



ia

250

Life Sciences
2010

Introduction

It is a pleasure to welcome you to a brand-new *Intellectual Asset Management (IAM)* publication: *IAM Life Sciences 250 – The World's Leading Life Sciences Patent Litigators 2010*.

There are few sectors in which patents are as important as the life sciences. Whether a multinational pharmaceutical company, a biotech start-up or an early-stage university spin-out, the patent portfolio is crucial to the future success of any life sciences business.

Patents justify large R&D investments and facilitate the growing trend towards collaboration in the sector. Moreover, the motivation underpinning many mergers and acquisitions is to get hold of a certain set of rights or to amalgamate two complementary portfolios.

Although any life sciences company will always seek to avoid patent disputes, sometimes they happen. When they do, major research projects, valuable product lines and even the very existence of a company itself can often be at stake. This means that access to the best private practice legal advice is crucial.

Top-class lawyers combine an in-depth knowledge of the legal process with an understanding of their client's business and what is at stake. They then use their insights to develop strategies for fighting a case that will leave the client in the best position possible. When playing for high stakes, such a skill set is not a luxury; it is absolutely essential.

With all this in mind, we were surprised to discover that as far as we could see, no dedicated research had been done on those individual lawyers and law firms which are considered to be world leaders when it comes to life sciences patent litigation. As a result, we decided to do this ourselves.

Over a period of four months, an *IAM* research team spoke with private practice lawyers, as well as users of their services, in over 20 key jurisdictions. Their aim was to identify which lawyers and firms companies turn to when the going gets tough. You will find the results of their research on lawyers on the following pages, while the information on law firms can be found in issue 41 of *IAM* magazine.

All individuals identified in this publication are there because we received substantial positive feedback about them. We cannot claim to have captured every top name in every country that we cover, but we are confident that we have got the vast majority. And we are certain that everybody who is included deserves to be so. A full methodology detailing how the research was conducted, as well as the subsequent decision-making process about whom to include, can be found on page 4.

In addition to the editorial on leading practitioners, you will find a directory in which biographical details of some of the lawyers mentioned are featured. All those who were selected for listing in the *IAM Life Sciences 250* were offered the opportunity to publish a biography for a fee – some opted to do so, while others declined. Inclusion in the editorial is not linked to this. The research was conducted entirely independently of any commercial considerations.

Also featured in the *IAM Life Sciences 250* are a series of chapters outlining some of the issues facing life sciences companies in various parts of the world. I hope you agree that these contributions further enhance what is a unique and groundbreaking publication.

Joff Wild
Editor
IAM magazine

Methodology

To compose our ranking tables, *Intellectual Asset Management (IAM)* magazine has undertaken an extensive research process. Over four months, we conducted telephone interviews and exchanged emails with attorneys-at-law, patent attorneys and users of legal services involved in life sciences patent litigation. We asked all of them to provide us with their detailed insights into which individuals stood out for their expertise in life sciences patent litigation in the jurisdictions covered in this publication. The direct quotes used in the *IAM Life Sciences 250* editorial are also drawn from these sources and these exchanges.

Individuals qualify for a listing in the *IAM Life Sciences 250* when they receive sufficient positive feedback from peers and clients with knowledge of their practice and the market within which they operate. Nominations are accepted solely from sources who are not with the nominee's firm. Even then, this does not guarantee inclusion. Only those individuals who further research shows to have exceptional skill sets and profound insights into life sciences patent litigation feature in the *IAM Life Sciences 250*.

Numerical rankings are determined on the basis of this feedback. The higher the volume of spontaneous recognition that individuals receive, the greater their visibility in the marketplace; the richer in praise the feedback and the more noteworthy their work, the loftier their standing in the market. All these considerations contribute to the decision-making process concerning individuals' positions on the ranking tables.

Alastair Mitchell
Head of Research
IAM Life Sciences 250

Netherlands

1 Richard E Ehbink Brinkhof

Peter Hendrick
Freshfields Bruckhaus Deringer LLP
Willem A Hoyng
Howey LLP

Constant JJC Van Nispen
De Brauw Blackstone Westbroek
Marc Van Wijngaarden
Bird & Bird

2 Simon Back De Brauw Blackstone Westbroek

Charles Gielen
NautaDutilh
Armand Kilian
Bird & Bird
Bert Oosting
Lovells LLP

3 John J Allen NautaDutilh

Bas Berghuis van Woortman
Simmons & Simmons
Gerjan Kuipers
De Brauw Blackstone Westbroek

Otto Swens
Vondst Advocaten NV
Mark GR Van Gardingen
Brinkhof

Bart Van Den Broek
Howey LLP

Marleen HJ van den Horst
Baertskrans

drugs including Paroxetine (Serostat[®], Paxil[®]) and Losec[®]. He also has knowledge and experience of stents, biotechnology and other matters. **Charles Gielen** of NautaDutilh is a high-profile figure who is best known for his trademark work; he also has a busy, high-quality life sciences patent litigation practice and is "more than clever enough to cover it all". **Armand Kilian** of Bird & Bird is the Dutch lawyer of choice for Actavis. He is renowned for his high level of client service and relationship building, and for his "sure feel for commercial and dispute resolution strategies". **Bert Oosting** is a partner at Lovells. "A pleasure to deal with and very good with clients" are common descriptions of his bedside manner, while in court he is "creative and persistent".

