

**INTELLECTUAL PROPERTY LAW COMMITTEE
BUSINESS LAW SECTION
THE FLORIDA BAR**

MEETING MINUTES – 2015 Labor Day Retreat
Saturday, September 5, 2015, Ritz Carlton Naples
Estuary or by Telephone 1-888-376-5050, Pin 3685320102

Woody Pollack, Chair, Tampa	woodrow.pollack@gray- robinson.com	813-273-5000
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Robert Kain's CADRA CLE Presentation: Course No. 150426N

Attendees: Woody Pollack, Mark Stein, Brogan Wachob, Doug Cherry, John Cunniff, Jeanne Seewald, Robert Kain, Oliver Ruiz, Larry Kunin, Darren Spielman, Joel Rothman, Ury Fischer, Dineen Wasyluk, Kimra Major-Morris, Eddie Fays, Kevin Levy, Samuel Lewis, Steve Peretz, Jim Matulis, Michael Scott, Daniel Whitehouse, Robert Thornburg, Brock Hawkins, Julee Milham, Jerold Schneider, Josh Saltz, Moish Peltz, Iris Elijah, Marissa Constant

(2) On the Phone: Terry Sanks and Ava Doppelt

I. Woody Pollack, Committee Chair, welcomed the group and invited attendee introductions. Woody asked Ury to talk about IP Board Certification.

II. Old Business: Dineen moved that the committee adopt the minutes previously distributed by email. The motion was seconded and the minutes were verbally approved.

III. New Business: IP Certification Update: Ury Fischer, Coral Gables (Chair of the Certification Committee). Six (6) people took IP certification exam in May. Four(4) failed and two (2) passed. The application period for the May 2016 exam began September 1 and will close October 31, 2015. Those who were certified in 2010 were due to recertify this year and requirements should have been completed by July 31, 2015. Members who filed an extension have until October 31, 2015 to meet the recertification requirements and submit their applications. Certification CLE hours are available online via "My Board Certifications" window in each members' My Florida Bar page. Sample exam questions, exam specifications, rules and policies are also available online. Since last year, some board certified attorneys are being asked to pretest the questions. Only feedback is required, not answers to the questions.

IV. Legislative Update: Kimra Major-Morris, Legislative Vice Chair

- Kimra gave the legislative update and initiated the discussion on the Patent Troll Prevention Act. Although the pending bill **HB0055**, amending s. 812.081, was just filed in August. Currently the Florida Legislature's website shows HB0055 as being effective October 1, 2015, however this is expected to be corrected. Also, **HB0057**, expanding public records exemptions related to Trade Secrets. The committee should review this (lengthy) bill and express any concerns to Kimra.
 - Woody, Sam, Mark, Kimra, Mike Chesal, Dineen, and Aimee will join the bankers' general counsel on a conference call on Thursday, September 10 to discuss their Patent Troll Prevention Act. In advance of that call, Woody, Sam, Mark, Kimra, Mike Chesal, and Dineen will agree on a list of our concerns to be discussed.
 - Sam noted that the first case under the Patent Troll Prevention Act was filed in August (*Rival Star v. Demand Star*) in the Southern District. The committee engaged in discussion about the potential consequences of amending the new law, following the case(s) already filed.
 - Dineen advised the committee of a Legislative Keywords List, to prevent us from missing pending legislation not flagged for our committee. The keywords have been posted to the listserv.
 - Darren encouraged all to review the Legislative Tracking List in-depth.

V. New Business.

- a. **7th Annual IP Symposium.** Terry Sanks, Symposium Chair provided the update by phone. The dates are April 7 & 8, 2016 @ The Renaissance Seaworld Hotel. The steering committee is reaching out to guest speakers for our symposium dinner on Thursday. Still developing the topics. Some of the current topics being explored are: malpractice, youtube and its policies related to copyright and trademark, foreign IP practice issues, and a trade secret session. We're also looking to add ethics CLE credits. The next steering committee meeting is Sept. 15. Meetings are held telephonically every other Tuesday. Subcommittee is working with sponsors, but the IP committee (as a whole) is invited to solicit sponsors for the event.
- b. **Barbara Riesberg, Proceedings Supplementary Task Force** Chair, and other task force members arrived to briefly discuss Chapter 56. Seeking our approval for executive action on Monday, September 7. Chapter 56 is old and needs updating. Changes sought are procedural in nature, intended to clarify existing law. Please review the draft circulated. The task force has a potential sponsor in the FL. Senate who will pass something in the next session with or without us. Barbara and the task force are working with Sen. David Simmons. Mark made a motion that the IP Committee support the Proceedings Supplementary Task Force in its efforts. Bob seconded. Committee voted verbally.

- c. **BLS Leadership** briefly attended our meeting. They are looking for Communications and IMF (Inclusion, Mentoring, and Fellowship) liaisons. They want to capture substantive issues in a training manual, which will include the leadership track and procedural. Notably, the communications volunteers revamped the website.
- d. **Disclosures on IP Blog:** Bob Kain expressed concerned about posting so much of our writings (white papers) online, because the legal opinion(s) expressed by the task force(s) could be used against each attorney. (Noting, there is a difference between what we do here in the committee and advocating for a client in a case). The committee generally agreed that if we're going to have open communication, it's important to list the context (i.e. members' names or a standing introduction) – to have more coverage and/or a general disclaimer. *Dineen has volunteered to maintain the format for postings (including the liaison). She will consider/suggestion a procedural approach.*
- e. **State Trademark Improvement Project (Continued from previous meetings)** Doug Cherry: Asked about the status of State trademark improvements previously discussed. The Committee discussed our state's trademark coverage and its current limitations. Dineen has done prep work and has background information to get it started again. One issue is that Florida's Goods and services list doesn't align with the federal list.
 - We need manual to help with state trademark prosecutions. Discussion on finding a similar state statute to use as a reference. Dineen and Kimra will work on the procedural manual.
 - We also need legislative fixes. Doug volunteered and will work on it with Ury and Jeanne Seewald.
 - Michael Chesal proposed eliminating the identification of goods and services.
 - We briefly discussed s. 495.0612

VI. Adjournment. Our next meeting will be at the Hilton Orlando (during the legislative session, one week after the Bar's mid-year meeting).