



**PROGRAM AGENDA**  
**FOUR SEASONS HOTEL ST. LOUIS**  
**ST. LOUIS, MO | APRIL 15-17, 2015**

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**Wednesday, April 15, 2015**

**Registration**

11:30 am – 3:30 pm

Four Seasons Hotel St. Louis– Ballroom Lobby, 6<sup>th</sup> Floor  
999 North 2<sup>nd</sup> Street, St. Louis, MO 63102

Please pick up your conference badge and materials in The Four Seasons Hotel’s Ballroom Foyer. If you are unable to pick up your materials during this time, registration will reopen on Tuesday, November 11<sup>th</sup> at 7:30 am.

**IP Counsels Committee Business Meeting & Working Luncheon**

12:00 pm – 3:15 pm

Four Seasons Hotel St. Louis– Pre-Function 2, 6<sup>th</sup> Floor  
999 North 2<sup>nd</sup> Street, St. Louis, MO 63102

*\*Open to IP Counsels Committee company members and their representatives only.  
Copies of the Committee Business Meeting Agenda will be provided onsite.*

**Pre-Conference Workshop:**

**Can Congress Fix the Patent Law Mess?**

3:30 pm – 4:30 pm

Four Seasons Hotel St. Louis– Ballroom B & C, 6<sup>th</sup> Floor  
999 North 2<sup>nd</sup> Street, St. Louis, MO 63102

*Sponsored by: McDonnell Boehnen Hulbert & Berghoff LLP*

Patent law has changed dramatically over the past few years, and few would say for the better. Most of these changes have been caused by the judiciary, and particularly the Supreme Court, which has acted to restrict patent law both substantively and procedurally. Can (and should) Congress do anything to change things? The panel will discuss proposals to address statutory subject matter, patent term adjustment, post-grant review standards and patent litigation standards.

*Moderator:* Don Zuhn, Partner, McDonnell Boehnen Hulbert & Berghoff LLP

*Panelists:*

Janet Gongola, Patent Reform Coordinator, U.S. Patent & Trademark Office  
Len Smith, Chief Business and Legal Officer, Heliae  
Kevin Noonan, Partner, McDonnell Boehnen Hulbert & Berghoff LLP

## **Welcome Reception at Flamingo Bowl**

Palm Room

5:30 pm – 7:30 pm

1117 Washington Ave, St. Louis, MO 63101

*\*Prior RSVP is required.*

*Sponsored by: Brinks Gilson & Lione*



Please meet in the hotel's front lobby at 5:10 pm to walk to the Welcome Reception as a group. This informal networking event will be held at Flamingo Bowl in a private room (the Palm Room) to the left of the main entrance from 5:30 pm - 7:30 pm. Flamingo Bowl is St. Louis' premier downtown bowling location and the Palm Room features 4 private lanes, a pool table, large TV screens, and our group's own private bar.

## **Thursday, April 16, 2015**

### **Chairman's Welcome & Breakfast:**

#### **Strategic Aspects of the New EU Unified Patent Court**

7:30 am – 8:30 am

*Four Seasons Hotel St. Louis– Ballroom B & C, 6<sup>th</sup> Floor*

*Sponsored by: WilmerHale*

The European patent system is about to undergo long anticipated and dramatic changes with the advent of the Unified Patent Court and unitary patent on the near-term horizon. The practical, strategic and tactical aspects of the Unified Patent Court for both patentees and accused infringers will be explored, including preparing for the UPC and the unitary patent from both a filing and licensing perspective. Strategies for opting in or staying out of the UPC, forum shopping from both the patentee and accused infringer standpoint, and deciding whether to seek unitary effect for patents will also be covered.

*Moderator: David A. Manspeizer, Partner, WilmerHale*

#### *Panelists:*

*Anthony Trenton, Partner, WilmerHale*

*Kerry Flynn, Vice President & Chief IP Counsel, Vertex Pharmaceuticals*

### **Session 1:**

#### **AIA Today**

8:45 am – 10:00 am

*Four Seasons Hotel St. Louis– Ballroom B & C, 6<sup>th</sup> Floor*

*Sponsored by: Seed Intellectual Property Law Group PLLC*

Beyond IPR and PGR, the AIA included other major changes to U.S. patent law, including a diminished grace period, an expanded universe of prior art, prior user rights and trade secrets, third party submissions, derivation proceedings, and supplemental examination. The practical implications of these other aspects of the AIA to date, as well as strategic considerations, will be explored.

*Moderator: Samuel E. Webb, Partner, Seed Intellectual Property Law Group PLLC*

#### *Panelists:*

*Lawrence Lavin, Associate General Counsel, Intellectual Property, Monsanto Company (confirmed)*

*Jeffrey C. Pepe, Partner, Seed Intellectual Property Law Group PLLC*

## **Session 2:**

### **Claim Construction Now and Other Case Law Updates**

10:15 am - 11:45 am

*Four Seasons Hotel St. Louis– Ballroom B & C, 6<sup>th</sup> Floor*

*Sponsored by: Seed Intellectual Property Law Group PLLC*

A brief look at claim construction and the potential impact the Supreme Court decision in *Teva v. Sandoz* will be explored. In addition, insights into how a change in claim construction might intersect with other issues, such as assessing validity in the context of inducement of infringement (*Commil v. Cisco*), divided infringement (*Akamai v. Limelight*), opinions of counsel, and the broadest reasonable interpretation used by the PTAB.

*Moderator:* Michael P. Hogan, Partner, Seed Intellectual Property Law Group PLLC

#### *Panelists:*

James Sterner, Corporate Counsel, Breckenridge Pharmaceutical, Inc.

