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BRIEFS

The Great Dichotomy

Cassie J. Edgar
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Patent Protection vs. Regulatory Approval

As a scientist in discovery mode, the primary focus is often on points of novelty and seeking patent protection for the invention. The supporting data in the patent application serves as proof that this is a unique innovation, has never been seen before, and overcomes key challenges. However, when the product is regulated, converse arguments are made with agencies further downstream in the development pipeline. The product in commercial form may be positioned to be substantially equivalent to what is already out there in the market. Ideally, there are no unexpected properties. For the regulatory agencies, the story to be told from a risk perspective is that there is nothing new to see here - with supporting data as proof, comparing the new product side by side to existing products in the submission.

Working through this "great dichotomy" of arguing for strong IP protection and obtaining expedient regulatory approvals is a complex maze, and withholding relevant information from the patent office can result in dire consequences. Once a patent application is publicly available, regulators can and do read this information, and will ask questions. Equally, patent examiners will read publicly available regulatory materials, often even if the applicant doesn't list and submit them as part of non-patent literature in an information disclosure statement.

A recent case, **Belcher v. Hospira**, reinforces the need for applicants to ensure they are fulfilling the duty of disclosure to the patent office consistent with their regulatory dossiers and communications. The Federal Circuit recently affirmed the district court's decision to invalidate a patent for inequitable conduct, for failing to disclose material references to the United States Patent and Trademark Office, where contradictory arguments were made at the patent office and the FDA.

In 2012, Belcher submitted a literature based new drug application with the FDA which relied upon data from prior products and references, and described the in-process pH range of 2.8 to 3.3 as "old" vs. a range of 2.4 to 2.6 for their product referred to as "new". In 2013, responding to the FDA's questions on manufacturing process, Belcher

stated that the only difference between the a prior product and Belcher's proposed formulation was related to the pH, and that the pH was a "very minor change", providing literature references as support. Due to continued questions from the FDA, Belcher's regulatory consultants recommended the product's pH be kept in a range of 2.8-3.3 to expedite regulatory approval with the FDA by leveraging stability validation data from the previously approved product rather than incur the cost and time of conducting their own studies.

In 2014, Belcher filed a patent directed to the formulation. In this patent application, they stated that the idea of raising the pH above the range of 2.2 to 2.6 "was contradictory to one skilled in the art" before the claimed invention. Throughout prosecution, Belcher continued the argument of criticality for the 2.8-3.3 pH range as a key point of novelty, and did not disclose the references and statements made to the FDA. Belcher did not merely withhold this information from the patent office, but also used emphatic language to argue that the claimed pH range of 2.8 to 3.3 was a "critical" innovation. Final issued claims included formulations having a pH between 2.8 and 3.3. The district court held that this was inequitable conduct before the United States Patent and Trademark Office because a material reference was not disclosed, and subsequently, the patent was invalid, as upheld by the Federal Circuit.

It is critical to coordinate IP and regulatory strategies early in the product lifecycle, to ensure appropriate and consistent advocacy both with the patent office and the regulatory agencies. Such coordination is especially critical given the past and future efforts to enhance communication between the USPTO and federal agencies as detailed here: **USPTO called to step up interagency cooperation**. Careful review of any public disclosure is always essential to protect intellectual property rights, but when working with regulated technologies the stakes are even higher to ensure statements made in a patent filing don't step out of line with what will be stated in subsequent regulatory filings. Absent such oversight, there are risks both for market authorization as well as patent validity and enforcement.

Trade Secrets

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The Secret to Enforceable Protection

Some years ago, Smith Barney's advertising using the British actor, John Houseman, said of the company: "They make money the old fashioned way, they earn it." Should you wish for your business to have enforceable protection of its trade secrets, you too must do it the old fashion way and earn it.

The point of this paper is not to discuss the well-known statutory definition of a trade secret. Such definitional context is found in your state law or within the federal law – the Defend Trade Secrets Act, 18 U.S.C. § 1839(3). While the definitional language between what is normally found in the state trade secret statute and the

Defend Trade Secrets Act differs to some extent (and arguably is broader under the federal law), some courts have concluded that each is focused upon protecting the **same type of information**. *See, e.g., Teva Pharmaceuticals USA, Inc. v. Sandhu*, 291 F. Supp. 3d 659, 675 (E.D. Pa. 2018).

