

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

MEETING MINUTES – 7TH ANNUAL IP SYMPOSIUM
Renaissance Orlando at SeaWorld, Orlando, FL – April 7, 2016

Woody Pollack, Chair, Tampa	woodrow.pollack@gray-robinson.com	813-273-5000
Kimra Major-Morris, Legislative Vice Chair, Apopka	attorneykimra@gmail.com	407-230-0540
Michael Colitz, CLE Chair, Tampa	Michael.colitz@gray-robinson.com	813-273-5000
Terry Sanks, IP Symposium Chair, Orlando	tsanks@bwsmiplaw.com	407-926-7707

Attendees: *Woody Pollack, Kathryn Rand, Bridget Humphries, Ronald C. Griffin, Terry Sanks, Kevin Wimberly, Nicole Valdivieso, Robert Kain, Jerold Schneider, Ava Doppelt, Shaun Hargadine, Doug McDonald, Kimra Major-Morris, Michael Colitz, G. Philip Zies, Jim Matulis, Dana Vouglitois, Darren Speilman, Pablo Meles, Ury Fischer, Fred Romano, Jacqueline Tadros, Neda Lajeardi, Jake Linford, Dawn Owens, Dineen Wasyluk*
On the Phone: *Doug Cherry*

I. WELCOME AND INTRODUCTION BY THE CHAIR – call to order 4:05p

Chair Woody Pollack welcomed the group. Attendees each introduced themselves. Woody acknowledged the symposium sponsors and read the Pro Bono Mission Statement.

II. OLD BUSINESS

A. Adoption of Meeting Minutes. January 28, Orlando Winter Meeting.

III. NEW BUSINESS

A. IP Certification. Update by Ury Fischer. Exam scheduled for 5/19/16.

- **Recertification.** Requirement for attorneys certified in 2011. Requirements must be met July 31. Ury is the Chair. Jerry Schnieder is the incoming chair.
 - Ury advised the committee that the USPTO has several methods of handling patent disputes without litigation. They've recently been implementing them. Ury is working on summarizing related information to share with the committee.
 - Lengthy discussion on the approach to maintaining certification and adjusting the requirements. Jerry mentioned that the requirement is 40 patent applications or 5 patent litigations and ___ for other categories. Reexamination proceeding (ex parte) should count as 4. 2 party proceeding should count as 6. Or proceedings at the patent office should be the equivalent of litigation. Measurement is based on final written decision.

- Ury thinks the proposed allowance is too much for ex-parte proceedings
- IPR, adversarial issues discussed as we interpret the rules. (See Rule 26.2(b)(1) and Rule 26.4 in the recertification rules)
 - Changes have to be proposed by the recertification committee
- Bob's Proposal – 2-party adversarial matters before the PTAB count as contested matters (under the litigation component) of the certification and recertification standard. Ury Seconds the motion. All in favor except one (Mike). The motion carries.
 - If you include a PTAB question in the exam, with it be optional? (Mike C.)

III. LEGISLATIVE UPDATES

- A. Woody updated the committee on the passing of the Patent Troll Prevention Act and Kimra provided other legislative updates.
- B. The Digital Assets Bill and Trade Secret Bills passed. Ury noted that the pending federal trade secret legislation falls short of what CADRA provides for the protection of an employer's assets.
- C. Bob advised that he has done a survey on the success of CADRA. He also reported that the Utah/CADRA legislation that was on the Governor's desk. Not signed, to our knowledge.
- D. Ava asked if we're still looking at the non-compete statute. Brief discussion on a recent proposal that failed regarding the non-compete statute.

IV. SEVENTH ANNUAL INTELLECTUAL PROPERTY SYMPOSIUM

- A. Terry Sanks reported that the keynote speaker cancelled and sent a replacement. Woody acknowledged symposium speakers in attendance.
- B. Invited committee members to assist with planning the 8th Annual IP Symposium.

V. MISCELLANEOUS:

- A. Woody introduced Dana Vouglitois, Program Director for the Florida Patent Pro Bono Program. Dana provided an overview of the program and encouraged new volunteers (for patent search, initial consultation, provisional patent application assistance).
- B. The committee welcomed Dawn Owens. Dawn recently passed the patent bar and attended the IP Committee meeting and symposium for the first time.
- C. INTA – The committee was reminded that INTA would be in Orlando.

VI. ADJOURNMENT

Next meeting will be June 16th at the Annual Meeting.