



Conference Program Agenda

Wednesday, April 23, 2014

Registration

11:30 am – 3:30 pm

Omni Rancho Las Palmas Resort & Spa– Rancho Las Palmas Ballroom Foyer
41-100 Bob Hope Drive, Rancho Mirage, CA 92270

Please pick up your conference badge and materials in The Omni Rancho Las Palmas Resort & Spa's Ballroom Foyer. If you are unable to pick up your materials during this time, registration will reopen on Thursday, April 24th at 7:30 am.

IP Counsels Committee Business Meeting & Working Luncheon

12:00 pm – 3:15 pm

Omni Rancho Las Palmas Resort & Spa - Salon F
41-100 Bob Hope Drive, Rancho Mirage, CA 92270

*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:

Facing the Future of Biotech Patenting: How to Satisfy the Supreme Court and Have Valuable Claims, Too

3:30 pm – 4:30 pm

Omni Rancho Las Palmas Resort & Spa– Salon F
Sponsored by: McDonnell Boehnen Hulbert & Berghoff LLP

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

Panelists:

Kevin Noonan, PhD, Partner, McDonnell Boehnen Hulbert & Berghoff LLP
David C. Hoffman, PhD, Senior Corporate Counsel, IP & Transactions, Genomic Health
Laurie Hill, PhD, Vice President & Deputy General Counsel, MedImmune
June Cohan, Legal Advisor, U.S. Patent & Trademark Office

The panel will discuss the effects of the Supreme Court's *Mayo* and *Myriad* decisions, in view of PTO Guidances and practitioners' experience in prosecution. The panel will also discuss recent court cases including *Myriad's* various litigations, declaratory judgment actions against *Myriad*, and the *Ariosa v. Sequenom* case before the Federal Circuit. Finally, the

panel will pose several hypotheticals involving claims to genetic diagnostic methods, nucleic acids and other natural products.

Welcome Reception at Bellatrix Restaurant

Library & Terrace

5:30 pm – 7:30 pm

75-200 Classic Club Blvd

Palm Desert, CA 92211

*Prior RSVP is required.

Sponsored by: Brinks Gilson & Lione

Please meet in the hotel's front lobby at 5:10 pm to board a shuttle bus to the Welcome Reception. This informal networking event will be held at the Bellatrix Restaurant at Classic Club from 5:30 pm - 7:30 pm. The patio, pictured here, will provide an amazing view of the golf course & mountains at sunset. Enjoy the fresh air and stunning view at a golf course designed by Arnold Palmer where the 2006-2008 Bob Hope Chrysler Classics were held.

Thursday, April 24, 2014

Chairman's Welcome & Breakfast:

Breakfast with Judge Gajarsa

7:30 am – 8:30 am

Omni Rancho Las Palmas Resort & Spa– Salon F

Sponsored by: WilmerHale

Moderators:

David Manspeizer, Partner, WilmerHale

Christopher Noyes, Partner, WilmerHale

Keynote Speaker: Arthur J. Gajarsa, Senior Counsel, WilmerHale, former judge for the U.S. Court of Appeals for the Federal Circuit

Join retired Federal Circuit Court of Appeals Judge Arthur J. Gajarsa for an interactive discussion as he provides an insider's perspective on the role and function of the Federal Circuit, the Supreme Court's increased willingness to take patent cases, and his views on the current cases and legal questions that could impact the biotechnology industry.

Session 1:

Patent Reform is Calling! Who's Answering: Congress or the Courts?

8:45 am – 10:00 am

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Sponsored by: Fenwick & West

Moderator: Hans Sauer, PhD, Deputy General Counsel for IP, Biotechnology Industry Organization

Panelists:

Joe Matal, Associate Solicitor, U.S. Patent & Trademark Office

Charles Kinzig, Vice President, Global Patents, GlaxoSmithKline

Matt Levy, Patent Counsel, Communications & Computers Industry Association

Patent reform is on the move... again. Learn about the problems and different parties driving the current proposals for the reform as well as how this legislation may cause problems for biotech companies large and small.

Session 2:

Biosimilars and Declaratory Judgments: When Should the BPCIA Trump?

10:15 am – 11:45 am

Omni Rancho Las Palmas Resort & Spa– Salon F

Sponsored by: Fenwick & West

Moderator: Andrew Serafini, PhD, Partner, Fenwick & West

Panelists:

Ken Dow, Assistant General Counsel, Patents, Johnson & Johnson

Hugh Goodfellow, Partner, Carpmaels & Ransford LLP

James Hurst, Partner, Winston & Strawn LLP

Biosimilars have yet to enter the U.S. market under the BCPIA and many can only speculate how the litigation system will proceed. *Sandoz v. Amgen* previews what litigation may be like in this space in the days to come. Come hear litigation counsels' thoughts on the case and whether declaratory judgments can trump the BCPIA litigation process.

