IP Counsels Committee Conference

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CLE CREDIT INFORMATION

BIO will be offering continuing legal education credit at the 2016 IPCC Conference. Application for CLE credit will be submitted in California and Virginia, and attorneys will be notified if BIO receives credit approval. Sessions at our IPCC conference do not meet the CLE eligibility criteria for the state of Texas, as it is considered a business meeting, and as such we will not be submitting applications to the Texas State Bar. Attorneys needing CLE credit from Texas and other states are welcome to sign in, pick up the CLE forms and apply to their jurisdictions on their own. BIO will provide you with all the materials and documentation required to apply with your individual state CLE Boards.

NOTICE AND DISCLAIMER

PROGRAM AGENDA

SAN ANTONIO, TX | MARCH 30 - APRIL 1, 2016

All sessions will be in the Hildalgo Ballroom, Ballroom Level.

WEDNESDAY | MARCH 30, 2016

11:30 am – 3:30 pm **REGISTRATION**

12:00 pm – 3:15 pm **IPCC BUSINESS MEETING & WORKING LUNCHEON***

*Open to IP Counsels Committee company members only

3:30 pm – 4:30 pm **PRE-CONFERENCE WORKSHOP: THE ROCKY ROAD TO PERSONALIZED MEDICINE**

Sponsored by: **McDonnell Boehnen Hulbert & Berghoff LLP**

One of the purported benefits of (and economic justifications for) the Human Genome Project and its related genetic analyses was personalized medicine, where disease treatment and therapeutic intervention (particularly with pharmaceuticals) was custom-fit to the patient based on their unique genetic profile. Such profiles were supposed to fit on an identify card that could be read by a physician and from which the doctor could choose from alternative therapies with an eye toward providing the best care possible.

That hasn't happened, in part because diagnosing and treating disease is more complicated than knowing a patient's genotype or phenotype. But recent court decisions and resulting impediments to protecting diagnostic methods and naturally occurring therapeutic agents have created a situation where the assumed return on investment has become questionable at best, threatening to retard if not prevent the swift development of personalized medicine.

The panel will discuss the future of personalized medicine with in-house counsel, outside counsel and academia in an attempt to develop strategies to protect the investment necessary and at the same time facilitate further commercial development of this technology.

Moderator: **Donald L. Zuhn, Jr., Ph.D.**, *Partner*, McDonnell Boehnen Hulbert & Berghoff LLP

Speakers: **Paul Beresford, Ph.D.**, *Chief Business Officer*, Biodesix

Benjamin Jackson, J.D., *Vice President*, Legal Affairs, Myriad Genetics

Kristin Neuman, *Executive Director*, Biotechnology Licensing and Librassay, MPEG/LA

Kevin E. Noonan, Ph.D., *Partner*, McDonnell Boehnen Hulbert & Berghoff LLP

5:30 pm – 7:30 pm **WELCOME RECEPTION**

Sponsored by: **Brinks Gilson & Lione**

THURSDAY | MARCH 31, 2016

8:00 am – 9:00 am

NETWORKING & KEYNOTE BREAKFAST

Sponsored by: **Seed Intellectual Property Law Group PLLC**

Speaker: **Ram Shukla**, *Regional Manager* of the USPTO Texas Regional Office

9:00 am – 9:15 am

REFRESHMENT BREAK

Sponsored by: **Marshall, Gerstein & Borun LLP**

9:15 am – 10:30 am

SESSION 1: EVOLUTION OR DEVOLUTION? DEVELOPMENTS AT THE PTAB

Sponsored by: **Fenwick & West LLP**

To whom is the PTAB accountable? Are there any constraints on the PTAB's jurisdiction? What ramifications do the PTAB's institution decisions and final decisions have for traditional patent infringement litigation? The panel will explore both strategic and practical considerations stemming from the PTAB's accumulating jurisprudence.

Moderator: **David Tellekson**, *Partner*, Fenwick & West LLP

Speakers: **The Honorable Judge Georgianna Braden, Ph.D.**, *Administrative Patent Judge*, USPTO

Ewa Davison, Ph.D., *Associate*, Fenwick & West LLP

Michael D. Lisi, Sr., *Corporate Counsel, Litigation*, Roche Molecular Systems, Inc.

Jacob S. Sherkow, *Associate Professor of Law*, New York Law School

10:30 am – 10:45 am

REFRESHMENT BREAK

Sponsored by: **Marshall, Gerstein & Borun LLP**

10:45 am – 12:00 pm

SESSION 2: EXPRESS TICKET TO NOWHERE: HOW CORPORATE ENGINEERS DERAIL THE PATENT TRAIN

Sponsored by: **Fenwick & West LLP**

The design and engineering of the company's structure rarely accounts for the effects of corporate structure on the company's patent estate. The panel will discuss the various contexts in which corporate and tax engineering has unintended consequences on the patent estate. Topics include priority

THURSDAY | MARCH 31, 2016 *continued*

entitlement in Europe, standing in US litigation, real party-in-interest in inter partes and post-grant reviews, lost profit damages, and the on-sale bar *(Medicines Company v. Hospira).*

Moderator: **Daniel Becker, M.D.**, *Partner*, Fenwick & West LLP

Speakers: **David Abraham**, *General Counsel and Corporate Secretary*, Selecta Biosciences

Melanie Mayer, Ph.D., *Associate*, Fenwick & West LLP

Roger Milgrim, *Intellectual Property Expert*, Milgrim IP

12:15 pm – 1:30 pm

LUNCHEON KEYNOTE

Sponsored by: **WilmerHale**

Speaker: **The Honorable Judge Raymond T. Chen**, United States Court of Appeals, Federal Circuit Court

1:45 pm – 3:00 pm

SESSION 3: THROUGH THE LOOKING GLASS: LIFE IN A POST-LEXMARK WORLD

Sponsored by: **Foley Hoag LLP**

This panel will discuss the possible outcome of the Federal Circuit's *en banc* decision on the *Lexmark* case, including how to structure sales to minimize the risk of patent exhaustion and the practical implications for those selling products abroad, including whether sales restrictions and reservation of rights are enforceable in Europe and foreign countries.

