

WSBA IP Section
Executive Committee Meeting
01/18/2017
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); 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: n/a
 - ii. Phone: ER, KZ, TS, SD;
 - B. Others:
 - i. Live: n/a
 - ii. Phone: JT, JD;
 - C. Telephone conference call with thanks and acknowledgement to Perkins-Coie.

NOT IN ATTENDANCE:

- D. Board: RG, RJ, PH, MN;
- E. Others: SLC;

- I. CALL TO ORDER **12:04 PM PST BY ER.**
- II. APPROVAL OF DECEMBER 14, 2016 MINUTES
 - A. Dec. 14, 2016 Minutes distributed via email by TS on Jan. 11, 2017 and final copy for approval on Jan. 18, 2017;
 - B. No additional comments by EC;
 - C. ER motioned to approve;
 - D. KZ seconded;
 - E. All approve and December 2016 minutes entered into the record.
- III. BUDGET
 - A. Intellectual Property Section Financials;
 - B. September – October – November (2016); Email from JT dated December 22, 2016;
 - C. JT: The IP Section had 964 registered members in 2015-16; there are about 320 members registered for the IP Section in 2016-17 fiscal year, but it is a license renewal month, so the number will go up dramatically.
- IV. IP SECTION CLES:
 - A. **FY 2016 - Inland Empire Intellectual Property Institute:**
 - i. Confirmation by JT that \$2500 check was sent from WSBA to GU.
 - ii. Confirmation by JT on documentation of Committee approval of GU Scholarship requested by JN to ER on December 8, 2016.

- iii. Documentation sent to JN and JT by ER on December 8, 2016 including November 14, 2016 minutes reciting: “JN – Confirm that \$2500 Scholarship to will be awarded at IEIPI?” and “ER – Yes, confirmed.”
- iv. ER discussion of various items of documentation:
 - 1. Budget FY2017: “**Scholarships/Donations/Grants** –
 - 2. IP Section e grants \$2,500 in [5] scholarships to the three accredited WA law schools (GU, SU, UW);
 - 3. IP Section often donates to one or more other IP non-profit organizations (e.g., Washington Lawyers for the Arts);
 - 4. IP Section often sponsors law students to attend various CLEs;
 - 5. As a result, \$12,000 appears to be a reasonable estimate for FY 2017’s Scholarships/Donations/Grants line item”;
- v. TS: Re-authorization of 5 scholarships of GU, SU, UW students for IP Section CLEs in FY 2018;
- vi. SLC:
 - 1. ER will send contact information to KZ for Matheiw Le (Ass’t Dean of Admissions and Financial Aid at UW); Mathiew will coordinate process of scholarship awards.

B. FY 2017 – Annual Institute:

- i. KZ and ER Co- chairs;
- ii. KZ informed SLC on January 5, 2017: Tuition for IP Annual Institute at \$320 for non-members and \$295 for members;
- iii. “Join the Section” price, which is \$320 and includes the \$25 section membership fee;
- iv. ER: IP Section will offer \$25 discount to new lawyers;
- v. Announcement distributed to WSBA IP Listserv and other WSBA sections on January 12, 2017;
- vi. ER: New Lawyers Section and others will post announcement of Annual Institute to their respective section;
- vii. Confirmed Date: **March 10, 2017**;
- viii. Venue: Washington State Convention Center (WSCC) ;
- ix. Update: With JN no longer an IPEC member, KZ working to direct student scholarship awards at SU, UW; ER will assist as needed;
- x. Update: KZ reached out to the following UW School of Law contacts regarding the WSBA IP Scholarship Program on December 28, 2016:
 - 1. Zahr K. Said, Associate Professor of Law, Lead Faculty Director, CASRIP (Center for the Advanced Study and Research on Innovation Policy), University of Washington School of Law, zahr@uw.edu;
 - 2. Robert w. Gomulkiewicz;
 - 3. Anna Bakhmetyeva;
- xi. Update: KZ reached out to Margaret Chon, Seattle University School of Law (mchon@seattleu.edu), regarding the WSBA Scholarship Program on December 28, 2016;
- xii. KZ raised issue of student scholarships:
 - 1. Five are offered to each of SU and UW;
 - 2. KZ raised issue of also offering scholarships to GU students;
 - 3. JT: IP Section pays for the student scholarships out of budget, then the students are counted as attendees, so IP Section gets some money back;

