

**Minutes of the August 2010 Council Meeting**  
**Intellectual Property Law Section,**  
**State Bar of Michigan**

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August 12, 2010  
Lexington Lansing Hotel, 925 South Creyts Road,  
Lansing

**Attendance**

Present: Jennifer Anderson, David Wisz, Jean McCarthy, Scott Keller, Eric Sosenko, Kristen Spano, Karl Ondersma, Amanda Duhaime, Anna Budde (by phone), Joellen Shortley (by phone).

Absent: Kevin MacKenzie, Adam Strauss

**Call to Order**

Chair Jennifer Anderson called the meeting to order at 9:37 am.

New Council members Kristen Spano, Karl Ondersma, and Amanda Duhaime were welcomed to the Council.

**Approval of the Minutes**

A motion was made and seconded to approve the minutes from the July 24, 2010 Business Meeting. The motion passed.

**Treasurer's Report**

As of June 30, 2010, the Section had a balance of \$36,923.46. The costs for the 2010 Spring Seminar had not yet been charged to the account.

**Future Meeting Dates**

The Council will meet in Lansing on September 9, 2010 and October 14, 2010. The meetings will begin at 9:30 am.

**Spring Seminar 2010**

ICLE provided a final report (attached) on the Spring Seminar. This year's attendance was slightly higher than last year's. In general, those who rated the speakers gave them high ratings.

## **Summer IP Institute 2010**

ICLE has not reported on the attendance yet for this year's Institute. The Council will ask ICLE whether there were any comments on the choice of USB drive versus binder of paper copies .

The Council discussed more aggressively marketing the Institute by a wider mailing and reporting in advertising materials the positive comments by the speakers on the quality of the Institute.

## **Proposal by Cooley Law School for a Writing Competition**

Cooley Law School's proposal (attached) for a writing competition to be jointly sponsored by the Section was discussed. A motion was made and seconded to move forward with a competition; the motion passed. Joellen Shortley will work out with Cooley an appropriate award, dates, and advertising details.

## **Michigan Economic Development Corporation Pro Bono Program**

The impending change of administration in Michigan has resulted in our losing our contact at MEDC. This project will be shelved until a new contact is found.

## **Community Legal Resources**

Community Legal Resources approached the Section to request support. After some discussion , the Council decided to invite the organization to put an article in *Proceedings*.

## ***Proceedings***

Jean McCarthy and Eric Sosenko will edit the section's newsletter for the coming year. A survey was proposed to determine interest in providing only an electronic copy, which is already available on at the Section's page on the SBM website; members could indicate if they still wished to receive a paper copy in the mail.

## **Spring Seminar 2011**

The upcoming Spring Seminar is scheduled for March 28, 2011. The Council discussed again asking the USPTO to send a speaker for each of the patent and trademark tracks. The request must be made through ICLE. The Council discussed asking a judge to be the luncheon speaker next year, as has been done in the past or Dennis Crouch. Six additional topics will be needed, three for the patent track and three for the trademark track. The Council will ask ICLE for a list of past topics.

Kristen Spano and Anna Budde will moderate the programs.

### **Summer IP Institute 2010**

Next year's Summer Institute will be July 14-16 at the Grand Hotel.

The Council discussed more aggressively marketing the Institute by wider mailing and providing positive comments by the speakers on the quality of the Institute.

Deputy Under Secretary Sharon Barner indicated interest in speaking again next year. ICLE has already extended her an invitation to do so. For the legal update talks Friday morning, the Council decided to invite Erik Puknys (patents), Kate Spelman (copyrights), Leslie Lott (trademarks), and John Steele (ethics). Ms. Barner would speak on Saturday. The remainder of Saturday's program will need to be developed.

Amanda Duhaime and David Wisz will moderate the programs.

### **Section Member Expenses**

A motion was made a seconded to reimburse section members for mileage to attend section meetings. The motion was passed.

Expense reports must be submitted by the end of September, which is the end of the present fiscal year.

### **Adjournment**

The meeting was adjourned at 12:00 noon.

