

**IP COMMITTEE MINUTES – March 1, 2012 (IP Symposium Meeting)
Hilton Doubletree Hotel, Orlando, Florida**

I. Introduction

Committee Chair Robert Thornburg welcomed everyone to the meeting and introduced Committee Co-Vice Chair Ury Fischer. Attendees then introduced themselves. The minutes of the prior meeting were approved.

II. Attendees

In attendance were Ury Fischer, Ava Doppelt, Woody Pollack, Stephen Leahu, Doug McDonald, Stephen Thomas, Robert Pershes, Kimra Major Morris, Kevin Wimberly, Jon Gibbs, Steve Peretz, Carly Hammond, Erica Cipparone, Amber Davis, Anthony Escarra, Zachary L. Catanzaro, Stefan V. Stein, Robert Kain, Debra Faulk, Michael Colitz, Joel Rothman, and Darren Spielman.

III.3rd & 4th Annual IP Symposium

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 4th 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 4th Annual Symposium. Kevin Wimberly requested that there be more variety in speaking programs. Debra Faulk volunteered to participate in the planning committee.

IV. Legislative Update

Ava Doppelt updated the Committee on pending legislation that could affect intellectual property interests. There were no particularly relevant legislative initiatives pending although it was rumored that legislation adopting the Daubert Rule could be proposed. Doug Macdonald informed the Committee that the Federal Circuit had adopted an e-discovery model order that could be applied to non-ip cases.

V. State Trademark Procedure Task Force

Darren Spielman indicated he would be reaching out to the Secretary of State to find out what would be most welcome from the task force. Robert Thornburg remarked that the Committee needed to decide whether it was going to propose a specific initiative or simply seek feedback.

VI. IP Certification

Ury Fischer and Ava Doppelt provided an update on the number of applicants expected to take part in the certification exam and addressed questions about coverage of the exam.

VII. USPTO Pro Bono Program

Robert Thornburg advised the Committee that he had received a call from the USPTO in connection with its Patent Pro-Bono Program. The USPTO is interested in the Committee promoting the program. Doug McDonald remarked that work done under the program is unlikely to qualify as pro bono under Florida Bar rules since it is, in essence, a for profit endeavor. Doug also warned that patent prosecution has among the highest rates of malpractice filings which made pro bono work difficult to provide. Michael Colitz remarked that for these reasons the Committee should not be involved in endorsing the USPTO program. Joel Rothman suggested that the Committee instead focus on efforts to have the USPTO locate a satellite office in Florida. Robert Kain reminded the Committee that pro bono programs would only work if applicants could pay filing fees on their own, which is rarely the case. Ury Fischer remarked that the USPTO program could interfere with initiatives of the Pro Bono Committee. It was resolved that additional information about the USPTO program would be requested but that the Committee would make no commitment to participating in it.

VIII. Trademark Fraud Companies

Robert Thornburg raised the issue of mailings received by his firm and his clients from companies that wished to appear to be officially connected to the USPTO and demanded money for dubious services. He asked whether the Committee get involved in an official capacity to seek prosecution of these companies. Joel Rothman suggested instead that clients be educated to recognize fraudulent mailings. Robert Thornburg suggested that the Committee issue standardized language to provide to clients regarding these companies. Ury Fischer and Michael Colitz indicated they did not feel it was appropriate for the Committee to issue standard language as that action could expose the Committee and its members to liability. Doug McDonald remarked that issuing standardized language could inadvertently raise the standard of care for IP practitioners which could have a negative impact in malpractice situations. Robert Thornburg encouraged Committee members to file FTC complaints and to write to the Florida Attorney General if they receive fraudulent mailings.