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

Speakers: **Nicola Dagg**, *Partner,* Allen & Overy LLP

Mony Ghose, *Associate General Counsel*, Intellectual Property, Becton, Dickinson and Company

Deborah Hill, *Patent Counsel II*, Crop Science, a division of Bayer, Bayer Corporation

3:00 pm – 3:15 pm

REFRESHMENT BREAK

Sponsored by: **Marshall, Gerstein & Borun LLP**

3:15 pm – 4:30 pm

SESSION 4: ETHICS: EVOLVING STANDARDS OF WILLFULNESS AND OPINION PRACTICE

Sponsored by: **Foley Hoag LLP**

In the Stryker/Halo cases, the Supreme Court is considering whether to change the willfulness standard the Federal Circuit created in 2007 in re Seagate. The panel will discuss the potential impact of a change in willfulness law on opinion practice, already in flux after the Supreme Court's decision last Term

in Commil with respect to induced infringement. More generally, the panel will present best practices for patent opinions, including avoidance of conflicts and whether to waive privilege.

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

Speakers: **Kerry Flynn**, *Vice President and Chief Intellectual Property Counsel*, Vertex Pharmaceuticals

David Hricik, *Professor of Law*, Mercer School of Law

5:30 pm – 8:30 pm **SCAVENGER HUNT & DINNER RECEPTION**

Dinner Reception Sponsored by: **Fitzpatrick, Cella, Harper & Scinto**

FRIDAY | APRIL 1, 2016

8:30 am – 9:15 am **BREAKFAST**

9:30 am – 10:45 am **SESSION 5:**
"GETTING OUT OF DODGE"
WHAT IN-HOUSE PRACTITIONERS NEED TO KNOW ABOUT LOOMING DEVELOPMENTS IN PATENT VENUE, PERSONAL JURISDICTION, AND OTHER FACTORS THAT DETERMINE WHERE PATENTS CAN BE LITIGATED

Sponsored by: **Rothwell, Figg, Ernst & Manbeck, P.C.**

This panel will explore emerging questions about personal jurisdiction in patent cases after the Supreme Court's *Daimler* decision, especially in drug and biologics patent litigation; ongoing efforts to force a judicial reinterpretation of the patent venue statute in the Federal Circuit; and activities that can or cannot subject a patentee to declaratory judgment jurisdiction in the infringer's home state (such as notice, warning, or cease-and-desist letters, patent enforcement, and other contacts). Pending legislative initiatives to change patent venue may also be discussed. This panel is geared not just towards patent litigators, but first and foremost seeks to provide in-house counsel with practical information about events that can trigger patent litigation – sometimes unexpectedly – and the possibility that such litigation could occur in an undesirable or disadvantageous forum.

Moderator: **Jennifer P. Nock**, *Associate,* Rothwell, Figg, Ernst & Manbeck, P.C.

Speakers: **John M. Golden**, *Loomer Family Professor in Law*, The University of Texas at Austin

Steve Lieberman, *Member*, Rothwell, Figg, Ernst & Manbeck, P.C.

10:45 am – 11:00 am **REFRESHMENT BREAK**

Sponsored by: **Marshall, Gerstein & Borun LLP**

FRIDAY | APRIL 1, 2016 *continued*

11:00 am – 12:15 pm

SESSION 6:
LESSONS LEARNED FROM THE AIA TRENCHES "THE SCHOOL OF HARD KNOCKS"

Sponsored by: **Rothwell, Figg, Ernst & Manbeck, P.C.**

The statutes and rules provide the basic framework as to how AIA proceedings must be conducted. But there are many gaps left by the statutes and rules. How those gaps will be filled by PTAB Administrative Patent Judges can only be learned by "working in the trenches" or by learning from those who have worked in the trenches. Case law and statistical analyses of AIA reviews provide additional, enlightening information in this developing area of the law. This panel will explore "lessons learned" by the panelists from their experience, from the case law, and from AIA review statistics (including those for group 1600 cases) and will provide insights regarding pre- and post-institution considerations and actions based on those lessons. It also will explore unique considerations for paragraph IV cases that are not part of the considerations for cases in other areas.

Moderator: **Nancy Linck**, *Member*, Rothwell, Figg, Ernst & Manbeck, P.C.

Panelists: **Derek Dahlgren**, *Associate*, Rothwell, Figg, Ernst & Manbeck, P.C.

Hans Sauer, Ph.D., *Deputy General Counsel*, Intellectual Property, Legal and Public Policy Biotechnology Innovation Organization (BIO)

12:15 pm

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MISSION AND GUIDELINES

BIO INTELLECTUAL PROPERTY COUNSELS COMMITTEE

Committee Chair and Vice Chairs

Chair: ***Kenneth Dow****, Vice President, Patents & Assistant Patent Counsel, Johnson & Johnson*
Immediate Past Chair: **Thomas Kelley**, Patent Counsel, Monsanto Company

Subcommittees and Working Groups

*If you are interested in joining any of the following subcommittees, please contact Roy Zwahlen at **rzwahlen@bio.org**

Amicus Subcommittee

Chair: **Brian P. Barrett**, Associate General Patent Counsel, Eli Lilly & Company

PTO Working Group

Co-Chairs: **Christine Bellon**, Vice President, Legal Affairs, Blueprint Medicines and
Jason Ferrone, Vice President, Patents and Corporate Development, Isis Pharmaceuticals, Inc.

International IP Working Group

Chair: **Li Westerlund**, Vice President of Global IP, Bavarian Nordic Group

MISSION

To promote strong, predictable intellectual property protection and efficient transfer of IP rights for the biotechnology industry domestically and internationally.

Responsibilities

- The Intellectual Property Counsels Committee (IPCC) is responsible for developing domestic and international intellectual property policy that benefits the biotechnology industry.
- The committee is responsible for reviewing and commenting on proposed intellectual property legislation.
- The committee is responsible for reviewing and commenting on IP-related regulations from Federal agencies, including the United States Patent and Trademark Office (PTO) and the United States Trade Representative (USTR).
- The committee works with BIO staff to brief Members of Congress and officials of the governmental agencies such as the PTO, the U.S. State Department, the Federal Trade Commission, the U.S. Trade Representative, and the NIH on intellectual property matters.
- The committee actively participates in efforts to influence legislation, treaties, jurisprudence and practice in a manner most beneficial to the continued positive development of the biotechnology industry.
- The committee, from time to time, approves the filing of amicus briefs in cases that have an impact on the biotechnology industry.
- Committee members may be asked to help develop IP-related position papers, white papers and educational materials.
- Committee members may be asked to formulate comments and testimony on various IPrelated guidelines and regulations.