Reza Green, PhD, Vice President of Intellectual Property and Chief IP Counsel, Novo Nordisk Inc.

## **Luncheon Keynote**

### **Economic Espionage and Biotechnology: A Growing Threat**

12:00 pm – 1:15 pm

*Four Seasons Hotel St. Louis– Ballroom B & C, 6<sup>th</sup> Floor*

*Sponsored by: xxx, LLP*

*Speaker:* Robert G. Spelbrink, Special Agent, FBI Washington Field Office, Strategic Partnership Program

## **Session 3:**

### **Rethinking Biopharma Patent Licenses**

1:30 pm – 2:45 pm

*Four Seasons Hotel St. Louis– Ballroom B & C, 6<sup>th</sup> Floor*

*Sponsored by: Foley Hoag LLP*

This panel will discuss current issues in biopharma patent licensing, including the implications of the Supreme Court's decision to revisit *Brulotte v. Thys Co.* and how the possible substitution of a rule of reason standard for post-expiration royalties would alter the licensing landscape. The panel will also address best practices for clarifying the parties' rights and avoiding costly disputes, including mechanisms for terminating licenses and collaborations, mitigating deal risk, ensuring cost effective dispute resolution, and allocating ownership of intellectual property and biological materials. In addition, the panel will consider special licensing issues arising under European law.

*Moderator:* Don Ware, Partner, Foley Hoag LLP

#### *Panelists:*

Lesley Stolz, Transactions, Johnson & Johnson Innovation Center

Thierry Calame, Partner, Lenz & Staehelin

## **Session 4:**

### **At the Hop: DJs, (Inter) Parties, and (Patent) Dances**

3:00 pm – 4:00 pm

*Four Seasons Hotel St. Louis– Ballroom B & C, 6<sup>th</sup> Floor*

*Sponsored by: Foley Hoag LLP*

This panel will address current strategic considerations from the perspectives of both the reference product sponsor and the (k) applicant. Some of those considerations include: whether and when a (k) applicant should file a preemptive IPR attack on reference product patents; whether a (k) applicant should

provide a copy of its (k) application to start the patent dance; what legal options the reference product sponsor has if the (k) applicant opts out of the BPCIA dance; when DJ actions are available for use by the reference product sponsor and the (k) applicant; and how the reference product sponsor can best position itself to obtain preliminary injunctive relief in the second-wave litigation.

*Moderator:* Barbara Fiacco, Partner, Foley Hoag LLP

*Panelists:*

Mark Bowditch, former Executive Director of Product Support IP, Sandoz Inc.  
Laurie Hill, PhD, Vice President, Intellectual Property, MedImmune

**Tour & Dinner Reception at Anheuser Busch Brewery Tour Center**

5:00 pm – 9:00 pm

12<sup>th</sup> & Lynch Streets, St. Louis, MO 63118

\*Prior RSVP required

*Dinner sponsored by: Fitzpatrick, Cella, Harper & Scinto*



Meet in the Four Seasons Hotel's lobby at 5:00 pm sharp to catch a shuttle bus to the Anheuser Busch Brewery Tour Center. Please be sure to wear your name badge. Your pass to get onto the bus is located on the back of your badge. Enjoy a tour of the Anheuser Busch Brewery, the oldest of the company's 12 breweries. Guests will also see the Clydesdale horses, the Beechwood Aging Cellar and the Historic Brewhouse. Dinner will be served buffet-style in the Biergarten before return shuttle buses arrive around 8:30 pm.

## Thursday, April 17, 2015

**Networking Breakfast**

8:00 am – 9:15 am

*Four Seasons Hotel St. Louis– Ballroom B & C, 6<sup>th</sup> Floor*

*Sponsored by: Harness Dickey*

**Session 5:**

**Recent Developments in IPR and Their Effect on the Life Sciences**

9:30 am – 10:45 am

*Four Seasons Hotel St. Louis– Ballroom B & C, 6<sup>th</sup> Floor*

*Sponsored by: Alston & Bird LLP*

The panel will provide a survey of IPRs brought in the life sciences, including by parties involved in ANDA litigation, or that could be involved in ANDA litigation. The panel will also explore whether IPR proceedings in the life sciences follow general trends observed in other technologies and other findings. Lastly, the panel will discuss the role of the Federal Circuit in overseeing the operation of the IPR system.

*Moderator:* Jitty Malik, Partner, Alston & Bird LLP

*Panelists:*

Andrew Sterling, Sr. Associate, Alston & Bird LLP  
Joseph Kenny, PhD, Executive Director of IP and Chief Patent Counsel, ImmunoGen, Inc.

**Session 6:**

**Emerging Ethical Dilemmas in Patent Prosecution**

11:00 am – 12:15 pm

*Four Seasons Hotel St. Louis– Ballroom B & C, 6<sup>th</sup> Floor*

*Sponsored by: Alston & Bird LLP*

The AIA and recent court decisions have resulted in divergent treatment between the courts and PTO of a number of ethical issues such as inequitable conduct, best mode and revival of abandoned cases. Lack of compliance with applicable standards in the PTO may be without penalty in patent enforcement, but still leave prosecuting attorneys at personal risk. The panel will discuss the ensuing ethical conflicts.

*Moderator:* Romy Celli, Partner, Alston & Bird LLP

*Panelists:*

David Hricik, Professor of Law, Mercer University

Joe Liebeschuetz, Partner, Alston & Bird LLP

William Covey, Deputy General Counsel and Director, Office of Enrollment & Discipline,  
U.S. Patent & Trademark Office

12:15 pm: Adjournment