

Minutes of the SBM IPLS meeting of November 9, 2005

The meeting was *called to order* around 9:50am. Those *Council members in attendance* were *Craig Baldwin, Beverly Bunting, Laura Slenzak, Greg Bondarenko, Mark Davis, John Naber* (via telecon) and *Lisa Smith* (via telecon). Also present was *Lynn Chard*, ICLE.

Minutes of October 2005 meeting approved.

The Bar sent a treasury report to Bev (as of 9/30 \$55,970). Vivien Chen has been paid; ICLE summer bills have also been paid.

Discussion turned to the *March 20th Spring Seminar*. *New contract from ICLE was discussed; approved, extra costs(\$9500 from \$8500) justified by extra support required from ICLE.*

Time slot	Nuts and Bolts track	Business / Transactional track
9-9:55am	Patent Appellate Practice – when to use or not use the pre-appeal conference, tips and tricks <i>USPTO speaker Bob Spar</i>	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. <i>John Naber contacted Attorney General Mike Cox's office (Bev Devine in Economic Development); doesn't seem like unfair competition is really investigated at Michigan level</i> <i>CHANGE OF TOPIC suggested by Lisa – trial strategy depending on whether you are at civil action trial or TTAB (Peter Mack of Foley & Lardner DC office)</i>
9:55-10:50am	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 <i>Bondarenko confirmed Charles VanHorn</i>	Trademark Trials and Appeal Board Practice: Oppositions are on the rise. Can you rise to the occasion? <i>USPTO speaker tbd; Eleanor Meltzer working on it</i>

11:05am- noon	Patent Re-Examination – Inter partes? Ex parte? USPTO speaker Bob Spar	Trade Secret Litigation Angileri confirmed Mark Cantor of BK
Lunch	Judge – Chard confirmed George Steeh	
Noon-1:20pm		
1:20pm-2:20pm	Plenary Session: 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. Lisa Smith confirmed the Bryan Cave speakers	
2:30pm-3:30pm	What Exactly is 102(e) Prior Art, and Understanding Effective Dates of Prior Art under the US, EP and PCT Regimes Craig Summerfield of Brinks Hofer's Chicago office is confirmed	Trademark Enforcement Management & Strategies to Counter Counterfeiting Charlie Ashbrook confirmed Valerie Fedowich from Pfizer
3:30-4:30pm	Copyright/Software Licensing (or something else) Denise to contact Susan Kornfield	Non-Competes and the Intersection of I.P. and Employment Law – yet another quagmire of wildly divergent state law waiting to ensnare the unwary Lynn spoke to Bob Hudson who recommended two, Huget and Boutrous; Boutrous will be our first choice, msgs from Bondarenko awaiting confirmation

Discussion then turned to *next year's Summer Institute (July 20-22, 2006) at Grand Traverse*.
[SECRETARY'S NOTE: More details to follow separately because Bev's notes are better than mine.]

The Michigan version of the Model State Trademark bill is being sponsored (by someone other than SBM IPLS – Lisa, who??) before the Michigan legislature. Lisa Smith is seeking approval to testify at the hearings on behalf of SBM IPLS. The Council, though, did not know off-hand what approval might be needed from the Board and/or Commission. Lisa will therefore contact SBM's Janet Welch to see what approvals are needed. Lisa Smith will also put together a comparison of before/after Michigan t.m. law for circulation to council as well as also perhaps to membership at large, e.g. via listserve and/or newsletter. On that last point, Lisa will contact Denise and Jennifer w.r.t. putting something about the MSTB "Proceedings".

Laura *still* needs to send out the 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.), however she has at least updated the Section's *website* and *listserv*. If anyone has suggestions or "wish list" ideas for the form or content of the site, please send those to Laura.

The meeting was adjourned at approximately 12:15pm.