POLICY APPROVAL PROCESS

Substantive matters designed to become the official position of BIO are sent as recommendations of the IPCC to the Board of Directors Standing Committee on Intellectual Property for first review. The Standing Committee on Intellectual Property will discuss and, as appropriate, determine changes in the recommendations. The Standing Committee will then either return substantive matter to the IPCC for further comment and revision or refer the matter to the full Board of Directors for consideration.

ELIGIBILITY FOR PARTICIPATION

In order to be eligible for membership, the interested party MUST be a member if BIO. Ordinarily, Committee members represent a member biotechnology company as in-house patent practitioner. Outside patent counsel may participate as committee members on behalf of a BIO member biotechnology company if they are specifically retained by the company to do so. While a law degree is not required, many committee activities require detailed knowledge of patent law.

PAST ACCOMPLISHMENTS

The IPCC has helped develop and pass the American Inventor Protection Act of 1999 and the America Invents Act of 2011; developed BIO's positions on patent reform; and engaged in Patent Reform negotiations on the Hill. The committee has developed BIO's position and testimony on patenting genetic materials, university and industry partnerships/technology transfer and intellectual property and competition policy. The committee has also filed comments to relevant PTO proposed rule making notices most notably the PTO's utility and written description guidelines; PTO claims and continuation rules, "three track" examination, the PTO's "Patents for Humanity" program, and implementing regulations for the America Invents Act. The committee has also filed numerous amicus briefs in cases of relevance to the biotechnology industry, including KSR v. Teleflex, in re Bilski, Therasense v. Becton Dickinson, AMP v. Myriad Genetics, Stanford v. Roche, and Microsoft v. i4i, among others. The committee also files annual comments to, and participates in the Special 301 process highlighting countries with IP concerns, at the Office of the United States Trade Representative. Also, on the international front, the committee has developed BIO's position on substantive patent law harmonization, intellectual property in global health, and intellectual property and access to genetic resources.

The committee has:

- developed Guidelines for members engaged in bioprospecting and model material transfer agreement;
- developed BIO's positions on TRIPS-related issues;
- filed amicus briefs in cases of interest to the biotechnology industry;
- drafted a framework for educational materials for the federal judiciary;
- developed BIO's position on Bayh-Dole;
- developed BIO's position on patent reform and implementing PTO regulations;
- filed comments on the USTR's Special 301 request

OBLIGATIONS

The IPCC meets monthly, two of which will take place in-person. There are also opportunities for working groups to meet on an ad hoc basis or to give comments throughout the year on papers, letters, and other correspondence sent out on behalf of BIO's members.

BIO STAFF CONTACTS

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All BIO meeting activities shall be conducted to abide strictly by all applicable antitrust laws. The antitrust principles discussed below apply to every meeting or conference call, no matter how informal, in which BIO members and staff gather under BIO's auspices.

Antitrust violations do not require proof of a formal agreement. A violation may be alleged based upon the mere appearance of unlawful activity. For example, discussion of a sensitive topic, such as price, followed by parallel action by those involved or present at the discussion, may be sufficient to show a price-fixing conspiracy. It is therefore important for speakers and attendees at BIO meetings to avoid discussing confidential business plans or information that is competitively sensitive, including the following:

- **Company-specific current or future prices**, including discounts, rebates, and pricing plans or policies;
- **Sales or research in particular markets or sales to particular customers**, including whether or how to sell in specific markets, whether to bid for specific business or participate in specific programs, conditions (such as resale restrictions) applicable to particular private or governmental customers, and whether to conduct research in particular areas;
- **Advertising and promotion plans**, including expected levels of advertising, which products to
- advertise, content of advertising, and future plans for the number of sales representatives and levels of expenditure on sales activities; and
- **How companies might or should respond in the marketplace** (such as by changing pricing, sales, distribution, or advertising policies) in light of existing or pending laws or regulations or current business or policy climates, including the suggestion of boycotts, or refusals to deal with, particular markets or customers.

This list of generally prohibited topics is not exhaustive. By the same token, it is generally fine to discuss the nature of government regulations or policies on pricing, advertising and other aspects of pharmaceutical or biotechnology company business and advocacy efforts to address these government regulations or policies, as long as the discussions are limited to matters of public policy and government advocacy.

Criminal prosecution by federal or state authorities is a very real possibility for violations of the antitrust laws. Imprisonment, fines or treble damages may ensue. BIO, its members and guests must conduct themselves in a manner that avoids even the perception or slightest suspicion that antitrust laws are being violated. Whenever uncertainty exists as to the legality or propriety of conduct, including during any meeting or discussion, obtain legal advice by contacting Tom DiLenge, BIO's Senior Vice President & General Counsel, at (202) 962-6671.

The antitrust laws do not prohibit meetings among members of a trade association in order to petition government or respond to government initiatives, to educate and inform the public, or to suggest quality and safety standards, thereby promoting economic welfare and the vitality of our several industries. It is in this spirit that BIO conducts its meetings and conferences.

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THE BIOTECHNOLOGY INNOVATION ORGANIZATION (BIO) is the world's largest trade association representing biotechnology companies, academic institutions, state biotechnology centers and related organizations across the United States and in more than 30 other nations. BIO members are involved in the research and development of innovative healthcare, agricultural, industrial and environmental biotechnology products. BIO also produces the BIO International Convention, the world's largest gathering of the biotechnology industry, along with industry-leading investor and partnering meetings held around the world. BIOtechNOW is BIO's blog chronicling "innovations transforming our world" and the BIO Newsletter is the organization's bi-weekly email newsletter.

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With more than 170 lawyers and agents who practice Intellectual Property (IP) law full time, BakerHostetler's IP group consists of more than 100 registered patent attorneys and patent agents, making it one of the largest IP groups within a general practice law firm. Our work with many market-leading clients has given us significant experience working hand-in-hand as business partners with sophisticated in-house legal departments.

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The attorneys, scientific advisors and patent agents at Brinks Gilson & Lione focus their practice in the field of intellectual property, making Brinks one of the largest intellectual property law firms in the U.S. Clients around the world rely on Brinks to help them protect and enforce their intellectual property rights. Brinks attorneys provide counseling in all aspects of patent, trademark, unfair competition, trade secret and copyright law.

