**SUMMARY OF TELECONFERENCE FOR 9TH IP SYMPOSIUM**

**Date:** Monday. Aug. 7, 2016

**Time:** 3:00 pm

**Attendees**:

Terry Sanks 407-926-7700 [TSanks@bwsmiplaw.com](mailto:TSanks@bwsmiplaw.com)

Jim Matulis 813-451-7347 [Jim@matulis-law.com](mailto:Jim@matulis-law.com)

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**Next Call**: Date: **Tue. Aug. 22, 2017 at 2:00 p.m.**

Call In: (641) 715-3580

Passcode: 711799#

Topics: Panel Topics – Sponsors – Luncheon & Keynote Speakers – Possible IP certification presentation or panel

**Date of IP Symposium**: TBD – April 12/13 or 19/20 or 26/27

1. Location for next Symposium is Tampa/ St. Pete area, per rotation
   1. There is interest in either a beach destination or downtown Tampa –
   2. beach may be expensive as it is still high season – JMM to check with JoAnn
2. Keynote Speaker – approach CAFC judges, in order, with short response deadline and offer to accommodate their schedule for the date (see below)
3. Date – will be left flexible but tentatively any Thurs/Fri combo - April 12/13 or 19/20 or 26/27
4. CLE Topics
   1. Need 7-9 hours, prefer 10 hours total + possible IP cert presentation –
   2. Initial Topics list – subject to subcommittee’s modification/approval
      1. “Recent Supreme Court Opinions” theme – preferably presented by counsel involved in each case
         1. TC Heartland – how courts are applying it and practice pointers – CAFC reversed (Moore, Lynn, and Wallach)
         2. Star Athletica – what it means for fashion and other areas –6th circuit affirmed
         3. Lexmark – what options remain available to prevent patent exhaustion / licensing – (SCt reversed en banc CAFC opinion in which Dkye and Hughes dissented)
      2. In re Tam – probably not, not much for lower courts to construe - (SCt affirmed en banc CAFC decision in which Lourie and Rayna dissent and Dkye dissented in part joined by Lourie and Rayna)
      3. Oil States Energy v Greene’s Energy Group – (SCt accepted cert June 2017)(Are IPR’s unconstitutional and if so then what? - <http://abovethelaw.com/2017/06/supreme-court-patent-saviors/?rf=1>
      4. Patreus – prosecuting and defending old copyright claims
   3. Other
      1. DMCA Take Down Notice and Fair Use - after the dancing baby case - <https://www.naturescapes.net/articles/business/court-requires-that-you-consider-fair-use-before-sending-a-dmca-takedown-notice/> - probably not, few published citing cases
      2. Amazon – IP enforcement under the ToS and in the Courts – panel to include Amazon rep if possible, brand owners, ??
         1. or Alibabba addressing online counterfeiting
         2. or both
      3. Year in Review
      4. IP Cert ??
      5. Ethics and/or Tech?
         1. E-discovery including social media
         2. Bitcoin – panel?
5. Sponsorship – Jackie to take the lead on sponsors
   * 1. Cherry Baekert is a candidate
6. Feedback
   * 1. JMM to check with Joanne re questionnaires from 8th Symposium
     2. Sponsorships – Jackie to take lead
7. Participation Requirement – to qualify for free registration to Symposium (excluding meals) subcommittee members must actively participate in subcommittee meetings and handle at least one of the major tasks
8. Assignments
   1. Each committee member select task
      1. Coordinate CLE topic or presentation to arrange / or Present CLE
      2. Coordinate Dinner Speaker
      3. Coordinate Lunch speaker
      4. Sponsorship lead
      5. Other