

WSBA IP Section
Executive Committee Meeting
10/6/2016
Meeting Minutes:

I. BOARD MEMBERS:

- a. Elizabeth Reilly (ER) (Chair); Kevin Zeck (KZ) (Chair-Elect); Tom Satagaj (TS) (Secretary-Treasurer); Reena Ghosh (RG) (Immediate Past Chair); John Nelson (JN); Stuart Dunwoody (SD); Reid Johnson (RJ); Patchen Haggerty (PH); Makalika Nahowala'a (MN)
- b. SECTION LIAISON: Joe Terrenzio (JT)
- c. WSBA CLE LIAISON: Sondra Livingston-Carr (SLC)

II. ATTENDEES:

- a. ER, KZ, TS, RG, JN, SD, RJ, PH, JT;
- b. All attendees by telephone conference call with thanks and acknowledgement to Perkins-Coie.

Not in Attendance:

- a. MN, SLC.

III. CALL TO ORDER: **12:04PM PDT**

IV. APPROVAL OF SEPTEMBER 2016 MINUTES - READ VOTE INTO RECORD:

- a. Minutes distributed by KZ on Sept. 11, 2016;
- b. Call for amendments to September 2016 minutes;
- c. No amendments or objections offered;
- d. ER motioned to approve September 2016 minutes;
- e. RG seconded;
- f. All approve and September 2016 minutes entered into the record;
- g. September 2016 meeting minutes emailed to JT on Oct. 6, 2016.
- h.

V. ER OPENED A DISCUSSION OF JULY 2016 FINANCIAL REPORT

- a. ER discussed;
- b. No further comments.

VI. IP SECTION CLES

- a. FY 2016 - IP for the Rest of US
 - i. ER provided a summary
 - 1. CLE held September 26, 2016;
 - 2. 21 in-person attendees;
 - 3. 28 online attendees;
 - 4. The CLE faculty was well received and the CLE received good reports for the program.
 - ii. Speakers:
 - 1. Copyright – Mark Wittow
 - 2. Trademark – Matthew Moersfelder

3. Patent – Elizabeth Reilly
 4. Trade Secrets – Shannon Jost
 5. Rights of Publicity – Mel Simburg
 6. Protection of Product Shapes – Teresa Wang
 7. IP Licensing – Justin Moon
 8. Ethics – Bob Carlson
 - iii. Networking Lunch
 1. Lunch was provided in the “Mountain” conference rooms of the WSBA conference center. – wrap sandwiches, chips, cookies, and beverages;
 2. The networking lunch was very well received by Attendees and Faculty;
 3. In summary, the menu was excellent and the attendees enjoyed a good networking opportunity.
 - iv. Financials to be provided by WSBA liaison JT and/or SLC for discussion in November 2016 WSBA IP Section meeting.
- b. FY 2017 IEIPI (Inland Empire Intellectual Property Institute)
- i. RJ and JN working as co-chairs;
 - ii. RJ provided an update:
 1. Proposed Date in early December 2016 is not yet finalized but will be soon;
 2. Proposed format to include one speaker:
 - a. Chris Lynch, and IP generalist @ Lee & Hayes;
 - b. Topic to cover new federal Trade Secrets Act;
 3. 1.5 CLE credits (mini-CLE);
 4. Logistics are ongoing.
- c. FY 2017 Annual IP Institute
- i. Tentative Date: March 10, 2017 to be confirmed w/ SLC;
 - ii. Co-Chairs:
 1. KZ & ER will co-chare;
 2. CLE Venue: Washington State Convention Center (WSCC);
 3. Meet & Greet Venue: WSCC conference room over the street for lunch;
 4. Need to move forward w/ locking in speakers.
- d. FY 2017 IP Licensing CLE
- i. Date remains TBD;
 - ii. TS volunteered to chair;
 - iii. RG volunteered to co-chair;
 - iv. TS and/or RG to communicate with SLC.
- e. FY 2017 IP For the Rest of Us CLE
- i. Date remains TBD;
 - ii. Chairs remain TBD; ER and PH to consider;
 - iii. Venue is TBD, WSBA Conference Center (WCC) is suggested;
 - iv. Suggested to reach out to Lynda Foster (LF) and Tim Billick (TB) for assistance;
 1. Lynda Foster
 - a. New Lawyer Service Team – Washington Young Lawyers Committee (WYLC) Liaison
 - b. lyndaf@wsba.org
 - c. 206-733-5934
 2. Timothy Billick

- a. WYLC Young Lawyers Liaison
- b. tbillick@gmail.com
- c. 219-781-3491

- f. FY 2017 CLE Meet and Greet Preparation/Management
 - i. KZ volunteered assistance in this role for the Meet & Greet after the Annual IP Institute.

