

CLARK, WILSON

BC's Law Firm for Business

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June 4, 2003

VIA EMAIL

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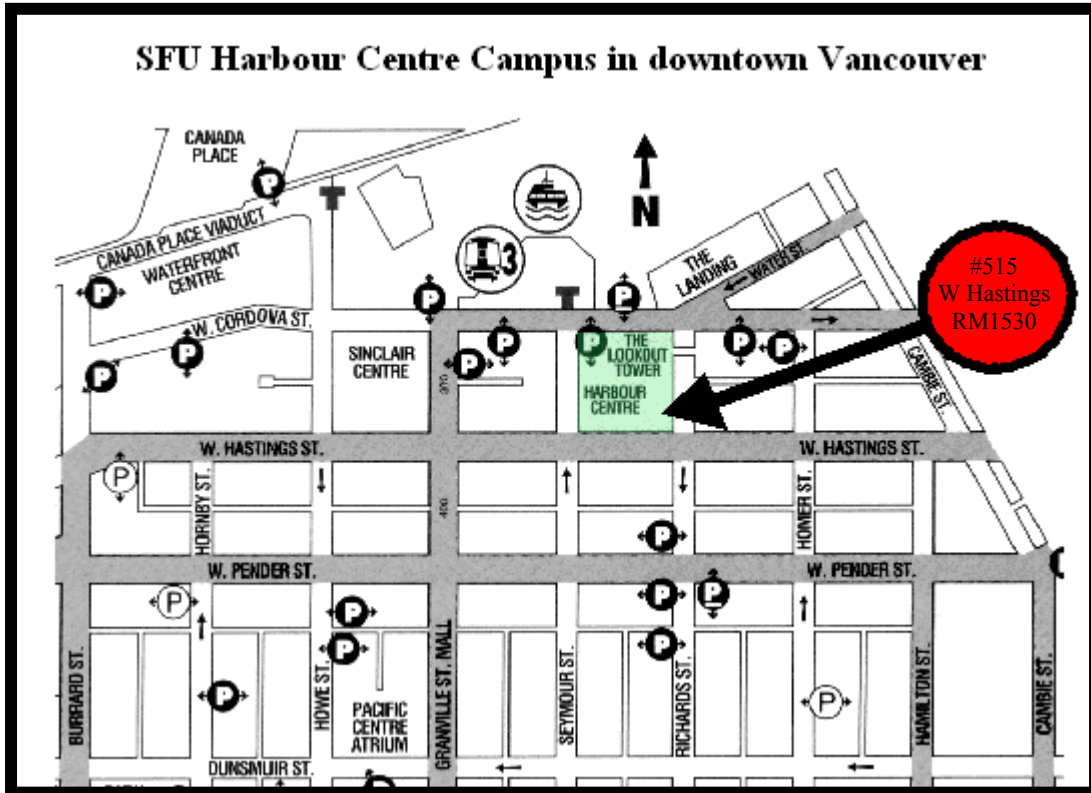
Re: Roundtable Discussion
BUS771 - Intellectual Property
Management of Technology MBA Program - Biotech Stream

Thank you all for volunteering to take part in our roundtable discussion. It's going to be interesting and a lot of fun, and there's almost no preparation involved.

This letter provides detailed information about the event and should answer most if not all of your questions. Please let me know if there's anything you need or anything you'd like to discuss. I've included contact information for each of you above, just in case you wish to chat in advance.

1. Location

The roundtable will take place in Room 1530, on the first floor of Simon Fraser University at Harbour Centre, 515 West Hastings Street. I'll have my cell phone turned on before you arrive, so please feel free to call (604-837-7295) if you have trouble finding us.



I find the most convenient parking lot is the outdoor Impark lot on the north side of Cordova Street, between the SeaBus terminal and Steamworks. If you use Verrus.com cell phone parking, the lot number is 0531.

2. Agenda

The roundtable will take place from 11:00am to 12:00pm on Saturday June 7, 2003. The actual class runs from 9:00am through to 12:30pm. You're welcome to join in other portions of the class if you wish. The class schedule is as follows:

09:00am	The Harvard Mouse Case	Andrew Kadler, Campney & Murphy
10:00am	Patent Workshop	Michael Roman, Clark Wilson
11:00am	Roundtable	Nancy Harrison, Ventures West Management Inc. John Proffett, NeuroMed Technologies Inc. Chris Robinson, Smart & Biggar Mike Varabioff, Catalyst / Medical Ventures Mike Volker, SFU UILO Michael Roman, Clark Wilson (moderator)
12:00pm	Discussion	Mike Volker, SFU UILO

3. The Course

To better gauge the focus of this course, you can find the syllabus on the web at <http://www.sfu.ca/~mvolker/mot/biotech.htm>. You can also find the website for the Management of Technology MBA program as a whole at <http://www.harbour.sfu.ca/mot>.

The published description of this course is:

BUS 771 Special Topics: Intellectual Property Management (2 Credits)

Introduces students to the concepts of identification, protection and management of intellectual property. In this context, intellectual property includes knowledge, ideas, prototypes, and patents. It focuses on patents, including ownership issues, licensing and commercializing this IP.