# Final Report: 2010 Intellectual Property Spring Seminar

Prepared by: Ryan Bailey

## Statistics

<b>2010 Statistics</b>		<b>% registered</b>
Registered this year	269	
Attended this year	234	86.99%
Member IP section (registered)	176	65.43%
Member IP section (attended)	147	83.52%
First time registration	75	27.88%
Registered this year and 1 of the previous 5 years	194	
Registered this year and 2 of the previous 5 years	152	
Registered this year and 3 of the previous 5 years	116	
Registered this year and 4 of the previous 5 years	29	

<b>Past numbers</b>	<b>Registration</b>	<b>Attendance</b>
2010	269	234
2009	262	231
2008	332	268
2007	365	282
2006	364	299
2005	319	270

<b>Paid registrants</b>	<b>#</b>	<b>% of registrants</b>
2010	254	94.42%
2009	253	96.56%
2008	309	93.07%
2007	349	95.62%
2006	355	97.53%
2005	305	95.61%

<b>CLE Requests</b>	<b>Number</b>
Ohio	14
Indiana	4
Illinois	2
Texas	2
Washington	2
North Carolina	1
Virginia	1
Minnesota	1
New York	1
Florida	1
Kentucky	1
Tennessee	1

<b>2010 Attendance by County</b>		<b>% of all Attendance</b>
OAKLAND	98	36.43%
WAYNE	28	10.41%
KENT	24	8.92%
WASHTENAW	21	7.81%
INGHAM	12	4.46%
KALAMAZOO	11	4.09%
MIDLAND	7	2.60%
GENESEE	5	1.86%
MACOMB	3	1.12%
LIVINGSTON	3	1.12%
SAGINAW	2	0.74%
ALLEGAN	1	0.37%
JACKSON	1	0.37%
SAINT JOSEPH	1	0.37%

\*\* Registration statistics compiled by Denise Garthwaite and CLE statistics compiled by Sam Killian.

we were able to stuff the binders prior to the Institute. Also included in the binders were evaluations, registrant list, and an ad for the Summer Institute.

### **Notes**

The Institute featured a luncheon speaker, State Representative Ed Clemente from Lincoln Park. During the planning of the program, Rep. Clemente visited the Council meeting to talk about some work he has done with business owners and trying to encourage development of IP related resources in Michigan. The Council agreed his information was interesting and relevant, so they invited him to speak at the Spring Institute. The reviews of the luncheon were pretty negative. Many people pointed out that the speech wasn't particularly relevant to their practice and they preferred in years past when the lunch included judges as speakers. We may want to try to recruit some judges as lunch speakers next year.

### **Planning Notes**

The IP Section does the planning for next year's Institute starting at their August Council meeting. There was no real discussion of planning for next year at this year's Institute.

Some suggested topics from the course evaluations were as follows:

- Current case reviews
- USPTO prosecution
- Updates on each area of IP law
- IP issues in hosting or using social media sites
- Litigation & licensing topics
- International IP issues
- Opinion drafting session
- Bilski case method
- Licensing IP

### **Marketing Quotes**

- "Want a truly valuable program? Be there!" - Attendee
- "One of the State Bar's most concise and comprehensive CLEs offered on IP law." - Kristy Downing
- "As a student, if you are even remotely interested in IP law, this is a session you cannot miss!" – Bobby Ficklin, Jr.

## MEMORANDUM

To: Joellen Shortley Blaszcak

From: David Berry

Re: Proposal for IP Writing Competition

Date: April 13, 2010

This memo describes some potential features for a writing competition to be co-sponsored by the SBM IPLS and Cooley Law School for law students interested in intellectual property. The Cooley Graduate Tax program currently sponsors a writing program in connection with the SBM Tax Section (*See* attached description). That program could serve as a model for an IP writing competition, but is modest in scope (*e.g.*, is only for Cooley Law School students). This memo describes a more ambitious contest:

### **Name**

To be determined. It should include both IPLS and Cooley. One possibility would be to name the contest in honor of a significant local legal figure in the IP field.

### **Basic Structure**

- The contest would be widely announced in November and February, with a submission deadline of April 1. Rules would be distributed to each Michigan law school, student IP groups, and research and writing instructors. Information also needs to be available on the web.
- The contest would be open to any law student who attended classes at a Michigan law school as part of a J.D. program during the preceding nine months (*i.e.*, for the April 2011 contest, must have attended during the period July 1 2010 to April 1, 2011).
- The submission would be an article, note, or other scholarship suitable for publication. The work must have been prepared in the preceding academic year (basically, 12 months). The student must not have received any compensation for preparing the work. The work must not previously have been submitted for publication.
- We may want to establish a page-limit. 5000 word

### **Judging**

- IPLS would designate a reliable person to collect submissions. The Cooley IP faculty would take a first cut at entries to eliminate any works which are clearly not competitive.
- Cooley would prepare the works to be judged in a blind judging system. Essentially, this means redacting any identifying information from the entries (including school) and distributing them to a panel of reviewers together with a scoring rubric and judging forms. Each judge would score 3-4 entries. Each entry would be judged by at least 2 reviewers.
- IPLS would be responsible for recruiting reviewers.
- Based on the reviews, winners would be determined. Alternatively, the top entries based on the review process could be distributed to the IPLS board, and it could select the winners.

