

MICHIGAN STATE BAR – Council Meeting

Lansing, Michigan

January 9, 2003

MINUTES FOR MEETING

Place: The council meeting was held in the Lansing Sheraton.

Attendees: Dave Kelley, Rick Hoffmann, Steve Underwood, Lynn Chard, Catherine Brown, Brian Pickell, Laura Slenzak, Craig Baldwin, Laura Hargitt, Jim Drake, Beverly Bunting, and Catherine Collins.

Time: Dave Kelley called the meeting to order at approximately 9 a.m.

Secretary/
Treasure Report:

Ms. Collins handed out a copy of the financial statement ending November 30, 2002, which showed a current balance of \$56,485.50. Also the council members reviewed the minutes of the last meeting and provided Ms. Collins with some corrections.

Spring Seminar
Update:

Steven Underwood handed out the schedule for the Spring Seminar. He is currently talking with the Patent Office. So far, we do not have names of either the patent speaker or the trademark speaker. Mr. Underwood was pleased to report that Jake (Andrew) Grove from Reising Ethington and Judge Merriam Batanni are confirmed.

The council discussed the proposed changes to the by-laws and when the proposed changes to the by-laws should be presented to the members. The council generally agreed that we should have a short business meeting between 1:15 and 1:20 at the Spring Seminar. It was also suggested to provide a link in our web page to the new by-laws so that members could have access to the proposed by-laws before the meeting.

Summer IP
Institute:

Mr. Kelley was pleased to report that Mr. Rogan has accepted the invitation to speak at the Summer Institute. The council also discussed the potential need for a backup speaker in the event that Mr. Rogan would not be able to speak at the Summer Institute.

The council also discussed potential travel arrangements for Mr. Rogan to Mackinac. It was agreed that the council would look into several options, including charting a plane from Detroit to Mackinac. The charter could also be used to transport some of the other speakers, especially the speakers that are already traveling from great distances.

The council discussed the last opening in the schedule—the presentation currently assigned to end of Saturday. It was suggested that we should consider an in-house-type speaker to increase the attendance of in-house attorneys to the Summer Institute. The general consensus was that unless the speaker was from a very large company, it is unlikely to make much difference to the attendance. Several potential speakers that were discussed for the proposed litigation topic included the general council (did not catch name) from GE; Alex Dimitrief from Kirkland & Ellis; Bob Armitage; Ken Adamo from Jones Day; Bob Krupka from Kirkland & Ellis; and others.

Lynn Chard suggested that the council consider providing topics relating to the biotech field.

The council members discussed whether the litigation topic was too narrow. Currently the topic is structuring joint defense agreements—it was suggested that may be we needed to add anti-trust defenses or, even more broadly stated, non-patent defenses to the topic.

Proceedings:

The council discussed whether we should add the proposed amendment to the by-laws to the proceedings. There was a general consensus “yes”, but that we should wait for the edits. It was also agreed that we should add a notice to the Proceeding about the proposed amendments and that the amendments were going to be considered and voted for at the Spring meeting.

The council also briefly discussed the name of the Summer program and whether the word “summer” should be inserted into the name so that it would be named “Annual Intellectual Property Law Summer Institute” rather than “Annual Intellectual Property Law Institute”. No agreement was reached on how and whether it should be changed; instead, a motion was passed to give ICLE and David Kelley discretion to amend the name of the Summer program.

Website/ListServ:

Laura Slenzak handed out an amended version of the by-laws, which updated the historical information and also included the change with respect to the annual meeting. The council discussed the various proposed changes to the by-laws, which for the most part were editorial changes. It was also decided that the council should schedule a business meeting to the Summer Institute before the Friday night reception, for example, between 6:00 and 6:30. It was also agreed that when approved as the final

proposed amended set of by-laws, they will be posted on the IP Section website. The council decided to postpone the vote on the proposed by-laws until the next meeting, namely February 6, 2003.

The council engaged in much discussion in regard to the ListServ. One option that was discussed was to replace the ListServ with the member database, which could provide an email distribution list. It appears that the database is fairly comprehensive and, furthermore, is updated and maintained. Since the database is updated on a regular basis, an email distribution list that is generated from the database would provide a comprehensive and more up-to-date method of distributing emails to our members. It was decided that Rick Hoffman would contact Karen Williams at the State Bar to discuss our various options and to discuss whether an email distribution list would better serve the section.

Old Business/
New Business:

The council discussed the IP articles for the State Bar journal, which will be needed by June 2003 for inclusion in the January 2004 State Bar Journal. Jim Drake volunteered to be the chairman of the ad hoc article committee and has agreed to head-up the task of soliciting or otherwise obtaining the articles for the journal. Several topics were discussed including a copyright primer, confidentiality/ trade secrets, and employment agreements.

The meeting was adjourned at approximately 11:45.