

IP COMMITTEE MINUTES – December 1, 2011
Marriott Renaissance, Fort Lauderdale, Florida

I. Introduction

In the absence of the Chair Robert Thornburg, IP Committee Co-Vice Chair Leora Herrmann welcomed everyone to the meeting and introduced C-Vice Chair Ury Fischer. Attendees then introduced themselves. The minutes of the prior meeting were approved.

II. Attendees

In attendance were Mark Stein, Miriam Richter, Michael Chesal, Stephen Nagin, Carly Hammond, Lisa Kaufman, Ury Fischer, Doug McDonald, Jerold Schneider, Ken Hartman, Darren Spielman, and Leora Herrmann.

III. Visit from Section Leadership

Mindy Mora, Section Chair, Brian Gart, Chair Elect, and Steph Nagin, Secretary/Treasurer, stopped by with Section lobbyist, Bill Wiley. Mindy Mora welcomed everyone and described some of the events taking place at the Midyear Meeting. Mindy Mora also reminded everybody about the diversity initiatives of the Section. Bill Wiley explained that the legislative session was set to start in January 2012 and described some of the legislation that could be of interest to the committee.

IV. 3rd Annual IP Symposium

Ury Fischer and Leora Herrmann discussed the confirmed speakers and informed the committee members in attendance about speaker openings. Input from the membership was requested for potential speakers. Dough McDonald suggested Judge Ward from the E.D. Texas as a possible keynote. Miriam Richter suggested a TTAB Judge. Also discussed as potential speakers were Ann Gilson, Mark Lemley, and Rory Bens (eBay patent counsel). It was requested that additional speaker suggestions be e-mailed to the symposium steering committee.

V. State Trademark Procedure Task Force

Darren Spielman reported on the status of the task force to review the Florida State Trademark Guide. He indicated he would be sending an e-mail to the Committee requesting feedback or interest in participating in the task force. He remarked there had been little interest to date. Doug McDonald suggested that instead of an overhaul of the guide, the Committee create a mini-manual or tutorial for use by State personnel. The idea was well received. Mark Stain indicated he would liaise with Jay Kasses to gauge interest.

VI. CLE Initiative

The Committee discussed the potential for formation of a subcommittee to liaise the IP Committee with local bar organizations to make better known to those interested upcoming CLE programs that may be useful to gain certification credit.

VII. Local Patent Rules Committee

The Committee discussed the fact that a Local Patent Rules sub-committee had been formed in the Southern District of Florida without any input from, or knowledge by, the IP Committee. Leora Herrmann suggested that Doug McDonald contact Sam Lewis (a member of the subcommittee) with input regarding his experience with efforts to enact patent rules in the Middle District. Doug McDonald agreed to provide whatever assistance was requested. Ken Hartman suggested that there may have been a prior effort in the Southern District. Leora Herrmann agreed to liaise Doug McDonald with Sam Lewis.

VIII. IP Certification

Ury Fischer reported that 15-16 applications for certification had been received the 2012 test. The largest number of new applications in the past 3 years.

Michael Chesal reported that the next step for approval of the change in percentage of practice for re-certification is approval of the change by the Board of Governors.

IX. Other Business

Lisa Kaufman brought to the attention of the Committee mailings from non-lawyers (LegalZoom, Trademarkia, etc.) regarding trademark renewals and expiration notices. There was discussion as to whether the Committee should get involved in efforts to stop same. It was resolved that the Committee should collect the unsolicited notices and determine whether action is needed with regard to the unlicensed practice of law in Florida. Lisa Kaufman agreed to find out whether INTA had any intention of addressing the problem.

Miriam Richter discussed the problem of trademark powers of attorney terminating upon registration of a trademark which resulted in attorney of record not receiving notices of cancellation. Jerold Schneider suggested that the attorney of record be designated as a Domestic Representative ensuring delivery of notices of cancellation and the like to the attorney.