## Prizes

- If the contest is going to be open to all Michigan law schools, it is a good idea to name a winner at each school. One idea would be to name one state-wide winner, with a lesser prize awarded to the best entry from each law school.
- Cash awards. I did a brief search and learned that there is a wide range of amounts awarded in these kind of things. Some examples: Foley & Lardner IP contest (two \$5,000 prizes); ATRIP (\$0, just the recognition); AIPLA Watson Award (\$2,000); ASCAP (\$3,000/\$2,000/\$1,000 national awards, \$600/\$300 at each law school); Fed Cir Bar Assn (\$3,000); IDEA/Franklin Pierce (\$500 plus publication); NYIPLS/William Conner Award (\$1,500/\$1,000); NY State Bar (\$2,000/\$1,000); Pittsburgh IPLA (\$1,000); Virginia State Bar (\$4,000).
- Non-Cash Prizes. May include:
  - Publication of work in IPLS Proceedings
  - Certificates/plaques
  - Public presentation of award at IPSL/SBM meeting
  - Free registration at IPSL meeting (already very cheap for students anyway).

Obviously, the primary objective of a writing contest is to promote the IPLS and Cooley's IP program among students at the various law schools. Our experience is that students are more interested in recognition and something for their resume than actual case prizes, although some sort of prize needs to be included to establish credibility.



**The Seventh Annual**  
**Thomas M. Cooley Law School Tax Writing Competition**

The Graduate Tax Program at The Thomas M. Cooley Law School, in conjunction with the Taxation Section of the State Bar of Michigan, is sponsoring its Seventh Annual Tax Writing Competition. Through this competition, we hope to introduce our students and members of the Michigan tax bar to each other, and to introduce our students to the world of tax law and tax scholarship.

The Taxation Section has reserved for the winning students space for a short article in an upcoming edition of the ***Michigan Tax Lawyer***, a journal published three times each year by the Section (copies of the publication are available in the Cooley Library and at [www.michbar.org/tax](http://www.michbar.org/tax)). In addition, students who submit a *qualifying* entry will receive *complimentary* admission to the Section's 23rd Annual Summer Tax Conference being held in Novi, Michigan on May 20, 2010. Attendance at the conference will provide students with the opportunity to network with members of the state's tax bar, attend informative sessions on a variety of tax topics, and receive recognition at the conference luncheon. In addition, the Graduate Tax Program will provide the winning students with a **\$100 Cooley bookstore credit**. The competition will be judged by a panel of tax faculty.

To enter, students must submit a four- to eight-page (double spaced) article on one of the two competition topics and in a form suitable for submission to the *Michigan Tax Lawyer*<sup>1</sup> to Professor Gina Torielli, the Director of the Graduate Tax Program. The competition topics are: (1) the IRS's announced plans to regulate tax return preparation as articulated in IR-2010-1 and how these plans may affect attorneys who prepare returns; and (2) a discussion of the Lori Singleton-Clarke case (TC Summary Opinion 2009-182, available on the United States Tax Court website) involving the deduction of educational expenses for an MBA and how the analysis in that case might support the deduction of the expenses of obtaining an LL.M. in taxation (students are encouraged to reference LL.M.-specific Tax Court cases for comparison). Articles should be submitted to Professor Torielli by April 24, 2010 at 5pm, via email. Students will be notified within five days if their entry qualifies for free conference admission. The winning article will be selected, and the winner will be notified, by May 10, 2010. The only requirement for entry is that a student be currently enrolled at Cooley Law School (J.D. or LL.M.). Any questions regarding this contest should be directed to Professor Torielli either by phone at (248) 751-7800 x7744 or e-mail at [toriellg@cooley.edu](mailto:toriellg@cooley.edu).

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<sup>1</sup> Students should use The Tax Lawyer Citation & Style Manual, 2007-2008 Ed., (ABA), found at <http://www.abanet.org/tax/pubs/ttl/ttlstyle.pdf>. This generally follows the Texas Law Review Manual on Style, as well as Harvard's Bluebook. Students should use margins of one inch on either side and 11 point Arial typeface.