

BIO'S INTELLECTUAL PROPERTY COUNSELS' COMMITTEE

● **FALL CONFERENCE & COMMITTEE MEETING** ●
PROGRAM

HARD ROCK HOTEL AT UNIVERSAL ORLANDO

ORLANDO, FLORIDA

OCTOBER 20–22, 2008

MONDAY, OCTOBER 20, 2008

*Welcome, Conference Overview &
IP Counsels' Committee Business Meeting*

2:00 pm – 5:00 pm

The Pantry Room

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

Chair: Thomas Kelley, Patent Counsel, Monsanto Company

Co-Chairs: Ken Dow, Vice President, Patents & Assistant Patent Counsel, Johnson & Johnson; Maggie Shafmaster, Senior Vice President & Chief Patent Counsel, Genzyme

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

*Meet & Greet Welcome Reception
Lobby Lounge/Veranda
Located in the Hard Rock Hotel*

5:30 pm – 7:30 pm

Meet new colleagues and reconnect with old ones while feasting on light hors d'oeuvres - a great way to kick-off the meeting!

TUESDAY, OCTOBER 21, 2008

***Chairman's Breakfast Buffet
Promenade***

7:30 am – 8:00 am

***Session 1: Case Law Updates
The Pantry Room***

8:00 am – 9:45 am

It has been another exciting year at both the Supreme Court and the Federal Circuit. A distinguished panel will review and discuss the cases that impact our business the most.

Moderator: *Chad Shear, Principal, Fish & Richardson P.C.
John Dragseth, Principal, Fish & Richardson P.C.
Dr. John Garvish, Associate, McKool Smith*

Session 2:

10:00 am – 11:30 am

***Breaking the Logjam: Constructive Ideas on Managing the PTO Workload
The Pantry Room***

Moderator: *Dr. Ronald C. Lundquist, Partner, Fish & Richardson P.C.
John Doll, Commissioner for Patents, US Patent & Trademark Office
Dr. Thorsten Bausch, Partner, Hoffman • Eitle
Dr. Hans Sauer, Associate General Counsel for Intellectual Property, BIO*

***Luncheon and Guest Speaker
Woodstock Lawn***

12:00 pm – 1:30 pm

*John R. Thomas
Professor of Law
Georgetown University Law School*

***Session 3: Life Cycle Management in a Post-KSR World
The Pantry Room***

1:45 pm – 3:00 pm

This panel will focus on the dramatic shift in the law of patent obviousness following the Supreme Court's landmark decision in *KSR v. Teleflex* and the potentially significant implications of that shift with respect to life cycle management for biotech and pharmaceutical companies. The panel will examine Federal Circuit decisions that specifically address the question of obviousness of certain life cycle management patents and help shed light on the uncertainty created by KSR.

Moderator: *Eric Marandett, Partner, Choate Hall & Stewart, LLP
Christine Bellon, Vice President, IP & Legal Affairs, Hydra Biosciences
Andy Brookes, Vice President & Chief IP Counsel, Biogen Idec
William D. DeVaul, Director, Senior IP Counsel, Cubist Pharmaceuticals, Inc.*

Session 4:

3:15 pm – 4:15 pm

Quanta & Patent Exhaustion: The Effects on the Life Sciences Industry

The Pantry Room

This panel will explore the effects of the Quanta decision on biotechnology companies. The discussion will address "distinctive considerations" for biotech, including industrial and agricultural biotech, and recommendations for research and development agreements.

Moderator: *Dr. Brenda Jarrell, Partner, Choate Hall & Stewart, LLP*

Alan Hammond, Chief Intellectual Property Counsel, Invitrogen Corporation

Lee Heiman, Of Counsel, The Nath Law Group

Thomas Kelley, Patent Counsel, Monsanto Company

IP Counsels' Committee Business Meeting

4:30 pm – 5:15 pm

Avalon Ballroom I

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Universal's Islands of Adventure Mini-Tour

5:30 pm – 6:30 pm

****Prior RSVP is required***

Get VIP access to two of the most popular attractions at Islands of Adventure! Join us at Marvel's Amazing Adventures of Spider-Man for the chance to see and experience in 3-D Spider-Man's most daring adventure yet! After which, the daredevils among us can experience a ride on Marvel's Incredible Hulk roller coaster.

Both attractions are located inside Universal's Islands of Adventure. **Bus departs from Hard Rock Hotel lobby shortly after 5:30 p.m.**

Cocktail Reception

6:30 pm – 7:30 pm

Latin Quarter Restaurant

Dinner

7:30 pm – 9:00 pm

Latin Quarter Restaurant

****Open to registered attendees only***

****Prior RSVP is required***

Enjoy the driving rhythms and mouth-watering delicacies of Central America, South America, Mexico, and the Caribbean. A festive dining, dancing, and live entertainment

experience, Latin Quarter offers authentic food, drink and entertainment from all 21 Latin American nations. **Group will depart from the Hard Rock Hotel lobby at 6:15 pm.**

*Cocktails & Dinner Sponsored by
Fish & Richardson P.C.*

WEDNESDAY, OCTOBER 22, 2008

*Continental Breakfast
Promenade*

7:00 am – 9:30am

*IP Counsels' Committee Business Meeting
Avalon I Ballroom*

8:00 am – 9:45 am

***Open to IP Counsels Committee company members and their representatives only
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*Session 5: Pharmaceutical Litigation Around the World
The Pantry Room*

10:00 am – 12:00 pm

This panel will discuss presenting the mechanisms, challenges, and major case law concerning pharmaceutical litigations in Brazil, Europe, and Japan.

*Moderator: Sanya Sukduang, Partner, Finnegan
Dr. H. Ulrich Dörries, Partner, df-mp
Naoki Iguchi, Associate, Anderson, Mori & Tomotsune
Marcela Trigo de Souza, Associate, Momsen, Leonardos & Cia*

*Working Luncheon
Update on BIO Amicus Activity
Avalon I & II Ballrooms*

12:15 pm – 1:45pm

*Brian Barrett
Patent Counsel
Eli Lilly and Company*

Session 6: Representing an Unpopular Party
The Pantry Room

2:00 pm – 4:00 pm

This interactive panel will address the challenges representing unpopular parties and explore successful tactics in portraying the unpopular party in a positive light. The presentation will include a mock opening argument where the plaintiff is a well regarded university asserting their patent against a brand name pharmaceutical/biotech company's top selling product and the opening argument for the defendant pharmaceutical/biotech company as well as a mock direct examination of a representative from the brand name pharmaceutical/biotech. The panelists will also provide their thoughts on effective use of voir dire, demonstratives, and jury research.

Moderator: Dr. Pat Hastings, Jury Consultant, R&D Strategic Solutions
Brian Barrett, Patent Counsel, Eli Lilly and Company
Gerald Ivey, Partner, Finnegan
Jeffrey K. Sherwood, Partner, Dickstein Shapiro LLP