

**INTELLECTUAL PROPERTY LAW SECTION
MEETING MINUTES
September 9, 2004**

Attendees:

John Naber, Beverly Bunting, Greg Bondarenko, Laura Hargitt, Catherine Collins, Catherine Brown, Lisa Smith, Denise Glassmeyer, Craig Baldwin, and Laura Slenzak

Absent –Charles Ashbrook, Frank Angileri, Lynn Chard and Kelly Miller of ICLE

Ms. Collins called the meeting to order at approximately 9:40.

1. Secretary/Treasurer Report

The August 12, 2004 meeting minutes were unanimously approved.

Ms. Bunting reported that the Section has an account balance of \$54,000.

2. Spring Seminar 2005 – March 17, 2005

- a. A general discussion was held regarding potential speakers and topics. Ms. Glassmeyer provided topic ideas. Topics discussed included: PCT procedures (Louise Maasel and Carol Bidwell); Written Description Requirements (Phillips V. AWH Case); Trademark Practice after KP Permanent Marking; Restriction Practice Pointers; Madrid Protocol and other Global Trademark Strategies; Settlement Agreement/Antitrust Implications; Litigation (Gale Peterson); Update on Disciplinary Rules; Law Practice Operating Procedure Pointers. The subcommittee will provide a list of potential speakers at the next meeting.
- b. The council agreed to pay ICLE a fee of \$8500 to administer the spring seminar.

3. Summer Institute '05

- a. A general discussion was held regarding potential topics and presenters. It was agreed to allow the trademark and copyright speakers on Friday to incorporate Internet-related topics into their presentations and eliminate the separate Internet slot. The time for each of the three slots on Friday would be extended. It was discussed that more advanced Internet/e-commerce topics could be covered in a session on Saturday. It was also determined to maintain a dual track for Saturday's session, corporate

- counsel roundtable lunch discussion, and women's IP networking breakfast.
- b. Mr. Baldwin indicated that Clark Hill and Reising Ethington law firms have expressed an interest in sponsoring the evening receptions. Mr. Baldwin will confirm sponsorship.
 - c. Regarding the trademark update speaker, Bob Sacoff was discussed as a possible option but other people will be contacted to suggest potential speakers. Mr. Baldwin will contact Kate Spellman for suggested speakers, and Laura Slenzak will contact Sharon Barnard of Foley and Lardner. Ms. Collins will look into whether other high-quality ethics speakers might be available to give us a chance to diversify the group of speakers.
 - d. Possible Saturday topics were discussed. Mr. Angileri has already contacted the PTO solicitor who is interested in speaking at the seminar. Mr. Angileri will also invite a Federal Circuit judge to be the keynote speaker. Other possible topics included an advanced discussion of ICANN proceedings and e-Commerce (Mike Stewart of Rader Fishman has offered to speak on Internet/e-commerce topics); managing complex litigation (Mr. Baldwin will contact Bob Krupka from Kirkland and Ellis); patent enforcement in the EU, including procedural differences from the U.S. and preferred venues to bring suit (no potential speaker identified yet, but possibilities were discussed); IP issues in China (Tom Moga was identified as a local expert on Asian IP issues – other possibilities were discussed); enforcement of ITC rulings as a part II discussion to the presentation at the last summer seminar, which focused on what happens before the ITC makes a ruling (if topic is selected, it is likely that the same speaker would be used); IP issues when contracting with the government (Mr. Baldwin knows experts in this field to invite, but group discussion leaned toward this being a Spring-type topic); IP issues when dealing with large company standard terms and conditions (Mr. Baldwin suggested the topic but said that it was more likely a Spring-type topic); Antitrust complications with license agreements in the U.S. and Europe (no potential speakers identified). Mr. Baldwin will draw up a proposed schedule with as many topics from the list as will fit and present it to the council for consideration.

4. International Trade Forum

- a. Lisa Smith reported that plans are being finalized. She and Ms. Collins will meet with representatives from Cooley Law School to finalize plans. Still undecided as to who will manage registration table, transportation and dinner arrangements. Ms. Collins will contact speakers regarding travel arrangements. Ms. Smith will moderate in Grand Rapids. Jerry Tschura will moderate at OU location, and Laura Hargitt will assist. IPLS will cover the cost of parking for attendees in Grand Rapids.
- b. It was agreed to pay the ICLE an administrative fee of \$5000 for services rendered in administering the seminar.

5. Proceedings

The Proceedings was mailed to the membership on 9/7/04. The next issues are planned for January 05 and May 05.

6. Old Business

- a. Summer Institute 2004 – no discussion
- b. Change to Bylaws – Ms. Glassmeyer will forward proposed change to State Bar for review and approval.

7. New Business

- a. Ms. Slenzak will continue to monitor if any amicus briefs are filed by others on *Phillips v. AWH Corp.*, 363 F.3d 1207, 70 USPQ2d 1417 (Fed. Cir. 2004) (67 PTCJ 576, 4/16/04 □). This case concerns principals for construing patent claims.
- b. Ms. Slenzak and Ms. Smith will send out the notices for the writing contest for law students. As agreed last year, the SBM IPLS will provide a cash award to the winning paper which provides a study of the proposed Model State Trademark Act as compared and contrasted to existing Michigan trademark law and which provides a recommendation for what Michigan should do as far as enactment of the model act or a modified version of the model act.
- c. Ms. Smith reminded the group about the Model Trademark Act.

The next meeting is scheduled for October 11, 2004, and will be held in Lansing. The meetings will continue to be held on the second Thursday of the month.

The meeting adjourned by unanimous consent at approximately 11:30.