

State Bar of Michigan: Intellectual Property Law Section: 2007-08 year in review

by chairperson, Laura Slenzak

The term “busy body” has a negative connotation. It typically means someone who spends too much time scrutinizing and gossiping about the activities of others. So I’d like to use this opportunity to give it a better meaning – the IP Law Section has been a “busy” “body” this year. This body of talented volunteers give their time and enthusiasm week after week, month after month, to help bring the kinds of programs and seminars that keep you coming back for more.

We started our 2007-08 membership year like we do each, with the elections on the morning of day three of the Summer Institute. Since it’s our biggest event, what better place to hold our annual meeting and to elect our new slate of officers and council members? We said our goodbyes to ex officio Craig Baldwin, and to council members Greg Bondarenko, John Naber and Austin Zhang. Craig had served on the council since 2000, while Greg and John completed their three-year council seats and Austin had to unfortunately depart early from his three-year seat due to a job relocation. Taking their places, Kevin McKenzie was tapped to serve the remaining two years of Austin’s council seat, while Anna M. Budde, Julie Voutyras and Donald J. Wallace joined the council for three-year terms. And, despite being a no-show for my own inauguration due to a rather untimely run-in with poison sumac, I was elected as chairperson for the 2007-08 year. Luckily, outgoing chairperson Beverly Bunting and incoming chair-elect Denise Glassmeyer and incoming secretary/treasurer Frank Angileri were there to keep things on track.

The 33rd Annual Summer IP Law Institute (which was held July 12-14, 2007, on beautiful Mackinac Island) featured a stellar slate of topics. The two advanced sessions were moved to Thursday afternoon, as opposed to during the main program on Friday, due to both their popularity and the requests of our members. Tom Irving lead a session on “Drafting and Prosecuting Patents for Subsequent Litigation and Licensing”, while Mike Lisi tackled “Taxation of Intellectual Property Interests.” Kate Spelman, Tom Irving and Leslie Lott lead the ever popular Friday morning “updates on...” sessions, with their specialties being copyrights, patents and trademarks, respectively. Later on Friday, John Steele tackled an ethics session geared specifically toward the issues faced in i.p. practice. Continuing another trend borne again of our members’ requests, Saturday’s morning activities were broken into two tracks. On one track, participants were witness to a lively panel discussion by Ernie Brooks, Jim Dabney, Catherine Nyarady and John VanOphem regarding the *KSR v. Teleflex* case, while the other track featured Ted Davis and Leslie Lott giving their insights regarding the recently-enacted Trademark Dilution law and the new TTAB standards. Later that morning, Douglas Clark shared his experiences with protecting and enforcing i.p. rights in China, while Judge Rosen counseled the crowd regarding the recently-enacted e-discovery rules and how the courts were putting them into action. No Institute would be complete without our Thursday and Friday evening receptions on the porch. Thank you to our sponsors, Dickinson Wright and Carlson, Gaskey & Olds for the wonderful food and drinks. Clifford Chance graciously sponsored our morning continental breakfasts. And just in case you were wondering if there were opportunities for a bit more intimate networking, our women’s networking breakfast and corporate counsel lunch were just the right touch. Of particular note, Mary Gail Gearns informed the corporate

crowd about the impetus behind and success of a ground-breaking partnership between Citigroup and Bingham McCutchen for corporate law department internships. It all sounds so easy – putting on a program like this – doesn't it? That's because the events like this Institute continue to be made easy for the council by our excellent partnership with the Institute for Continuing Legal Education.

Without giving ourselves much time to breath, we jumped right into back-to-back PCT practice road shows. David Wisz hosted the Troy site on October 22nd, while Mark Davis hosted the Grand Rapids site on October 23rd. Again, in response to member demand, these seminars were geared more towards interns, new lawyers, paralegals and office administrators. Besides being full of substantive tips and tricks, these types of events give the non-attorneys in your office a much-needed opportunity to network with others. And, frankly, it is just one way to let them know that you appreciate their time, effort and expertise.