This analytical approach highlights the historic weakness in the approach of many businesses to their trade secret information. Whether it be treatment of trade secret as a catchall after thought or a fear of exclusion of critical information from protection by providing more specificity as to what a trade secret is, businesses define these valued assets based upon the "type of information" – a generalized approach.

For purposes of enforceability, however, a better approach would appear to be to discard the broad brush used to paint the scope of corporate trade secrets in favor of a finer brush whereby a masterpiece may be created.

Providing a more precise and detailed statement of what constitutes trade secrets of the business provides clarity of notice to the employees. Not all employees use the same reasoning or consideration as to what may be a trade secret and what should not be spoken of outside of the confines of the business. Many jurors and courts also view this notice function as important – the obligation of the employer to paint a bright line over which the employee should not cross. Thus, it is imperative that the business set forth sufficient detail so as to provide "sufficient notice of the trade secret's nature." *Duncan v. Int'l Mkts. Live*, No. 4:20-cv-00017-RGE-HCA, 2020 U.S. Dist. LEXIS 137497 at *11 (S.D. Iowa May 6, 2020); and *Pioneer Hi-Bred Int'l v. Holden Found. Seeds, Inc.,* 35 F.3d 1226, 1235 (8th Cir. 1994) ("Fundamental to the existence of a trade secret is that the matter be, in fact, secret.").

Of most importance is the ability of the business to know what is and what is not a trade secret if ever comes the day for enforcement. To properly assert a trade secret claim, courts will hold the business to the test of specificity such as was the situation in the case of *Jobscience, Inc. v. CVPartners, Inc.,* No. 13-4519, 2014 U.S. Dist. LEXIS 64350, 2014 WL 1724763, at *2-*3 (N.D. Cal. May 1, 2014) wherein the court stated:

> Experience has shown that it is easy to allege theft of trade secrets with vagueness, then take discovery into the defendants' files, and then cleverly specify whatever happens to be there as having been trade secrets stolen from plaintiff. **A true trade secret plaintiff ought to be able to identify, up front, and with specificity the particulars of the trade secrets without any discovery.**

Your business can use terminology in its confidentiality/trade secret policy such as "inclusive of" or "including but not limited to" so as to combat the argument that if not specifically listed, some subject must not be a trade secret. Review your business policies and consider reviewing your trade secret portfolio with an eye toward defining "with specificity the particulars of the trade secret."

Patentability of Diagnostic Methods

Brian D. Keppler, Ph.D.
Patent Agent

In 2021

Since the *Mayo v. Prometheus* decision by the Supreme Court in 2012, patent applications directed to medical diagnostic methods have faced significant subject matter eligibility obstacles in the United States. A recent bright spot was the 2019 Revised Patent Subject Matter Eligibility Guidance (January 7, 2019) along with the October 2019 Patent Eligibility Guidance Update (October 18, 2019), which clarified the revised guidance. Both have now been incorporated into the Manual of Patent Examining Procedure (MPEP) in the latest revision.

According to the revised guidance, the Examiner must first determine whether a claim recites a judicial exception. If a judicial exception is identified, the next step requires a determination of whether the judicial exception is integrated into a practical application. If so, the claim is directed to eligible subject matter. Only if a claim recites a judicial exception and does not integrate that exception into a practical application is there a further determination whether the claim adds a specific limitation beyond the judicial exception that is not well-understood, routine, and conventional in the field.

In this article, we'll review a few cases that were appealed to the Patent Trial and Appeal Board (PTAB) in the past year to gain a better understanding of how the guidance is being implemented in practice as well as what constitutes an integration into a practical application.

Ex parte **Krafft (Appeal 2020-003034, July 2, 2021)**
The application related to the diagnosis and treatment of degenerative neurological disorders, such as Alzheimer's disease, by analyzing amyloid β-derived diffusible ligands in a sample.

> Claim 8: A method for quantitatively detecting soluble oligomeric amyloid β and diagnosing cognitive impairment comprising
>
> (a) contacting a biological sample from a subject comprising soluble oligomeric amyloid β with an antibody or fragment thereof exhibiting selective cross-reactivity with soluble oligomeric amyloid β over monomer and fibrillar amyloid;
>
> (b) quantitatively measuring binding of the antibody or fragment thereof to the soluble oligomeric amyloid β to obtain a concentration of soluble oligomeric amyloid β in the biological sample; and
>
> (c) quantifying the subject's cognitive impairment based on the concentration of soluble oligomeric amyloid β.

The Examiner asserted that the claims were drawn to the naturally occurring correlation between the levels of soluble oligomeric amyloid β and the cognitive function of a subject in order to diagnose Alzheimer's disease.

