

Patent Highlights 2014 Update on Patents in Life Sciences

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Universitat de Barcelona

Centre de Patents



MINISTERIO
DE INDUSTRIA, ENERGÍA
Y TURISMO



Oficina Española
de Patentes y Marcas

Madrid, 10 March 2014
Barcelona, 11 March 2014

Outlook

Under the term "Patent Highlights" the organizers want to offer advanced patent training of major significance or special interest, in the form of one-day sessions. This training is held in duplicate: in Madrid and in Barcelona, in two consecutive days.

"Update on Patents in Life Sciences" intends to bring patent practitioners up to date with some of the most critical and recent issues on IP in the field of life sciences, and it supplements and updates the analogous course delivered by the same speakers in 2012.

Speakers are experienced patent attorneys who have handled a multitude of proceedings before the patent offices and courts. One focus will be on the patentability of life science inventions before the European Patent Office and some national patent courts, with special emphasis on therapeutic indications, reach-through claims and antibody inventions. In the field of pharmaceuticals, some cases of follow-up patents will be presented, as well as the most recent decisions on the Bolar and the research exemptions. Other subjects of interest will be the many recent decisions issued by the Court of Justice of the European Union with regard to supplementary protection certificates and the questions referred by national patent courts regarding the grant of such certificates. Product protection provided by process inventions will also be discussed. Finally, an update will be provided on EPO case law about some procedural aspects, such as priority, divisionals, and late-filed requests, evidence and arguments.

We look forward to updating on the latest developments in patents in the field of life sciences and to discussing these important topics with course participants. **PASCUAL SEGURA**

Objective

This one-day course will provide an in-depth and updated analysis of some topics related to patents in life sciences, to which practitioners should pay special attention for the benefit of their employers or clients, because they are problematic, polemic, challenging or new

Who should attend

Spanish or European patent attorneys, patent lawyers, patent examiners, intellectual property consultants, experts from patent departments in industry and from technology transfer offices of research institutions or universities



1. Recent EPO case law for life science inventions

- Decisions of the Boards of Appeal
- Decisions of / referrals to the Enlarged Board of Appeal
- Recent EPO policy developments

2. Pharmaceutical follow-up patents

- Drug combination patents - Tramadol, Leflunomide
- Polymorph patents - Atorvastatin
- Hydrate patents - Calcipotriol
- Formulation patents - Oxycodone, Omeprazole

3. Experimental data for new therapeutic indications - How much must be in the application?

- Plausibility of therapeutic effects
- T491/08
- T108/09

4. Up-date on case law on SPC matters

- The latest CJEU Decisions
- Requirements for a Proper Functional and/or Structural Definition of a "Product" in the Basic Patent
- SPC Protection for Combination Pharmaceuticals
- When can several SPCs be granted for the same Basic Patent?

5. Brief update on reach-through claims

- T1063/06
- T1151/04
- FSC *Dipeptidyl peptidase inhibitors*



6. Updates on experimental use and Bolar exemptions in Europe

- Scope of experimental use and Bolar exemptions in the European Union
- Application of the exemptions to biotech research - practical examples
- The exemption of third party activities
- Potential legal consequences of infringing trials

7. Antibody inventions

- How to define antibody related inventions
- Guidance on substantive requirements by EPO case law
- Examples of granted/non granted claims

8. Product protection provided by process inventions

- Information as product
- Screening methods
- *Medimmune vs. Novartis* (UK and DE)

9. Toxic stuff at the EPO

- Toxic divisionals
- Toxic priority applications
- New case law on priority

10. New case law on procedural aspects - better late than never?

- Late-filed requests: T1721/07, T316/08, T591/09, etc.
- Late-filed evidence: T418/07, T817/09, T825/09, etc.
- Late-filed argument: T1496/08 and T1621/09



Thorsten Bausch

Thorsten Bausch studied chemistry and has a Ph.D. in technical chemistry. He is a German *Patentanwalt* and European Patent Attorney. His main area of work concerns pharma and biotech patents, with a focus on European opposition and appeal proceedings as well as cross-border and national litigation. He is the editor of *Nichtigkeitsrechtsprechung in Patentsachen* ("German Patent Nullity Cases"), a collection of decisions in patent nullity matters from the German courts. He is partner of Hoffmann·Eitle in Munich



Joachim Renken

Joachim Renken studied chemistry and has a Ph.D. in biophysical chemistry. He is a German *Patentanwalt* and European Patent Attorney. His main area of work concerns chemical and biotech patents, principally in EPO proceedings (both prosecution and opposition) as well as German national litigation. He also regularly provides strategic patent advice. He has litigation experience, inter alia with patents involving drugs and biochips. He is partner of Hoffmann·Eitle and works in Munich and Madrid



Gustavo Fúster

Gustavo Fúster studied Pharmacy and Law, and he has an MBA in Biotechnology. He is a Spanish industrial property agent and European Patent Attorney. He has extensive experience in drafting and prosecuting chemical, pharmaceutical and biotechnological patents, and in patent litigation before the Spanish Commercial Courts. He has experience inter alia in monoclonal antibodies, stem cell, tissue engineering, nanotechnology, and gene therapy. He works at Hoffmann·Eitle in Madrid

Joseph P. Taormino

Joseph P. Taormino studied chemistry and has a Ph.D. in molecular biology. He is a European patent attorney. His main area of work concerns biotech patents, principally in opposition and appeal proceedings as well as freedom-to-operate opinions and due diligence work. He has experience in proceedings involving a diverse range of biotech inventions, such as erythropoietin, transgenic plants, antibodies, biochips, screening methods and diagnostic methods. He is partner of Hoffmann·Eitle in Munich

In Madrid

Monday, 10 March 2014

Oficina Española de Patentes y Marcas

Sala de Usos Múltiples (planta 16)

Paseo de la Castellana 75

28046 Madrid

www.oepm.es

Time

10:00 to 18:00 h

With lunch break

Registration

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Notes

A certificate of attendance will be provided under request

The organizers reserve the right to cancel this course or to modify any aspect thereof. Besides, they are not responsible for the opinions expressed by the speakers.

Lectures will be delivered in English. Questions may also be asked in Spanish

In Barcelona

Tuesday, 11 March 2014

Aula Fèlix Serratosa

Parc Científic de Barcelona

Edifici Clúster - Baldiri Reixac 10

08028 Barcelona

www.ub.edu/centrepatents

Attendance Fee

250.00 EUR + 21% VAT (if applicable)

Includes course documentation and lunch

Payment

By bank transfer to the account

IBAN ES73-2013-0088-63-0200326711

BIC: CESCESBBXXX

Payment must be received by 24 February 2014

Provide invoice details

Invoice and confirmation will be forwarded to you

Cancellation

Fee will be refunded

(less 4% administration expenses)

if cancellation occurs on

24 February 2014 at the latest