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Finnegan is one of the largest IP law firms in the world. The firm practices all aspects of patent, trademark, copyright, and trade secret law, including counseling, prosecution, licensing, and litigation. Finnegan represents clients on IP issues related to European patents, international trade, portfolio management, the Internet, e-commerce, government contracts, antitrust, and unfair competition.

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Professionals in Marshall Gerstein's biotechnology practice have intellectual property experience in a variety of disciplines, including DNA, RNA, protein and antibody therapeutics and diagnostics; plant biotechnology; industrial technology and research platforms; nanotechnology; and interdisciplinary inventions. We have procured, enforced and defended patents relating to billion-dollar biologic and pharmaceutical products and handled patents covering more than a dozen commercially marketed products and numerous clinical trial candidates.

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Seed Intellectual Property Law Group provides services in all areas of IP law, with extensive experience across many life science disciplines ranging from cell and molecular biology to pharmaceuticals to immunology to biofuels and more. Seed's team approach facilitates comprehensive strategy development to address a client's unique IP needs.

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WilmerHale is a leading international law firm experienced in providing comprehensive solutions for Life Sciences companies' intellectual property challenges. The firm has been deeply involved in patent litigation since the battle between Amgen and Genetics Institute over EPO in the 1980s. Since then, WilmerHale has represented clients such as Roche, GlaxoSmithKline and Becton Dickinson in many landmark patent cases.

SPEAKER BIOGRAPHIES

David Abraham, J.D.

David Abraham, J.D. is General Counsel and Corporate Secretary at Selecta Biosciences. Prior to joining Selecta Biosciences, from January 2009 to April 2011, Mr. Abraham was a member of Innovation Legal Group, a boutique intellectual property law firm. From August 2006 to December 2008, Mr. Abraham was Executive Director for Patents at Durect Corporation, a small-cap specialty pharmaceutical company. From February 2004 to August 2006, he was Senior Patent Counsel for ALZA Corporation, or ALZA, a Johnson & Johnson company. Prior to working at Durect and ALZA, Mr. Abraham was employed by the law firms of Wilson Sonsini Goodrich and Rosati, and Finnegan Henderson Farabow Garrett and Dunner. Mr. Abraham also was a Patent Examiner at the USPTO. Mr. Abraham received his B.S. in Chemical Engineering from the University of Rochester and his J.D. from the George Washington School of Law.

Georgiana Braden, Ph.D.

Georgianna Witt Braden was appointed as an Administrative Patent Judge to preside over trial proceedings under the America Invents Act and to decide appeals arising from adverse decisions of Examiners at the United States Patent and Trademark Office. The aforementioned Judge Braden earned a Juris Doctorate from The University of Houston Law Center, cum laude, a Ph.D. in Cell and Molecular Biology from the University of Nebraska Medical Center, and a Bachelor of Science in Biology from Saint Louis University, cum laude.Judge Braden spent ten years in private practice at Howrey, LLP, which later merged with Winston & Strawn, LLP, where she litigated intellectual property cases, generated freedom to operate opinions, prosecuted patent applications, and provided counseling with regards to intellectual property transactions and related agreements.

Daniel Becker, M.D.

Daniel Becker represents pharmaceutical and biotechnology companies in all areas of patent counseling, including life cycle management, post-issuance proceedings, patent portfolio development and restructuring, peer review of patent portfolios, transactional and financing IP due diligence, and offensive and defensive patent strategy. Dan has extensive experience in pharmaceutical life cycle management, both for marketed pharmaceutical products and for products in late-stage clinical development that require additional patent term. He has served as lead counsel in 10 concurrent *ex parte and inter partes* reexamination proceedings in the past few years, including reexamination concurrent with infringement litigation. For each of the last six years, *Chambers USA* has recognized Dan as a leading lawyer, nationwide, in the area of Life Sciences: IP/ Patent Litigation. Dan received his J.D. from Stanford Law School, his M.D. from Stanford University School of Medicine and his A.B. from Harvard College.

Paul Beresford, Ph.D.

Dr. Beresford is Chief Business Officer at Biodesix. His expertise includes leading groups that provide products and services to oncology-focused pharmaceutical and biotechnology companies for identifying and commercializing companion diagnostics. Prior to joining Biodesix, Dr. Beresford held a number of senior management positions at Ventana Medical Systems and Roche Diagnostics (after the acquisition of Ventana by Roche in early 2008) including Vice President, General Manager of Translational Diagnostics. He received a Ph.D. in Immunology from the Sackler School of Graduate Biomedical Sciences at Tufts University School of Medicine and was an Instructor and Junior Investigator at the Center for Blood Research at Harvard Medical School.