Furthermore, the Examiner maintained that the judicial exception (a naturally occurring correlation) was not integrated into a practical application because the end result of the method merely acknowledged the natural correlation. In determining whether the judicial exception was integrated into a practical application, the Board specifically noted that claim 8 recites no steps after step (c), such as treating the cognitive impairment. Therefore, the Board concluded that the facts of the case were similar to *Mayo*, and the Examiner's rejection was affirmed.

Ex parte **Singh (Appeal 2020-005090, May 21, 2021)**
The application provided assays and methods for determining an individual's risk of developing colorectal cancer by analyzing a pre-cancerous polyp tissue sample.

> Claim 1: A method for diagnosing and treating a subject having polyps in the colon, the method comprising:
>
> a) lysing a cell from a polyp sample taken from the subject to form a cell lysate;
>
> b) measuring the activation and/or expression level of at least one signal transduction analyte selected from the group consisting of HER1, HER2, HER3, cMET, PI3K, IGF1R, SHC, CK, AKT, ERK, MEK, RSK, PRAS, RPS6 in the cell lysate, wherein the measuring is performed with a proximity dual detection assay;
>
> c) determining the stage of cancer from step b, wherein the stage of cancer is between Stage 0 to Stage IV; and
>
> d) treating the subject with a therapeutic drug or a polypectomy when the polyp sample is pre-cancerous or cancerous and depending on the stage of cancer.

The Examiner concluded that the relationship between activation and/or expression of a signal transduction analyte in a polyp sample and the stage of colorectal cancer is a natural phenomenon. In contrast to *Ex parte* Krafft, the claim here included a treatment step. Nonetheless, the Board affirmed the Examiner's rejection noting that the treatment step is recited generically and does not provide any information as to how the patient is to be treated or what the treatment is.

Ex parte **Kinney (Appeal 2019-006505, June 4, 2021)**
Claims to a method of assessing the efficacy of an immunotherapy for a Lewy Body disease, such as Parkinson's disease, were rejected as being directed to patent ineligible subject matter.

> Claim 1: A method of assessing the efficacy of immunotherapy against alpha-synuclein in subjects diagnosed with a Lewy Body disease and having one or more constipation symptoms, comprising:
>
> (a) evaluating the subjects' constipation symptoms before administration of an immunotherapeutic agent in a first regime;
>
> (b) administering the immunotherapeutic agent to the subjects in the first regime;
>
> (c) evaluating the subjects' constipation symptoms after administering the immunotherapeutic agent in the first regime;
>
> (d) comparing the subjects' constipation symptoms before and after administering the immunotherapeutic agent in the first regime;
>
> (e) administering a second regime to subjects whose symptoms improve and a third regime to subjects whose symptoms deteriorate, the second and third regimes being different.

The Examiner noted that the claims recite the naturally occurring correlation between bowel movement frequency and the progression of Lewy Body diseases. However, the Appellant argued the claims include administering different treatment regimens depending on constipation levels, which is a practical application of the monitoring.

Here, the Examiner's rejection was reversed with the Board concluding that the claims on appeal were more similar to those at issue in *Vanda Pharm. Inc. v. West-Ward Pharm. Int'l Ltd.*, 887 F.3d 1117 (Fed. Cir. 2018) than in

Mayo. The Board agreed with the Appellant that the claims were directed to a practical application because they require treating a patient according to a second or third treatment regime, depending on the effect of the first treatment regime on the constipation symptoms.

Although the claims at issue in *Ex parte* Kinney and *Ex parte* Singh appear similar in that they recite a final "administering or "treating" step, the claims in *Ex parte* Singh cover any possible treatment that a doctor decides to administer to the patient. In contrast, the Board emphasized in *Ex parte* Kinney that the claims involved *using* the natural relationship. In many instances, an administration or equivalent therapy limitation is necessary to integrate the judicial exception into a practical application, yet such a step is not always sufficient if recited generically.

