

Chem-Pharma-Biotech Patents: An In-Depth Course for Spanish Practitioners

**Avoiding Disclosure and Claim
Drafting Problems and Pitfalls,
Protecting Biotech Inventions,
Getting Supplementary Protection for
Pharmaceuticals, Litigating Patents,
and a Few Other Selected Topics**

Barcelona, 20th and 21st March 2006

• **Venue:**

Auditori Antoni Caparrós - Torre D
Parc Científic de Barcelona
Baldri Reixac 4
08028 Barcelona

• **Time:**

10:00 to 18:30 h (lunch break from 13:30 to 15:00 h)

• **Registration:**

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• **Attendance Fee:**

550 € (VAT not applicable): Includes course documentation, mid-session refreshment and lunch.

• **Payment:**

By cheque payable to Fundació Bosch i Gimpera (projecte 3584) or by bank transfer to the account no. 2013-0088-63-0200326711. **Payment must be received before 10th March.** Provide invoice details. Invoice and confirmation will be forwarded to you.

• **Cancellation Policy:**

Fee will be refunded (less 4% administration expenses) if cancellation occurs before 10th March.

With the collaboration of

**Oficina Española de Patentes y Marcas
(OEPM)**



• **Introduction (by Pascual Segura):**

This course is an adaptation to Spain of similar courses recently offered in London, Tokyo and Munich by the same speakers or their colleagues. It intends to bring Spanish patent practitioners up to date with some of the most critical and recent issues in chem-pharma-biotech patents (referred to herein simply as chemical patents). This kind of update will probably be very useful to most of us Spanish practitioners. Many of us have been very busy trying to cope with the numerous changes and peculiarities of the new Spanish patent system, such as: entry into force of the 1986 Patent Act and the EPC, repealing old 'shielding' patents; interpretation of patentability reservations under Art. 167 EPC; practice of new legal actions, such as reversal of the onus of the proof, inquiries to substantiate facts and preliminary injunctions; SPC transitional provisions; impact of TRIPS implementation; claim interpretation at Spanish courts, etc. Therefore, many of us have not paid enough attention to the fact that the protection of chemical inventions has become much more complex in modern practice. For example, progress in particular in biological sciences has broadened the spectrum of contemplated inventions (delivery systems, screening methods, research tools, drug targets, etc.), entailing new patentability issues. Moreover, a modern patent strategy not only requires good knowledge of the provisions and decisions which are relevant for the prosecution of patent applications, but also an understanding of the tools which are available for obtaining and safeguarding effective protection after grant. Altogether, the patent system is constantly evolving in order to protect the results of today's chemical and biomedical research. Surely this course will help us to keep up with it!

• **Objective:**

This two-day course will provide an in-depth and updated analysis of some topics related to chemical, pharmaceutical or biotech patents, to which Spanish practitioners should pay special attention for the benefit of their clients because they are problematic, polemic, challenging or new.

• **Who should attend:**

Spanish or European patent attorneys, patent lawyers, experts from patent departments in industry, patent examiners, intellectual property consultants, etc.

Program

• Disclosure of Chemical and Pharma Patents

- Assessment of the Contents
- Selection Inventions
- Amendments
- The Priority Claim
- Inherent Disclosure
- Insufficient Disclosure
- Strategies

• Patent Claims in Chemistry

- Broad Claims
- Parameter Claims
- Problems and Pitfalls in Claim Drafting

• Biotech Patenting

- Screening Methods
- Research Tools
- DNA
- Drug Targets
- Stem Cells
- Antibodies

• Supplementary Protection for Pharmaceuticals

- Supplementary Protection Certificates
- Clinical Data Protection
- Clinical Trials and Bolar Exemptions

• Litigating Patents

- Case Study: Lanxx Corp. vs. H&B, Inc.
- How to Get your Litigation Started
- Provisional Injunctions
- Cost and Speed of Litigation in Various EP Countries
- Special Issues in Biotech Litigation

Speakers

• Matthias Kindler

Partner of Hoffmann-Eitle, Munich, Germany

Matthias studied chemistry and has a Ph.D. in electrochemistry. He is a German *Patentanwalt* and European Patent Attorney. His main area of work concerns chemical and pharma patents, principally in litigation, but also in prosecution, opposition and nullity proceedings. Matthias has also handled numerous SPC cases before the Federal Patent Court of Germany, the Federal Supreme Court of Germany and the European Court of Justice.



• Leo Polz

Partner of Hoffmann-Eitle, Munich, Germany

Leo studied chemistry and has a Ph.D. in biochemistry. He is a German *Patentanwalt* and European Patent Attorney. His main area of work concerns biotech patents, principally in opposition and nullity proceedings as well as litigation, inter alia with patents involving Factor VIII, PCR, screening methods and hormones.



• Thorsten Bausch

Partner of Hoffmann-Eitle, Munich, Germany

Thorsten 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. Thorsten is the editor of *Nichtigkeitsrechtsprechung in Patentsachen* ("German Patent Nullity Cases"), a collection of decisions in patent nullity matters from the German courts.



• Joachim Renken

Partner of Hoffmann-Eitle, Munich, Germany

Joachim 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 prosecution and opposition proceedings. He has litigation experience, inter alia with patents involving drugs and biochips.

