NOVEMBER 12/13, 2019

DAY 1 – NOVEMBER 12 (TUE):
CPPC UPDATE 2019

DAY 2 – NOVEMBER 13 (WED):
LIFE SCIENCE IP SPECIAL

ACADEMY HILLS • アカデミーヒルズ
ROPPONGI HILLS MORI TOWER 49F • 六本木ヒルズ森タワー49階
www.cppc.jp
Patents are highly complex products of the ingenuity of our inventors and the knowledge of well-trained IP professionals around the globe. As any IP system in the developed world tends to become more and more finely differentiated with time, and as globalisation of the economy requires a global approach, staying on top of the most recent developments in IP Law is imperative in our modern times. Constant learning is required to stay on top of legal and political developments in at least the most important jurisdictions. In addition, technology changes quickly. For example, “big data” inventions are increasingly seen in different fields of technology. In both, Europe and the US, the new challenges associated with prosecuting and enforcing IP rights relating to such new technologies are still to be dealt with.

To prevail over the competition it is necessary to have a clear perspective and develop sophisticated strategies based on thorough knowledge and a deep understanding of present court and patent office practice. This year’s CPPC seminar will provide you with that knowledge and insight for Europe and the US.

On the first seminar day (November 12) we will update you on the latest developments in Europe and the US and provide you with useful tips for your strategy in patent prosecution and litigation. The second day (November 13) will be dedicated to the field of life science IP, where big data inventions are also beginning to emerge.

As in the past years, in addition to comparative views of the situation in the US and Europe, expert comments from a Japanese perspective will be provided. Simultaneous interpretation into Japanese will be provided throughout both days.

On the evening of November 12, all seminar participants are invited to the CPPC Reception at the Roppongi Hills Club (51st floor).

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**CONFERENCE VENUE・会場ご案内**

**Academy Hills**
Roppongi Hills Mori Tower 49F
6-10-1 Roppongi, Minato-ku, Tokyo
Tel: +81 (0)3-6406-6220

**Subway・地下鉄**
- Roppongi Station – Hibiya Line Exit 1C (1 min)
- Azabu-Juban Station – Nanboku Line Exit 4 (12 min)
- Roppongi Station – O-Edo Line Exit 3 (6 min)
- Azabu-Juban Station – O-Edo Line Exit 7 (9 min)

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特許は、発明者の創意工夫と、経験豊富な知財専門家の知識の組み合わせの産物です。発展をつづける世界と経済のグローバル化の流れの中で、先進国の知財制度の細部での違いがより多く見受けられる傾向にある現在、知財法の最新の動向を把握しておくことは不可欠で、そのためには、主要国での法的および政治的な最新状況を継続的に学ぶことが重要です。

また、テクノロジーも目覚ましく変化を続けています。例えば、「big data」関連の発明がさまざまな技術分野で増加傾向にあり、これらの新技術に関する知的財産の権利化と権利行使の問題について、欧州や米国では数多くの課題が残されています。

このような状況下で競争に勝ち残るためには、明確なビジョンを持ち、現在の司法制度や特許庁の実務に関する深い知識と理解に基づく熟練された戦略を立てることが必要があります。今年のCPPCセミナーでは、欧州と米国の観点からこれらに関する知識と洞察をお紹介させていただきます。

初日（11月12日）には、欧州と米国の最近の動向をご紹介し、特許出願および訴訟戦略に役立つヒントをご提供します。

二日目（11月13日）は、「big data」関連の発明も増加しつつあるライフサイエンス分野の知財問題に焦点を当ててレクチャーを行います。

例年と同様に、欧米の比較的見地からのレクチャーに加え、日本の視点からの専門家のコメントも入ります。両日を通じて日英の同時通訳をご用意しております。

なお、11月12日には、セミナー後にレセプション（会場：51階六本木ヒルズクラブ）をご用意しております。多くの皆さまのご参加をお待ちしております。
In this first lecture, we will cover the implications of the latest policy developments in the UK and what they mean for the patent landscape in Europe. The pending challenges to the existing patent system under the EPC will be addressed as well as new and impactful decisions and guidance from U.S. Courts and the Patent Trial and Appeal Boards.

Based on a case study, this lecture provides an EP/USA synopsis about what is required to become a co-inventor, the risks of losing exclusive ownership of a patent to unacknowledged co-inventors and the rights a co-owner has in the respective jurisdictions. The lecture charts a way through the labyrinth of complex and diverging legal provisions and creates awareness for so far underappreciated risks.

Computer-implemented inventions (CII) pose particular challenges to applicants in view of the patent eligibility requirement. Recent developments at the EPO and USPTO as well as practice tips for claim drafting will be provided, taking into account the updated guidelines of the USPTO and EPO.

