

State Bar of Michigan

Intellectual Property Law Section Council Meeting

August 14, 2014.
Crown Plaza Lansing West Hotel
925 South Creyts Rd, Lansing, MI 48917

Attendance: Steve Hansen (via phone), Kendra Mattison (via phone), Hope Shovein (via phone), Karl Ondersma, Kristen Spano., David Berry, Beth Coakley, Sharon Brady, Gene Rath, Tamara Clark, and Stephanie Stenberg (ICLE). Kristin Murphy and Chad Kleinheksel were not in attendance.

Meeting was called to order at 9:36 a.m.

Approval of Minutes: Due to computer issues, some members were not able to review the minutes circulated by Kristen Spano prior to the meeting. If council members have comments or changes, please email them to Kristen within the next week.

Summer Institute Report:

Stephanie Stenberg from ICLE reported that ICLE will send a final report for the 2014 Summer Institute shortly. In general, the program was very well received. The attendance was exactly the same as the prior year at Mackinac (Attendance: 225 pre-registered, 224 actually attended.). Typically we see a drop-off in attendance for the 2nd year Mackinac program.

Next year's Summer Seminar will be in September. This moves back the final due date for the 2015 schedule from October 31st to January 2015. However, the Council agreed to place a deadline to have all speakers/topics finalized by the December IPLS Council Meeting so that we do not run into issues with holiday schedules.

Writing Competition:

David Berry reported that for the last few years the Section has tried different ways to promote the Michigan Innovation and IP Legal Writing Competition. Each year we receive very few submissions, and this past year, we received none. After discussion, Karl Ondersma moved to discontinue the Writing Competition due to lack of interest/submissions despite efforts to build interest over the past four years. (Seconded by Kristen Spano). Motion was approved unanimously.

IPLS Proceedings:

David Berry reported that he had met with Tamara Clark and Chad Kleinheksel to discuss transition of editorial responsibilities for the IPLS Proceedings. For the past three years, the Proceedings had relied heavily of student submissions from the writing competition. Since that will be discontinued, the Proceedings will need additional sources of articles. The Council discussed that practitioners may be less likely to submit articles to the Proceedings because client bulletins and short articles are more easily distributed via social media and firm websites. The council discussed changing the format of the Proceedings to republish articles already issued in some form, and that each issue would have a theme. Lisabeth Coakley agreed to assist Clark and Kleinheksel in the project.

Summer 2015 Institute:

Stephanie Stenberg led a discussion of venue options for the 2015 Summer Institute. These included the Henry Ford Museum, the Westin Book Cadillac Hotel, the Dearborn Inn, the Inn at St. John's, and others.

The Council discussed locations, the ability to accommodate two tracks, food service, and proximity to reception venues. The Council considered that the Book Cadillac would accommodate an attractive program theme, and permit a range of reception options, such as the Detroit Athletic Club, a Tigers game, or the Detroit Institute of Arts. The Council considered that the overall cost of attendance at the event would be lower, due to reduced transportation costs. Karl Ondersma noted that the Institute would return to Mackinac for 2016.

Following discussion, Karl Ondersma made a motion that the Council select the Westin Book Cadillac Hotel as the venue for the 2015 Summer Institute, which would take place for September 17-18, 2015. The motion was seconded and approved unanimously.

Michigan Patent Pro Bono Program:

David Berry reported on the status of the Michigan Patent Pro Bono program. A steering committee representing different constituents of the Michigan IP community has met to plan the program. The State Bar of Michigan Pro Bono Initiative has been selected as the administrative partner for the program. One remaining issue is arranging appropriate liability insurance coverage for volunteer attorneys. The Council agreed that it was preferable to launch the program even if available insurance did not cover all volunteer attorneys. The program is targeting an October launch date, to coincide with Michigan Pro Bono Month.

Social Media:

Gene Rath reported on the development of social media for the Section. The SBM is launching a new website with increased functionality that will permit communication to and among members. The Council discussed circulating a list of questions to members to provide information for planning. The Council also discussed an interest in pursuing a LinkedIn presence.

Financial Report:

David Berry commented on the Section finances. As of July 31, 2014, the section had a balance of \$105,612.46, which includes funds generated from Detroit Satellite Patent Office Gala sponsorships and earmarked for the patent pro bono program. Some expenses from the Summer Institute are not reflected in this total. The Council discussed the need to project expenses for the coming year. Stephanie Stenberg noted that seminar costs are likely to increase in the coming year. Sharon Brady questioned whether the Section's continuing balance was appropriate, or whether it should be reduced.

Consent Agenda:

Karl Ondersma presented a consent agenda of the following items:

- A. Council members may submit an expense report to the Section for mileage to attend the meetings, including the Annual Business Meeting held at the annual Intellectual Property Law Summer Institute.
- B. The Section will pay expenses (two nights for each member) for attending the Summer Institute for the Section's Chair, Chair-Elect, and moderators, and that the Chair and/or Chair-Elect should each serve as a moderator of one of the tracks provided the track is in the person's practice area (i.e., a patent lawyer would not have to moderate the trademark track and a trademark attorney would not have to moderate the patent track).
- C. The Section will pay the Summer Institute seminar fee for any council member whose employer will not reimburse the seminar fee, on that council member's written request to the Chair for the Section to do so.

D. The Section will pay expenses for the Chair-Elect to attend the State Bar of Michigan's annual Bar Leadership Forum.

Undersma made a motion to approve the consent items (seconded by Beth Coakley). The Council approved the motion unanimously.

House Bill 5701:

Karl Undersma reported that a Michigan House committee advisor had contacted the Section seeking comments on HB 5701, which would impose restrictions of patent infringement demand letters in Michigan. The bill is similar to legislation passed in Vermont and being considered in other states. The Council discussed the Bill and noted the highly controversial nature of the issue and the fact that the IP community (and thus Section membership) likely is sharply divided on the issue. The Council decided not to take an official position on the bill, but agreed that it should make the Section membership aware of the bill, such as through an email blast.

Entrepreneurial Law Institute:

Karl Undersma reported that the Section has been asked to co-sponsor a program entitled "Entrepreneurial Law Institute" presented by ICLE at the Westin Book Cadillac May 28-29, 2015. After discussion, Karl Undersma moved that the Council co-sponsor the program (seconded by Kristen Spano). The Council approved the motion unanimously.

Lawyers for the Creative Economy:

Karl Undersma reported that the Shivangee Pandya, the director of a new pro bono initiative targeting unmet legal need in the arts and creative industry, Lawyers for the Creative Economy ("LCE"), has asked to discuss the program with the Council. LCE is a service of ArtServe Michigan. He reported that he would invite the representative to the Council's October 9 meeting.

Planning for 2015 Spring Seminar:

Stephanie Stenberg led an extended and active discussion of potential formats, speakers, and topics for the 2015 Spring Seminar, to be held at the Kellogg Center in East Lansing on March 16, 2015.

Next Meetings:

Future Council meetings will be September 11 (later rescheduled to September 10) and October 9. Both will be in-person.

The meeting was adjourned at 11:50 a.m.

Respectfully submitted:

David C. Berry
Secretary