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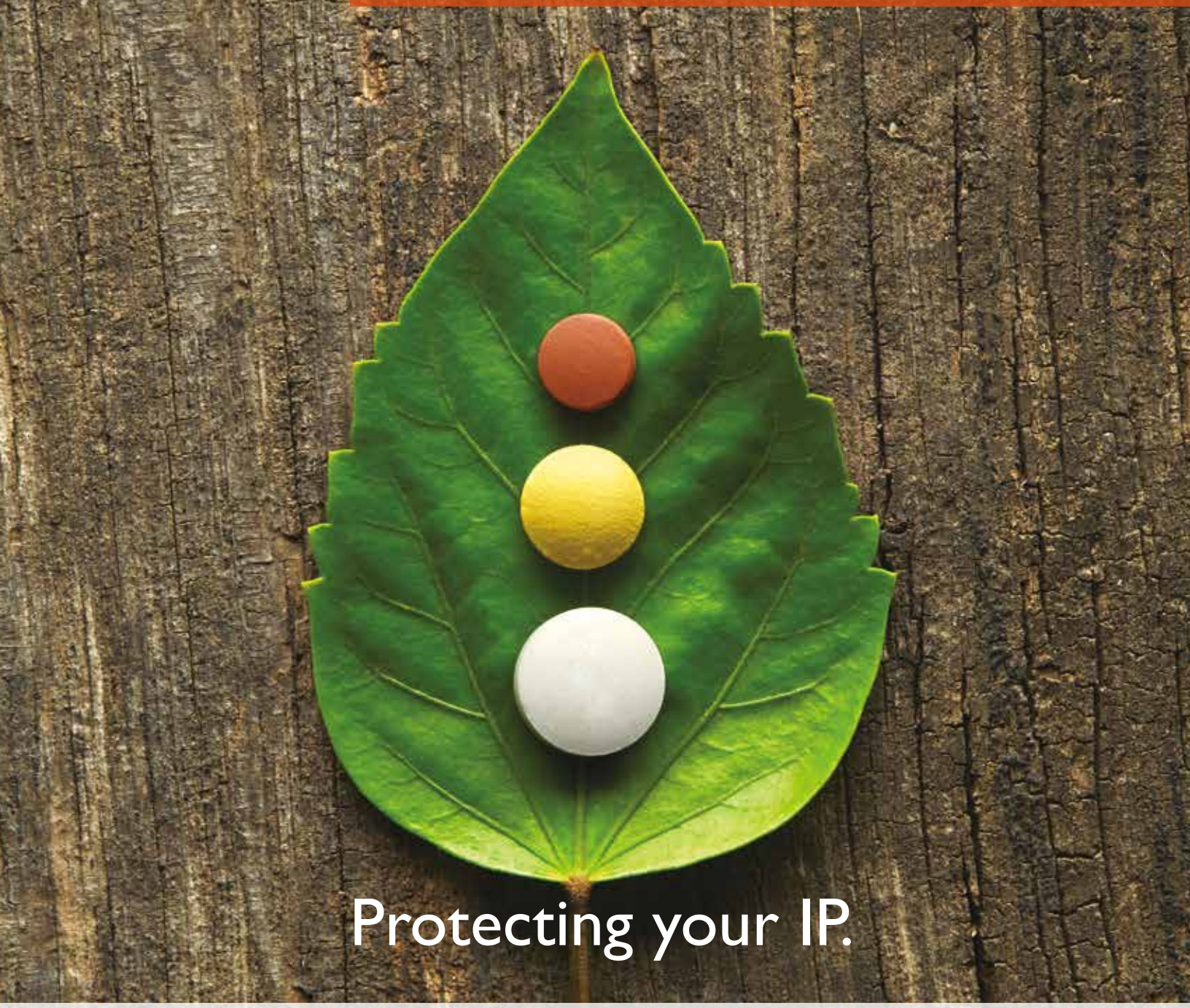

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Raymond T. Chen

Raymond T. Chen was appointed to the United States Court of Appeals for the Federal Circuit by President Barack H. Obama in 2013, confirmed by the Senate on August 1, 2013 and assumed his office on August 5, 2013. Judge Chen served as Deputy General Counsel for Intellectual Property Law and Solicitor at the United States Patent and Trademark Office from 2008 to 2013. He was an Associate Solicitor in that office from 1998 to 2008. From 1996 to 1998, Judge Chen served as a Technical Assistant at the United States Court of Appeals for the Federal Circuit. Before joining the court staff, Judge Chen was an associate with Knobbe, Martens, Olson & Bear from 1994 to 1996. Before entering law school, Judge Chen worked as a scientist at the law firm of Hecker & Harriman from 1989 to 1991. Judge Chen received his J.D. from the New York University School of Law in 1994 and his B.S. in Electrical Engineering from the University of California, Los Angeles in 1990.

Nicola Dagg

Nicola leads the IP Litigation practice and is chair of the global life sciences group at Allen & Overy LLP. She has a degree in Natural Sciences from Cambridge University. She has considerable experience dealing with the litigious and advisory aspects of matters with a high scientific and technological content and, in particular, with the legal and commercial aspects of biotech matters. She has acted in numerous international patent disputes, as well as in disputes involving trademarks and designs. In addition, she advises on the promotion of medical products and data exclusivity and has also worked closely with leading antitrust specialists, advising on the antitrust defences increasingly forming part of life sciences patent litigation.

Nicola is ranked as a leading IP partner in Chambers UK, Legal 500 and IAM Patent 1000. Nicola has also been selected as one of the 10 "Most Highly Regarded Individuals" in Europe by Who's Who Legal: Patents 2015 and was named as one of the "Top 50 women lawyers in London" in the 2015 Super Lawyers list.

Derek F. Dahlgren

Derek F. Dahlgren's practice encompasses all aspects of patent law including patent litigation, patent prosecution, opinions and counseling. Mr. Dahlgren has litigated a variety of patent matters in district courts throughout the country, ranging from Hatch-Waxman cases involving pharmaceuticals to cases involving smartphones and mobile Internet technology. He has experience in pre-litigation counseling, motions practice, Markman and efficiently managing discovery. Mr. Dahlgren also has substantial experience with ex parte reexaminations and contested matters before the USPTO, including interferences and post-grant proceedings before the Patent Trial and Appeal Board. He has experience in drafting and prosecuting patent applications before the USPTO, and in overseeing the prosecution of foreign counterpart applications. His expertise also extends to opinion and counseling work, which includes preparing freedom to operate/clearance opinions, as well as counseling as to the scope, validity and enforceability of rights of existing patents. Mr. Dahlgren has a degree in Chemical Engineering from Bucknell University and an M.S. in Biotechnology from Johns Hopkins University, and earned his J.D. from Georgetown University Law Center.

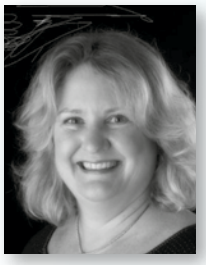
Ewa Davison, Ph.D.

Ewa Davison focuses her litigation practice on companies in the field of biotechnology. Prior to joining Fenwick & West, Ewa clerked for the Honorable Richard C. Tallman of the Ninth Circuit Court of Appeals. While at MIT, she worked in the laboratory of Dr. H. Robert Horvitz, winner of the 2002 Nobel Prize in Physiology or Medicine. She was awarded several academic distinctions while an undergraduate at Princeton University. Ewa received her J.D. from the University of Washington School of Law, her Ph.D. in Biology from Massachusetts Institute of Technology and her A.B. in Molecular Biology from Princeton University.

Barbara Fiacco

Barbara A. Fiacco is a partner at Foley Hoag. Ms. Fiacco litigates patent, trade secret, contract and inventorship disputes for pharmaceutical and biotechnology companies, medical device manufacturers, and universities. She has served on the Board of Directors of the American Intellectual Property Law Association and is currently the chair of AIPLA's Committee on Legislation. Ms. Fiacco is a frequent speaker on intellectual property matters including patent subject-matter eligibility, attorney-client privilege issues, patent law reform, and biosimilars. She recently argued on behalf of amici BIO and CropLife International at the en banc Federal Circuit hearing of Impression Products v. Lexmark. She can be contacted at bfiacco@foleyhoag.com.

