

Minutes of the SBM IPLS meeting of October 13, 2005

The meeting was called to order around 9:50am. Those Council members in attendance were Craig Baldwin, Beverly Bunting, Laura Slenzak, Frank Angileri, Greg Bondarenko, Mark Davis, Denise Glassmeyer, Jennifer Warren (via telecon), John Naber (via telecon) and Lisa Smith (via telecon). Also present was Lynn Chard and Stephanie McKinley, ICLE.

Minutes of Sept 2005 meeting approved.

The Bar has not yet sent a treasury report since the summer.

Greg then began discussion of the coming Spring Seminar, adopting the wall chart methodology first introduced by Denise. It was noted that, due to the 501(c)(3) prohibition, instead of SBM-IPLS sending a letter asking for speakers, ICLE has sent the letter to the USPTO asking for speakers but we have not yet received confirmation of whether the USPTO will send any speakers nor who those speakers might be.

Two tracks are envisioned: one track that is a nuts-and-bolts prosecution practice series, and a second track devoted to business/transactional issues.

Time slot	Nuts and Bolts track	Business / Transactional track
9-9:55am	Patent Appellate Practice – when to use or not use the pre-appeal conference, tips and tricks  USPTO speaker t.b.d.	Updates on the Law of Unfair Competition – State laws vary widely from the Lanham Act, and you may find yourself litigating in state court more often than you planned.  John Naber to contact Attorney General Mike Cox's office
9:55-10:50am	Patent Restriction practice - USPTO speaker to give a "where we are coming from" point of view in light of recent upswing in their declaring restrictions, and how best to handle  Bondarenko to contact Tom Irving to get us a person	Trademark Trials and Appeal Board Practice: Oppositions are on the rise. Can you rise to the occasion?  USPTO speaker tbd
11:05am- noon	Patent Re-Examination – Inter partes? Ex parte?  USPTO speaker tbd	Trade Secret Litigation  FAA to ask Mark Cantor of BK

Lunch	Judge – Chard to ask George Steeh, fall back is for Angileri to invite E.D. Mich.'s Chief Judge Bernard Friedman or Judge Nancy Edmunds	
Noon-1:20pm		
1:20pm-2:20pm	Plenary Session: M&A Due Diligence – checklist of things to watch for, lessons learned the hard way. The Council recalled the speaker from several years ago from one of the tire companies on this point, and agreed the material was useful then and is often still referred to.	
	Lisa Smith to snag someone from Bryan Cave firm	
2:30pm-3:30pm	What Exactly is 102(e) Prior Art, and Understanding Effective Dates of Prior Art under the US, EP and PCT Regimes	Trademark Enforcement Management & Strategies to Counter Counterfeiting
	CONFIRMED Craig Summerfield of Brinks Hofer's Chicago office	Charlie Ashbrook to obtain someone from Pfizer
		Fall backs are Angileri to ask Ford's Mark Sparschu or GM's Ellerbrock or Linda Heban of Harley-Davidson
3:30-4:30pm	Copyright/Software Licensing (or something else)	Non-Competes and the Intersection of I.P. and Employment Law – yet another quagmire of wildly divergent state law waiting to ensnare the unwary
	Denise to contact Susan Kornfield	Lynn to ask Bob Hudson
Opinions of Counsel – the law has swung dramatically on this issue, have you kept up?	Copyright Applications – Susan Kornfield will be asked to cover this topic	Trade Secrets – like unfair competition, this is often a state law issue
		Licensing/Development Agreements and the New 103

Discussion then turned to next year's Summer Institute. Bev will contact John Whelan to speak from solicitor's point of view regarding the KSR/Teleflex appeal. Bev will talk with Angileri and/or Tom Irving about how to get CAFC judge (Lynn will dig thru her old emails). Bankruptcy (Joe Yang), was also a favored topic. [SECRETARY'S NOTE: More details to follow separately because Bev's notes are better than mine.]

Regarding the newsletter, plans are for an issue to be published as soon as possible, if for no other reason than to announce the new council members, and give upcoming dates; e.g. .

Reminder: the Section will be co-sponsoring an upcoming ADR seminar of the American Arbitration Association. The seminar, entitled "Arbitration of Intellectual Property And Licensing Disputes: Artful Drafting and Savvy Advocacy: A Winning Combination," will be held on November 7<sup>th</sup>, and the Michigan Intellectual Property Law Association (MIPLA) will also be co-sponsoring.

Laura still needs to send out the notice to the various local, state and national i.p. related bar associations informing them of our officers and council members for the 05-06 year (e.g. ABA, AIPLA, MIPLA, NYIPLA, etc.), however she has at least updated the Section's website and listserve. If anyone has suggestions or "wish list" ideas for the form or content of the site, please send those to Laura.

The meeting was adjourned at approximately 12:15pm.