

IP COMMITTEE MINUTES
June 27, 2013 (Florida Bar Annual Meeting)
Boca Raton Resort and Club – Boca Raton, Florida

I. WELCOME AND INTRODUCTIONS

New Chair Ury Fischer welcomed everyone to the meeting. Attendees introduced themselves.

In attendance were Andrea Adkins, Vijay Brijbasi, Crystal Broughan, Michael Colitz, Amber Davis, Debra Faulk, Ury Fischer, Charlie Harris, Robert Kain, Jerry Leakey, Jason Miller, Stephen Leahu, Stephen Luther, Kimra Major-Morris, Matt Nelles, Robert Pershes, Woody Pollack, Samantha Poznak, Jerry Schneider, Darren Spielman, Jacqueline Tadros, Dineen Pashoukos Wasylik.

II. OLD BUSINESS

A. Adoption of Meeting Minutes

The minutes of the March 21, 2013 committee meeting were approved by acclamation.

B. Legislative Update

(1) Employee-Hacker Subcommittee-- Robert Kain, *Fort Lauderdale*

Bob Kain circulated the current draft of the proposed bill, and will be circulating it to the business litigation committee and computer law committee for further review. The committee discussed whether the bill in its current form needed to be presented to the Employment Law Section of the Florida Bar, and Bill Wiley advised that we ensure it has full support within the Business Law Section first. The committee will likely do a special telephonic or e-mail meeting prior to the retreat to ensure approval of the draft.

(2) Legislative Committee Report – Dineen Pashoukos Wasylik, *Tampa*

The Legislative Committee did not have any new active pending legislation to report. The Business Law Section successfully passed its ABC Bill, LLC Bill, Arbitration bill. Section lobbyist Bill Wiley also reported on the passage of these bills and urged the committee to support the legislators who have been helpful.

C. Diversity Committee

There was no report from the diversity committee at this time. Woody Pollack agreed to attend the Diversity Committee, and Cathy Mitchell also volunteered to attend and be the new liaison on behalf of the IP Section.

D. Intellectual Property Certification, Jeanne Seewald, *Naples*

Incoming chair Jeanne Seewald reported that the committee has started grading the 2013 exam. She reported that 14 people applied for certification, and 20 people sat for the exam. She also cautioned that for those who achieved certification in 2008, recertification

applications are due August 15th. September 1 to October 31st is time frame to apply for next year. 2012 pass rate 80%. Average pass rate 72 % pass rate. Jeanne thanked the three members finishing their terms on the certification committee -- Ava Doppelt, Mike Chesal, Jeff Lloyd. Going forward, Rick Fee will be Vice Chair and there are three new members: Brian Gilcrest, Jerry Schneider, and John Fulton.

III. NEW BUSINESS

A. Status of Committee Leadership

The new leadership of the committee includes: Ury Fischer, Chair, Dineen Pashoukos Wasylik, Vice Chair Legislation, Woody Pollack, Incoming Vice Chair for CLE, Jamie Vining, Vice Chair for Social Media

B. Case Law Update

Ury Fischer brought to the committee's attention two recent cases of interest, *Ass'n for Molecular Pathology v. Myriad Genetics, Inc.*, 133 S. Ct. 2107 (2013), and *CLS Bank Intern. v. Alice Corp. Pty. Ltd.*, 717 F.3d 1269, 1333 (Fed. Cir. 2013)

Ass'n for Molecular Pathology v. Myriad Genetics, Inc., 133 S. Ct. 2107 (2013) – held that naturally occurring isolated DNA is not patentable.

CLS Bank Intern. v. Alice Corp. Pty. Ltd., 717 F.3d 1269, 1333 (Fed. Cir. 2013)-- resolves the issue of business method patents enforceable/valid. Ury pointed out that the ruling includes a separate "Additional reflections" section filed by Chief Judge Rader, which is odd.

IV. 5th ANNUAL IP SYMPOSIUM

Kimra Major Morris has been appointed to head the steering committee, and the symposium will be in Tampa. Please contact Kimra or Woody if you want to work on the steering committee.

V. CLE

David Friedland and Jaimie Vining presented a one hour CLE entitled The Disappearing, Reappearing Office Action Response, Course number 1305229-N

VI. ADJOURNMENT

The meeting adjourned on time. Next in person meeting will be at the Business Law Section Retreat at the Boca Raton Resort and Club, Saturday August 31, 2013 at 10 am.