2021 Creates New Challenges

Sara M.D. Luth
Intellectual Property Attorney

For Enabling and Adequately Describing Genus Claims with Functional Language

2021 saw several significant patent law decisions both at the Supreme Court and the Federal Circuit. In particular, it was a tough year for antibody claims with functional language, and more broadly any chemical or biotechnology genus claim with functional limitations. The Manual of Patent Examining Procedure (MPEP) does permit an Applicant to claim compounds and molecules in terms of their function. However, in February 2021, in *Amgen Inc. v. Sanofi*¸ the Federal Circuit found that broad patent claims for antibodies may not meet the requirements for a patent. The claims at issue were directed to an isolated monoclonal antibody defined in terms of its ability to bind with the protein PCSK9 and thereby prevent PCSK9 from binding to LDL-C. The Federal Circuit found the functional limitations claimed were very broad, while the disclosed examples and guidance were narrow. Consequently, the claims were not supported by the specification because the description did not enable a skilled artisan to use the invention as claimed without undue experimentation.

Just a few months later in August, the Federal Circuit in *Juno Therapeutics, Inc. v. Kite Pharma, Inc.*, found that Kite's patent on the immunotherapy cancer drug Yescarta encompassing T-cells engineered to express a chimeric antigen receptor (CAR) comprising, in relevant part, a binding element that determines what target molecule or antigen the CAR can bind to (such as a single-chain antibody variable fragment) lacked adequate description because the specification did not sufficiently demonstrate the full scope of the invention. The claims described the CAR for a T-cell functionally by referring to a binding element that determines the relevant target molecular/compound to which the CAR can bind. According to the Federal Circuit, the claims were invalid for lack of written description or enablement because they encompassed all types of binding elements, while the specification

disclosed only two species and did not provide sufficient information to allow a skilled artisan to determine which binding elements would bind to which target.

Both *Amgen* and *Juno* are cautionary tales for patent applicants seeking to define a claimed component by its function—particularly claims for chemical or biochemical inventions. Applicants must take particular care to draft a specification which provides guidance permitting a skilled artisan to practice the full scope of the claims without undue experimentation and showing the Applicant was in possession of the complete invention as claimed. If experimental data are not available to show reduction to practice, Applicants should at a minimum include a written description providing guidance as to how to practice the full invention as claimed.

Innovation In A Time Of Need

Luke T. Mohrhauser
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Patent Attorney,
Chair, Mechanical-Electrical
Practice Group

An Employment Perspective

We have all heard the sayings, “Necessity Breeds Innovation” or “Crisis Breeds Innovation”. In recent times, there is plenty of necessity and crisis. Take, for instance, the issues facing many companies, including those in the manufacturing industry. At a recent conference, in conversations with clients, and in numerous articles, the same sentiment is provided – the supply chain and lack of suitable workers are affecting companies’ ability to meet customer demands. This definitely meets the criteria for innovation as there is a necessity to be able to produce on top of the crisis of supply chain and staffing issues.

When thinking of traditional innovation in companies, e.g., manufacturing companies, you may think to engineers and managers and even IT professionals. I would call this the top-down approach where people are hired and put in a position to solve problems. I would also call this old and outdated.

To be able to continue to produce, compete, and lead, especially in times of crisis, companies need to look to an all-inclusive approach to innovation where the innovation is identified and utilized regardless of its genesis. This could be from the engineers, IT professionals, managers, but it could also stem from non-traditional innovators, such as line workers, facility managers, HR professionals, accounting, or basically anyone in the company.

Let’s start with the definition of innovation, which is “a new idea, creative thoughts, new imaginations in form of device or method.” Often, it is a person who sees a problem firsthand that is able to identify such an innovation. This could take many forms in any area of the company. A fabricator could be without key components, but they identify how the needed assembly can be made without the components. A worker who moves throughout the line and in all areas of the company could take keys from one area and suggest them to another where they have

traditionally not been implemented. These all sound great, but what if key decision makers in the company are not willing to listen? How does this mindset change to not only listen, but to encourage ideas from all areas of a company? Still further, in a time of needed employee retention, how can this be leveraged so that ideas and employees stay, instead of feeling unwanted to the point they move, with their ideas, to the next employer?

The strategies included herein are but some examples and ideas to aid companies in not only making it through the current times, but to come out ahead and stronger than before to lead into the future. And while it may seem straightforward, implementing such changes can take time and patience, and requires buy-in from key players in order to succeed.

First and foremost, key personnel in leadership positions need to recognize that all employees, regardless of position, are vital. Promoting an all-inclusive environment of innovation is only able to work if the top believes and conveys a passion for new ideas. This may be the toughest part. It would be easy to fall into a one-time call for action or ideas, and then to do nothing. Doing so would defeat the process right away. Instead, I would suggest starting with a campaign of education and training. **Communication is key.** Show people what was done to get you where you are. This can inspire the next big ideas. Provide meaningful and purposeful methods for an employee to bring their ideas forward.