4. The Students

To better gauge the sophistication of the class, you may wish to review the enclosed class list. Substantially all the students are employed in operations functions in the life sciences sector in British Columbia. My experience in teaching patents to the SFU MBA students in the IT stream is that the material is often new to them, but they're quick and eager learners and sharp thinkers.

5. Topics for Discussion

This is a very intimate and interactive forum, so we may find that the discussion takes us in any number of directions. In general terms, we'll discuss tips, traps, war stories, best practices, trends, etc. relating to acquiring, protecting and exploiting IP (with a particular focus on patents). We'll also cross over into how IP can influence competition strategy, business development and financing.

To ignite and stoke discussion, I've prepared a list of potential topics. I should confess right away that I'm a math and physics guy who considers life sciences to be a bit of a black art. Please let me know if you have some favourite topics you'd like to add to the list so that everyone has a chance to reflect on them in advance.

(a) Patentable Subject Matter

- (i) What's settled subject matter now?
- (ii) What's controversial subject matter now?
- (iii) What are your predictions for where the subject matter skirmishes will be in the next five / ten years?

(b) Business Models

- (i) What are the common business models you see for life sciences companies of various sizes and in various markets?
 - A. In what business models does IP play an insignificant role?
 - B. In what business models does IP play a significant role?
 - I. Discuss the role.
 - C. In your observation, does IP affect the ability of a life sciences business to attract partners?
 - I. How are businesses partnering and what should they focus on to achieve the best results?
 - a. Contract Research
 - b. Alliances / Joint Ventures
 - i. R&D
 - ii. Marketing
 - c. Licensing
 - II. What IP traps have you seen businesses fall into when working with or trying to attract partners?
 - III. Are there IP warning flags you've observed that indicate a business will not be successful in partnering?
 - D. In your observations, does IP affect the ability of a life sciences business to attract financiers or acquirers?
 - I. If so, what should a business focus on to achieve the best results?
 - II. What IP traps have you seen businesses fall into when working with or trying to attract financiers?
 - III. Are there IP warning flags you've observed that indicate a business will not be successful in attracting financing or being acquired?
 - IV. Are there any interesting financing / acquisition trends you're observing?

(c) Market Dynamics

- (i) How are patents most (useful / valuable) for life sciences inventions categorized by purpose (e.g. assay / material / diagnostic / therapeutic)? What's the business objective and what aspects of the invention do you need to claim?
- (ii) How are patents most (useful / valuable) for life sciences inventions categorized by field (e.g. pharmaceutical / agriculture or food / devices / bioinformatics)? What's the business objective and what aspects of the invention do you need to claim?
- (iii) How are patents most (useful / valuable) for life sciences inventions categorized by stage of development? What's the business objective and what aspects of the invention do you need to claim?
- (iv) Are there any interesting market trends you're observing that relate to IP? For example, in the IT market there is a broadly based push toward open standards, because much of a standard's value comes from the fact that everyone is using it as opposed to any technical merit inherent in the standard.

(d) Patent Filing Strategies

- (i) What international filing patterns do you observe?
- (ii) What filing strategies do you recommend for life sciences companies (of various sizes / in various markets) to optimize the return on their IP budget?
 - A. What is a reasonable IP budget?

(e) Other Forms of IP

- (i) How (useful / valuable) are non-patent forms of IP to life sciences companies.
 - A. Designs
 - B. Copyright / Moral Rights / Neighbouring Rights
 - C. Plant Breeders Rights
 - D. Trade Secrets / Obligation of Confidence
 - E. Trade-Marks
 - F. Integrated Circuit Topographies

- (f) Enforcement
 - (i) What's involved in enforcing a life sciences business's IP rights (stages / costs / strategies)?
 - (ii) What can a business do to better position itself for enforcement?
 - (iii) What mistakes have you observed businesses make?
- (g) Best practices
 - (i) Are IP audits worth the cost?
 - A. How often do you observe that a business has clearly documented its IP rights?
 - (ii) Is patent searching a good competitive intelligence tool?
 - (iii) How often do you observe that a business has integrated IP into its strategy, embedding IP decisions into its planning processes for marketing, R&D, finance, and risk management?
 - (iv) How often do you observe that a business has an IP plan with measurable objectives?
 - (v) How often do you observe that a business has a systematic process for valuing its IP and putting its IP to optimal use, including out-licensing, selling, or abandoning non-core IP?
 - (vi) How often do you observe that a business has a process for identifying the IP it creates/receives/needs and for securing the rights in it?

Thanks again for agreeing to help out and please let me know if there's anything you need. I'll look forward to seeing you on Saturday.

Yours truly,

CLARK, WILSON

Per: *"Michael J. Roman"*

Michael J. Roman

MJR

Encl. Class List

BUS 771 Intellectual Property Management for Biotech

Faculty Volker, Mike

Cohort BIO

Semester of Year Summer of 2003

Classroom 7000

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Cohort BIO

Semester of Year Summer of 2003

Classroom 7000

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Faculty Volker, Mike

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Semester of Year Summer of 2003

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