Kerry Flynn



Kerry Flynn has over 25 years of experience as an attorney in the field of intellectual property. She is currently Vice President, Chief IP Counsel at Vertex Pharmaceuticals, a global biotechnology company that aims to discover, develop and commercialize innovative medicines so people with serious diseases can lead better lives. Prior to joining Vertex, Kerry was Vice President of Intellectual Property at Shire, responsible for all worldwide intellectual property matters for Shire Human Genetic Therapies, Shire's rare disease business unit. In prior roles Kerry held senior executive intellectual property and business development roles at Transkaryotic Therapies, Cubist Pharmaceuticals, and Biogen. Before her in house positions, Kerry was associated with the international law firm of Finnegan, Henderson, Farabow, Garrett and Dunner. Kerry has extensive experience in client counseling, complex multi-jurisdictional litigations, pharmaceutical transactions, and patent preparation and prosecution. Kerry received her BA from Smith College, her J.D. from Western New England College School of Law, and received the Certified Licensing Professional designation from the Licensing Executives Society.

Mony Ghose

Mony Ghose is a graduate of the Purdue University School of Electrical Engineering and the Indiana University School of Law. She was patent prosecution and assertion counsel in the Intellectual Property Law Group for Bell Laboratories in Murray Hill, NJ, and Intellectual Property Counsel for Sikorsky Aircraft in Stratford, CT. Currently, she is Associate General Counsel - Intellectual Property at Becton, Dickinson and Company supporting the Life Sciences businesses and the Greater Asia region.

John M. Golden

John Golden has taught administrative law, contracts, patent law, and writing seminars relating to innovation and intellectual property. Since 2011, he has served as faculty director of the Andrew Ben White Center in Law, Science and Social Policy. His research has focused primarily on issues relating to innovation policy, institutional design, patents, and remedies. John has a Ph.D. in Physics from Harvard University, a J.D. from Harvard Law School, and an A.B. in Physics and History from Harvard College. Before joining the faculty of the University of Texas School of Law, he clerked for the Honorable Michael Boudin of the United States Court of Appeals for the First Circuit and then for Associate Justice Stephen Breyer of the United States Supreme Court. He also worked as an associate in the intellectual property department of Wilmer Cutler Pickering Hale and Dorr LLP.

Deborah Hill

Deborah Hill is a patent attorney with Bayer CropScience LP, where she focuses on biotech patent issues. Deborah has worked in the patent world for more than twelve years. Prior to becoming a patent attorney, Deborah worked for a number of years as a molecular biologist. Deborah has an expansive view of the biotech industry, having worked in university, start-up, law firm, and large multinational pharmaceutical and agricultural company environments.

David Hricik

David Hricik is a Professor of Law at Mercer University School of Law and Of Counsel to Taylor English Duma, LLP. He graduated cum laude from Northwestern University School of Law, after graduating Phi Beta Kappa and with High Honors from the University of Arizona. He then practiced law for 14 years, first with Baker Botts then with litigation boutiques, principally litigating patent infringement, legal malpractice, and complex commercial litigation. During that time, he also taught as an Adjunct Professor of Law at the University of Texas School of Law and at the University of Houston Law Center.

He left full-time practice in 2002 and began to teach at Mercer. He principally teaches Law of Lawyering, Patent Law and Litigation, and Civil Lawsuits. He has authored or co-authored books on Property, Statutory Interpretation, Civil Procedure, and ethical issues in patent prosecution and litigation. He is nationally recognized as an expert in ethics in intellectual property law. In 2012, he clerked for then-Chief Judge Rader at the Federal Circuit. In 2016, he was elected to the American Law Institute.

Benjamin G. Jackson

Ben Jackson has been with Myriad his entire legal career, from a student law clerk to his current position as Vice President of Legal Affairs. Ben oversees Myriad's intellectual property portfolio as well as a significant portion of Myriad's commercial legal matters. He was integrally involved in Myriad's litigation surrounding the BRCA genes, including the AMP case that went to the Supreme Court in 2013. He is also active in broader IP policy, including life science industry think tanks and roundtables, amicus brief advocacy at the Supreme Court and Federal Circuit, published articles analyzing emergent issues, and frequent speaking engagements regarding IP in life sciences. Ben received a bachelor's degree from UCLA in molecular genetics and his J.D. from the J. Reuben Clark Law School at Brigham Young University.

Steven Lieberman

For the past 24 years, Steven Lieberman has been representing Fortune 500 clients in the pharmaceutical, biotech, media, electronics, and electronic commerce industries in patent litigations. He has handled a variety of lawsuits in U.S. district courts around the country, on appeal, and before the International Trade Commission. He has a demonstrated expertise in pharmaceutical patent litigations, having handled more than 30 Hatch-Waxman cases. Mr. Lieberman has considerable experience in handling the post-grant proceedings created by the America Invents Act. Specifically, he has first-chaired final hearings before the Patent Trial and Appeal Board ("PTAB") in both IPR and CBM proceedings. Additionally, he regularly represents media entities in patent litigations relating to electronic commerce, and he advises companies with respect to evaluation of potentially patentable inventions, strategic planning for protecting intellectual property, and potential infringement issues. Mr. Lieberman received an A.B. degree from Princeton University, summa cum laude, in 1980 and a J.D. degree from Columbia University Law School in 1984 (Stone Scholar all three years). He was admitted to the Bar of the State of New York in 1985 and the Bar of the District of Columbia in 1993.

Nancy J. Linck, J.D., Ph.D.

Nancy J. Linck formerly served as the Solicitor for the U.S. Patent and Trademark Office. Nancy also served as an Administrative Patent Judge on the Board of Patent Appeals and Interferences, now called the Patent Trial and Appeal Board. Presently, she is a partner in the intellectual property law firm of Rothwell, Figg, Ernst & Manbeck, P.C. in Washington, D.C. She is a member of the firm's post-grant practice group and an author of "Post-Grant Patent Practice," the second edition of which was published this year by BNA and AIPLA. Nancy's practice is primarily devoted to post-grant practice in the PTO, Federal Circuit appeals, and serving as an expert witness in patent cases.