Once you have communicated that innovation from anywhere is important, identifying and communicating processes and procedures is important. This can be on company intranets, posters, handouts, employee handbooks, etc., but should show the process for communicating an innovative idea and how to initiate the disclosure process. Having a clear policy for innovation will make sure that innovation will not be missed. An easy start would be to create an internal email address that receives ideas, much like a suggestion box. Having one or more employees reviewing this on a consistent basis keeps the process moving.

Next, and this is very important, follow-up with each and every idea. Even if you decide to pass, it is important to show that an employee's idea was heard and considered, and could result in a follow-up or next big idea. If ideas fall on deaf ears, even if just perceived, they will quickly dwindle.

Recognition is also a big factor. This does not need to be in the form of additional compensation, but recognizing in a public manner where an idea stemmed can create a ripple effect that turns into more great ideas. This is especially true when the ideas stem from non-traditional areas. Other forms of recognition can include, but should not be limited to, promotions, gifts, callouts at company meetings or in company publications, or the like. However, recognition can go a long way towards making an employee feel wanted and appreciated, which can help in retention. This can also be used as a pitch to potential employees. Once they hear the feedback from current employees, they may be enticed or more likely to apply and take part.

Once you have communicated that your company will be an all-inclusive, innovation generating institution, what next. You start getting ideas and figuring out what to do. This can start small. Have prototypes or test runs with the innovation and see how it works. Build from there with ideas that appear to be helpful. Scaling can be tough, but can provide numerous advantages.

What about protection? If an innovation works out, maybe it is time to think about making sure that you can keep this as a competitive advantage. In manufacturing, this should be a deeper thought. Many improvements to manufacturing processes take place behind the scenes, and may not be readily apparent from a final product. Think about trade secrets, which are things that provide economic value, and which are not known and kept secret. Incorporating innovative processes into the manufacturing process are ripe for this type of protection. However, it is important that there are some measures to keep the innovations secret. Once known, either through sharing of ideas with people outside the company, or independently figured out, there is no real protection. Thus, it is important to keep this known to as few as people as possible. Trade secrets last as long as the innovation is secret, which provides numerous advantages.

An example I consistently refer to is from the movie Willy Wonka and the Chocolate Factory. As you recall, a breakthrough piece of candy is developed called the Everlasting Gobstopper. However, during the tour, the machine that makes the candy is covered by blankets and other materials, which does not let the viewers or anyone else see how exactly they are being made. This is an example of keeping a trade secret a secret. To put with real life, covering, blocking, or otherwise preventing access to areas of secretive innovations is one way to keep your innovations secret to provide a competitive advantage.

In addition, the recognition of the innovation, as mentioned, will also aid in the secretive nature of the innovation, as employees who feel appreciated are less likely to share innovations with friends, family, or others who may work for other entities. This is especially true in areas where multiple companies are looking to hire from a common employee group, such as based on location.

Finally, there is always the consideration of patenting. Patents provide protection for up to 20-years and exclude others from making, selling, using, or importing into the U.S. a patented invention. While patents have great benefits, you must also consider that to get a patent, you must fully disclose your invention. For manufacturing processes, you could be telling others how you operate in a better manner. While you could exclude others from using the invention, it can be difficult to know exactly how operations are handled behind the scenes, such as in the process of manufacturing. Patents are great for products, improved processes that are identifiable, as well as systems that are utilized in a public space, and should be considered whenever an innovation is identified.

Innovation will be key to help companies, regardless of industry, to continue thriving through current climate and post-pandemic. All-inclusive companies will be in a far greater position for having identified ideas that stem from all areas of their company, and will come out as leaders into the next generation.

If you have any questions on how to implement such an innovative environment, or any questions on any type of Intellectual Property, please be sure to reach out to the attorneys of McKee, Voorhees & Sease, PLC, as we serve our clients at the intersections of science and art with the law, to protect their innovations and creations on a worldwide basis.

We've been and will be

October 1, 2021
Several MVS Attorneys attended the 2021 Iowa Intellectual Property Law Association Virtual Annual Conference.

October 4, 2021
Jill N. Link, Pharm.D., Patent Attorney and Chair, MVS **Licensing Practice Group, Brandon W. Clark**, Copyright and Trademark Attorney and Chair of the **Copyright, Entertainment & Media Law Practice Group**, **Michael C. Gilchrist**, Patent Attorney and **Nicholas J. Krob**, Intellectual Property Attorney organized and presented at the LES Iowa Chapter Virtual Event on Capitalizing on Name, Image and Likeness (NIL), The New Norm for Sports Ecosystem.

