PATENT DUE DILIGENCE

2 June 2008, Conf. No. H6-5208 W

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REGISTRATION INFORMATION

Date
2 June 2008 Start: 09.30 – Finish: 17.30

Registration & Coffee
2 June 2008 09.00

Venue
The Rembrandt Hotel, 11 Thurloe Place, London SW7.

Directions
Opposite V&A Museum.
Nearest Underground station: South Kensington.
Map available on Website under Hotels and Venues.

Accommodation
A limited number of bedrooms have been reserved at The Rembrandt Hotel, 11 Thurloe Place, London SW7, at a special rate of £127.66 (Superior) inc. English breakfast, £144.69 (Executive) inc. English breakfast. All +17.5% VAT – subject to availability.
A special rate for Friday, Saturday and Sunday of £114.90 (Superior) inc. English breakfast +17.5% Vat – subject to availability when booked as additional nights.
Hotel Tel: +44(0)20 7589 8100.
Hotel Fax: +44(0)20 7225 3363.
Email: reservations_rembrandt@sarova.co.uk
All bookings should be made directly with the hotel quoting Management Forum and your credit card number.

Fee
£545 +17.5% VAT. The fee includes course documentation as well as mid-session refreshments and lunch. Invoice and confirmation will be forwarded to you.
10% Early Bird discount if you book before: 25 March 2008.
(Discount only applies to full delegate rate).

Conference No. H6-5208

Discounted Rates
Available on application for personnel from non-profit making organisations and registered charities.
Group discount available on request.

Cancellation Policy:
Over 14 days prior to the Seminar: Cancellation fee of £75. 7/14 days prior to the Seminar: 50% of the fee. Fewer than 7 days or if no notification received: Registrant liable to pay FULL seminar fee.
NB: Cancellations must be received in writing by lesley@management-forum.co.uk.
In the event of circumstances beyond its control, Management Forum reserves the right to alter the programme, the speakers, the date or the venue.

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PATENT DUE DILIGENCE

Topics to be covered at this meeting:

- Assessing Freedom to Operate
- Evaluating the Patent Portfolio
  - Claim Construction
  - Term
  - Validity
- Investigating Ownership of the IP
  - Ownership and Joint-Ownership of US Patents
  - Ownership and Joint-Ownership of European Patents
- Enforceability of US Patents: Inequitable Conduct Case Law
- Communicating Results and Protecting Confidential and Privileged Information
- Drafting a Licence or Title Transfer Agreement
- Merger & Acquisition Case Study

Chairperson:
Lori-Ann Johnson Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Course Leaders:
Claire Baldock Boult Wade Tennant
Elizabeth Doherty Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Our courses can be tailored to your requirements and delivered in-house. For more information please contact sarah.packham@management-forum.co.uk

CPD CERTIFIED The CPD Certification Service

2 June 2008
The Rembrandt Hotel, London

MANAGEMENT FORUM 25 YEARS

OBJECTIVES

By the end of this course delegates will have an understanding of:

- When a due diligence is desirable and what its scope should be
- The steps in a patent due diligence and how to staff and organise the project
- How to investigate ownership issues and the importance of doing so
- The enforceability of US Patents
- How to communicate due diligence results whilst protecting confidential and privileged information
- Drafting a licence or title transfer agreement

The day will comprise of a series of talks and a case study.

WHO SHOULD ATTEND

- **Patent Attorneys**
- **Business Development Executives/Managers**
- **Licensing Executives**
- **Investment Bankers**
- **Venture Capitalists**

CHAIRPERSON

Lori-Ann Johnson is a U.S. Patent Attorney and is the managing partner of the Brussels office of Finnegan, Henderson, Farabow, Garrett & Dunner. Lori's practice involves patent drafting and procurement, opinion work, and client counseling primarily in the chemical area. She has significant experience in all phases of utility and design patent preparation and procurement, infringement, validity and patentability opinion preparation, reexamination practice, and licensing.