In 1986 and 1987, Nancy served as a law clerk to the Honorable Pauline Newman, Circuit Judge, U.S. Court of Appeals for the Federal Circuit.

Nancy holds a J.D., magna cum laude, from Western New England University School of Law; a Ph.D. in Inorganic Chemistry from University of California, San Diego; an M.S. in Biotechnology from Johns Hopkins University; and a B.S., with honors, in Chemistry from University of California, Berkeley.

Michael D. Lisi

Michael Lisi joined Roche Molecular Systems in 2014 as Senior Corporate Counsel for Litigation, where he oversees litigation for RMS, including the Sequencing Unit and several RMS subsidiaries. In August 2015, he also took on the role as Head of Legal for Ariosa Diagnostics, an RMS subsidiary with a focus in non-invasive prenatal testing. Prior to joining Roche, Michael was a partner at the litigation firm of Keller, Sloan Roman & Holland LLP in San Francisco, where he practiced from 2002 to 2014. He has also worked as an associate with Cooley LLP in San Francisco and Wilmer Cutler & Pickering in DC. During the 1997-98 term, Michael served as a law clerk to the Honorable Anthony J. Scirica of the United States Court of Appeals for the Third Circuit. Michael received his J.D. from the University of Pennsylvania Law School in 1996, and his undergraduate degree from Dartmouth College in 1990.

Melanie Mayer, Ph.D.

Melanie Mayer focuses her practice on intellectual property litigation. She also prepares and prosecutes patent applications, analyzes patent issues for various due diligence matters, advises on freedom to operate issues, and provides non-infringement and validity opinions, including opinions for Paragraph IV certifications. Melanie has represented clients in litigation involving a range of technological fields, particularly in biotechnology, including polymers, polypeptide variants, nucleotide analogs and chemical compounds. Melanie has many years of scientific research experience and has published numerous articles in her field of expertise. Melanie received her J.D. from the University of Washington School of Law, her Ph.D. in Molecular Biology and Genetics from Johns Hopkins University and her B.A. in Biochemistry from Alma College.

Roger M. Milgrim

Roger Milgrim's unique experience underlies fact based expertise. He's familiar with numerous facets of IP and licensing from five decades of law practice for a broad array of clients in diverse industries. Roger has served as an expert in over 40 litigations and arbitrations, both domestic and international. Areas of testimony have included practices that are used in industry to protect confidential matter and IP licensing practices as they bear on rights and duties in unidirectional and cross licenses. He has been retained by a broad cross section of domestic and international law firms. Roger has taught IP and licensing law for over two decades as an adjunct professor of law at NYU School of Law and has lectured at other law schools. He has served directorships in two major Paris-based international corporations, Coflexip and Technip and has also served on the boards of the Fulbright Association, The Brooklyn Hospital and NYU School of Law. Roger received his LL.M. and LL.B. from New York University School of Law and his A.B. from the University of Pennsylvania.

Kristin Neuman

Kristin Neuman is Executive Director for Biotechnology Licensing at MPEG LA, the world's leader in patent pool management. MPEG LA broke new ground in 2010 with the launch of Librassay® - the patent licensing clearinghouse for molecular diagnostics, which was created to provide a business solution to patent thicket concerns raised by various groups prior to the Supreme Court decisions in Mayo and Myriad. Kristin led the effort to recruit nine high profile universities and research institutions into the Librassay® program and secured their agreement to license patents to the worldwide market under a standard set of terms. Currently, Kristin manages an MPEG LA/university collaboration for translational research and licensing of a therapeutic oligonucleotide portfolio, and leads business development efforts surrounding new finance and IP licensing models in a variety of areas including gene editing, synthetic biology, and medical devices.

Prior to joining MPEG LA, Kristin spent 20 years in private legal practice in New York City, predominantly at Proskauer Rose and Fish & Neave. Her practice was devoted to IP litigation, patent prosecution, due diligence, and business transactional work in biotech, pharma, and medical devices.

Kristin received a B.A. in Biochemistry from The University of Colorado, Phi Beta Kappa. She received a J.D. from Georgetown University Law Center, and clerked for the late Honorable Roger B. Andewelt of the U.S. Court of Federal Claims.

Jennifer P. Nock

Jennifer P. Nock is experienced in a variety of patent law matters, including patent litigation, patent prosecution, licensing, opinions, and counseling. Jennifer's practice has particularly focused on pharmaceutical field. Jennifer has represented clients as trial counsel in several Hatch-Waxman litigations, as well as on appeals to the Federal Circuit. She also has experience in patent interferences before the U.S. Patent and Trademark Office. In 2012-2013, Jennifer served as a law clerk to the Honorable Randall R. Rader, Chief Circuit Judge, U.S. Court of Appeals for the Federal Circuit. Jennifer graduated from the George Washington University Law School in 2010, with highest honors. Prior to attending law school, Jennifer worked in university technology licensing for six years. Jennifer holds B.S. degrees in physics and chemistry, summa cum laude, from the University of Richmond. She also holds a Master's degree in Chemistry from Harvard University, where she worked in the laboratory of George M. Whitesides on research involving surface chemistry, mesoscale self-assembly, and microfluidics.

Kevin E. Noonan, Ph.D.

Kevin E. Noonan, Ph.D., is a partner with McDonnell Boehnen Hulbert & Berghoff LLP. An experienced biotechnology patent lawyer, Dr. Noonan brings 20+ years of extensive work as a molecular biologist studying high-technology problems. His practice involves all aspects of patent prosecution, interferences, and litigation. He represents pharmaceutical companies both large and small on a myriad of issues, as well as several universities in both patenting and licensing to outside investors. Dr. Noonan is a frequent speaker, commentator and author. He is a founding author of the Patent Docs weblog, a site focusing on biotechnology and pharmaceutical patent law.

Hans Sauer, Ph.D.

Hans Sauer is Deputy General Counsel for Intellectual Property for the Biotechnology Innovation Organization, the world's largest trade association representing biotechnology companies, academic institutions, state biotechnology centers and related organizations across the United States and in more than 30 other nations. At BIO, Dr. Sauer advises the organization's board of directors, amicus committee, and various staff committees on patent and other IP-related matters. Prior to taking this position in 2006, he was Chief Patent Counsel for MGI Pharma, Inc. and Senior Patent Counsel for Guilford Pharmaceuticals Inc. Hans has 18 years of in-house experience in the biotech industry, first as a research scientist and later as a lawyer. He worked on several drug development programs, being responsible for patent prosecution and portfolio oversight, clinical trial health information privacy, and sales and marketing legal compliance. He did his postdoc at Genentech, and holds a M.S. degree from the University of Ulm; a Ph.D. in Neuroscience from the University of Lund, Sweden; and a J.D. degree from Georgetown University, where he serves as adjunct professor.