Which, it bears noting that the cost of every event is underwritten by your section dues. Through judicious negotiations and the pooling of resources, we are able to permit our section members and their office staff to attend all of these many events for a fraction of their true cost. You will never see mention of credit card junkets by IP Law Section council members. 100% of your dues money goes to support the work of the section!

The fall seminars were unfortunately the last event where council member Mark Davis was able to serve. He was nearly to the end of his three-year council seat when it became necessary for him to bow to the needs of the others who were competing for his time and talent. Luckily, Scott Keller was available to step-in, to fill the remainder of Mark's unexpired term.

This winter, council member Jake Grove led the effort to bring "Kayton" to Detroit. The Patent Resource Group, the organization behind the eponymous Kayton patent courses, conducted an advanced seminar on "Latent Dangers of Common Patent Prosecution Practices" on February 20th. State bar members received a \$200 discount off the normal course registration fee. By all accounts, this first was a successful endeavor, so much so that the PRG folks plan to add Detroit to their regular slate of localities.

Less than one month later, the council hosted the annual Spring Seminar at the Kellogg Center in East Lansing. Not wanting to sound like a broken record, but the council has taken the cue from you, our members, and we continued our practice of offering two tracks of seminars so that the participants could hone-in on the topics of particular interest to them. Packed into seven hours, the topics ranged from New KSR Compliance Standards at the USPTO and Update on Patent Rules (Bruce M. Kisiuk of the USPTO), Update on TTAB Rules and Discovery under the New Trademark Rules (Cindy B. Greenbaum of the TTAB), How to Avoid the 10 Most Common Patent Application Mistakes (Lynne H. Browne of the BPAI), The 10 Most Common Mistakes in TTAB Practice (Cindy B. Greenbaum of the TTAB), Opinions of Counsel After the Seagate Decision (Michael P. Brennan of Harness Dickey & Pierce), Handling Patent and Trademark Counterfeiting in the Pacific Rim (Thomas T. Moga of Butzel Long), IP Litigation in State Court (Andrew M. Grove of Reising Ethington Barnes Kisselle, Todd R. Mendel of Barris Sott Denn & Driker, Steven Susser of Young & Susser, and Judge (retired) Jessica R. Cooper, What Every Patent Lawyer Needs to Know to Avoid Malpractice in the Trademark Area (Kevin D. Gasiewski of Brooks

Kushman), Process of IP Legislation and Policy Developments in the US (Stephen G. Kunin of Oblon Spivak McClelland Maier & Neustadt, and former of the USPTO), Trade Secrets in the Digital Age (R. Mark Halligan of Lovells), Enforcement of Design Patents on Auto Parts in the ITC (Damian Porcari of Ford), and E-Discovery: How to Ask for the Right Stuff (Carol A. Romej of Butzel Long). Plus, in the midst of all that, council members Julia Voutyras and Denise Glassmeyer hosted a Roundtable discussion with the law students. Wow, that's a lot to list without taking a breath...

And, speaking of taking a breather, I will close with my warmest and deepest thanks to everyone who has served on the council this past year. Being chairperson only looked easy because I was blessed with such a wonderful group of dedicated volunteers who worked tirelessly to offer these fabulous events and programs. Thank you, Chair-Elect Denise M. Glassmeyer, Secretary-Treasurer Frank A. Angileri, and council members R. Scott Keller, Andrew M. Grove, Jennifer S. Warren, Jennifer Sheehan Anderson, Kevin S. MacKenzie, David L. Wisz, Anna M. Budde, Julie Voutyras, Donald J. Wallace and ex-officio Beverly M. Bunting. Thank you also to Lynn Chard, Stephanie Law, Lora Freeman, Ryan Bailey and the entire staff at ICLE. They are the "heavy lifting" that flawlessly pulls all of the seminar and event details together for us.