Big data, cloud computing and Artificial Intelligence (AI) allow the modeling of reality and offer new tools also to non-computer experts. In the G1/19 referral, the Enlarged Board of Appeal of the EPO is expected to clarify the criteria for patentability of computer simulators, potentially impacting abstract inventions not directly linked to the real world and thus relevant to a number of modern interdisciplinary solutions. The US perspective will also be provided.

You will obtain the latest update on public prior use as a bar to novelty, as well as on private prior user rights as a defense against infringement. A focus will be on the state of the on-sale bar in the US after the Supreme Court’s Decision in Helsinn, case law in Europe on public prior use and the German Federal Court of Justice’s brand-new decision Schutzverkleidung (protection cover), which provides guidance on how product or process modifications affect the rights of a prior user.

Litigating and licensing standard-essential patents (SEPs) continues to be a hot topic both in Europe and the US. Different courts in Europe apply different standards, with even greater uncertainty when a licensing dispute might be concurrently litigated in the US. The US decision FTC v. Qualcomm will be addressed, as will be the viability of licensing only end-user consumer products, and attitudes on whether injunctions should be granted as an automatic consequence of infringement of SEPs.

We will describe the key features of ITC proceedings, including advantages and disadvantages for plaintiffs (complainants) and defendants (respondents), and how the ITC compares to patent litigation in federal district courts. We will also provide an update on current trends and developments at the ITC, including the early disposition (“100 day”) program, domestic industry, and interplay with IPR proceedings before the Patent Office. Comparative comments on considerations for forum selection in Europe will also be provided.

We will discuss the latest developments in US trade secrets law, including the extraterritorial reach of the Defend Trade Secrets Act (DTSA). We will also look into the impact of the Know-how Directive in Europe and the Know-how Directive in Europe and the Defend Trade Secrets Act (DTSA). We will also look into the impact of the Know-how Directive in Europe and the Defend Trade Secrets Act (DTSA). We will also look into the impact of the Know-how Directive in Europe and the Defend Trade Secrets Act (DTSA). We will also look into the impact of the Know-how Directive in Europe and the Defend Trade Secrets Act (DTSA). We will also look into the impact of the Know-how Directive in Europe and the Defend Trade Secrets Act (DTSA). We will also look into the impact of the Know-how Directive in Europe and the Defend Trade Secrets Act (DTSA). We will also look into the impact of the Know-how Directive in Europe and the Defend Trade Secrets Act (DTSA). We will also look into the impact of the Know-how Directive in Europe and the Defend Trade Secrets Act (DTSA). We will also look into the impact of the Know-how Directive in Europe and the Defend Trade Secrets Act (DTSA). We will also look into the impact of the Know-how Directive in Europe and the Defend Trade Secrets Act (DTSA). We will also look into the impact of the Know-how Directive in Europe and the Defend Trade Secrets Act (DTSA). We will also look into the impact of the Know-how Directive in Europe and the Defend Trade Secrets Act (DTSA). We will also look into the impact of the Know-how Directive in Europe and the Defend Trade Secrets Act (DTSA). We will also look into the impact of the Know-how Directive in Europe and the Defend Trade Secrets Act (DTSA).
08:30 Registration / 受付

09:00 Welcome / 開会のご挨拶

09:00 Is it plausible? Sufficiency and inventive step at the EPO and USPTO
EPOとUSPTOにおける実施可能要件と進歩性

The jurisprudence of the EPO has established further hurdles for relying on extrinsic evidence to demonstrate an (unexpected) effect of an invention. This lecture will review the so-called “plausibility requirement” in depth. From the US side, the “Lead Compound Analysis” in obviousness determinations and particulars of the requirement of a written description under 35 USC 112 will be reviewed.

09:45 Novelty of a compound on the basis of its degree of purity
純度に基づく化合物の新規性

Can a compound be novel merely because it has a higher degree of purity than known forms of this compound? We will review the EPO case law and present the new decision T 1085/13 which provides applicants with additional options. This perspective will be compared with obviousness for API forms in the US based on degree of purity and the US view of patentability of alternative API forms in general.

10:10 Big data in life sciences
ライフサイエンスに関するビッグデータ

Today, molecule and drug design oftentimes comes along with modern data processing such as big data mining, artificial intelligence and simulation. Since the "dry" computer tools contribute more and more to the "wet" research in the lab, the related inventions increasingly involve aspects of data processing – which is, as such, excluded from patentability in Europe. We present strategies for patenting inventions that are both "wet" and "dry": US trends for inventions that include both computer and biological components will also be looked at and we will provide prosecution practice tips.

