

**IP COMMITTEE MINUTES – June 21, 2012 (Annual Florida Bar Convention)  
Gaylord Palms Resort, Orlando, Florida**

**I. WELCOME AND INTRODUCTION BY THE CO-VICE CHAIRS**

In the absence of the Chair Robert Thornburg, IP Committee Co-Vice Chairs Leora Herrmann and Ury Fischer welcomed everyone to the meeting. Attendees then introduced themselves.

In attendance were Kimberly Bursum, Julee Milhem, Dineen Wasyluk, Woody Pollack, Matthew Nelles, Don Conwell, Robert Kain, Janet Moreira Gamble, Carly Johnson, Jerold Schneider, Irwin Gilbert, David Sigalow, Josh Saltz, Samuel Lewis, Katherine Van Deusen, Patricia Carlson, Jeff Lloyd, Joshua Brown, Terry M. Sanks, Dave Ellis, Justin Miller, Peter A Chiabotti, Jeanne Seewald, Doug McDonald, Mark Stein, Ken Hartmann, Jeff Boyles, Tricia Wozniak, Ryan Santurri, Edward Livingston, Lorri Lomnitzer, Ury Fischer, Leora Herrmann, Keith Kanouse Jr., Doug Cherry, Mindi Richter, Todd Timmerman, Larry Kunin, Steve Peretz, Leslie J. Lott, Michael Chesal, Kimra Major Morris, Vijay Brijbasi, and Ava Doppelt.

**II. OLD BUSINESS**

**A. Adoption of Meeting Minutes**

The minutes of the March 1, 2012 committee meeting were approved.

**B. Legislative Update**

The committee discussed proposed amendments to the Florida Statutes governing covenants not to compete. It was resolved that an ad hoc sub-committee would be formed to review the proposed changes and report back to the Committee. The following committee members were named to the ad hoc sub-committee: Samuel Lewis, Don Conwell, Larry Kunin, and Leora Herrmann.

**C. Diversity Committee Liaison**

Carly Johnson was appointed as the liaison to the Diversity Committee of the BLS. Carly advised that current initiatives of the Diversity Committee were: (a) the Each One Reach One initiative; (b) securing diverse speakers for Committee activities; and (c) electing diverse individuals to leadership positions.

Carly reported that as liaison she will be tasked with presenting the Committee's report on diversity goals to the Diversity Committee. She remarked that the diversity goals were not just aimed at racial diversity but at all kinds of diversity.

Ken Hartmann advised the Committee of the upcoming 8<sup>th</sup> Annual John Kozyak Minority Mentoring Picnic to be held in October 2012 at Amelia Earhart Park in Miami.

#### **D. E-Discovery Task Force**

Doug Cherry reported that the E-Discovery Task Force's proposal was formally submitted to the Florida Supreme Court and that oral argument on their adoption was held on March 7, 2012. The proposal was well received by the Supreme Court and various Justices called on the committees involved in the Task Force to educate the general bar on e-discovery issues.

Doug also reported that a seminar on e-discovery was being planned for 2013 and that there currently were outreach programs in place to judges and the general bar including pamphlets, and lunchtime CLEs.

Doug McDonald reported that the ABA had implemented requirements for member attorneys to be knowledgeable about e-discovery tools.

#### **E. IP Certification**

Jeff Lloyd, Chair of the IP Certification Committee, reported that 10 persons sat for the May 2012 exam. Jeff reported that 78 attorneys are due for re-certification in the current cycle and the deadline for submitting applications was August 15, 2012. It was also reported that the decisions on re-certification applications would be announced on August 1, 2013.

Michael Chesal also reported that the amendment to the "substantial involvement" changes to re-certification requirements were not yet approved.

#### **F. State Trademark Procedures Initiative**

Doug McDonald reported that Darren Spielman was in the process of contacting the Secretary of State to ask what the Committee can do to streamline state trademark registration procedures. Doug advised that what was being considered were "how-to" guidelines, not strict procedures or rules.

### **III. NEW BUSINESS**

#### **A. Term of Committee Officers**

A discussion was held on shortening the term of Committee Officers from the current 2 years to one year. The proposal was suggested in order to make it easier for members to serve as officers since the current structure requires officers to serve 6 years (4 as co-vice chair, 2 as chair). Proponents of the shortened terms indicated also that it would promote the infusion of fresh members to the executive committee.

