

AGENDA

INTELLECTUAL PROPERTY LAW COMMITTEE BUSINESS LAW SECTION THE FLORIDA BAR

Orlando, Florida
June 25, 2009

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|--------------------|----------------------|-----------------------|-------------------------------------------------------------------------|
| Chair: | Mark E. Stein | (305) 448-7089 | mestein@lfiplaw.com |
| Vice Chair: | Joel Rothman | (561) 833-9800 | jrothman@arnstein.com |

1. Call to Order/Introductions.
2. Approval of Minutes of IP Committee Meeting on January 15, 2008.
3. Old Business – Standing Items:
 - A. Report on IP Certification – James Gale
 - B. Update on Lunch-and-Go Program – Robert Thornburg
 - C. E-Discovery Task Force – Doug Cherry
 - D. Update on Uniform Patent Rules – Doug McDonald
 - E. Mid-Year CLE by Perry Saidman: Egyptian Goddess Exposed! – Joel Rothman
4. New Business:
 - A. Committee Goals and Projects (2007-2009)
 - i. Update to IP Certification Materials
 - ii. Increasing usage of Committee Blog – Joel Rothman and Leora Herrmann
 - iii. Discussion of Other Possible Goals and Projects
 - a. Creation of State I.P. Jury Instructions
 - b. Possible Rewrite of Florida TMEP
 - c. Florida NITA/INTA Trial Advocacy Program
 - d. Chapter 815 Rewrite – Sam Lewis update
 - C. Legislation – Michael Higer
 - D. Presentations – Cases and Information
 - i. Rescucom v. Google – *Misha Kerr*
 - ii. Perfect Web Technologies v. InfoUSA – *Robert Thornburg*
5. Chair's Report and Next Meeting – September 5, 2009 (Ritz Carlton, Naples)
 - A. Vice-Chair Thank You to Chair
6. BLS CLE Presentations (1.0 hours of CLE Credit)
 - **Copyright Termination** -- Julee Milham and Steve Carlisle
 - For CLE: FLA Bar: *to be provided* CLER and IP Certification Credit:
7. Adjournment

**Minutes of the Meeting of the Intellectual Property Law Committee of the Business Law
Section of the Florida Bar, Thursday, January 15, 2009
Hyatt Regency Hotel, Miami, Florida**

A meeting of the Intellectual Property Law Committee (the “Committee”) of the Business Law Section (“BLS”) of the Florida Bar was conducted on January 15, 2009, in conjunction with the Mid-Year Meeting of the Florida Bar in beautiful Miami, Florida. The Committee Chair, Mark E. Stein, welcomed everyone and called the meeting to order at approximately 9:00 a.m.

ATTENDANCE

Mark Stein requested that everyone sign the attendance sheet to reflect those present at the meeting. In attendance were:

| Name | E-Mail |
|----------------------|------------------------------------------------------------------------------|
| Mark Stein | mestein@lfiplaw.com |
| Joel Rothman | jrothman@arnstein.com |
| Michael Bruce Chesal | mchesal@pc-iplaw.com |
| Ava Doppelt | adoppelt@addmg.com |
| Jorge Espinosa | jespinosa@etlaw.com |
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| Stephen Milbrath | smilbrath@addmg.com |
| Stephen Nagin | snagin@bellsouth.net |

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|---------------------|--------------------------------------------------------------------|
| Robert Thornburg | rthornburg@addmg.com |
| William Trueba, Jr. | wtrueba@etlaw.com |
| Paul Kobak | pkobak@pc-iplaw.com |
| Lauren Bercuson | lbercuson@lfiplaw.com |
| Samuel Lewis | slewis@feldmangale.com |
| Leora Herrmann | lherrmann@pc-iplaw.com |

MINUTES FROM THE AUGUST 30, 2008 MEETING

Douglas McDonald moved to approve the minutes from the August 30, 2008 meeting of the Committee that took place at the Ritz Carlton in Naples, Florida. The Motion was seconded by Ava Doppelt. The minutes were approved unanimously.

OLD BUSINESS: REPORT ON IP CERTIFICATION

Ava Doppelt reported on the status of IP Certification. Ava reported that 18 lawyers have applied and several have requested the 20 year exemption for IP Certification. Ava reminded the committee that this is the last time the 20 year exemption will be offered.

CLE PROGRAMS

CLE Program Chair Robert Thornburg reported on the successful Lunch & Learn program presented at his (now former) firm of Cary Rodriguez in Miami. Bob reported that 20 people attended in person and 30 attended on the telephone. Bob asked for volunteers to host other lunch and learn programs, including one on trademark issues.

E-DISCOVERY TASK FORCE

No report.

ANNOUNCEMENTS FROM THE CHAIR AND VICE CHAIR OF THE BUSINESS

LAW SECTION

Russ Blaine (BLS, chair-elect), Lou Conti (BLS, secretary-treasurer), and Bill Wiley (BLS Lobbyist) thanked everyone for attending. Bill Wiley indicated that this legislative session appears to have little of interest to our committee currently being considered, but he will continue to monitor new bills and advise us accordingly. Bill also reported that the voters returned good people to the legislature.

IP PAMPHLET

The Chair announced that the IP pamphlet is now available and encouraged everyone to order copies.

COMMITTEE COMMUNICATIONS

Steph Nagin spoke about the Business Law Journal and his efforts to elevate it and make it more practitioner friendly. Members of the committee volunteered to write articles for the Journal. The Vice Chair offered to write a case brief on Rapp v. Jews for Jesus. Steph and the committee also thanked Steve Milbrath for his contribution discussing the Broadcom case.

OLD BUSINESS

The Chair raised several projects for discussion. With respect to a revision of Chapter 815, the Chair noted there was little interest from criminal attorneys to participate in this large project. Sam Lewis volunteered to review the issue to determine if the project could be made more focused.

Doug McDonald addressed the issue of drafting a set of IP jury instructions. It was noted that both the Federal Circuit and the AIPLA have released sets of IP jury instructions. Doug and

Ava agreed to discuss this project further and report back.

The Chair raised the possible project of revising the TMEP used by the Florida Secretary of State since the current set was not useful as it applied to the old Florida trademark act.

Ken Hartmann noted that the Chair's previous suggestion of a NITA/INTA trial advocacy program was a good one, but that perhaps it could be offered in an abbreviated version. Steph noted that what NITA really needs is materials for such a program to make it viable. It was suggested that if the committee were to work on this project a subcommittee would be necessary.

Finally, the Chair mentioned the necessity for updating the IP certification materials. Doug McDonald indicated that there were many patent law updates to the materials that were required.

NEW BUSINESS

Doug McDonald gave a short presentation on the recent decision of the Federal Circuit in *In re: Bilski*. It was informative and well received.

Leora Hermann gave a short presentation on the recent Ninth Circuit decision in *United States v. Abel Time, Inc.* It was informative and well received.

The Chair noted with sorrow the passing of well renowned and respected Florida IP attorney Jack Dominick. He will be missed.

CLE PRESENTATION: EGYPTIAN GODDESS

Perry Saidman of Saidman Law Group gave a presentation on the Federal Circuit's recent en banc decision on design patents *Egyptian Goddess, Inc. v. Swisa, Inc.*, entitled *Egyptian Goddess Exposed!*

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 12:00 p.m.