Three

John J Allen of NautaDutilh has a rapidly growing profile in the marketplace, with most of his life sciences patent cases in the biotechnology and medical devices fields. He has been advising importers of soy meal in patent infringement case brought by Monsanto; this is a groundbreaking action, being the first on the scope of protection for biological inventions. **Bas Berghuis van Woortman** has joined Simmons & Simmons from Freshfields and retains a large number of self-proclaimed "fans" who appreciate his "great talent, litigation skills and how easy he is to work with". He brings a diverse range of experience and expertise to Simmons, which "did very well to get him". **Bart Van Den Broek** is a "solid presence with powerful courtroom skills" at Howey. **Marleen HJ van den Horst** of Baertskrans is another strong courtroom performer with a focus on the generic side of the life sciences patent litigation market. Her expertise in the regulatory aspects of patent work is also esteemed by clients. **Gerjan Kuipers** is an up-and-comer at De Brauw Blackstone Westbroek, where he maintains a diverse IP practice, taking in high-quality life sciences patent litigation. **Otto Swens** is at Vondst Advocaten NV and "is doing something very right", as evidenced by his expanding reputation and the stream of clients who increasingly seek out this relatively young player. His renowned reliability means that he is a popular choice among law firms seeking to refer

generics work around the market. Brinkhof's **Mark GR Van Gardingen** completes the list of younger lawyers making an impression on the scene. He is establishing a profile with "eagerness, hunger and solid litigation skills". He is often seen representing generics in life sciences patent litigation cases. ■

NORWAY

Overview

Applications for pharmaceutical product patents became permissible in Norway in 1992; as a result, the Norwegian life sciences patent litigation market is still relatively immature. However, there is a growing number of highly competent specialists in the area. Most activity surrounds battles between innovators and generic pharmaceutical companies, and tends to run in parallel to proceedings in other countries.

One

Central to Bugge Arentz-Hansen & Rasmussen's reputation is **Gunnar Sorlie**, who enjoys "number-one pharmaceutical patent practitioner" status in Norway. He wins plaudits from commentators around Europe; his "deep understanding of the pharmaceutical industry enables him to provide invaluable strategic advice on a range of issues beyond patent litigation".

Two

Håkon Bleken works closely with his Advokatfirmaet Haavind AS colleague Anne Marie Sejersted on patent litigation cases, while also advising on contract law. At Bull & Co Advokatfirma AS, **Arnund Grimstad** is known for his litigation and advisory work in life sciences. He studied chemistry and pre-clinical medicine at university before turning to the law. Advokatfirmaet Grette partner **Svein Ruud Johansen** serves innovators and generics in litigation alongside non-contentious life sciences work. Oslo-based **Gunnar Meyer** leads Wilkborg Rein in patent litigation. Noted for his pharmaceutical generics work, Meyer is lauded as an "expert litigator and overall great lawyer". Spearheading Advokatfirmaet

Thommessen AS's patent operations is **A Ringnes**, who is recognised as one of Norway's IP heavyweights. Although Ring IP practice is wide ranging and takes in copyright and trademark law, commentators state that he is also a "top-end patent litigator". Heading up Advokatfirmaet Haavind AS's practice group, **Anne Marie Sejersted** is building the firm's practice and consolidating its strength in the life sciences field. ■

Norway

1 Gunnar Sorlie Bugge Arentz-Hansen & Rasmussen

Håkon Bleken
Advokatfirmaet Haavind AS
Arnund Grimstad
Bull & Co Advokatfirma AS

Svein Ruud Johansen
Advokatfirmaet Grette
Gunnar Meyer
Wilkborg Rein

Anne Ringnes
Advokatfirmaet Thommessen AS
Anne Marie Sejersted
Advokatfirmaet Haavind AS

Spain

Overview

Pharmaceutical patents remain a contentious issue in the Spanish market, due to pre-1992 case law prohibiting product patentability until October 1992. In 2009 some landmark appeals finally reached the Supreme Court. The court's rulings will affect many patents and products; the industry is on tenterhooks waiting to discover what will be decided in certain environment has led to a competitive market, with litigation