4. JT: There is a standing rule from WSBA CLE Department that one student from each of the three accredited law schools (GU, SU, UW) is admitted free to each CLE offered by IP Section;
 5. KZ motions to provide five (5) scholarships to attend 2017 Annual Institute for each of GU, SU, UW law schools with understanding that one student from each school is designated free by the WSBA (*i.e.*, a total of up to 12 scholarships paid for by IP Section);
 6. SD seconded;
 7. All in favor and the motion is approved;
 8. JT: Let JT and SLC know the names; JT will take care of budgeting details;
- xiii. CLE Meet and Greet Preparation/Management, KZ will arrange;
1. KZ will attempt to solicit a sponsor for wine/beer; ER will assist; call for additional volunteers;
 2. IPEC discussed likelihood of finding a sponsor to host an alcoholic beverage bar, a no-host (cash) bar, a dry event, and ways to market the event; KZ and ER to discuss further offline;
- xiv. Annual IP Institute Faculty and Agenda:

PATENT TRACK:	COPYRIGHT/TRADEMARK TRACK:
<p>8:30 a.m. [60 min] Patent Law – Year in Review Theo Angelis – K&L Gates, Seattle</p> <p>9:30 a.m. [60 min] Patent Litigation Strategies in Light of Alice Jerry Riedinger – Perkins Coie LLP, Seattle</p> <p>10:30 a.m. BREAK</p> <p>10:45 a.m. [60 min] Post-Grant Practice – Year in Review Scott McKeown – Oblan Spivak, Washington D.C.</p>	<p>8:30 a.m. [60 min] Copyright Law – Year in Review Mark Wittow – K&L Gates</p> <p>9:30 a.m. [60 min] Trademark Law – Year in Review Patchen Haggerty – Perkins Coie, LLP</p> <p>10:30 a.m. BREAK</p> <p>10:45 a.m. [60 min] The Recent Expansion of gTLDs: Potential Benefits and Pitfalls Panel [Alvaro Alvarez, General Counsel, Donuts, Inc.] Vice President and General Counsel Donuts, Inc., Email: alvaro@donuts.email ; additional panelists tbd].</p>

11:45 a.m. LUNCH – KEYNOTE SPEAKER
 [75 minutes]
 Keynote Speaker: United States District Court Judge Benjamin Settle
 Lunchtime Meet & Greet Venue: WSCC conference room over the street

AFTERNOON PLENARY SESSIONS

1:00 p.m. [60 min]

Data Privacy & Cybersecurity: Why It Matters to the IP Practitioner

Aravind Swaminathan – Orrick, Herrington & Sutcliffe, Seattle, WA

2:00 p.m. [60 min]

Defend Trade Secrets Act Overview

Nagendra Setty - Orrick, Herrington & Sutcliffe, San Francisco, CA

3:00 p.m. BREAK

3:15 p.m. [45 min]

Washington State Specific Intellectual Property Provisions

4:00 p.m. [60 min]

Ethics

Michael E. McCabe – Funk & Bolton

5:00 p.m. - Complete online evaluations * Adjourn

5:15 p.m. - 6:30 p.m. – Meet & Greet:

C. FY 2017 - IP Licensing CLE:

- i. TS & RG are chairs;
- ii. Venue: WSBA Conference Room (WCC);
- iii. SLC and JT request confirmation of date for WCC [suggested for August 2017];
- iv. TS and RG are scheduling a planning session;
- v. TS: No updates; Follow up with RG; Follow up with SLC and JT to reserve date.

