



PROGRAM AGENDA

**ST. REGIS HOTEL
WASHINGTON, D.C.
OCTOBER 26-28, 2009**

MONDAY, OCTOBER 26, 2009

***IP Counsels Committee Retreat &
Working Luncheon***

12:00 pm – 3:30 pm

***BIO Office – Jefferson Conference Rooms
1201 Maryland Avenue, SW, Suite 900
Washington, D.C. 20024***

**Open to IP Counsels Committee company members and their representatives only.*

Chair: Thomas Kelley, Patent Counsel, Monsanto Company

Copies of the Agenda for all Committee meetings will be provided onsite.

IP Amicus Subcommittee Meeting

4:00 pm – 5:00 pm

***United States Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, D.C. 20439***

**Open to IP Amicus Subcommittee members only.*

This is a unique opportunity for IP Amicus Subcommittee members to meet with Chief Judge Michel and receive advice on how to increase effectiveness as amicus curiae.

Welcome Reception

5:00 pm – 7:00 pm

***United States Court of Appeals for the Federal Circuit
Dolly Madison Room
717 Madison Place, NW
Washington, D.C. 20439***

**Prior RSVP is required.*

Reception Sponsored by:

FINNEGAN

TUESDAY, OCTOBER 27, 2009

Chairman's Welcome & Breakfast Buffet
Salon, St. Regis Hotel
Sponsored by: Fish & Richardson P.C.

7:15 am – 8:00 am

Session 1: Patent Reexamination in the Life Sciences Industries ***8:00 am – 9:45 am***
Astor Ballroom, St. Regis Hotel
Sponsored by: Fish & Richardson P.C.

Panelists:

J. Patrick Finn III, Principal, Fish & Richardson P.C.
Gregory Morse, Central Reexamination Unit, United States Patent & Trademark Office
Chad Shear, Principal, Fish & Richardson P.C.
Jeff Skelton, Chief Intellectual Property Counsel, Cargill

Effective both as a preemptive weapon against the threat of litigation and a strategic defense in patent litigation, patent reexamination is a multifunctional tool that requires a diverse set of skills and knowledge to maximize its effect. In this session, you will hear from life sciences-focused patent attorneys with extensive experience in handling reexam matters and life sciences companies who have been through the patent reexamination process.

Session 2:
Federal Circuit Case Law, 2008-2009—A Clerk's Perspective
Astor Ballroom, St. Regis Ballroom
Sponsored by: Fish & Richardson P.C.

10:00 am – 11:45 am

Panelists:

Chad Shear, Principal, Fish & Richardson P.C.
Steven Carlson, Principal, Fish & Richardson P.C.
John Dragseth, Principal, Fish & Richardson P.C.
John Garvish, Associate, McKool Smith P.C.
Chad Pannell, Associate, King & Spalding

Interpretations are changing and law is being made. Come hear clerks from the Federal Circuit discuss recent cases from a behind-the-scenes perspective. Be prepared to participate in what promises to be another refreshingly open discussion.

Luncheon and Guest Speaker
Carlton Ballroom (lower lobby level)
Sponsored by: Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

12:00 pm – 1:15 pm

The Honorable Judge Randall R. Rader Discusses Recent Federal Circuit Cases and their Potential Impact on Biotechnology.

Session 3: *Behind the Scenes Look at Bilski*

1:30 pm – 2:30 pm

Astor Ballroom, St. Regis Hotel

Sponsored by: *Finnegan, Henderson, Farabow, Garrett & Dunner, LLP*

Panelists:

J. Michael Jakes, Partner, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Brad Kurtz, Intellectual Property Counsel, DuPont

Gary Loeb, Vice President, Intellectual Property, Genentech

Amy Mendel, Associate General Counsel, Intellectual Property, Clinical Data, Inc.

As he prepares to argue *Bilski v. Doll* before the Supreme Court later this year, Finnegan partner J. Michael Jakes will provide an overview and update of what is at stake for the patent community as the Supreme Court prepares to hear the case and touch upon the various positions espoused in the *Bilski* and government briefs as well as the amicus briefs. BIO Amicus Committee Members will discuss BIO's position and the importance of the case to the biotechnology industry.

