

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

MEETING MINUTES – 2016 Annual Meeting
June 16, 2016 Hilton Bonnet Creek, Orlando, Florida
Dial-In-1888-376-5050 Participant 8670236698

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, III CLE Vice Chair, Tampa	michael.colitz@gray-robinson.com	813-273-5000

Janis Long, CLE Presentation: Course No. 1605810N

Attendees: Woody Pollack, Jeanne Seewald, Darren Spielman, Mark Stein, Robert Thornburg, Matthew Horowitz, Allison Imber, Robert Kain, Jr., Keith Kanouse, Jr., Michael, Chesal, Ury, Fischer, Brian Gilchrist, Kimra Major-Morris, Terry Sanks, Ryan, Santurri, Jerold Schneider, Dineen Wasyluk, Daniel Whitehouse, Christina Taylor, Nicole Valdivieso, Brock Hawkins, Michele Moss, Shanti Hill, Cian O'Brien
***On the Phone:** James Stephan, Matthew Nelles, Michael Colitz, Jim Matulis*

I. WELCOME AND INTRODUCTION BY THE CHAIR,

- a. Woody Pollack welcomed the group and read the pro bono mission statement. Attendee introductions were followed by a visit from BLS Leaders.
- b. BLS Leaders thanked the IP Committee for submitting its policies and procedures. Announced that after this year, the Labor Day Retreat will be in Palm Beach. The committee should prepare a white paper prior to the retreat and advise section leaders of the legislative issue to be reviewed. Michael Chesal is the contact person for our legislative vice chair's follow up. The BLS Communications Committee is soliciting material for the blog. Contact Paige Greenlee or Chris Broussard.

II. OLD BUSINESS.

- a. **Minutes Adopted.**

III. NEW BUSINESS

- a. **Legislative Update:** Old legislative positions and renewals: We support the anti-hacking legislation including CADRA. The last part of the language is no longer relevant, but the Committee still supports the first part of the wording.
 1. Comments:

- Dan: The friendly worded letter worked in asserting CADRA.
 - Woody: Fl and CA: California has a civil remedy within a criminal statute. Will send the language to Bob
 - Bob – definition of a violation within the CFAA in the 11th and 2nd Circuits is not a violation in some other circuits.
 - General: If you know of holes in the law, let us know and bring it to Michael Chesal's attention
- b. **IP Certification:** IP Certification Update: Ury Fischer, Coral Gables (Chair of the Certification Committee). Eight (8) people took IP certification exam and only one (1) passed. Discussion ensued about whether the test is too difficult, due to the extremely low passage rate. Last year, seven (7) took it and only two (2) passed.
1. **Comments:**
- Generally young people taking the exam. No substitute for experience, etc.
 - Any way to compare with other board certification exams?
 - Last year, 7 took it and 2 passed
 - Cert. committee can pass it along to other cert. exams
 - The test is hard and it should be
 - Feedback from a test-taker who was present and has been practicing for 8 years, exclusively in IP. Difficult to prepare with the way we practice now. Difficult for one person to have exposure to all of that.
 - Registered patent attorneys can waive part of the exam. Doesn't recommend it. Take the patent prosecution part.
 - We should have a review as was done in the beginning (on techniques).
 - If the test is doing the job of identifying experts, that's what we want.
 - Supreme Court has watered down what it means to be certified.
 - Test-taker said she got a list of what she needed to know less than 2 months prior to the exam. Once she got the statute numbers, she prepared the same as she did in law school.
 - Sample questions are available on the site
 - Suggestion: Have an instructional course on studying at the annual symposium
 - Feedback: Multiple committee members thought the test was representative of what it means to be an expert.
 - Copyright Society: 10/19 (Bob Fischer). Covering with UM Law School Will be at Allen Dyer's Conference Space.
 - More people should get out and participate in CLEs (outside of our symposium)

- **Standards for the test (PTAB), picking up from the last discussion**

IV. 8th Annual IP Symposium. Looking for volunteers to steer and chair the IP Symposium.

V. CLE - Janis Long, Presenter from the USPTO – Best Practices: Filing Letters of Protest and Post-Publication Amendments (Including Changing Application Basis)

- If you are interested in doing a CLE for the USPTO contact Craig Morris, the Community Outreach Contact

VI. Adjournment. Meeting adjourned at 11:40. Our next meeting will be at the Labor Day Retreat in Naples.