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**Banner & Witcoff is
Saddened to Announce the Passing
of Edward F. McKie, Jr.**



Edward F. McKie, Jr.
1924 - 2003

Edward McKie, a lawyer with a long and distinguished career, died of cardiac arrest on July 31, 2003. McKie began his career in the early 1950's. He was a Founding Member of the firm of Irons, Birch, Swindler & McKie in 1960, a predecessor firm to Banner & Witcoff, Ltd.

Mr. McKie served as Senior Advisor to the United States delegation to the Washington Diplomatic Conference on the Patent Cooperation Treaty in 1970. He was a member of the Advisory Committee to the United States Patent and Trademark Office (1976-1980) and International Industrial Property Panel, U.S. Department of State (1976 and 1977). He also testified before various Congressional committees on patent matters.

One of the highlights of his long successful career was as counsel in *Diamond v. Chakrabarty*, before the United States Supreme Court. After genetically engineering a bacterium capable of breaking down crude oil, Ananda Chakrabarty sought to patent his creation under Title 35 U.S.C. Section 101, providing patents for people who invent or discover "any" new and useful "manufacture" or "composition of matter." On appeal from an application rejection by a patent examiner the Patent Office Board of Appeals affirmed, stating that living things are not patentable under Section 101. When this decision was reversed by the Court of Customs and Patent Appeals, the Patent Office appealed and the Supreme Court granted certiorari.

In a 5-to-4 decision, the Court explained that while natural laws, physical phenomena, abstract ideas, or newly discovered minerals are not patentable, a live artificially-engineered microorganism is patentable. The creation of a bacterium that is not found anywhere in nature, constitutes a patentable "manufacture" or "composition of matter" under Section 101.

Mr. McKie was a Fellow of the American College of Trial Lawyers, one of only four patent lawyers in Washington, D.C., holding this honor. He was recently listed in *The Best Lawyers in America 2003-2004* for his work in Intellectual Property Law. He served as an Adjunct Professor of intellectual property law at Georgetown University Law Center. In 2002, McKie received the Silver Vicennial Medal from Georgetown University Law School for his loyal and distinguished service from 1963-2001. The medal is awarded to academic professionals with more than twenty years of service to Georgetown University. In 1995, he won the Rensselaer Fellows Award, honoring those who, in a chosen profession or endeavor or by their service to the Institute, have set an example for Rensselaer men and women to emulate.

Mr. McKie, who was born in Albany, NY, earned his Bachelor of Electrical Engineering degree from Rensselaer Polytechnic Institute in 1948 and a Bachelor of Laws from Georgetown University in 1952. He served in the United States Navy during World War II.

Mr. McKie was a Fellow of the American Bar Foundation. He was President of the American Intellectual Property Law Association (formerly American Patent Law Association until 1986) from 1976-77. He served as Chair of the American Bar Association's Section on Patent, Trademark and Copyright Law from 1967-1968. He also served as Chair of the National Council of Patent Law Associations (1969-70). He was a member of Phi Delta Phi, and was formerly Magister of Scott Inn at Georgetown (1951). His authorship is represented in numerous law journals.

He was preceded in death by his first wife Sarah McKie. He is survived by his wife Patricia, and his children from his first marriage, daughters Ann Phelps of Towson, MD and Mary McKie of Malvern, PA, and sons John McKie of Naperville, IL, Michael McKie of West Chester, PA, and William McKie of Los Angeles, CA, along with eight grandchildren.

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