Working Lunch:

The Great Divide: Induced Infringement of Method/Process Claims- An Industry Divide on What's at Stake in *Limelight v. Akamai*

12:00 pm – 1:15 pm

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Sponsored by: Robins, Kaplan, Miller & Ciresi L.L.P.

Moderator: Bryan Vogel, Partner, Robins, Kaplan, Miller & Ciresi L.L.P.

Speaker: Jiri Smetana, Patent Litigation Manager, Conversant Intellectual Property Management

The U.S. Supreme Court is set to rule on a long-running patent dispute in *Limelight v. Akamai*. At issue is the question of whether multiple entities can be found to be jointly infringing a single method/process patent claim. This session will discuss the potential ramifications of this decision, and focus on the divided opinions of different industries on an ideal outcome from the Court.

Session 3:

Shedding Light on Claim Construction: *Lighting Ballast* and Trends in Managing Claim Construction

1:30 pm – 2:45 pm

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Sponsored by: Foley Hoag LLP

Moderator: Barbara A. Fiacco, Partner, Foley Hoag LLP

Panelists:

The Hon. Richard G. Stearns, U.S. District Judge for the District of Massachusetts
Stuart Watt, Vice President of Law and IP Officer, Amgen, Inc.

The *Lighting Ballast* decision has reaffirmed that claim construction is a question of law, subject to de novo review, at least until the Supreme Court decides otherwise. With the ongoing debate over the role of fact evidence, expert opinion, and legal interpretation in the background, the panel will include the perspectives of district court judges on how to effectively brief and argue claim construction issues. Topics to be addressed will include timing of claim construction procedures, case management tools, the use of court-appointed experts, the role of tutorials, the role of graphics and animation, and the tension between claim construction and indefiniteness arguments.

Session 4:

Section 112 - It's Baaack!

3:00 pm – 4:00 pm

Omni Rancho Las Palmas Resort & Spa– Salon F

Sponsored by: Foley Hoag LLP

Moderator: Donald R. Ware, Partner, Foley Hoag LLP

Panelists:

Lydia Nenow, Senior Counsel, IP Litigation, AbbVie

Hans Sauer, PhD, Deputy General Counsel for IP, Biotechnology Industry Organization

In January, the Supreme Court granted cert. in *Nautilus, Inc. v. Biosig Instruments, Inc.*, in which the Federal Circuit upheld patent claims over an indefiniteness challenge. This means, for the first time in this century, the Supreme Court will take up the test for patentability under Section 112. This panel will consider the implications of the Supreme Court's anticipated decision, as well as the latest developments in other areas of Section 112 law, for claim drafting and litigation of biotechnology patents.

Activity & Dinner Reception at The Living Desert

Palm Garden

5:30 pm – 9:30 pm

47-900 Portola Ave

Palm Desert, CA 92260

*Prior RSVP required

Sponsored by: Fitzpatrick, Cella, Harper & Scinto

Meet in the Omni Rancho Las Palmas Resort & Spa's lobby at 5:10 pm sharp to board a shuttle bus to this unique evening activity at The Living Desert, a remarkable zoo and botanical garden representing the desert environments of North America and Africa. Experience a guided Safari Walking Tour of this one-of-a-kind venue before a cocktail reception and dinner in the Palm Garden area.

Friday, April 25, 2014

Keynote Breakfast

8:00 am – 9:15 am

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Sponsored by: Alston & Bird LLP

Speaker: Robin Feldman, Professor of Law & Director of the Institute for Innovation Law,
University of California Hastings College of the Law

Session 5:

The English Rule (Loser Pays): Will Biotech Get Burned?

9:30 am – 10:45 am

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Sponsored by: Alston & Bird LLP

Moderator: Joe Liebeschuetz, PhD, Partner, Alston & Bird LLP

Panelists:

Rachel Capoccia, Partner, Alston & Bird LLP
Li Westerlund, Vice President of Global IP, Bavarian Nordic
Timothy Powell, Partner, Powell Gilbert

The English Rule or loser pays has been credited with sparing the United Kingdom and other major jurisdictions with much of the so-called patent troll litigation blamed with debilitating the electronic and software industries in the United States. Moves are afoot in the legislature and courts to introduce something similar in the U.S. This panel will review these developments and assess the implications for the biotech industry.

Session 6:

Case Law Updates

11:00 am – 12:15 pm

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Sponsored by: Alston & Bird LLP

Moderator: Romy Celli, Partner, Alston & Bird LLP

Panelists:

Matthew Howell, Senior Associate, Alston & Bird LLP
Judy Jarecki-Black, PhD, Global Head of Intellectual Property, Merial Limited

Our panel will provide an update on recent patent cases, including early lessons learned from Inter Partes Review (IPR) decisions and the impact of the Supreme Court's *Myriad* decision. Particularly, the panel will focus on IPR strategies and cases dealing with patentability, and provide perspectives from in-house and outside counsel.

12:15 pm: Adjournment