

# FTO in Practice: Life Sciences & Pharmaceuticals

## Topics

- Essentials of FTO: what it is, when to do it and how much it costs
- How to conduct a FTO search: strategies, scope and databases
- How to draft a FTO opinion: structure, scope and liability
- Offensive and defensive approaches: design around, licensing in/cross-licensing and other remedies
- FTO from the perspective of a life sciences company

**The more the patent thicket gets denser, the more FTO becomes crucial!**

## Your speakers



**Dieter Kuhn**  
Senior Patent Attorney,  
DSM Nutritional  
Products Ltd,  
Kaiseraugst (Switzerland)



**Dr. Ralph Nack**  
Attorney-at-law, Partner,  
Noerr LLP,  
Munich (Germany)

## Aims and objectives

Many life sciences and pharmaceutical companies (especially generics companies) are forced to operate in a patent jungle which is set to become denser in the years to come. In order to be successful on the market, your company or your client needs freedom to operate. Only FTO can ensure that substantial R&D investments are worth the money as the commercial exploitation of their results is not hindered by patent thickets. However, if FTO is poorly executed, your company or your client risk to get deep in the mire of patent litigation. Only if FTO is properly conducted, you will be able to see the need for designing around or licensing in respectively cross-licensing.

Attend our course and be prepared for the FTO challenges of any product introduction or improvement. Discuss with our experienced speakers best practices for FTO searches and FTO opinions especially for the pharmaceutical and life sciences industries.

## Who should attend?

You work in an IP, patent or R&D department or as a patent attorney in private practice and are tasked with providing FTO opinions? Your job is to develop business and you need to watch competition? Then this course is designed for you. Knowledge of patent law is required.

## Easy-to-reach venue

Leiden is just 16 minutes from Amsterdam Schiphol airport by train, and the course hotel is close to the central station.

## Your speakers



**Dieter Kuhn**  
Senior Patent Attorney,  
DSM Nutritional  
Products Ltd,  
Kaiseraugst (Switzerland)

In 2017, Dieter Kuhn joined DSM, a global science-based company active in health, nutrition and materials. Before, he was Head of IP at a Swiss generics company. Dieter is experienced in FTO, patent prosecution and patent litigation in the field of life sciences. He has a technical background in chemistry with a diploma from ETH Zurich and is one of the few European Patent Attorneys with a degree in education.



**Dr. Ralph Nack**  
Attorney-at-law, Partner,  
Noerr LLP,  
Munich (Germany)

Dr. Ralph Nack is a German attorney-at-law and a partner at Noerr LLP. He has extensive experience in advising German and international companies on FTO issues, particularly pre-launch product releases. His duties also focus e.g. on German and cross-border patent infringement litigation, international licensing, and R&D contracts.

## What our participants say

- 'Excellent!' (Kanika Oswal, Patent Attorney, Novo Nordisk A/S, Bagsvaerd, Denmark)
- 'Excellent speakers!' (Nada Herak, Patent Attorney, Petosevic, Belgrade, Serbia)

**6 December 2019, 09:00 - 17:00**

## Essentials of FTO

- FTO - what it is and what it is not
- Different types of FTO issues:  
patents, designs, trademarks, contractual obligations
- To FTO or not to FTO: is 'try and see' worth considering?

## How to Conduct a FTO Search

- Search strategy:  
purpose of search, level of diligence, costs
- In-house vs. outside counsel:  
pros and cons
- Patent search parameters:  
keywords, countries, applicants etc.
- The right databases:  
searching for patents, SPCs, marketing authorizations, designs and trademarks
- Search analysis and search report:  
how to structure
- Post search 'watches'

## How to Draft a FTO Opinion:

### Structure, Scope and Liability

- Workshop:  
analysis and interpretation of a specific patent claim
- Non-infringement, direct or indirect infringement
- Remedies:  
assessing validity, prior art search, design around,  
licensing in/cross-licensing, attacking the patent/application
- Drafting the FTO opinion and how to deal with it
- Co-operation patent counsel - legal counsel:  
attorney-client privilege

## Offensive and Defensive Approaches:

### Design around, Licensing in/Cross-Licensing and Other Remedies

## FTO from The Perspective of a Life Sciences Company

Registration under  
[service@forum-institut.com](mailto:service@forum-institut.com) or  
 Fax +49 6221 500-555

## Registration Form

Yes, I will attend the Practical Course

FTO in Practice:  
 Life Sciences & Pharmaceuticals

Yes, I agree that FORUM Institut may inform me about events and relevant expert content by:  
 email; and/or  telephone.  
 I may withdraw my consent at any time.

Name

Position, department

Company

Street

Post code, city, country

Tel. no.

E-mail

Contact person at office

Date, signature

## How to register

**Registration: +49 6221 500-500**  
**Conference no.: 19 12 182**

**Website:**  
[www.forum-institut.com](http://www.forum-institut.com)

**Date and venue**  
 Friday, 6 December 2019 in Amsterdam/Leiden  
 09:00 - 17:00  
 Holiday Inn Leiden  
 Haagse Schouwweg 10 · NL 2332 KG Leiden  
 Tel. +31 71 535 5555 · Fax +31(0) 71 53 55 553

**Fee**  
 € 1120.00 (+ 21% VAT)  
 The fee includes course documentation (including free download) as well as refreshments, lunch and a certificate. You will receive an invoice as well as confirmation.

## Any Further Questions?



Please feel free to contact me if you have any questions.

**Jean-Claude Alexandre Ho, LL.M.**  
 Lawyer, Conference Manager  
 Tel. +49 6221 500-675  
[jc.alexandreho@forum-institut.de](mailto:jc.alexandreho@forum-institut.de)

## Cancellation Policy

Our general terms and conditions apply (as of 1 January 2016) and are available upon request. We can send them to you anytime or you can find them on the internet at [www.forum-institut.com/t&c](http://www.forum-institut.com/t&c)