

**INTELLECTUAL PROPERTY LAW COMMITTEE
BUSINESS LAW SECTION
THE FLORIDA BAR**
MEETING MINUTES – 2021 Annual Meeting – Via Zoom
Thursday, June 10, 10:00 AM – 12:00 PM

I. WELCOME AND INTRODUCTION BY THE CHAIR

Attendance: [TO BE ADDED]

II. OLD BUSINESS

A. Adoption of Meeting Minutes. January 21, 2020 - Winter Meeting – Approved, with correction of spelling Michele Moss’s name in the “Attendance” list.

B. CLE Course Numbers for Past IP Committee Meetings:

1. 6/18/2020 - “Insurance Issues Relating to Intellectual Property and Trade Secret Claims” – **Course No. 4045**

2. 9/3/2020 – [Booking.com](https://www.booking.com) and the future of Generic Names as Trademarks, presented by Ava Doppelt – **Course No. 4258**

3. 1/21/2021 - The Copyright Alternative in Small-Claims Enforcement Act of 2019 (CASE Act of 2019), presented by Catherine “Catie” Zaller Rowland,- **Course No. 4490**

II. NEW BUSINESS

A. IP Symposium Update – Jim Matulis – We had 76 attendees at the Symposium this year, including 26 attendees that also joined the IP Committee. Feedback has been positive, thanks again to Subcommittee Chairs Darren, Sam, and the other Subcommittee members: The Honorable Mary Scriven, Professor Jake Linford. Jacqueline Tadros, James Matulis, Michele Moss, Crystal Potts, Don Conwell. Meredith Mendez, Terry Sanks, Sean Combs, Lorri Lomnitzer, Kimberly Harchuck, James Stepan, and Bryan Wilson. Next Symposium will be April 28-29, 2022.

B. Legislative Update – Michele Giovanni Moss, Orlando

1. **Trade Secrets** – HB 1055 - The bill makes confidential and exempt from public records copying and inspection requirements those trade secrets, as defined in in the Uniform Trade Secrets Act, held by an agency. This public records exemption expires October 2, 2026, unless reviewed and saved from repeal by the Legislature. An agency employee, acting in good faith and within the scope of his or her duties, is immune from criminal or civil liability for the release of the protected trade secrets - Passed and Presented to Governor DeSantis for Signing. As originally submitted, the legislation included requirements for anyone who submits information to an agency that contains trade secrets to certify under oath that the information is trade secret and to mark those portions, and that the failure to do so would result in a waiver of trade secret protection, as addressed in a white paper submitted on behalf of the committee. The final draft of the legislation did not include these provisions, but practitioners

should be aware that there is case law that stands for the proposition that the submission of such information without marking as a trade secret results in a waiver.

2. Florida Theft of Trade Secrets Act - Corporate Espionage - HB 1523 by Rep. Mike Beltran (R-Valrico) creates the "Combatting Corporate Espionage in Florida Act" which prohibits the receipt of unlawfully obtained trade secrets – Passed and signed by Governor DeSantis. Jim Gale observed that the law is a significant departure from current law in that it criminalizes the mere acquisition and possession of stolen trade secrets, such as can occur when a new employer hires an employee that brings materials from a former employer. The Committee should consider putting together a task force for further study, and proposed revisions, if appropriate.

2. BLS Proposed Changes to Service of Process Statute- Changes to Chapter 48, F.S. to: (1) simplify the methods of service of process on business entities to eliminate redundancies and inconsistencies, (2) clarify the statutory scheme to avoid confusion, (3) better elucidate the methods for effectuating service of process in foreign countries, and (4) modernize the methods and procedures for service of process on business entities, while ensuring compliance with fundamental notions of due process. Giacomo Bossa provided some additional background and details on the proposal. The changes are on the agenda for a triple motion before the EC.

3. BLS Proposed amendments to the judgment lien statute in Chapters 55, 56 and 319 of the Florida Statutes and to Fla. Stat. §§ 679.4061 and 679.4081 regarding exclusion of LLC and partnership interests from UCC Article 9 Overrides. The changes are on the agenda for a triple motion before the EC. No feedback from the Committee. Everyone should review and submit comments.

4. BLS Proposed Amendments to Fla. Stat. §713.78 regarding warehouse storage liens - intended to make Fla. Stat. § 713.78 the exclusive Florida statute to foreclose a storage lien. The changes are on the agenda for a triple motion before the EC. No feedback from the Committee. Everyone should review and submit comments.

