

## Minutes of the SBM IPLS meeting of September 8, 2005

The meeting was *called to order* around 9:30am. Those *Council members in attendance* were Craig Baldwin, Beverly Bunting, Laura Slenzak, Greg Bondarenko, Charlie Ashbrook, Mark Davis, Jennifer Warren, Jake Grove, Denise Glassmeyer (via telecon) and Lisa Smith (via telecon). Also present was Lynn Chard, ICLE.

Bev reported on the *treasury*. As of the last statement from the Bar, earlier this summer, and based upon the remaining Summer Institute bills (\$930 to reimburse speaker Vivien Chen's expenses, \$7971.01 owed to ICLE for the reception) and remaining Spring Seminar bills (\$734 owed to ICLE), there is approximately \$60,000 in the Section's coffers. Craig pointed out that this amount will grow soon, as section dues begin coming in for the 2005-06 membership year which began September 1<sup>st</sup>. There was a brief discussion of whether we should lower the section dues, as *our section's dues* are higher than those of other State Bar sections. (Note: later during the meeting, the matter of dues was broached again in the context of the coming Summer Institute at Traverse City instead of Mackinac Island).

Craig provided an *overview of the relationship between the Section and ICLE*, whereby the Section pays ICLE an administrative fee in exchange for ICLE handling all of the details surrounding our Spring Seminar (i.e., booking site, reimbursing speakers, printing seminar materials). That fee was around \$8500 for the 04-05 membership year, and is expected to be around \$9000 for the 05-06 year. Regarding the Summer Institute, however, ICLE runs that as they do their other "institute" series events, and the Section underwrites a portion of the cost. Thus, for the summer, ICLE bears the profit/loss risk, while for other seminars (like the spring) the Section bears the profit/loss risk.

The following *committee assignments* were confirmed for the coming year:

Summer Institute: Bev Bunting (location = Grand Traverse Resort, dates = July 20-22, 2006)

Women in I.P. Networking (a.k.a. "chick stuff"): Laura Slenzak

Newsletter: Denise Glassmeyer and Jennifer Warren

Spring Seminar: John Naber and Greg Bondarenko (location = Kellogg Center, East Lansing, date = Mon March 20, 2006)

Legislative: Frank Angileri with likely background assistance from BK colleague and section member, Don Harrington

Trademarks: Lisa Smith

Additional Programs/Seminars outside of Spring/Summer: Mark Davis, Jake Grove and Charlie Ashbrook

Student Panel @ Spring Seminar: Jennifer Warren and Charlie Ashbrook

Corporate Counsel luncheon @ Summer Institute: Laura Slenzak and Charlie Ashbrook

Regarding the **newsletter**, Lynn pointed out that one of the other Bar sections publishes something more akin to a magazine, and that they subcontract that publication work to ICLE.

Regarding **law student outreach**, Lynn has a list of all of the deans and student services directors at the various law schools.

Discussion then turned to **review of the recent Summer Institute and plans for next year's**. The Council voted to invite back Bernstein, Irving and Spelman for both the "updates" as well as "advanced" sessions. For ethics, we will try first to get State Bar of Michigan executive director John Berry as speaker. Otherwise, the consensus was that John Allen was excellent and would be asked back. As to a judge, Bev Bunting will go back through her list from the AIPLA spring "town hall" to see if the judge keynote speaker from that event would be interested in doing likewise for us. There was a discussion regarding the desire to get some kind of "big name" corporate in-house person as a keynote speaker, but also the realization that such persons tend to become unavailable at the last moment due to the nature of corporate law departments versus law firms. Similarly, while it would be great to have Governor Granholm, she has likewise proven unavailable.

For the **coming Spring Seminar**, the need for contacting the USPTO "now" was emphasized at several points. Due to the 501(c)(3) prohibition, **ICLE will need to send the letter to the USPTO asking for speakers ASAP**. However, John and Greg will need to ghostwrite the letter to ensure we are asking the USPTO for the right speakers on the right topics. And with that, the discussion then turned in-depth to the Spring Seminar.

**Two tracks** are envisioned: one track that is a nuts-and-bolts prosecution practice series, and a second track devoted to business/transactional issues.

#### Nuts and Bolts track

Patent Restriction practice - USPTO speaker to give a "where we are coming from" point of view in light of recent upswing in their declaring restrictions, and how best to handle

Patent Appellate Practice – when to use or not use the pre-appeal conference, tips and tricks

What Exactly is 102(e) Prior Art, and Understanding Effective Dates of Prior Art under the US, EP and PCT Regimes (Laura to contact Craig Summerfield of Brinks Hofer's Chicago office; CS has covered this topic ably and engagingly for Siemens in-house seminars)

#### Business / Transactional track

M&A Due Diligence – checklist of things to watch for, lessons learned the hard way. The Council recalled the speaker from several years ago from one of the tire companies on this point, and agreed the material was useful then and is often still referred to.

Licensing/Development Agreements and the New 103

Opinions of Counsel – the law has swung dramatically on this issue, have you kept up?

Trademark Trials and Appeal Board  
Practice: Oppositions are on the rise. Can you rise to the occasion?

Updates on the Law of Unfair Competition  
– State laws vary widely from the Lanham Act, and you may find yourself litigating in state court more often than you planned.

Copyright Applications – Susan Kornfield will be asked to cover this topic

Trade Secrets – like unfair competition, this is often a state law issue

Patent Reexamination – Inter partes? Ex parte?

Non-Competes and the Intersection of I.P. and Employment Law – yet another quagmire of wildly divergent state law waiting to ensnare the unwary

Greg and Jake will work on securing a **state court judge for keynote speaker** at the plenary luncheon session of the Spring Seminar.

Regarding the **newsletter**, Denise and Jennifer are open to suggestions regarding both format and content. Jennifer will contact the law school deans and/or student services directors to see if there are professors or students that have law review papers or articles that they wish to submit for publication. Plans are for an issue to be published in late September or early October, if for no other reason than to announce the new council members, give upcoming dates, and test-drive any changes to format.

Laura will send a notice to the various local, state and national **i.p. related bar associations** informing them of our officers and council members for the 05-06 year (e.g. ABA, AIPLA, MIPLA, NYIPLA, etc.), and will update the Section's **website** and **listserve**. If anyone has suggestions or "wish list" ideas for the form or content of the site, please send those to Laura.

The Section will be **co-sponsoring an upcoming ADR seminar** of the American Arbitration Association. The seminar, entitled "Arbitration of Intellectual Property And Licensing Disputes: Artful Drafting and Savvy Advocacy: A Winning Combination," will be held on November 7<sup>th</sup>, and the Michigan Intellectual Property Law Association (MIPLA) will also be co-sponsoring.

The meeting was adjourned at approximately 12:10pm.

IPLS "For Council's Eyes Only" Contact List  
including cell phone numbers

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