

## YOUR INSTRUCTOR



**Tom Irving** has more than 40 years of experience in the field of intellectual property law. His practice includes America Invents Act (AIA) post-grant proceedings, due diligence, counseling, patent prosecution, and reissue and reexamination. He counsels clients on a wide range of mainly pharmaceutical matters, including pre-litigation, Orange Book listings of patents covering FDA-approved drugs, infringement issues, enforceability and validity analysis.

A significant portion of his current practice is focused on AIA post-grant proceedings, including how to enhance the strength of patents in the pharmaceutical space to protect against post-grant challenges. He has served as lead counsel in numerous patent interferences, reissues, and reexaminations; as counsel in numerous AIA post-grant proceedings; and as an expert witness in patent litigation.

## ADDITIONAL FACULTY

### Jeffrey A. Berkowitz

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
Reston, Virginia

### Amanda K. Murphy Ph.D.

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
Washington D.C.

### Joseph M. Schaffner

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
Reston, Virginia

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# Advanced Patent Law

## The Strategic Use of Supplemental Examination to Shield Patents from Claims of Inequitable Conduct and Unclean Hands



### Special Guest Instructor Tom Irving

Tom Irving, a partner with Finnegan, Henderson, Farabow, Garrett & Dunner, LLP in Washington, D.C., brings 40 years of patent law experience and his boundless energy to this all-new, fast-paced seminar.

### Practical Advice – Engaging Delivery

Thursday, March 5, 2020  
Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370 | Third Floor City Center

# Advanced Patent Law

Featuring Tom Irving!

Thursday, March 5, 2020

Minnesota CLE Conference Center

# Sophisticated Strategies for Patent Prosecutors and Litigators

## SCHEDULE

8:30 – 9:00 a.m.  
CHECK-IN & CONTINENTAL BREAKFAST

9:00 – 9:30 a.m.  
**Introduction to Supplemental Examination: Scope and Process**

9:30 – 10:30 a.m.  
**The Inequitable Conduct Defense Is Alive and Well**  
The consequences of a finding of inequitable conduct and review of the *Therasense* standards and post-*Therasense* case law trends.

10:30 – 10:45 a.m.  
BREAK

10:45 – 11:30 a.m.  
**What About Unclean Hands?**  
Origins of the doctrine, the consequences of a finding of unclean hands, and lessons from *Merck v. Gilead*.

11:30 a.m. – 12:15 p.m.  
**Supplemental Exam to the Rescue?**  
How to apply supplemental examination to shield patents, step-by-step through the process.

12:15 – 1:00 p.m.  
LUNCH (ON YOUR OWN)

1:00 – 1:45 p.m.  
**Balancing the Risks and Benefits of Supplemental Examination**  
A review of actual examples demonstrates the range of possible outcomes from good to mixed to bad.

1:45 – 2:30 p.m.  
**How Does Supplemental Examination Fit into the Big Prosecution/Portfolio Management Picture?**  
Examples of the interplay of supplemental examination proceedings with reissue, AIA post-grant proceedings, litigation, other ex parte re-examinations, and more.

2:30 – 2:45 p.m.  
BREAK

2:45 – 3:30 p.m.  
**The Section 101 Gambit: Results of Recent Attempts to Use Supplemental Examination to Review Subject Matter Eligibility**  
Learn how these efforts have fared, and how the law is coming into focus with every new decision.

3:30 – 4:00 p.m.  
**Applying Supplemental Examination: Practical Tips for Patent Lawyers**  
How, when and why you should use supplemental examination.

4:00 – 4:15 p.m.  
QUESTIONS & ANSWERS

**Praise for Tom Irving**

“ Tom Irving was, as always, highly entertaining and substantively illuminative. Outstanding! His enthusiasm was amazing, his content was great, and his stories were relevant. Tom Irving is fantastic! ”

## COURSE INFORMATION

**IN-PERSON LIVE**  
Thursday, March 5, 2020  
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600 Nicollet Mall, Suite 370  
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Minneapolis

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