

WSBA IP Section
Executive Committee Meeting
12/14/2016
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), James Doane (JD)
- C. WSBA CLE LIAISON: Sondra Livingston-Carr (SLC)

II. ATTENDEES:

- A. Board:
 - i. Live: KZ, TS, SD, PH
 - ii. Phone: JN, RJ
- B. Others:
 - i. Live: JT
 - ii. Phone: JD
 - iii. Jeff Nelson (JNEL) – WLA
 - iv. Chris Dunlap (CD) - WLA
- C. Live meeting, catering, and telephone conference call with thanks and acknowledgement to Perkins-Coie.

NOT IN ATTENDANCE:

- D. Board: ER, RG, SD, MN

III. CALL TO ORDER: **12:10 PM PST BY CHAIR-ELECT, KZ.**

IV. APPROVAL OF NOVEMBER MINUTES:

- A. Minutes distributed via email by TS on Nov. 14, 2016;
- B. KZ motioned to approve October 2016 minutes;
- C. SD seconded;
- D. All approve and November 2016 minutes entered into the record;

V. REQUEST FOR THE FLOOR BY JN:

- A. JN announces intent to resign from EC effective immediately for personal reasons;
- B. KZ expressed gratitude for JN's past commitment and work on IP Section Executive Committee; all in attendance agreed.

VI. IP SECTION CLES (PART 1):

- A. Inland Empire Intellectual Property Institute was held on DEC. 9, 2016:
 - i. Chair – JN reported;
 - ii. Mini-CLE format;
 - iii. 90 minutes, Single speaker on DTSA;
 - iv. About 30 people in live attendance; 40 signed up, but foul-weather prevented some from attending;

- v. One \$2500 scholarship was handed out to a deserving GU student;
- vi. JT confirmed that check will be forwarded from WSBA to GU this week.

VII. WLA REPORT BY JNEL AND CD:

- A. JNEL reported that CD will take over as chair on January 1, 2017 as JNEL concludes his 3-year term;
- B. JNEL provided a year in review of WLA activities;
- C. WLA will be doubling their clinic offerings this year with events at Seattle University and Amazon;
- D. The WLA referral service is operating with success and continues to grow;
- E. The WLA pro-bono offering require attorneys to provide only 30 minutes, and any additional engagement is between the artist and the attorney;
- F. CD reported that WLA is looking to webcast monthly workshops in 2017 using AdobeConnect platform;
- G. JNEL reported that WLA has 13 board members; 9 are attorneys;
- H. WLA has about 100 current members; fee is only \$25/yr.;
- I. Requests to WLA can be made to Director@wla.org, which will go to admin contact (Julia) or contact CD;
- J. JNEL and CD exited the meeting.

VIII. IP SECTION CLES (PART 2):

- A. 2017 Annual IP Institute:
 - i. KZ and ER will co-chair;
 - ii. Confirmed Date: **March 10, 2017**;
 - iii. Venue: Washington State Convention Center (WSCC);
 - iv. Lunchtime Meet & Greet Venue: WSCC conference room over the street;
 - v. KZ reported that most speakers are confirmed; final speakers will preferably be confirmed in next two weeks:
 - 1. Patent Track:
 - a. Theo Angelis (K&L Gates) – Patent Law: Year in Review;
 - b. Jerry Riedinger (Perkins Coie LLP) – Patent litigation strategies in light of Alice;
 - c. Scott McKeown (Oblon Spivak) – Post-Grant Practice Update.
 - 2. Copyright/Trademark Track:
 - a. Mark Wittow (K&L Gates) - Copyright Law: Year in Review;
 - b. Patchen Haggerty (Perkins Coie LLP) – Trademark Law: Year in Review;
 - c. **Unknown topic** – likely to be on Top Level Domain Name issues.
 - 3. Keynote Speaker:
 - a. Have reached out to two individuals – current federal judge and former federal judge. Waiting to hear back.
 - 4. Afternoon Session
 - a. **Slot 1 – TBD** (Defend Trade Secret Act Overview);
 - b. **Slot 2 – TBD** (Data Privacy & Cybersecurity: Why it matters to the IP Practitioner);
 - c. **Slot 3 – TBD** (Unknown Topic);
 - d. Michael E. McCabe (Funk & Bolton) – Ethics.
 - vi. Meet & Greet – Post-2017 Annual IP Institute:
 - 1. With JN’s resignation, KZ will take this on;
 - 2. Venue: Undecided, but Lee & Hayes hosting might be nice.