C. Section 542.335 Task Force Update – Jim Matulis, Tampa – The Task Force, with the assistance of the BLS’s lobbyists, submitted its proposed changes to section 542.335 along with a white paper to the members of the House and Senate, but the draft was not introduced as a bill, as the potential sponsors had issues with the proposals. The Task Force will be meeting with the potential sponsors in advance of the next legislative session to address concerns and attempt to resolve any objections.

D. Board Certification Study Materials Task Force – Jessica Shraybman, Miami Beach and Joe Englander, Miami, co-Chairs – The committee has been meeting and is making progress and continuing to look for new participants. Discussion regarding the specifics of the test, which can be found on the bar’s website.

E. Board Certification Update – Woody Pollack, Tampa – The deadline to apply for recertification is July 31, 2021. Recertification applications must be postmarked by midnight July 31, 2021. Everyone interested in applying for Board Certification should be sure to plan ahead and keep records of their IP matters. Applications to take the board certification exam are being accepted September 1, 2021 through October 31, 2021. Applications for the initial

board certification exam must be postmarked by October 31, 2021. The exam will occur in May 2022.

F. Liaison Updates -

1. Inclusion/Mentoring/Fellowship Committee – Nicole Reid, Mount Dora – [not present]

2. Communications Committee – Crystal Potts, Fort Pierce – New membership portal up on the Business Law Section website. All section members should access and update their profiles, good for connecting. Also regular newsletters will continue to come out. The Committee is looking for articles, which will be posted on the website and circulated as well.

3. Pro Bono Committee – Angela Nieves, Miami – Everyone should consider getting involved in the Law School Challenge and/or to sign a Pro Bono Pledge to commit to serving 20 hours this year toward pro bono matters. There is also a program underway in which attorneys can answer questions posted on a website by pro bono clients, without having to take on a case. There is a timekeeper function on the website which will track the amount of time spent by the attorney doing pro bono work on the website. There is also an opportunity to obtain pro bono hours as part of the Veteran’s Financial Literacy project. As part of this project, a Business Law Section member can spend 30-45 minutes with a veteran answering questions and providing legal advice on financial matters.

4. CLE Committee – Liz Stamoulis, Sarasota – The CLE committee is always looking for Florida Bar Journal articles. There is a list of prior articles submitted from the Business Law Section and also the specific article requirements on the BLS website. Currently, the CLE committee is set for articles through early 2022 so there is plenty of time to gather ideas and write an article. The CLE committee is looking for CLE presenters for both online webinars and in person CLE presentations. If you have an idea for a presentation, the CLE committee needs 3 months’ notice for online CLE presentations and 6-8 months’ notice for in person CLE presentations. If there is an opportunity to work with another section to put on a CLE event, that would be ideal. Please consider cross-section CLE opportunities. There was also some discussion regarding the Florida Supreme Court’s opinion that has resulted in the rejection of CLEs from any organization that includes mandatory diversity requirements for CLE panelists and speakers, such as the ABA.

G. Leadership Changes

1. Chair – Michele G. Moss

2. First Vice-Chair, Legislation – Sam Lewis

3. Second Vice-Chair, CLE – Darren Spielman

4. Symposium Subcommittee Chair – Meredith Frank Mendez

H. EDDE Committee Proposed Changes to FlaRCivPs – Zac Catanzaro discussed revisions that EDDE has prepared to the Florida Rules of Civil Procedure that will make the rules more consistent with the federal rules, including the need to meet and confer on ESI issues. The proposed rules will be on the EC Agenda during

the Labor Day Retreat meeting for approval and ultimately for submission to the Florida Supreme Court. Everyone should review and submit comments.

I. IP Committee Virtual Roundtable Events – the second Wednesday of each month, from noon-1:00, via Zoom. Bob Kane and Jim Gale volunteered to discuss the new Supreme Court case on CADRA at an upcoming Roundtable in July 2021.

IV. CLE EVENT

Topic: **The Simplified Retelling of *Compulife Software Inc. v. Newman*, 959 F.3d 1288 (11th Cir. 2020): “Warning: This Gets Pretty Dense (and Difficult) Pretty Quickly”**
– Joel Rothman, SRIP Law, Boca Raton

V. ADJOURNMENT

Next Meeting, Florida Bar Business Law Section Labor Day Retreat, September 3-6, 2021 @ The Ritz Carlton in Naples, FL In person...Woohoo!