

Discount available for attending both seminars

IP DUE DILIGENCE

Topics to be covered include:

- **The Organisation of an IP Due Diligence Project:**
 - The nature of the deal
 - The acquisition process
 - Developing comprehensive checklists
- **Pieces of a Due Diligence Evaluation:**
 - Evaluating the patent portfolio
 - Evaluating the trade mark portfolio
 - Mitigation of risk
 - Impacts on the value of the deal

**6 CPD
HOURS**

Per Seminar

In the Chair:

Lori-Ann Johnson, Chamberlain Hrdlicka

Speakers:

Patrick Duxbury, Wragge Lawrence Graham & Co

Kevin Fournier, IBM United Kingdom Ltd

Nancy Gardner, Chamberlain Hrdlicka

Timothy May, Finnegan LLP

Darren Murley, Page White and Farrer

Nicola Russell, Bristows LLP

9 July 2015, The Rembrandt Hotel, London



Certificates of Attendance for Professional Development will be given to each participant who completes these seminars

FREEDOM TO OPERATE - A Practical Guide

Topics to be covered include:

- Best practices for setting up and conducting a Freedom to Operate analysis
- Validity and infringement analysis - European and US perspectives
- Use of post-grant procedures under the AIA
- Wrestling the Chinese dragon
- FTO risks: never black and white
- Litigation planning in the context of FTO

In the Chair:

Lori-Ann Johnson, Chamberlain Hrdlicka

Speakers:

Kevin Fournier, IBM United Kingdom Ltd

Timothy May, Finnegan LLP

John Nevard, Cambridge Display Technology Ltd

Benjamin Schröer, Hogan Lovells International LLP

10 July 2015, The Rembrandt Hotel, London



JOIN US ON



LinkedIn

facebook

You can register online at
www.management-forum.co.uk
or by phone on +44 (0)1483 730071, fax 730008

IP DUE DILIGENCE

9 July 2015 - Ref: H7-3115

WHY YOU SHOULD ATTEND

- Gain practical advice from highly-rated experts on how best to prepare for your due diligence project
- Learn to identify when a due diligence project is desirable and how to determine what its scope should be
- Discuss how to evaluate the patent and trade mark portfolios to ensure as much transparency as possible
- Improve your understanding of the risks around ownership and learn how to minimise these risks
- Communicate due diligence results effectively whilst protecting confidential and privileged information
- Understand your obligations if the deal doesn't go through

WHO SHOULD ATTEND?

- Patent attorneys
- Trade mark attorneys
- Business development executives/managers
- Licensing executives
- Investment bankers
- Venture capitalists

IN THE CHAIR

Lori-Ann Johnson is a Shareholder of Chamberlain Hrdlicka, based in their Atlanta office.

SPEAKERS

Patrick Duxbury is a Partner at Wragge Lawrence Graham & Co, London.

Kevin Fournier is a Senior Attorney in IBM's Intellectual Property Law Department in the UK.

Nancy Gardner is a Shareholder at Chamberlain Hrdlicka, based in their Atlanta office.

Timothy May is a Partner in the Washington, DC office of Finnegan LLP.

Darren Murley is a patent attorney with Page White and Farrer, London.

Nicola Russell is an Associate at Bristows LLP, London.

PROGRAMME

09.30 ► Introduction

09.35 ► **Beginning Due Diligence - The practical problems**

Timothy May, Finnegan LLP

- Understanding the business goals
- Practical issues regarding accessing information
- Privilege and confidentiality issues
- Developing a comprehensive due diligence checklist to determine project scope under different deal conditions and budgets

10.00 ► **Conducting a Due Diligence project**

Darren Murley, Page White and Farrer

- Changing role of IP - Risk factor to deal driver?
- Identifying or assessing IPR assets for the transaction
- Balancing need for information with risk of uncovering negative information
- Doing your homework in due diligence, risk allocation, strategies and planning

11.00 ► Coffee

11.15 ► **Evaluating the patent portfolio: Claim construction, term, validity and enforceability**
Patrick Duxbury, Wragge Lawrence Graham & Co

- Do the patent claims actually cover the product and is anyone infringing?
- Do the patents have sufficient term for an adequate financial return and are they valid?
- What are the risks of invalidity or unenforceability in different jurisdictions?
- Is confidential information important?

