

MICHIGAN STATE BAR – Council Meeting

Lansing, Michigan

September 26, 2002

MINUTES FOR MEETING

Place: By agreement of all council members, the October council meeting was held in conjunction with the State Bar annual meeting at the Amway Grand in Grand Rapids, Michigan.

Attendees: Tom Williams, Dave Kelley, Catherine S. Collins, Craig Baldwin, Steven Underwood, James Drake, Laura Slenzak, and Beverly Bunting, and new Council Member, Brian Pickell.

Also in attendance was Officio, Bill Dani, and ICLE Representative, Lynn Chard.

Time: The meeting was called to order around 12:30 p.m. and was conducted during lunch.

Topics of Discussion: The summer workshop was discussed and, specifically, whether we would offer a two-track program at the summer workshop. Laura Slenzak and Lynn Chard both expressed a strong interest in having a two-track program with, for example, a litigation track and a separate patent track. Several topics were discussed for potential presentations, including a UCC Article 2B presentation by John Trentacosta.

Other topics discussed included PTO related topics. For example, a presentation provided by a PTO examiner would be of help that would provide practitioner's insight into the examination process. In general, all council members agreed that Saturday needs well known speakers and that the speakers need to present material at an advanced level. Another topic that was discussed was foreign trademark prosecution.

On the issue of a dual-track system, the majority of the council members (Williams, Kelley, Collins, Baldwin, Underwood, Drake, and Pickell) voted to keep a single-track system for the 2003 workshop but recommended that we take a survey of the membership to see whether there is a strong interest for a dual-track program.

Dave Kelley reported that he has invited Judge Gajarsa to speak as the keynote speaker at the 2003 summer workshop.

Lynn Chard expressed concern that the attendance at the Shady Creek workshop was down and informed the council that the money generated by the workshop was only \$3,000 over cost, which is more typically \$12,000 over cost. In general, the council is in agreement that the reason for the low attendance at Shanty Creek was more a function of the location rather than the content of the workshop.

BUSINESS MEETING NOTES

Time: The business meeting of the IP Section of the Michigan State Bar was called to order at 1:30 p.m.

Attendance: Tom Williams, Dave Kelley, Catherine Collins, Craig Baldwin, Steven Underwood, James Drake, Laura Slenzak, Beverly Bunting, Lynn Chard, and new council members Laura Hargitt, Brian Pickell, Catherine Brown.

Also in attendance at the meeting were Steven Ettinger from Cooley Law School and Michael Gibbs, General Counsel of Big Boys, Warren, Michigan.

New Officer Positions:

The council and attending IPLS members voted in the new officers, Tom Williams as Chairperson, David Kelley as Chairperson Elect, and Catherine S. Collins as Secretary Treasurer, and new council members Catherine Brown from Dow Corning Corporation, Laura Hargitt from General Motors, and Brian Pickell from Bliss McGlynn.

Beverly Bunting will continue on the council and replace and fulfill the two-year term remaining for Joel Van Winkle of Whirlpool.

Discussion: Steven Ettinger announced that beginning September 2003, Cooley will be offering an LLM program at Oakland University (?).

After the introductions and announcement by Steven Ettinger, the discussion of the meeting turned quickly to the summer and spring workshops. Specifically, various topics were raised for the summer workshop and the spring workshop. The planning for the summer workshop, which is currently scheduled for July 17 – 19, 2003, is underway with an invitation having been sent to Judge Gajarsa of the Federal Circuit to speak as our keynote speaker.

Topics that were identified as of interest for the summer workshop included: Contracts—Transactions Over IP Licensing; and Laura Slenzak suggested Marc Zwillinger of Kirkland and Ellis on the subject of Criminal Prosecution of Theft of Trade Secrets. This topic would be potentially suitable for either the spring or summer workshop. Topics for the spring workshop that were discussed included: UCC Article 2B and Employment View of Enforcement of Restricted Covenants in Relation to Intellectual Property, including Non-Compete Agreements. This could include identifying the pitfalls, including the type of clauses that cannot be enforced. One suggestion was to have the speaker provide a checklist to include the pitfalls and issues encountered and sample clauses. John Trentacosta's name was raised as a potential speaker for UCC Article 2B. Some names that were raised for the licensing topic, included Chris Bloom and Scott Kief. Scott Kief is a professor at Washington University. Dave Kelley said he would look into Chris Bloom, while Catherine said she would look into Scott Kief.

Another topic that was raised was providing information regarding royalties by industry. Also, the council members were in general agreement they would like to have a discussion on the PTO Initiatives, especially a discussion on the 21st Century Strategic Plan. Another trademark topic could include a discussion of famous marks, possibly presented by Basile.

The council members all agreed that we would like a PTO speaker for the spring workshop with four potential break-out topics that may include (1) Licensing; (2) Reasonable Royalties; 3) How to Respond to an Office Action presented by, for example, Wheeler; and 4) Non-Compete Clauses, presented potentially by Bob Hudson. Another topic raised was Drafting Patent Applications to Serve in Both Prosecution and Litigation. The name Jeanne Gilley from Foley and Lardner was also mentioned as a possible speaker. A litigation topic noted included The Use of Animation or Video Presentations at Trial. One potential speaker noted for that topic was Ron Coolley from Jenkens and Gilchrist of Chicago.

Next Meeting: The next Council Section Meeting is scheduled for November 7, 2002, in Lansing, Michigan.