

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

MEETING MINUTES – 2019 Mid-Year Meeting  
Thursday, January 17, 2019, DoubleTree by Hilton Orlando at Sea World at 9:30 AM

Terry M. Sanks Chair, Orlando	<a href="mailto:tsanks@bwsmiplaw.com">tsanks@bwsmiplaw.com</a>	407-926-7707
Jacqueline Tadros 1 <sup>st</sup> Vice Chair—Legislation Fort Lauderdale	<a href="mailto:jtadros@intellectualpropertynow.com">jtadros@intellectualpropertynow.com</a>	954-351-7479
James Matulis 2 <sup>nd</sup> Vice Chair—CLE, Tampa	<a href="mailto:jim@matulislaw.com">jim@matulislaw.com</a>	813-451-7347
Mary S. Scriven, U.S. District Judge Judicial Chair, Tampa	<a href="mailto:Chambers_flmd_scriven@flmd.uscourts.gov">Chambers_flmd_scriven@flmd.uscourts.gov</a>	813-301-5400
Jake Linford, Professor Academic Chair, Tallahassee	<a href="mailto:jlinford@law.fsu.edu">jlinford@law.fsu.edu</a>	850-644-3449

**Attendees:** In person: *See attached.* On the phone:

**I. WELCOME AND INTRODUCTION BY THE CHAIR** – Due to telephonic issues, the meeting was called to order at approximately 9:42 a.m.

**II. INTRODUCTIONS:** All members present at the meeting, and all guests attending the meeting, introduced themselves and signed an attendance sheet, which is attached. Telephonic attendees included: *Sam Lewis, Ben Lehberger, and Nicole Valdivieso*

**III. OLD BUSINESS**

**A. Adoption of Meeting Minutes** – September 1, 2018, Business Law Retreat, Hyatt Regency Coconut Point - Approved

**IV. NEW BUSINESS**

**A. Pro Bono** – Mark Stein and Judge Scriven updated the committee on a new initiative from the BLS Pro Bono Committee called the Pro Bono Pledge, in which volunteers publicly commit to volunteering 20 hours each year, then self-report the hours worked at the end of the year - more information is at <http://www.flabizlaw.org/pro-bono-opportunities/> - a large number of attendees completed the forms and turned them into Mark by the end of the meeting

**B. IP Symposium Update** – Michele Moss, Orlando – the 10th Annual Symposium is April 11-12 at Loews Portofino – the subcommittee is requesting 11 hours of CLE, but final number of hours that the Bar will award is TBD - Keynote speakers include U.S. Patent and Trademark Office (USPTO) Commissioner for

Trademarks Mary Boney Denison and Trademark Trial and Appeal Board (TTAB)  
Administrative Judge George C. Pologeorgis

**C. IP Certification Update –**

1. 6 attorneys took the most recent exam, and 4 passed
2. 141 attorneys are currently board certified in IP
3. there are currently pending 2 re-certification apps and four new applications
4. The next exam is May 16, 2019
5. The next application deadline is October 31, 2019

**D. Legislative Update**

6. **Trademark Statute Amendment Update** – Jacqueline Tadros, Ft. Lauderdale - working on white paper for updated classifications, Senators Berman and Diamond are receptive and bill will move forward, proposed effective date is July 1, 2019 – legislation is needed to get Florida’s trademark classification in line with the USPTO’s classes – USPTO updates the classes every year or so, so committee needs to revisit on a regular basis
7. **Digital Currency Task Force Update** – Woody Pollack, Tampa – No legislative interest in new legislation this year

**E. Amicus Brief** – Due to time Constraints relating to the briefing schedule, the Committee will not be submitting an amicus brief in opposition to the summary judgment order entered in *Pohl v. MH Sub I, LLC*, Case No. 4:17-cv-00181, which was the subject of a *sua sponte* motion and vote held at the BLS Labor Day Retreat. There was a discussion about whether the current process for considering whether the IP section should submit an amicus brief is adequate, particularly in this unusual situation in which two committee members are involved in the case, and the order on appeal was the subject of a presentation at the most recent IP committee meeting. A motion was made and passed (with none opposed) that in the future, if a member of the IP committee that is involved in a litigation puts on a CLE about that case, the committee cannot vote on whether or not to file amicus until after notice is given to their opposing counsel that a motion to file an amicus brief will be on the agenda, and opposing counsel is invited to make arguments in opposition in advance of the vote

**F. CLE Presentation** – Title: “Rejection, Assumption and Assignment of Intellectual Property in Bankruptcy” by Mr. Scott Shucker of Latham, Shuker, Eden & Beudine, LLP, Orlando – **CLE course Number 3256 for 1.0 hours**

**V. BLS Chairperson and Legislative Chair Remarks** – The 2020 Legislative Session will start in January, so all efforts need to begin now in order to be completed by Labor Day Retreat

The meeting adjourned at approximately 11:30 a.m.