12.00 ► **Ownership and joint ownership of patents, trade marks and copyrights**

Lori-Ann Johnson, Chamberlain Hrdlicka

- The risks of joint ownership
- Variation of rights of joint owners
- Investigating inventorship of patents to assess ownership risks

12.30 ► Lunch

13.45 ► **Evaluating the trade mark portfolio**

Nancy Gardner, Chamberlain Hrdlicka

- Ownership, scope, validity and enforceability of trade marks
- Ability to expand the use and registration of marks
- Legal claims and enforcement activities pertaining to the marks

14.30 ► **Mitigation of Risk**

Nicola Russell, Bristows LLP

- Real examples will be used and discussed to illustrate the types of risks that generally arise and how to restructure or end a deal which carries significant risk:
 - o How much risk is too much?
 - o What if you are asked to make the deal happen even if the risk is high?
 - o Can you mitigate that risk?

15.30 ► Tea

15.45 ► **Communicating results, preparing the deal documents, and post acquisition issues**

Kevin Fournier, IBM United Kingdom Ltd

- Confidentiality obligations if the deal doesn't go through
- Handling negative information
- What obligations remain if the deal is successful?
- Practical aspects of file retention

16.15 ► **Avoiding risks and common pitfalls of a due diligence project - A Panel Discussion**

Moderator: Timothy May, Finnegan LLP

Panel: Darren Murley, Patrick Duxbury, Lori-Ann Johnson, Kevin Fournier, Nancy Gardner and Nicola Russell

- The effect of licenses on the deal
 - o Licenses in
 - o Licenses out
- Can risks be mitigated?
- Commonly encountered problems

17.15 ► End of seminar

FREEDOM TO OPERATE - A practical guide

10 July 2015 - Ref: H7-3215

WHY YOU SHOULD ATTEND

- Be prepared for the FTO questions that will be raised by your client/company when they want to use new technology or expand existing technology
- Understand which FTO questions you should ask, to make the most of your time and budget
- Discuss best practices for setting up and conducting a thorough analysis
- Gain valuable insight into infringement and validity analysis in Europe and the US
- Take away practical advice on leveraging the European and US systems to your advantage
- Learn to evaluate, minimise and communicate risk effectively

WHO SHOULD ATTEND?

- Patent attorneys with little or no experience of Freedom to Operate
- In-house members of patent departments and R&D departments
- Business development professionals
- Others wanting to learn more or refresh their knowledge of Freedom to Operate

This seminar will be of particular interest to delegates from the chemical, pharmaceutical and biotech industries but will also be relevant to those outside these industries.

IN THE CHAIR

Lori-Ann Johnson is a Shareholder of Chamberlain Hrdlicka, based in their Atlanta office.

SPEAKERS

Kevin Fournier is an Intellectual Property Lawyer at IBM United Kingdom Ltd.

Timothy May is a Partner in the Washington, DC office of Finnegan LLP.

John Nevard is Director, Intellectual Property, for Cambridge Display Technology Ltd (CDT).

Benjamin Schröer is Counsel at Hogan Lovells Intellectual Property Law Group in Munich.

PROGRAMME

09.30 ► Introduction

09.35 ► Best practices for setting up and conducting a Freedom to Operate analysis

Lori-Ann Johnson, Chamberlain Hrdlicka

- Understanding what products and processes need to be cleared
- Timing and scope of the project, including geographic considerations
- Defining the search - common pitfalls
- Result analysis
- Understanding the business goals and effectively communicating risks

10.15 ► Vital aspects of infringement and validity analysis - US perspective

Timothy May, Finnegan LLP

- Validity and infringement analysis - tactics for "triage" on the FTO search results
- The correct interpretation of claims in the US including differences between the courts and the USPTO
- Pros and cons, recent trends, and statistical results
- Cost effective approach for dealing with willful infringement and opinions on potentially problematic or "blocking" patents

11.00 ► Coffee

11.20 ► Vital aspects of infringement and validity analysis - European perspective

Benjamin Schröer, Hogan Lovells International LLP

- Infringement: How are claim construction and infringement analysis approached in Germany?
- Validity: Where are the critical differences in approach across Europe and in the EPO?
- Why does the application of the same substantive law not necessarily lead to the same result?
- Injunctions and damage scenarios following a finding of infringement