Jacob S. Sherkow

Jacob S. Sherkow is an Associate Professor of Law and affiliated faculty at the Innovation Center for Law and Technology at New York Law School, where he teaches a variety of courses related to intellectual property. His research focuses on how scientific developments affect patent law and litigation. Prof. Sherkow is the author of over a dozen articles on these and related topics in both traditional law reviews and scientific journals, including the Yale Law Journal, the Stanford Law Review, Science, and Nature Biotechnology. He has been a frequent commentator in popular outlets such as the Wall Street Journal, the New York and Los Angeles Times, and NPR. In addition, Prof. Sherkow frequently serves as a patent litigation consultant to financial and pharmaceutical firms. Previously, Prof. Sherkow was a Fellow in the Center for Law and the Biosciences at Stanford Law

School and a patent litigator at Gibson, Dunn & Crutcher in New York, where he litigated both pharmaceutical and high-tech patents. He was also a law clerk to Judge Nicholas G. Garaufis in the U.S. District Court for the Eastern District of New York.

Professor Sherkow graduated cum laude from the University of Michigan Law School, where he was an editor of the Michigan Law Review and was the recipient of the Fred L. Leckie and James N. Adler Scholarships. He also holds an M.A. in biotechnology from Columbia University and a B.Sc. from McGill University, where he majored in molecular biology and English literature. In addition to his legal training, Professor Sherkow has several years of experience as a research scientist in molecular biology and is a certified Editor in the Life Sciences (BELS).

Ram R. Shukla, Ph.D.

Ram is the Regional Manager of the Texas Regional Office of the United States Patent and Trademark Office. Prior to coming to Texas Regional Office, Ram was the Regional Manager of the Elijah J McCoy Detroit Regional Office. Ram is a Supervisory Patent Examiner in Technology Center 1600. He has supervised examiners in various biotechnology art areas including cellular immunology and the use of antibodies in diagnosing and treating diseases, transgenic animals, gene therapy, and nucleic acid probes and diagnostics. He joined the United States Patent and Trademark Office in 1998 and examined in the areas of transgenic animals, gene therapy and related recombinant technology. He became a Primary Examiner in 2002 and a Supervisory Patent Examiner in 2005. Ram has given presentations on Examination Practices to Patent Practitioners at USPTO TC 1600 Road Shows. He has also presented in several workshops on US Patent Examination Practice to Indian Patent Offices and Patent Practitioners in India. Ram has also presented on USPTO Examination Practices at inventor conferences, seminars and at universities. During a special career detail with the Office of Innovation Development, Ram developed an IP Awareness Assessment Tool, an internet based IP tool for inventors and entrepreneurs. Ram has received Department of Commerce Silver and Bronze Medals for outstanding performance in patent examination and special projects.

Ram has a Ph.D. in Biochemistry from the Delhi University, India. He worked as a post-doctoral fellow at the University of North Carolina Chapel Hill and National Institute of Environmental Health Sciences. Prior to joining the United States Patent and Trademark Office, Ram was an Assistant Research Professor of Biochemistry and Adjunct Associate Professor of Genetics at the George Washington University, Washington DC, where he carried out research in the area of HIV gene regulation. He has published over 25 research articles and chapters in peer-reviewed journals and books and has supervised the Ph.D. dissertation of four graduate students.

David Tellekson

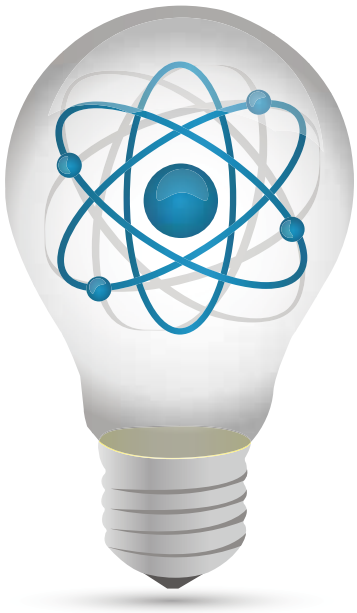
David Tellekson is a trial lawyer focusing on cases involving biotechnology, pharmaceuticals, polymer chemistry, and medical devices, primarily patent, trade secret, and licensing disputes. In addition to his trial work, he also consults on technology strategy, opinions, and due diligence. David has been recognized as one of the top Intellectual Property Litigation lawyers in Washington by *Chambers USA*, and for the past several years, *Managing Intellectual Property* has named David to the list of IP Stars. David received his J.D. from DePaul University and his B.S. in Biochemistry from the University of Wisconsin.

Donald R. Ware

Don Ware, a Partner at Foley Hoag LLP and Chair of the firm's Intellectual Property Department, has over 25 years' experience in IP litigation, licensing, and counseling. He has litigated patent and inventorship disputes for global biopharmaceutical and for research universities and hospitals. Don has special expertise in life sciences patent litigation, including recombinant DNA, RNA interference, monoclonal antibodies, fusion proteins, small molecules, molecular diagnostics, and medical devices. He also advises biopharma companies on the FDA's regulatory pathway for biosimilars. He is experienced in ADR, including serving as an arbitrator in patent disputes. Don is recognized as a leading IP lawyer in The Best Lawyers in America, Chambers USA, IAM Patent 1000, Managing Intellectual Property's IP Stars, and other publications. Don is a graduate of Yale College and Harvard Law School. Don can be contacted at dware@foleyhoag.com.

Donald L. Zuhn, Ph.D.

Donald L. Zuhn, Jr., Ph.D., is a partner with McDonnell Boehnen Hulbert & Berghoff LLP. Dr. Zuhn has more than a decade of experience in all aspects of patent prosecution, litigation, counseling, and licensing. He represents a variety of clients, including biotechnology and pharmaceutical companies both large and small, and universities. He joined MBHB in 1998. He is a frequent speaker, commentator and author. He is a founding author of the Patent Docs weblog, a site focusing on biotechnology and pharmaceutical patent law.



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