

Standing Committee on the Law of Patents

Twenty-First Session
Geneva, November 3 to 7, 2014

SEMINAR ON THE CONFIDENTIALITY OF ADVICE FROM PATENT ADVISORS

Document prepared by the Secretariat

1. Pursuant to the decision taken at the twentieth session of the Standing Committee on the Law of Patents (SCP), a half day seminar will be organized during the twenty-first session of the SCP on the confidentiality of advice from patent advisors and practical experiences of clients as well as patent advisors.

2. The seminar will take place on November 5, 2014, from 15.00 to 18.00, and consists of the following four segments:

- (1) Introduction by the Secretariat

Duration: 10 minutes

- (2) Patent advisors' perspectives

Mr. Steven Garland, Smart & Biggar/Fetherstonhaugh, Canada

Mr. Pravin Anand, Anand and Anand, India

Mr. Jeffery Lewis, Patterson Belknap Webb & Tyler, United States of America

Mr. Wouter Pors, Bird & Bird, Netherlands

Duration: 90 minutes (including Q&A)

[Coffee break: 15 minutes]

(3) Clients' perspectives

Mr. Hans Blöchle, Head Global Intellectual Property of the Schindler Group,
Switzerland

Ms. Manisha A. DESAI, Assistant General Patent Counsel, Eli Lilly and Company,
Indianapolis

Duration: 45 minutes (including Q&A)

(4) Member States' perspectives

Duration: 20 minutes

3. The *curricula vitae* of speakers are as follows:

Steven Garland

Steven Garland has over 20 years of experience in intellectual property litigation of all types, including issues relating to patent, trademark, copyright, industrial designs, trade secrets and competition law. Steven has appeared before the Supreme Court of Canada, the Federal Court, Federal Court of Appeal, and the trial and/or appellate courts in the Provinces of Ontario, Nova Scotia and British Columbia.

Steven was named Canada's 2013 Trademark Litigator of the Year by Benchmark Canada. Several recent decisions in which he has acted as successful counsel have become leading cases, including: (i) *Marlboro Canada v Phillip Morris* (2012 FCA 201): Managing Intellectual Property 2013 Canadian Trademark Milestone Case of the Year; (ii) *Amazon.com, Inc v Commissioner of Patents* (2011 FCA 328): Managing Intellectual Property 2012 Canadian Patent Case of the Year; and (iii) *Amazon.com, Inc v Commissioner of Patents* (2010 FC 1011): LEXPERT Magazine 2010 Canadian Business Case of the Year.

Steven is a Past President of the International Association for the Protection of Intellectual Property (AIPPI) Canadian Group, and a Past President of the Intellectual Property Institute of Canada (IPIC). He is also an adjunct professor at the University of Ottawa Law School, where he teaches patent law. Steven is a regular writer and lecturer on intellectual property matters, both in Canada and internationally.

Pravin Anand

Pravin Anand is a Managing Partner of Anand and Anand. His area of practice is intellectual property, litigation and dispute resolution.

Pravin completed his law studies in New Delhi in 1979 and since then has been practicing as an Intellectual Property Lawyer. He has been a counsel in several landmark IP cases involving the first Anton Piller Order (HMV cases); the first Mareva Injunction Order (Philips case); the first Norwich Pharmacal Order (Hollywood Cigarettes case); Moral rights of Artists (Amarnath Sehgal case); Recognition for Pro-Bono work for rural innovators at the grass root level' (National Innovation Foundation Award - Govt. of India); First order under the Hague Convention (Astra Zeneca case) and several significant cases for pharma clients such as Novartis, Pfizer and Roche.

Pravin is a co-author of the two volumes of Halsbury's Laws of India on Intellectual Property and serves on the editorial board of many leading journals on IP jurisprudence and international legal magazines. He has spoken extensively as a thought leader at various forums including

WIPO, AIPPI, INTA, LES, IBA, LAW ASIA and the UN Conference on LDCs in the Digital World. The prominent awards and accolades accorded to Mr. Anand recently include: Best of the Best (Legal Media Group Expert Guide); IAM Patents1000 Gold (2014) Category Lawyer; WTR 1000 Gold (2014) Category Lawyer; "Highly Recommended Leading Lawyer" in Intellectual Property – Chambers and Partners (2014); 'Leading Individual' for intellectual property – Legal 500 (2014); Features as a recognized lawyer for IP Litigation in the Asialaw Leading Lawyers 2014; and the First Indian Legal Practitioner to receive the 'AIPPI Award of Merit'.