D. FY 2017 - IP Essentials CLE:

- i. ER will chair; co-chair not yet named;
- ii. Venue: WSBA Conference Room (WCC);
- iii. Date: Friday, September 29, 2017;
- iv. ER – spoke to SLC on January 5, 2017 to reach out to Lynda Foster to coordinate timing of IP Essentials CLE/and New Lawyer IP Boot Camp CLE;
- v. ER is working with Lynda Foster;
- vi. KZ proposes IP Section collaborate with Young Lawyers Division and New Lawyer Division;
- vii. KZ: “IP Boot Camp” may not be the right name because the CLE is also targeting corporate counsel, not only new lawyers.

V. NEW BUSINESS:

A. Appointment of a replacement for John Nelson – Member at large;

- i. IP Section Bylaws (Please, see Addendum at pg. 8-9);
- ii. ER proposed consideration of official thanks on behalf of IP § with a token gift;

- iii. TS opposed using IP Section monies for this and suggested reaching out personally instead to express gratitude and offer dinner, drinks, etc.;
- iv. ER discussed current bylaws and proposed Art. 11 rules to bring in new members; nominating committee; election;
- v. KZ suggested sending a “Call to serve” notice out to Listserv rather than using annual meeting; IPEC has right to appoint a replacement member;
- vi. KZ: waiting until Annual Meeting at Annual Institute to bring in new IPEC members may not be the best way; the Annual Institute requires a full-day to participate and many IP Section members do not attend; Also, CLE cost is \$320, which may keep some IP Section members away; for these reasons, hosting the IP Section annual meeting at another time may (or may not) be better;
- vii. KZ proposed a more active IPEC nominating committee;
- viii. ER reviewed provisions from IP Section bylaws;
- ix. KZ suggested that the bylaws related to new IPEC members are available, but not a strict and inflexible process for bringing in a replacement IPEC member; the IPEC has freedom to encourage participation in the IP Section in other ways;
- x. KZ motions to fill John Nelson (JN) vacancy using a process that begins with access to Listserv to solicit interest in IPEC membership;
- xi. ER seconded;
- xii. All in favor and the motion is approved;
- xiii. KZ sent list of current IPEC members, their terms, and their responsibilities;

Current composition of the IPEC for FY 2017:

Name	Position	Location	If Non-Officer Member, Class	If Non-Officer Member, Start Year	Term Limit, Unless Elected to Officer Position
Elizabeth Reilly	Chairperson	Olympia, WA			N/A
Kevin Zeck	Chairperson-Elect	Seattle, WA			N/A
Tom Satagaj	Secretary-Treasurer	Seattle, WA			N/A
Reena Ghosh	Last Retiring Chairperson	Seattle, WA			N/A
Stuart Dunwoody	Non-Officer Member	Seattle, WA	Class II	FY 2014	FY 2017
Patchen Haggerty	Non-Officer Member	Seattle, WA	Class I	FY 2015	FY 2018
Reid Johnson	Non-Officer Member	Spokane, WA	Class I	FY 2015	FY 2018
Makalika Naholowa'a	Non-Officer Member	Redmond, WA	Class II	FY 2016	FY 2019
Open – John Nelson	Non-Officer Member				

For IPEC FY 2018 elections:

- RG will cycle off of IPEC;
- SD will have priority to be nominated Secretary-Treasurer; See Section 5.05 of the Bylaws;
- IPEC will have at least one open non-officer member position
- If JN's position is not filled before the Annual Meeting, IPEC will have two open non-officer member positions;

