Minnesota State Bar Association
Continuing Legal Education

Patent Protection for Medical Devices:

Law and Strategy

Learn what every patent lawyer should know about this dynamic and complex area of law, including:

- The regulatory scheme for medical devices
- Hot topics and emerging issues facing medical device manufacturers
- Litigation strategies in medical device patent disputes
- And much more!

Hear from medical device patent experts and in-house counsel from 3M, Boston Scientific and Entellus Medical.

Wednesday, April 6, 2011
Minnesota CLE Conference Center
Seventh Street & Nicollet Mall
Third Floor City Center, Minneapolis
Minneapolis replay April 20, 2011

FACULTY

Barbara A. Wrigley, Course Chair
Oppenheimer Wolff & Donnelly LLP; Minneapolis

Suneel Arora
Schwegman Lundberg Woessner; Minneapolis

James R. Chiapetta
Senior Patent Counsel, Boston Scientific Corporation; Maple Grove

Jan M. Conlin
Robins, Kaplan, Miller & Ciresi L.L.P.; Minneapolis

Mark DuVal
DuVal and Associates, PA; Minneapolis

Robert M. Hirning
Oppenheimer Wolff & Donnelly LLP; Minneapolis

Nancy M. Lambert
Intellectual Property Counsel, 3M; Saint Paul

Brad D. Pedersen
Patterson Thuente Christensen Pedersen, P.A.; Minneapolis

Stephen R. Schaefer
Fish & Richardson P.C.; Minneapolis

Sean D. Solberg
Faegre & Benson LLP; Minneapolis

Troy T. Svihl
Director of Intellectual Property, Entellus Medical; Maple Grove

SCHEDULE

8:30 – 9:00 a.m.

CHECK-IN & CONTINENTAL BREAKFAST

9:00 – 9:50 a.m.

FDA Regulation of Medical Devices – The Statutory Framework

This session will cover the various ways in which a product can come to the market as either as a product not regulated as a medical device (such as cosmetic) or as a conventional medical device. It will also describe the various paths through the FDA by which a device is regulated, i.e. 510(k), PMA, de novo or combination product (drug and device or biologic and device). It will also provide a brief political update on the FDA.

– *Mark DuVal*

9:50 – 10:40 a.m.

The Interplay of FDA Law and Patent Law

In the U.S., both U.S. patent laws and the Food Drug & Cosmetic Act ("FDA law") govern the rights for new medical device products. Mistakes in not obtaining proper patent coverage or satisfying the FDA laws could result in the loss of rights for the medical device company. This session will focus on the interplay of FDA law with patent law in the development of business strategies to protect the medical device company's rights.

– *Suneel Arora*

10:40 – 10:50 a.m.

BREAK

10:50 – 11: 40 a.m.

Claiming Strategies for Medical Device Patent Applications

Medtech companies employ a broad range of patent claiming strategies to protect their technology, including claims directed to the device as a whole, the device's individual component parts, and devices and methods for delivering medical treatment. This session will explore "best practice" claiming strategies for the medical device and its method of use.

– *Brad D. Pedersen*

11:40 – 12:30 p.m.

Medical Device Patent Litigation

We all like certainty – especially in patent law – but the courts do not always cooperate with us. This session will review the most significant patent litigation cases across the medical device industry and the lessons to be gleaned from them.

– *Jan M. Conlin*

12:30 – 1:30 p.m.

LUNCH (on your own)

1:30 – 2:20 p.m.

Patenting Medical Device Software

This presentation will discuss the opportunities and challenges of patenting software that is embodied in many medical devices. Topics will include an overview of patent eligibility for processing techniques used in medical devices and software generally, the differences between patenting software in traditional computer/IT versus medical-related applications, and strategies for expanding patent protection to information processing elements of medical devices and systems.

– *Robert M. Hirning*

2:20 – 3:10 p.m.

What's Hot and What's Not in Medical Devices: In-House Counsel Panel

The panelists will review the latest changes in patent law and discuss how those changes are impacting protection and enforcement of medical device inventions. They will also touch on latest trends and innovations in management of a medical device patent portfolio at a medical device company.

– *James R. Chiapetta, Nancy M. Lambert & Troy T. Svihl*
– *Sean D. Solberg, moderator*

3:10 – 3:20 p.m.

BREAK

3:20 – 4:10 p.m.

Negotiating Clinical Trial Agreements: Preserving Intellectual Property Rights for Your Client

Clinical trials are essential for obtaining the safety and efficacy data necessary to seek market approval of a medical device by FDA. The clinical trial agreement allocates risk between the sponsor and the institution conducting the trial with a major issue being the protection of existing intellectual property rights, confidentiality, and allocation of newly developed rights. This session will explore key provisions in and negotiating tactics for ensuring your clients intellectual property rights are protected.

– *Stephen R. Schaefer*

4:10 – 4:20 p.m.

Questions and Answers

COURSE INFORMATION

LIVE PRESENTATION

Wednesday, April 6, 2011
Minnesota CLE Conference Center
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Third Floor City Center
Minneapolis

VIDEO REPLAY

Schedule times for replay may differ from the live presentation due to abbreviated lunch and break periods. Register at least one week in advance to secure your copy of the materials on the day of the seminar.

Minneapolis – 4/20/11
Registration 8:30; Replay 9:00
Minnesota CLE Conference Center
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CREDITS

Minnesota CLE is applying to the Minnesota State Board of Continuing Legal Education for **6.0 standard CLE credits.** The maximum number of credits an attendee may claim for this course is 6.0 credits.

ACCOMMODATION

If you have a disability and need an accommodation in order to attend this seminar, please contact us as soon as possible. Contact Minnesota CLE at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call us at 651-227-8266 or 800-759-8840.

CANCELLATION POLICY

Paid registrants who cancel their registration at least 72 hours before the program will receive a full credit on their account; if fewer than 72 hours, a $25 administrative fee will be deducted.

QUESTIONS?

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PATENT PROTECTION FOR MEDICAL DEVICES:

LAW & STRATEGY

[209-11 / tmm]

Wednesday, April 6, 2011
Minnesota CLE Conference Center

REGISTRATION/ ORDER FORM

PLEASE "✓" APPROPRIATE BOX:

LIVE (4/6/11)

☐ $295 MSBA member ☐ $295 paralegal ☐ $355 standard rate

MPLS. VIDEO REPLAY (4/20/11)

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