Jeffrey I.D. Lewis

Jeffrey I.D. Lewis is a partner in Patterson Belknap Webb & Tyler LLP, New York City (www.pbwt.com), where he focuses on patent litigation, for both plaintiffs and defendants, as well as counseling, opinions and transactions. He also is Past President of the American Intellectual Property Law Association (AIPLA) and AIPPI-US (the United States national group of the Association Internationale pour la Protection de la Propriété Intellectuelle). Mr. Lewis, a patent attorney, received his B.S.E. in chemical engineering from the University of Connecticut and J.D. cum laude from the Benjamin N. Cardozo School of Law, where he has served as an Adjunct Professor since 1999. He has been an Alexander Judicial Fellow to Hon. Marion T. Bennett of the U.S. Court of Appeals for the Federal Circuit, a Trustee of the American Intellectual Property Law Educational Foundation, represented AIPLA amicus curiae in several cases before the U.S. Supreme Court, and currently is active in numerous professional and civic organizations. Chambers USA described Mr. Lewis as "relaxed, gracious and exceptionally good in court." He also has been recognized in numerous publications including Super Lawyers and The International Who's Who of Life Sciences Lawyers, and Euromoney/Institutional Investor's Benchmark has listed Mr. Lewis as a "National Star" for Intellectual Property, "Federal Circuit Star" for Appellate work, and New York "Litigation Star." Mr. Lewis is a frequent author and lecturer on patent and patent litigation issues. jjdewis@pbwt.com

Hans Blöchle

Hans Blöchle is Head Global Intellectual Property of the Schindler Group and is responsible for all IP matters of the world's number 2 in elevators and escalators.

He holds a master degree in process engineering from University of Karlsruhe, Germany. In 1990 he qualified as a European Patent Attorney and he is a Swiss Patent Attorney since commencement of the Swiss Patent Attorneys Act in 2011. In 1985 he started his career as Patent Professional at the Corporate Patent Department of Robert Bosch GmbH, Stuttgart. Since 1995 he is globally responsible for all IP matters including litigation in the Schindler Group. Under his dedicated leadership Schindler won more than 30 law suits in Germany, France, Spain, Italy, Brazil, China and USA. A special assignment was to defend Schindler in a multinational patent conflict with a big US competitor. Further he is engaged in several professional associations and played a substantial role in the creation of the Swiss Patent Attorneys Act. Schindler is a family company with 50'000 employees worldwide in a highly competitive industry with 5 global players and a multitude of SMEs doing local business. Schindler holds IPR in more than 100 countries for elevators in all kinds of buildings and marine ships.

Manisha A. Desai

Manisha A. Desai is Assistant General Patent Counsel at Eli Lilly and Company, Indianapolis, Indiana. Since joining Lilly's patent division in 1999, she has worked on the procurement and enforcement of patents worldwide. She currently manages patent litigation in the United States and in various emerging markets, including Latin America, Russia, the Middle East, and South Asia.

Prior to practicing law, Manisha conducted biochemistry and neuroscience research for almost 10 years in both university and industry settings. She obtained a law degree from Indiana University School of Law, Bloomington, Indiana; a PhD in pharmacology from Emory University, Atlanta, Georgia; and a BA in chemistry and Russian from Duke University, Durham, North Carolina.

Manisha is currently on a part-time secondment to the International Federation of Pharmaceutical Manufacturers and Associations in Geneva.

Wouter Pors

Wouter Pors is a partner in Bird & Bird and Head of the IP department in The Hague. He focuses on patent litigation, which also helps him to keep in touch with innovative technology. He handles a wide range of patent disputes, varying from mechanical issues through software and business method patents to biotech disputes, for both national and international clients. In addition, Wouter is also involved in numerous trademark and copyright litigation matters, including cases before the Dutch Supreme Court and the European courts. In recent years, database protection and trade secrets have become a more important part of Wouter's practice and he has handled litigation on these issues and participated in various expert meetings on the new European trade secret regime.

Wouter is the secretary of the Dutch group of AIPPI. He is also an expert on issues regarding the Unitary Patent and the Unified Patent Court, the new patent system that is expected to go live early 2015. He is working on this within Bird & Bird as well as AIPPI, EPLAW and EPLIT.

Before studying law, he studied architecture and building construction for several years. Wouter worked as a researcher at Tilburg University before becoming a lawyer in 1989.

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