B. Occurrence of IPEC Annual Meeting and Election of Officers;

- i. Election of Officers (if not at Annual Meeting) should be prior to IP Annual Retreat so that newly elected Officers may participate in carving out Annual Budget for upcoming FY;
 - ii. IP Section Bylaws (please, see below, “Addendum”);
 - iii. Electronic Elections: (JT) The current process that most section use is as follows:
 - The section puts out a call for nominees and works with its nominating committee to generate a list of candidates;
 - All candidates and their statements are sent to the sections team;
 - WSBA puts together a SurveyMonkey election poll and sends the same to IP Section in an eblast;
 - Poll is usually open for about 2 weeks;
 - IPEC also sends reminders through the Listserv;
 - After poll closes, JT reports results to IPEC and arranges for announcement eblast;
 - Proposed electronic system in the WSBA bylaws Art. 11 will likely be similar;
- C. Confirm with KZ that WSBA was informed that tuition fee for IP Section CLEs will not change; (Please, see above at IP Annual Institute);
- i. Currently KZ informed SLC on January 5, 2017: Tuition for IP Annual Institute at \$320 for non-members and \$295 for members;
 - ii. “Join the Section” price, which is \$320 and includes the \$25 section membership fee;
- D. Re-authorization of 5 IP Scholarships: 1 GU; 2 SU; and 2 UW;
- i. Please, see above **FY 2016 - Inland Empire Intellectual Property Institute**;
 - ii. Reminder to authorize IP Scholarships in (Budget FY – 2018);
- E. Discuss Referendum petition for WSBA annual fee reduction, the WA SC order on January 5, 2017;
- i. Petition to reduce fees: (Please, see below, “Addendum”);
 - ii. WSBA Governance (Please see link below)
 - 1. <http://www.wsba.org/~media/Files/About%20WSBA/Governance/Supreme%20Court%20Order%2025700-B-571.aspx>
 - iii. NOTICE REGARDING LICENSE FEE ROLLBACK PETITION:

On Jan. 5, 2017, the Washington Supreme Court entered an order affirming 2018, 2019, and 2020 license fees approved by the Board of Governors at its Sept. 29, 2016, Board meeting. In addition, the Court stated that if such current license fee rollback petition were to pass, the license fee proposed by the petition, as well as the requirement of tying future license fee increases to the consumer price index would not be reasonable.

At its Jan. 26-27, 2017, Board meeting in Spokane, the Board of Governors will discuss whether holding the referendum vote is appropriate in light of the Court's order given that a vote by the active membership to pass such a referendum would be moot.

- iv. JD: WA SC ordered that fees approved by BOG will stand; that the petition circulated was unreasonable and not operative;
- v. JD noted that he’s received a few email from members; most common theme was optics of WA SC taking this action over will of a number of licensed attorneys ;

- vi. JD requested feedback regarding petition;
 - vii. IPEC engaged in discussion regarding the petitions, but IPEC did not take an official position;
 - viii. JD: The attorney that started the fee reduction petition is now proposing that the BOG require all CLE's to be free;
 - ix. JD suggested that the sponsor of the petition and possibly many signatories have not studied the full picture of the BOG budget;
 - x. JD: At BOG meeting in Spokane in February, BOG will discuss next year's fiscal budget, which is a long process that provides a lot of opportunity for public (*i.e.*, bar rank and file) input.
- F. BOG Meeting – January 26 - 27, 2017;
- i. Jan. 26–27, 2017, at Gonzaga University in Spokane;
 - ii. Meeting materials will be posted here Friday, Jan. 20, 2017;
 - iii. <http://www.wsba.org/About-WSBA/Governance/Board-Meeting-Schedule-Materials>;
 - iv. Update: [WSBA BOG & Article XI](#);
 - v. Article XI.SECTIONS of the WSBA Bylaws will be revisited at the BOG meeting scheduled for January 26-27, 2017 at GU in Spokane;
 - vi. You may contact your BOG Liaison, JD with any comments regarding the proposed amendments;
- G. Other matters;
- i. ER: Table bylaws review committee;
 - ii. ER: Legislative primer; contact Alison; greater participation; JT did do this; EC should be getting updates from Clark McIssaac on upcoming legislation;
 - iii. ER: Open Section night is tomorrow; TS/KZ to post invite to §'s night tomorrow;
 - iv. ER: Data archive project on hold;
 - v. ER: February meeting proposed February 22, 2017; 12:noon

VI. ADJOURN: **1:07PM PST.**