Session 4: *Legal Constraints On Claiming:*

2:45 pm – 4:15 pm

Lessons from Recent Precedents of the Federal Circuit

Astor Ballroom, St. Regis Hotel

Sponsored by: *Finnegan, Henderson, Farabow, Garrett & Dunner, LLP*

Panelists:

Janet A. Gongola, Associate Solicitor, United States Patent & Trademark Office

Howard W. Levine, Partner, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Bart A. Gerstenblith, Associate, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

In its decisions in *Ariad Pharmaceuticals, Inc. v. Eli Lilly & Co.*, 560 F.3d 1366 (Fed. Cir. 2009) and *In re Kubin*, 561 F.3d 1351 (Fed. Cir. 2009), the Federal Circuit held claims covering biotechnology inventions invalid under 35 U.S.C. § 112 and 35 U.S.C. § 103, respectively. The members of this panel, including Lilly's counsel in *Ariad*, Amgen's counsel in *Kubin*, and Janet A. Gongola, Associate Solicitor for the United States Patent and Trademark Office, will discuss these cases and their impact on future claiming.

Exclusive Tour of the International Spy Museum & Dinner Reception at Zola Restaurant

5:15 pm – 8:45 pm

800 F Street

Washington, D.C. 20004

**Open to registered attendees only.*

**Prior RSVP is required.*

Join us as we take you deep undercover into the realm of espionage, intrigue, deception and betrayal in the spy capital of the world. Drinks and dinner will immediately follow the tour at Zola restaurant (located beside the museum).



Dinner Guest Speaker

Joe Matal, Republican General Counsel, Senate Judiciary Committee, to give a behind the scenes look at patent reform.

Please meet in the St. Regis lobby promptly at 5:15 pm for transportation to the International Spy Museum for the tour and dinner. A shuttle will be available at 8:45 pm for transportation back to the St. Regis.

Dinner Sponsored by:



WEDNESDAY, OCTOBER 28, 2009

Continental Breakfast
Salon, St. Regis Hotel

7:45 am – 8:45am

IP Counsels Committee Business Meeting
Astor Ballroom, St. Regis Hotel

8:00 am – 9:45 am

**Open to IP Counsels Committee company members and their representatives only.
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Session 5:

10:00 am – 11:00 am

The Mysteriously Vanishing Injunction and Other Developments in Remedies Law
Astor Ballroom, St. Regis Hotel
Sponsored by: Choate Hall & Stewart LLP

Panelists:

*Eric Marandett, Partner, Choate Hall & Stewart LLP
Gavin Bogle, General Counsel, Iovate Health Sciences
Karen Bruce, Senior Patent Attorney, Syngenta Biotechnology
David Manspeizer, VP, Intellectual Property & Associate General Counsel, Wyeth*

The panel will examine the impact on the value of biopharma and agricultural patents of the post-eBay trend of Courts taking a much more rigorous and skeptical view of whether successful patent holders should be granted injunctions after a finding of infringement. The panel also will address, more generally, the implications of greater uncertainty over whether remedies like injunctive relief, lost profits and enhanced damages can be sustained in most cases.

Session 6:

11:15 am – 12:15 pm

Protecting Pharmaceutical Products in the US vs. Europe
Astor Ballroom, St. Regis Hotel
Sponsored by: Choate Hall & Stewart LLP

Panelists:

Brenda Jarrell, PhD, Partner, Choate Hall & Stewart LLP

Kristina Cornish, Partner, Kilburn & Strode LLP

This panel will address differences in prosecution strategies for protecting pharmaceutical inventions in the US vs. Europe, including consideration of different inventive step/obviousness standards, different treatment of declaratory evidence, different consideration of prior use, and different approaches to therapeutic combinations.

Session 7: Patent Pools: Design, Efficiency and Innovation ***12:30 pm – 2:00 pm***
Working Luncheon

Astor Ballroom

Sponsored by: Choate Hall & Stewart LLP

Panelists:

Charles Kinzig, Vice President, Intellectual Property, GlaxoSmithKline

Donna Ward, PhD, Vice President, Intellectual Property, Alnylam Pharmaceuticals

Earlier this year, GlaxoSmithKline, a leading healthcare company, formed a patent pool to aid in the discovery and development of new medicines for the treatment of 16 neglected tropical diseases, including leprosy, cholera, dengue fever, malaria, tuberculosis, African sleeping sickness, soil transmitted helminthiasis, blinding trachoma and leishmaniasis. Alnylam Pharmaceuticals has joined GSK's endeavor and is contributing more than 1500 issued or pending patents on its RNA interference technology patent estate to the patent pool. We will discuss the patent pool and its benefits which include, among many, an opportunity for pharmaceutical companies to nurture scientific research that is otherwise overlooked and underfunded, associate their company with an innovative, global humanitarian effort and better the lives of billions of people living in the world's most impoverished conditions.