3. Drinks @ Event:
 - a. Sections can no longer offer alcoholic drinks or host a bar at a WSBA event;
 - b. A sponsor that both pays for alcohol and takes on liability can be included in a Section event;
 - c. KCBA is able to provide alcohol; perhaps consider a shared sponsorship event;
 - d. Section can hire a bartender;
 - e. Section can hold event where there is a no-host (user pays) bar;
 - f. KZ will attempt to solicit a sponsor for wine/beer.
 - vii. IP Scholarships:
 1. As has been traditionally the case, IP Section offers one scholarship to each of UW's and Seattle University's law schools;
 2. The schools can issue the scholarship to one or more individuals who have a demonstrated interest in the area of intellectual property law;
 3. KZ will reach out to the schools this week.
- B. FY 2017 - IP Licensing CLE:
- i. TS & RG are chairs;
 - ii. Venue: WSBA Conference Room (WCC);
 - iii. Date is suggested for August 2017;
 - iv. TS and RG are scheduling a planning session.
- C. FY 2017 - IP Essentials for the Rest of Us
- i. ER will chair; co-chair not yet named;
 - ii. Venue: WSBA Conference Room (WCC);
 - iii. ER will reach out to Lynda Foster to generate additional interest;
 - iv. Additional reporting is tabled until January 2017 meeting.
- IX. PRIVACY LAW SUBCOMMITTEE:
- A. Members: KZ, RG, RH;
 - B. No meeting was held in December;
 - C. KZ motions to extend committee for 60 days;
 - D. SD seconds; all in favor; motion is approved.
- X. IP SECTION BYLAWS REVIEW COMMITTEE UPDATE:
- A. Members: KZ, TS, & ER;
 - B. No meeting will be held in December of 2016;
 - C. Committee to meet in January;
 - D. JT reported that Article 11 is still tabled in front of the BOG and no Article 11 proposals will go into effect in January;
 - E. JT reported that BOG meeting is January 26-27, 2017 at Gonzaga University;
 - F. JT reported that if Article 11 is approved by the BOG, the election change provisions will likely be implemented in FY2018 to provide time for Sections to update their bylaws, which changes will also need BOG approval;
 - G. JD provided additional contributions with respect to Article 11 bylaws amendments coming up for a vote in the January 2017 BOG meeting.
- XI. IP LEGISLATIVE PRIMER
- A. Held on Dec. 12, 2016;
 - B. Main presenters were Alison Phelan and WSBA General Counsel Jean McElroy;

C. Overview:

- i. Sections apparently can comment on, and actually request, legislation that affects “the practice of law and the administration of justice.” Sections may not take social or political stances, however;
- ii. IP Section can coordinate with Alison Phelan or her colleague;
- iii. Most legislative activity occurs in the first year of a Biennium;
 1. 2017 will be the start of the next Biennium;
 2. There will be a 105 day legislative session during 2017;
 3. There will be a short session in 2018 (60 days);
- iv. IP Section has not, in the past five years, taken positions on, or perhaps even been aware of pending legislation;
 1. For example, KZ is not aware of any contact with the Section and the central Bar with respect to the “patent troll protection act” enacted in 2015 (RCW Ch. 19.350);

D. Action Items:

- i. Coordinate with WSBA Legislative Affairs department;
- ii. KZ suggested a Legislation Committee to monitor bill activity during legislative sessions;
- iii. KZ suggested tabling the issue until a later date when there is more attendance at the EC meeting;
- iv. TS suggested forming a committee that has duty to monitor & report;
- v. JT will contact Alison Phelan to inform her that the IP Section is interested in greater participation.

XII. OTHER WSBA ACTIVITY:

- A. Petition to reduce fees;
- B. JT reported that the petition information being passed throughout the bar by email comes under authority of WSBA bylaws, wherein a petition can be circulated w/in 90 days of any BOG actions;
- C. JT reported that if 5% (?) sign the petition, the matter can go to the entire bar as a referendum to be voted on;
- D. JT reported that if the referendum is approved by the bar members, it is put into effect;
- E. JT reported that this petition addresses a fee increase voted in by the BOG in September 2016;
- F. JT reported that the petition is not yet filed with the BOG, so he is not aware who authored the petition and is now promoting it;
- G. JT reported that there seems to be a website requesting/providing information and the proposal is to tie any WSBA bar dues increase to a national index (CPI-U)(?);
- H. JD provided additional comments on the WSBA fee petition and referendum process;
- I. JT will attempt to locate and circulate the language of the petition to the IP Section Executive Committee.

XIII. OTHER ITEMS:

- A. Data Archive project (KZ, TS, ER) and Survey of Membership project (KZ) – Postponed until 2017
- B. JD reported that there are 5 BOG positions opening up in 2017;
 - vi. Any IP Section members or Executive Committee members are encouraged to run and serve;
- C. JT reported that the next Open Sections night is January 19, 2017;
 - vii. At least TS and KZ to attend;
 - viii. KZ motioned to donate \$50 in IP Section funds to Open Sections night;

- ix. RJ seconded the motion; all in favor and motion is approved;
- D. KZ proposed Wednesday, January 18, 2017 for next IP Section Executive Committee meeting.

XIV. ADJOURN: **1:08PM PST.**