriguing and exciting about the practice of IP law—it was the confluence of law, business, and science.

Professor Jorda served as my Advisor while I was at FPLC. After graduation, he often invited me back to participate in the Advanced Licensing Institute held during the summer semester. Further, I would occasionally see Professor Jorda at LES and AIPLA meetings and would update him on my career and my own adventures in the world of IP—this continued until his retirement from the law school. Upon learning of his passing, I was deeply saddened—not

for myself, but for all the future licensing professionals and lawyers who would miss out on the opportunity to learn from such a brilliant and giving teacher and mentor. Although he will be sorely missed, his memory will live on in the lessons he taught his many students.<sup>15</sup>

***Shashwat Purohit: Leading Successful Indian IP Lawyer Alum and UNH Law Ambassador to India***

Purohit was a leading student while at UNH Law and active in ITTI. He was in the last class Karl taught. At the end of that class President John Hutson presented Karl with a framed appointment as Emeritus Professor. Purohit has for the past decade assisted UNH Law administrations the educational needs of existing and upcoming IP professionals in India. Purohit, as Partner at Mindspright Legal, Jaipur Area, India has extensive experience in issues relating to corporate law, intellectual property & real estate laws and has also worked with policy issues advising both corporations and international organizations, including the World Intellectual Property Organization. His work with intellectual property includes filing, prosecution, office action and litigation for trademarks and patents related issues.

He leads a team at Mindspright Legal that is particularly well known for its capital markets, corporate and intellectual property work, Mindspright Legal also has a reputation for ground-breaking litigation, arbitration and for solid, corporate and commercial advice. In the past few years he has advised clients from healthcare and

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<sup>15</sup> Email from Mark G. Bloom, Registered Patent Attorney, Chief—Div. of Research Admin., Director—Office of Tech. Transfer, and Research Integrity Officer, Sidra Medical and Research Center, Doha, Qatar, to author (Dec. 5, 2016, 1:03 EST) (on file with author).

pharmaceutical, telecommunication, hospitality, media, education, and real estate industries.<sup>16</sup> He recalls,

I had the privilege of taking two enriching courses with Prof. Karl Jorda back in 2008. Both his courses Intellectual Property Management and Technology Licensing have had a lasting impact on my professional career as a corporate lawyer. Not only did I benefit immensely from the knowledge acquired from these courses but also the benefit has passed on in due course to various clients of mine who are either startups or are corporation seeking advice at the stage of Initial Public Offers.

Prof. Jorda's courses were interactive and full of his rich IP experience. Amongst other things his teaching focused on the Trade Secret & Patent complementariness, something that can only be taught by a guru who had vast experience and has understood the innovation environment through practice and not by reading theories. Our IP Management class comprised of students from different parts of the world and some were Graduate Students with corporate experience with technology innovation based corporations from Japan and South Korea, discussions in an interactive class with Prof. Jorda have been an enriching experience for each one of us as his command over issues ranging from basics of patents to valuation and securitization of intellectual property in various jurisdiction was commendable. Understanding how to deal with issues from a global perspective in class is an experience that could have only been acquired from Prof. Jorda's class majorly attributable to his vast experience and simplicity in his teaching methodology, making him a mentor to each and every one who took his courses.

After my LL.M at UNH School of Law (formerly Franklin Pierce Law Center) and over the years, I

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<sup>16</sup> Shashwat Purohit, <https://www.linkedin.com/in/shashwat-purohit-5498709> [<https://perma.cc/ZPY8-GJ3H>] (last visited Feb. 8, 2017).

worked as a consultant to WIPO, WHO and the Government of India on various intellectual property projects and in all the organizations. I came across people who had attended Prof. Jorda's lectures or interacted with him on complex intellectual property issues at various points of their careers as IP experts, teachers or as administrators. Last year while interacting with the Joint Controller of Patents, Trademarks & Designs, Government of India, Dr. KS Kardam, I came to know that he had visited Prof. Karl Jorda's home in New Hampshire back in the early 1990's, while on a study tour to the Franklin Pierce Law Center, and he fondly spoke of him as not only an expert of patents and trade secrets but also an avid Bee Keeper. And this was not the first or the last time that an administrator, attorney, or a teacher has mentioned fondly of experiences with Prof. Jorda, not as a Professor, but as a person who played host to so many people across the globe. I have never had a doubt about the fact that I have had the privilege of interacting and being taught by one of the best global ambassador of the IP world and one who truly deserves his place in the IP hall of fame.<sup>17</sup>

***Gene Quinn: Alum Founder of IPWatchdog.com  
and former Professor, Franklin Pierce Law  
Center***

Quinn is a patent attorney and editor and founder of IPWatchdog.com. Gene is also a principal lecturer in the PLI Patent Bar Review Course and an attorney with Widerman Malek. He served as an administrator and professor at FPLC, teaching subjects including patent practice and legal writing. While he has a body of scholarship, his blog has a global reach and covers the landscape of IP law and business. He has remained a loyal alum to the a school since earning both the J.D. and being a

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<sup>17</sup> Email from Shashwat Purohit, Partner, Mindspright Legal (India), to author (Dec. 25, 2016, 13:50 EST) (on file with author).

member of the first LL.M. (I.P.) class at the law school. Quinn fondly remembers Jorda,

I had the opportunity to get to know Karl while I attended Franklin Pierce Law Center a generation ago. Through my good fortune as a first year law student I was assigned to perform my work-study for Professor Jorda, who became one of my mentors, and ultimately my friend.