Before joining Finnegan, Henderson, Lori worked for four years as a patent examiner for the U.S. Patent and Trademark Office (PTO). As a result, she is well versed in understanding the PTO's standards. She is also familiar with the methods and administrative procedures at the PTO. She knows the specific information that needs to be included in applications and recognizes the factors from which patent examiners typically make decisions.

Law Society Accreditation – 5½ hours

Please quote ref. CJA/MAFO.

A Certificate of Attendance for Professional Development will be given to each participant who completes the course.

COURSE LEADERS

Claire Baldock is a Chartered Patent Attorney and European Patent Attorney and has been a partner at Boult Wade Tennant since 1994. She is head of the firm's biotechnology and life science practice and is one of the leading patent attorney practitioners in the biotechnology field. Her patent experience is extensive and she continues to be sought after in relation to EPO opposition expertise and for IP due diligence reports in support of funding, acquisitions and flotations. During the past eighteen months, Claire has undertaken a number of significant due diligence exercises in connection with investment in the biotech and pharma industries.

She regularly assists editors of financial publications, reporting on IP issues for the sector and is involved in mentoring projects in support of new and developing businesses. She also sits on the Committees of Chartered Institute of Patent Attorneys (CIPA) and the International Association for the Protection of Industrial Property (AIPPI) with responsibility for biotechnology.

Liz Doherty is a U.S. patent attorney and a member of Finnegan Henderson's Biotechnology/Pharmaceutical Practice Group, and is currently resident in the firm's office in Belgium. Liz has been involved in patent prosecution and related client counseling in protein chemistry, anti-viral drugs, small and large molecule therapeutics, cloned genes and proteins, transgenic animals, and bioinformatics. Her work includes patent application drafting, prosecuting applications before the U.S. Patent and Trademark Office, and providing validity and infringement opinions. She has assisted in several patent infringement litigations, and due diligence reviews of patent portfolios, particularly in the pharmaceutical and biotechnology area. She also assists clients with listing patents in the U.S. Food and Drug Administration Orange Book and in drafting Citizen Petitions to the USFDA.

ATTENDANCE LIMITED – EARLY REGISTRATION RECOMMENDED

This limitation, a unique feature of all MANAGEMENT FORUM seminars, will give participants the opportunity for a thorough discussion of the complex issues to be covered by the programme.

PROGRAMME

9.30 Introduction
- Understanding the business goals
- Forming and managing the review team for highest efficiency
- Creating a plan of action before review of confidential information
- Handling short turn-around times

10.00 Assessing Freedom to Operate
- Conducting the freedom to operate search
- Scope of the search
- Methods of analyzing the results
- Handling freedom to operate questions and problems

10.30 Evaluating the Patent Portfolio: Claim Construction, Term, and Validity
- Construing the patent claims - Do the patents actually cover the product?
- Do the patents have sufficient term for financial return?
- What are the risks of invalidity in different jurisdictions?

11.00 Coffee

11.15 Ownership and Joint-Ownership of US Patents
- Does the patent owner really own title to the inventions?
- How to identify possible risks of loss of title
- The risks of joint patent ownership in the US

11.55 Ownership and Joint-Ownership of European Patents
- Assignment of right to priority in the UK
- Joint ownership risks and rules in the UK and other European countries

12.15 Enforceability of US Patents: Inequitable Conduct Case Law
- The unique law of unenforceability in the US
- Assessing risks of US inequitable conduct – what information to look for

13.00 Lunch

14.15 Merger & Acquisition Case Study
- Investigate freedom to operate, validity, enforceability, and ownership of a hypothetical patent portfolio
- Consider possible deal-breaking issues and issues that may affect the patent value

15.45 Tea

16.00 Communicating Results and Protecting Privileged Information
- Keeping proprietary information confidential
- Handling negative conclusions
- Attorney-client privilege and common interest agreements in the US

16.45 Drafting a Licence or Title Transfer Agreement
- Negotiating value based on findings from the analysis
- Use of representations and warranties to address risks

17.30 End of conference