VII. WSBA FALL SECTIONS LEADERS MEETING

- a. Date: November 7, 2016, 10:00 a.m. – 3:45PM PST;
- b. Location: WSBA Offices – 1325 4th Ave., Ste. 600 Seattle;
- c. Conference Call & Webcast Options Available
- d. KZ and ER to attend.

VIII. ANNUAL REPORT FY 2016

- a. Due October 14, 2016;
- b. Copy of FY 2015 Annual Report distributed with meeting agenda;
- c. ER, RG, KZ, TS suggested to meet next week to discuss & prepare;
- d. TS sent meeting request for Monday, October 10, 2016 at 2:00PM PDT;
- e. ER Proposal – Update a working copy of the Annual Report FY 2017 at monthly IP Executive Committee, as needed;
 - i. ER suggested this be put in Dropbox and updated monthly;
 - ii. TS suggested Committee reserve time to consider; we do not want to begin a task that requires ongoing maintenance without more thought; worst case would be to have incomplete data without clarity that the document is lacking;
 - iii. Discussion tabled for future consideration.

IX. UPDATE AND DISCUSSION ON WSBA SECTIONS POLICY WORKGROUP & BYLAWS WORKGROUP

- a. ER provided an overview of recent events
 - i. WSBA Sections Policy Workgroup completed and disbanded;
 - ii. The September 29-30, 2016 BOG Meeting Materials are available for download on the Board of Governor's home page;
 - iii. ER referenced e-mail circulated by KZ on September 20, 2016 Art. XI - Redline (showing changes from first reading) - BOG Copy.docx.
- b. Communications to Section Members
 - i. KZ prepared a statement to issue to the IP Section Members;
 - ii. Comments were issued by RG and Tom Satagaj TS;
 - iii. Statement was approved by e-mail vote on September 21, 2016;
 - iv. KZ issued email statement to the IP Section Members on September 26, 2016.
- c. Petition – RG issued through e-mail September 26, 2016.
- d. Considering September WSBA BOG meeting:
 - i. JT reported that Article 3 was voted and approved and Limited License Legal Technicians (LTTT's) and Limited Practice Officers (LPO's) are now members of the bar;
 - ii. JT reported that the open meeting policy approved;
 - iii. JT reported that Article 11 (matters related to Sections) was delayed & not voted on – BOG voted to take no action until November;
 - iv. JT reported that BOG liaison Jim Doane can answer questions;
 - v. JT reported that the Washington State Bar Association name and organizational structure will not change (WSBA will remain named WSBA).

X. OTHER ITEMS:

- a. Washington Lawyers for the Arts (WLA)
 - i. Status Report – Phase II Funding
 - 1. KZ provided an email to JT formally requesting distribution of second portion of funding on September 11, 2016 in the amount of \$1,250.00;
 - 2. Funding was approved by JT;
 - 3. KZ notified Jeff Nelson (JN) of WLA approval of Phase II funds;
 - 4. JN confirmed receipt of Phase II funding on September 23, 2016.
 - ii. WLA 40 Year Anniversary Event
 - 1. JN invited the IP Executive Committee members to the event;
 - 2. Event Location: Columbia Tower Club, Seattle;
 - 3. Event Date/Time: Oct. 6, 2016, 5:30pm PDT;
 - 4. RG, ER, and TS attended the WLA event.
- b. WYLC Young Lawyers Liaison – Timothy Billick (TB):
 - 1. Board reviewed resumes & statements of interest;
 - 2. RG provided notification to WYLC naming Timothy Billick as the IP Section Young Lawyers liaison;
 - 3. TB's term begins October 1, 2016, and ends September 30, 2017;
 - 4. Young Lawyer Liaison Orientation to be held Friday, October 17, 2016 4:00 – 5:00 pm PST at WSBA Office, 4th Avenue, Seattle;
 - 5. ER proposed invitation to TB to the IP Annual Institute (March 2017) to assist with microphone and time keeping;
 - 6. TS sent congratulatory email to TB on October 6, 2016.
- c. ER suggested that the Executive Committee consider purchasing a timer for speakers' podium
 - i. KZ suggested such timers are readily available;
 - ii. No plan to purchase by Executive Committee.
- d. ER and KZ discussed a Data Archive Project
 - i. Repository for IP Section Bylaws, Annual Reports, WLA funds protocol, Scholarship funds protocol, and the like;
 - ii. KZ worked toward this repository in FY2015 but the project did not receive much support or make much progress;
 - iii. KZ, TS, and ER volunteered to advance such a project in FY2016;
 - iv. KZ moves to form a Data Archive Committee consisting of KZ, TS, ER;
 - v. Motion seconded by RG;
 - vi. Motion Approved
- e. Survey of IP Section membership
 - i. Tentative plan is an electronic survey;
 - ii. KZ considered this in FY2015, but it remained a lower priority;
 - iii. Executive Committee hasn't reached out to membership to ask what members want in a long time;
 - iv. Executive Committee member bandwidth to take this on now is limited;
 - v. Suggested to request help from TB, MN, and another senior Executive Committee member;
 - vi. Suggestion to form committee to prepare a proposed survey for Executive Committee review and approval then WSBA approval;
 - vii. Issue tabled to be raised again in the future.