A motion was made by Robert Kain to shorten the Chair and Vice-Chair terms to one year. The motion was seconded by Michael Chesal. The motion carried by unanimous vote.

It was resolved that after the conclusion of the meeting, and pending approval by the BLS leadership, the new leadership of the Committee would consist of:

Leora Herrmann – Chair  
Ury Fischer – Co-Vice Chair (Legislation)  
Dineen Wasylik - Co-Vice Chair (CLE)

### **B. Update of IP Pamphlet**

Justin Miller volunteered to update the Committee's IP Pamphlet with changes related to the American Invents Act and to determine whether additional changes were needed due to other laws enacted since the pamphlet was written.

### **C. IP Committee Blog**

Ury Fischer volunteered to act as blog master. Leora Herrmann reported that only 24 people were signed up to receive e-mails for blog postings. She requested and obtained permission to add all members in attendance at the meeting. Robert Pershes volunteered to compile a list of active committee members and to update the list on the Committee's website. The goal is to include all members of the committee in the blog mailing list.

### **D. Publications/CLE**

The Chair requested committee members who wished to volunteer to write case notes for the BLS Law Journal, or to provide CLE presentations at the BLS Retreat in Naples, to contact her.

### **E. Computer Fraud and Abuse Act Update**

Robert Kain reported on problems with the current Florida Computer Fraud and Abuse Act. He indicated, for example, that there were 4 separate decisions construing the term "unauthorized access" in the act. Robert suggested that an amendment updating the Act to account for changes in technology may be warranted.

## **IV. 4<sup>th</sup> Annual IP Symposium**

Dineen Wasylik was introduced as program Chair for the 4<sup>th</sup> Annual IP Symposium. She reported that a date in mid-late March was preferable and that she was in the process of evaluating the nationwide IP events calendar to report a proposed date to the planning committee. Dineen also reported that West Palm Beach was selected as the site of the event and that research was being done by the Bar with regard to hotels and venue.

Dineen requested suggestions for topics and speakers for the program and reported that a planning committee had been formed and was meeting regularly to finalize the program.

## **V. Visit from BLS Leadership**

Mindy Mora, Section Chair, Brian Gart, Chair Elect, and Steph Nagin, Secretary/Treasurer, stopped by with Section lobbyist, Bill Wiley. Mindy Mora welcomed everyone and described some of the events taking place at the Annual Convention. Mindy Mora also reminded everybody about the diversity initiatives of the Section and requested that Committee Members sponsor lunchtime CLEs and provide submissions to the BLS Law Journal. Brian Gart requested that the Committee ensure its current leadership and membership list was up to date. He also asked for input regarding special needs at the BLS Retreat in Naples. Bill Wiley explained that several bills sponsored by the BLS had been acted upon by the legislature during its January 2012 term. He described some of the legislation that could be of interest to the committee, including changes to the non-compete statute, in the upcoming session.

Ury Fischer briefly discussed the IP Symposium presentations and speakers. Robert Thornburg opened a discussion as to whether the Symposium should continue to be an annual event. He recapped the challenges of putting the symposium together every year, including difficulties in securing marketing support from the Bar and in securing speakers in current economic situation. Joel Rothman spoke in support of maintaining the symposium as an annual event by recounting the excellent attendance in previous years. A consensus was reached that the symposium would be maintained as an annual event with the 4<sup>th</sup> Annual Symposium to be held in 2013 in either West Palm Beach or Tampa. Ury Fischer requested input from the membership for potential speakers for the 4<sup>th</sup> Annual Symposium. Kevin Wimberly requested that there be more variety in speaking programs. Debra Faulk volunteered to participate in the planning committee.

## **VI. CLE PRESENTATION**

Jerrold Schneider delivered an excellent presentation on patent litigation at the International Trade Commission. 1 Hr. of IP Certification CLE was awarded.

## **VII. ADJOURNMENT**

The meeting was adjourned and the Committee members were advised that the next meeting would take place on September 1, 2012 at 9:00 AM at the Ritz Carlton in Naples during the BLS Annual Retreat.