11:00 Coffee break / 休憩

11:20 European case law update for life sciences inventions
ライフサイエンス発明に関する欧州での最近の判例

This lecture will provide an overview of the most recent case law of the EPO in the field of life sciences, in particular concerning novelty of product-by-process claims, burden of proof questions, inventive step issues, particularly in the absence of comparative data, and a short look towards compulsory licenses in Germany after Merck vs. Shionogi.

11:45 New case law on SPCs and update on Patent Term Extensions
SPCに関する最新の判例と医療機器に関する特許の延長

SPCs and PTEs are well known, but every year there are new fascinating problems and decisions. This time we will discuss, inter alia, whether or not (EU) SPCs or (US) PTEs can be granted also for medical devices which include a medicinal product as an integral part, and whether it is possible to get a patent term extension on the basis of a marketing authorization owned by a third party other than the patent holder.

12:30 Lunch break / 昼食 (Roppongi Hills Club)

13:40 Antibody applications - Innovative Strategies for Grant
抗体医薬に関する特許出願戦略

Half of the world’s best-selling drugs are antibody drug products, and the antibody field is still fast developing. Meanwhile, routine ways are available to generate, screen and select antibodies against basically any target, which have made it increasingly difficult to demonstrate inventive step. We will give prosecution practice tips, inter alia on patenting strategies involving new antibody formats and unusual functional properties.

14:25 Follow-up patents for biologicals in Europe and update on biosimilars in the US
欧州における生物製剤の二次的特許/米国でのバイオシミラー関連の最新情報

Biologics are distinguishable from their chemically synthesised counterparts with respect to their manufacturing process and its impact on quality and safety. These differences lead to unique patent and market entry strategies for biologicals. For the US, we will also provide an update on recent case law and policy issues associated with biosimilar approval and look into expected trends and their implications.

15:10 Coffee break / 休憩

15:30 Update on CRISPR patent disputes
CRISPR特許訴訟の最新情報

We will provide an update on CRISPR patent disputes. We will also comment generally on industry trends related to commercialization of CRISPR-related technologies. The pending EPO Opposition is a cautionary tale for the importance of securing the priority right.

16:00 Recent trends in enforcing 2nd medical use patents in Europe
欧州における第二医療用途特許の権利行使

Infringement of 2nd medical use patents poses challenges on the patentee where the authorized indication does not exactly match the patent claim. New case law in Germany, the UK and the Netherlands provides guidance and help for patentees in such a situation. We will also deal with the question of what the patentee can request from the infringer in such a case where the attacked product is also used for patent-free indications.

16:30 Q&A

17.00 End of Conference
Dr. John Van Amsterdam
Dr. ジョン・ファン アムステルダム
- Shareholder, Biotechnology Group, Wolf Greenfield
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- Advises clients in patent prosecution, portfolio management, due diligence, freedom-to-operate, and agreements
- Deep experience with antibody technologies, metabolic engineering of microorganisms, medical technologies, applications of synthetic biology, and sequencing technologies

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ミケーレ・バッチェッリ
- Partner, Electrical Department, Hoffmann Eitle, Munich and Milano (Italy)
- Electrical Engineer, Italian and European Patent Attorney
- Former Patent Examiner at the EPO
- Specialised in mobile communications, computers, and Internet technology

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- Dr. rer. nat. (Chemistry), Dipl.-Chem., European and German Patent Attorney
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- Litigation experience with patents involving pharmaceuticals, microorganisms, functional polymers and e-readers

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- Experience includes patent, trademark, and trade secret litigation, licensing, and post-grant proceedings

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- Shareholder, Pharmaceutical Group, Wolf Greenfield
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Dr. Oona Johnstone
Dr. オーナ・ジョンストーン
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- J.D., Suffolk University Law School, Ph.D., Chemistry, University of Michigan; M.S., Chemistry, Indiana University; B.A., Chemistry, Kalamazoo College
- Practice focuses on US and foreign patent prosecution, IP due diligence, opinion work, IP transactions, and post-grant proceedings
- Expertise includes biologics and biosimilars, synthetic biology, RNA-based therapeutics, transgenics and antibodies

Dr. Mark A G Jones
Dr. マーク・ジョンズ
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- DPhil (Physics) (Oxford University), European and Chartered British Patent Attorney
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- Legal opinions and advisory services

Dr. Matthias Kindler
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- Numerous cases in SPC matters
**SPEAKERS・講師**

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- Attorney-at-Law (since August 2009), Judge (1979–2009)
- Presiding Judge of Tokyo District Court (Intellectual Property Division)
- Judge of the Intellectual Property High Court, Japan
- Publications and lectures on patent law in Japan and Germany

**Dr. Clemens Tobias Steins 博士 チェレンス・トービアス・シュタインス**
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**SIMULTANEOUS TRANSLATION・同時通訳：**
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- Itsuko Sakai 鳥井伊津子
- Nobuko Sasaé 佐々江信子
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