12.10 ► FTO risks: Never black and white

Lori-Ann Johnson, Chamberlain Hrdlicka

- Quantifying the risk of third-party patents
- Likelihood of preliminary or permanent injunction

- Looking at possible damages
- Design around or licensing?
- Reporting risks to business group

12.30 ► Lunch

13.30 ► Use of post-grant procedures under the AIA

Timothy May, Finnegan LLP

- New tools available under the AIA and ways to use them in an FTO context
- Prior use defence, is it applicable?
- Use of *ex parte* reexamination and *inter partes* reviews
- Post grant reviews; can it provide peace of mind?

14.15 ► Wrestling the Chinese dragon

John Nevard, Cambridge Display Technology Ltd

- IP Landscape in China
- Strategies used by Chinese companies to leverage IP
- Chinese FTO:
 - Effective FTO strategies
 - Conducting searches for China
 - Continuous monitoring
 - The 'language issue' (using Chinese documents)
 - Strategic options for specialist support
 - Handling obstructive IP
 - Chinese weapons

15.15 ► Tea

15.45 ► Corporate woes: timing, staffing and budgeting

Kevin Fournier, IBM United Kingdom Ltd

- What projects require FTOs – an In-house perspective
- Can FTOs be done by in-house staff?
- When do you need outside counsel?
- How do you budget for FTOs?

16.30 ► Practical consideration, a Due Diligence fact pattern

Kevin Fournier, Lori-Ann Johnson, Timothy May, John Nevard and Benjamin Schröer

- Test your Freedom to Operate knowledge on a fact pattern
- Discuss with the panel practical considerations for attacking the issues presented

17.15 ► End of Seminar



IP DUE DILIGENCE

9 July 2015

FREEDOM TO OPERATE –

A practical guide

10 July 2015

Application to Register

Please PRINT your details:

Title First Name.....
 (Dr, Mr, Mrs, etc)
 Family name
 Position
 Department.....
 Company
 Company VAT No.
 Address

 City Post Code
 Country.....
 Tel No.
 Mobile No.....
 E-mail
 Secretary's Name
 Signature

Substitutions may be made at any time at no extra charge

Payment by either: VISA MASTERCARD AMEX

Card No:

--	--	--	--	--	--	--	--

--	--	--	--	--	--	--	--

Card Security No:

--	--	--	--

 /

--

Expiry date...../..... AMEX:

Check enclosed payable to Management Forum Limited
 Purchase order number **W**

Registration Information

Dates

IP DUE DILIGENCE

Ref: H7-3115

9 July 2015 Start 09.30 – Finish 17.15

FREEDOM TO OPERATE - A PRACTICAL GUIDE

Ref: H7-3215

10 July 2015 Start 09.30 – Finish 17.15

Registration & Coffee

9 July 2015 09.00

10 July 2015 09.00

Venue and Accommodation

The Rembrandt Hotel,
 11 Thurloe Place,
 London SW7 2RS
 Hotel Tel: +44(0)20 7589 8100
 Hotel Fax:+44(0)20 7225 3476
 Email: reservations_rembrandt@sarova.co.uk
 Subject to availability, a limited number of bedrooms
 have been reserved at the hotel at a special rate.

All bookings should be made directly with the hotel or online at www.sarova.com/rembrandt quoting promo code 'manforum'.

Directions

Opposite V&A Museum. Nearest underground station: South Kensington.
www.sarova-rembrandthotel.com/location-local-attractions

Fee

£598 + VAT (if applicable) per seminar OR £999 + VAT (if applicable) for BOTH

I would like to attend (Please tick)	
<input type="checkbox"/> 9 July 2015 Conf No H7-3115	<input type="checkbox"/> 10 July 2015 Conf No H7-3215

For Cancellation Policy and T&Cs see website

NB: Cancellations must be received in writing by registrations@management-forum.co.uk

registrations@management-forum.co.uk

www.management-forum.co.uk

Tel: +44 (0) 1483 730071

Fax: +44 (0) 1483 730008

To Register

If you have NOT received confirmation seven days after registering please contact registrations@management-forum.co.uk

Exhibition spaces and promotional opportunities will be available at this meeting. For further information please contact **Josephine Leak**
josephine.leak@management-forum.co.uk