When I returned to obtain a Master of Laws, Karl was one of my advisors for my thesis. Despite the fact that he had reached the highest pinnacles within our industry, Karl always had time for me and so many other students like me who he so greatly influenced.

Karl will be deeply missed, although there is no doubt that his legacy will live on in the many people he touched and inspired.

Karl Jorda was a giant in the intellectual property world, but more importantly he was a genuinely nice and good person. All the good things that people will say and write about Karl over the next several days, weeks and months will be true. He was just that kind of man. Everyone who knew Karl was better off for having known this true Renaissance man.

Not only did Karl speak multiple languages fluently, he was an avid gardener, and a bee keeper, too. He also seemed to have the ability to instantly befriend anyone he met, and his friends would do pretty much anything Karl would ask. For decades, Franklin Pierce Law Center would play host to the biggest names in the intellectual property world thanks to Karl, who would invite his colleagues from literally all over the globe to come and spend some time in Concord, New Hampshire, imparting their wisdom on a diverse array of students gathered in the small north eastern community. Indeed, Karl was the type of person everyone always seemed to say “yes” to because you couldn’t envision letting him down.

Karl Jorda immigrated to the United States in 1951. He attended the University of Great Falls, Montana, where he graduated in 1953 Summa Cum Laude. He then received a Masters degree in chemistry from the University of Notre Dame in 1954 and a law degree, also from the University of Notre Dame, in 1957.

Jorda became most known within the industry as the Chief IP Counsel and Director of the IP Department at Ciba-Geigy Corporation, a position he held from 1963–89. Ciba-Geigy does not exist today, but parts of the company now make up Novartis and Syngenta. After retiring from Ciba-Geigy, Jorda moved to New Hampshire where he became a professor of law at Franklin Pierce Law Center.

Jorda accomplished much during his life and received a great many honors. Chief among them would be the 1996 Jefferson Medal from the New Jersey Intellectual Property Law Association, which is regarded by many (including myself) as the highest honor one can receive in the United States within our industry. Jorda was also rightfully inducted into the global Intellectual Property Hall of Fame in 2007 for “an outstanding contribution to the development of intellectual property law and practice, thereby helping to establish intellectual property as one of the key business assets of the 21st century.”

For me, Karl was much more than an icon—he was one the greatest influences on my career and style as a lawyer. I recall many of his lessons, as if they were taught only yesterday. He would tell us to always be “green light lawyers” that help the client achieve their goals and never to be “red light lawyers” who only say no, it can’t be done.

I never heard Karl say a negative word about anyone, although he certainly loved to debate issues—and with great passion. He was a true believer in the power of intellectual property, a first class gentleman, and a



friend to those who knew him. His indomitable spirit was infectious and will be sorely missed.<sup>18</sup>

### **JORDA ON JORDA<sup>19</sup>**

The final interview Jorda gave was to Joff Wild, Editor of IAM Magazine, shortly after he was inducted into the IP Hall of Fame.

**You are one of nine inductees into the IP Hall of Fame this year. How does it feel to be recognised in this way?**

This recognition feels like being on top of the world, on Cloud Nine, especially since it came as a complete surprise out of the blue. It makes me deliriously happy and truly ecstatic; hence, I am eternally grateful to IAM magazine and the IP Hall of Fame Academy.

**What made you decide upon a career in intellectual property—was it by accident or design?**

My IP career started as an out-and-out accident. I applied for a position in the legal department of Miles Laboratories (now Bayer) in Elkhart, Indiana, after graduation from Notre Dame Law School in South Bend, Indiana, in 1957. Back then there were no electives, much less IP courses, in law school. As it so happened the Miles position got filled, and I was told that they had an open position in the patent department, for which I would qualify in light of my chemical background. I probably asked, “what’s a patent?” never even having heard the word patent

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<sup>18</sup> Gene Quinn, *Rest in Peace Friend: Karl Jorda 1929–2016*, IPWATCHDOG (May 24, 2016, 5:49pm), <http://www.ipwatchdog.com/2016/05/24/rest-peace-friend-karl-jorda-1929-2016/id=69404/> (last visited Feb. 8, 2017).

<sup>19</sup> Joff Wild, *World Class Interview, Karl Jorda*, 27 INTELL. ASSET MAG. 41–42 (2008) <http://www.iam-media.com/Magazine/Issue/27/Features/World-class> [<https://perma.cc/5ZL2-RLBD>] (last visited Feb. 8, 2017).

before. I was offered and accepted that position and have never regretted it.

