



SESSION 6.1 REVIVAL OF REACH THROUGH CLAIMS

In 2001, the EPO, USPTO and JPO concluded that claims encompassing a genus of compounds defined only by their function wherein the relationship between the structure of the compounds and their function is unknown and has not been disclosed, do not comply with the requirement of sufficiency of disclosure / enablement. This practice was confirmed in many decisions since then.

Given the recent German Federal Court of Justice decision "*Dipeptidyl peptidase Inhibitors*", can we anticipate a revival of Reach-Through-Claims?

The session will discuss this question and consequence.

Michael Caine (AU)
Dr Thorsten Bausch (DE)
Karl R. Hermanns (US)



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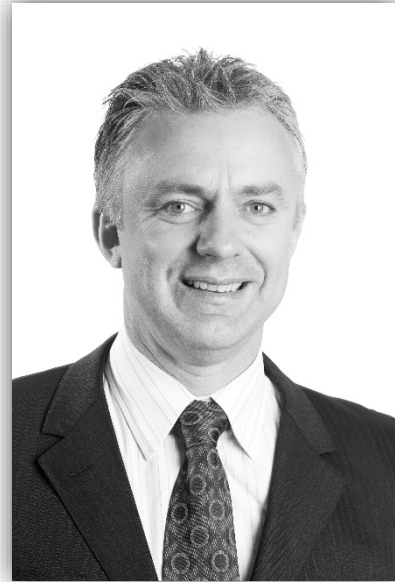
SESSION 6.1 REVIVAL OF REACH THROUGH CLAIMS

MICHAEL CAINE (AU) – MODERATOR

Michael is a patent attorney and partner of Davies Collison Cave where he heads up the firm's organic chemistry/pharmaceutical group. Much of Michael's work is in relation to the patenting of pharmaceuticals by local research institutes and foreign pharmaceutical companies.

Michael is a fellow and council member of the Institute of Patent and Trade Mark Attorneys of Australia (IPTA), where he is convenor of the Patents Legislation Committee, and member of the Patent Consultation Group operated by IP Australia. Michael is involved in overseeing the preparation of submissions to IP Australia and other Government bodies in relation to Australian patent law and practice. He also consults to IP Australia in his role as member of the Patents Consultation Group. His IPTA activities included the preparation and filing of submissions in respect of IP Australia's patent law reform proposals which lead to the Intellectual Property Laws Amendment (Raising the Bar) Act 2012. Michael is also chair of the International Patents Group (CET-3) of FICPI.

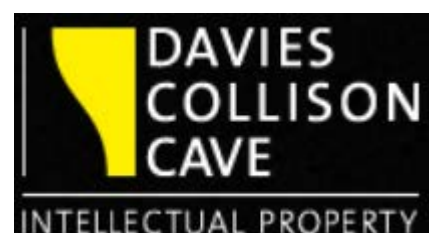
Michael was recommended as a leading individual in patent prosecution in the IAM Patent 1000 Guide 2012, 2013 and 2014.



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SESSION 6.1 REVIVAL OF REACH THROUGH CLAIMS

DR THORSTEN BAUSCH (DE) – SPEAKER

Dr Bausch concentrates on chemical and biotech patents, with a particular emphasis on litigation (both cross-border and national), oppositions, appeals and legal opinions. His main technical expertise is in the areas of pharmaceuticals, polymers and immunology.

He studied chemistry at the University of Wuerzburg, the Technical University of Munich and the Massachusetts Institute of Technology. He has been with Hoffmann • Eitle since 1992, became a German Patent Attorney in 1995 and a European Patent Attorney the following year.

Dr Bausch has been involved with cases before the EPO Boards of Appeal, including the Enlarged Board of Appeal, the German Federal Patent Court, the German Federal Supreme Court, and the European Court of Justice. He has also handled the MIT case of Supplementary Protection Certificates before the European Court of Justice.



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KARL R. HERMANN (US) – SPEAKER

Karl Hermanns is the Managing Partner of Seed IP Law Group in Seattle and a member of the firm's Biotech Group. He specialises in chemical-related patent matters, including overall portfolio management and strategy.

Karl is an adjunct professor at the University of Washington School of Law, co-teaching the patent preparation and prosecution course, and teaches "Intellectual Property for Scientists" through the University's Chemistry and Bioengineering Departments. He is also a faculty member of the Center for Advanced Study and Research on Intellectual Property (CASRIP) at the University of Washington School of Law.

Karl graduated with both a B.S. and an M.S. in Chemistry from the University of Washington. He received his J.D. from the University of Colorado School of Law. He is admitted to the Washington State Bar and the U.S. Court of Appeals for the Ninth and Federal Circuits, and is registered to practice before the U.S. Patent and Trademark Office.



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