- f. Privacy Law Committee
 - i. Issue raised by ER;
 - ii. Ryan Harkins (RH) – Microsoft/ Director of State Affairs and Public Policy was unable to attend October 6, 2016 IP Sections Meeting;
 - iii. ER suggested a vote to create a subcommittee focused on Privacy Law;
 - iv. Sections bylaws are believed to permit committees that include non- Executive Committee members; committees require an Executive Committee member, but not only Executive Committee members;
 - 1. Bylaws to be consulted and verified if issue remains open;
 - v. KZ is interested in participating;
 - vi. RG suggested a collaborative CLE w/ Business Law Section;
 - vii. Issue tabled until next month when RH can attend and provide more information.

- g. JN provided update on previous Gonzaga University (GU) request for funding of Lefkowitz Moot Court team
 - i. No follow up was provided by GU;
 - ii. Issue is closed.

- h. USPTO Patent Prosecution Referral Program
 - i. Jim Baunach (JB) provided update by email dated September 8, 2016;
 - ii. Summary:
 - 1. Julie VanDerZanden, WSPLA Board member, indicated that the USPTO is proposing to run the Washington program through the California Lawyers for the Arts;
 - 2. Sean O'Connor from University of Washington regarding the possibility of University of Washington and Washington Lawyers for the Arts (WLA) creating a joint venture to implement the program;
 - a. JN is contact at WLA ;
 - b. Sean O'Connor and Jennifer Fan are contacts at UW;
 - 3. Sean would be working directly with the new person at the USPTO, John Kirkpatrick, who has taken over running it from their side to explore what assistance UW could provide;
 - 4. John Kirkpatrick from the USPTO was waiting to hear from Sean O'Connor and Jennifer Fan at UW to speak to them directly in a follow up conference;
 - 5. KZ suggested USPTO appears uninterested in performing the work and is requiring private orgs such as WSBA Executive Committee perform the work and bear the risk; USPTO would only contribute name;
 - 6. KZ suggested it is unclear whether WSBA would allow IP Section to participate;
 - 7. Executive Committee determined to take no action until/unless USPTO reaches out again.

- i. Sunshine Committee – Public Records Exemptions Accountability Committee
 - i. RG provided update;
 - ii. Summary:
 - 1. October 25 Meeting – Reviewing the trade secrets and proprietary records exemptions from disclosure;
 - 2. Suggested to review email from RG sent August 31, 2016;
 - 3. Sunshine Committee liaison is Alison Grazzini;

4. RG suggested IP Section Executive Committee would have to go through main WSBA's main legislative liason;
5. RG suggested letting the issue go;
6. RG will consider sending a formal reply that WSBA IP Section does not take a formal position.

- j. KZ confirmed that JB received Executive Committee gifts for past service as Executive Committee Board Chair:
 - i. Amazon gift card & remainder of Wild Ginger gift card;
 - ii. KZ sent a Thank-you card on behalf of Executive Committee.

XI. NEXT MEETING PROPOSED FOR TUESDAY, NOVEMBER 1, 2016

- a. Certain Executive Committee members are unable to attend;
- b. ER motioned for Monday, Nov. 14 and ongoing meetings on second Monday of every month;
- c. TS seconded;
- d. Motion approved.

XII. MEETING ADJOURNED: **12:56PM PDT**