**How did you become Chief IP counsel at Ciba-Geigy?**

I became Chief IP Counsel at Ciba-Geigy, because I was luckily at the right place at the right time. After a short stint at Miles, I moved to Ciba-Geigy's patent department in 1960. The head of the department was a Swiss chemist who went back to the Swiss parent company in 1963 and passed his position on to me, even though I had only about five years of experience at the time.

**What did the role entail and how did it develop over the years in which you held the position?**

My role as Ciba-Geigy's Chief IP Counsel entailed not only the obvious administrative and supervisory functions but also personally handling a sizeable patent docket of my own to gain first-hand knowledge of dealing with inventors and patent examiners, and the trademark practice of Ciba-Geigy.

Furthermore, I participated significantly in all licensing activities of Ciba-Geigy. This taught me how to deal with and motivate people, and effectively grow and utilise a corporate patent portfolio.

**Do you think it was harder or easier to be a chief IP counsel at a pharmaceutical company when you were doing it?**

I'd have to admit that it was easier to be a chief IP counsel at a pharmaceutical company in my time, the good old days. Then it was much easier, quicker and cheaper to obtain patents, and patents were mutually respected by competitors. Hence, there was no cut-throat infringement litigation. Subject matter-wise, there was no biotech practice, with all its complications. Also, extensive licensing practice was still a thing of the future. The NIH (not invented here)

factor and the policy to commercialise only home-grown innovation still prevailed. And, top management was not yet wont to breathe down your neck constantly but instead, left you in peace to do your job of patent solicitation. Ah, those good old days!

**After leaving the corporate world you carved out another career in academia. Why did you make that choice?**

My move into academia was, again, altogether accidental. In 1989, when I was turning 60 and had been with Ciba-Geigy for almost 30 years, I was considering such options as retiring or joining a law firm as of counsel or staying on. But one day I got a call out of the blue from Professor Homer Blair at Franklin Pierce Law Center (Pierce Law), who had also had a lengthy corporate career, informing me that he was retiring and his position was going to be available. My first impulse was that I would not qualify, never having been a professor, but I accepted the offer and became comfortable with this decision when I realized that my corporate career involved much teaching; i.e., teaching staff, inventors, scientists, research management, patent examiners.

**How does working in academia compare to working in industry?**

It is quite different in terms of flexibility, independence and structure. But, it is an easy adjustment, and it is the best of all worlds: you're retired, yet still meaningfully engaged. And, teaching what you practiced to mature, graduate students is highly gratifying.

**During your career in intellectual property how do you think that perceptions of the subject have changed?**

They have changed radically. IP used to be in disrepute for being monopolistic and IP practice used

to be a marginal back-room specialty. Now, it is front and center in corporations, and of considerable concern and interest to management, as intellectual property can amount to 80% of a corporation's assets.

**What do you think are the biggest challenges facing IP owners at the current time and how would you like to see these met?**

Among the biggest challenges facing IP owners are the difficulties and limitations arising from more stringent patentability requirements imposed by the patent offices and courts, and the escalating costs of obtaining and defending IP rights. Also, delays in needed patent reform legislation and international harmonization are very detrimental. Something that may be helpful in solving some of these problems is instituting a utility model or petty patent system, in order to protect innovation that is now excluded from patent protection for not rising to the higher standards of non-obviousness.

**When you look back over your career, what are your proudest achievements?**

Among notable career achievements are the facts that I held a chief IP counsel position at a major corporation for twenty-six years, became the oldest active ACPC (Association of Corporate Patent Counsel) member in terms of tenure, received the Jefferson Medal of the NJIPLA (the U.S.'s highest honor in IP), and was appointed to an endowed professorial chair at Pierce Law as David Rines Professor of IP Law and Director of the Kenneth Germeshausen Center for the Law of Innovation and Entrepreneurship; and, at age 78, received a lifetime employment contract at Pierce Law.

## **CONCLUSION**

Karl was a giant in the IP field for fifty years. He remained humble, kind and generous in his career at UNH

School of Law. Generations of students are living testaments to his teachings. Scores of lawyers and IP professionals around the world are licensing IP and managing intellectual property. They are in all type of IP practice settings, including governmental and academic institutions. His students, our alumni are proud testaments to Karl as well as the founding fathers that went before him.

No remembrance would be complete without extending thanks for sharing Karl with the law school community and condolences to, those beloved family members that he spoke often and proudly about. Karl is survived by his wife, Alice; his daughter, Mary Louise Jorda and her husband, Jerry Hibbard of Port St. Lucie; his daughter, Helen Jorda and her husband, Omar Yashruti of Los Angeles; his son, Bernard Robert of San Diego; his son, Karl Jorda and his wife, Deirdre of Ridgefield, Connecticut; his grandchildren, Franz Osorio, Robyn Criscuolo, Liam Jorda and Iman and Amira Yashruti; and his great-granddaughter, Sophia (with a great-grandson on the way).