October 6, 2021
Jill N. Link, Pharm.D., Patent Attorney and Chair, MVS **Licensing Practice Group,** attended the **AgTech NEXT 2021, CLIMATE CHANGE: Seeing Things Differently Conference**. The topic for this day of the conference was "The Game Changing Confluence of AgTech and Geospatial".

October 8, 2021
Jill N. Link, Pharm.D., Patent Attorney and Chair, MVS **Licensing Practice Group,** attended the Drake Law School Board of Counselors meeting.

October 14, 2021
Jonathan L. Kennedy, Partner practicing in **Intellectual Property Law and Litigation** attended the Rapid City Innovation Expo in Rapid City, South Dakota.

October 15, 2021
Jonathan L. Kennedy, Partner practicing in **Intellectual Property Law and Litigation** attended the South Dakota School of Mines and Technology Entrepreneurs In Residence meeting in Rapid City, South Dakota.

October 19-20, 2021
Cassie J. Edgar, Patent Attorney and Chair, MVS **Regulatory Law Practice Group**, attended the Animal Ag Tech Innovation Virtual Sumit.

October 21, 2021
Nicholas J. Krob, Intellectual Property Attorney in the MVS **Trademark**, **Licensing**, and **Litigation** Practice Groups and **Sarah M.D. Luth**, Intellectual Property Attorney in the MVS **Biotechnology and Chemical Practice Group** presented to the Polk County Law Clerks on the topic of Data Privacy.

October 21-23, 2021
Kirk M. Hartung, Patent Attorney in the MVS **Mechanical-Electrical Practice Group** and **Richard Marsolais**, Business Development Director attended the Legus Fall Meeting in Clearwater Beach, Florida.

October 22, 2021
Luke T. Mohrhauser, Patent Attorney and Chair, MVS **Mechanical-Electrical Practice Group** attended the Ag Innovators Unconference at the CPMI Event Center in Ames, Iowa.

October 27-28, 2021
Cassie J. Edgar, Patent Attorney and Chair, MVS **Regulatory Law Practice Group**, attended and presented at the **International Conference on Survivability in Swine** in Omaha, Nebraska. Cassie's topic was "Advancing Technology – Regulatory, Advocating, Future".

October 28, 2021
Sarah M.D. Luth, Intellectual Property Attorney in the MVS **Biotechnology and Chemical Practice Group** attended the Polk County Women Attorneys (PCWA) 20th Annual Seasons of Change Virtual Basket Auction to benefit the Young Women's Resource Center of Iowa. MVS provided a basket for the auction that Sarah put together.

October 28, 2021
Jonathan L. Kennedy, Partner practicing in **Intellectual Property Law and Litigation** presented at the Iowa Biotechnology Association Business Essentials Virtual Webinar on Today's Employer COVID-19 Concerns. Jonathan's topic was "COVID-19 Programs Offered by USPTO: Deadline Extensions and Examination Acceleration".

November 3-5, 2021
Heidi S. Nebel, Managing Partner and Chair, MVS **Biotechnology and Chemical Practice Group,** attended the AUTM Board of Directors Meeting.

November 6, 2021
Sarah M.D. Luth, Intellectual Property Attorney in the MVS **Biotechnology and Chemical Practice Group** attended the i-Brewers Education Seminar and Tippling in Des Moines, Iowa.

November 11, 2021
Christine Lebrón-Dykeman, Intellectual Property Attorney and Chair, MVS **Trademark Practice Group** presented at the 2021 Iowa Corporate Counsel Institute "The Who, What, Why & How of Trademark Licensing."

November 11, 2021
Sarah M.D. Luth, Intellectual Property Attorney in the MVS **Biotechnology and Chemical Practice Group** hosted the FemCity Beer & Branding Event.

November 12, 2021
MVS attorneys attended the Science Center of Iowa Annual Fundraising Event.

November 18, 2021
Jill N. Link, Pharm.D., Patent Attorney and Chair, MVS **Licensing Practice Group** attended the **AgTech NEXT 2021, CLIMATE CHANGE: Seeing Things Differently Conference**. The topic for this day of the conference was "The Consequences of Coming Up Short on Climate".

November 23, 2021
Kirk M. Hartung, Patent Attorney in the MVS **Mechanical-Electrical Practice Group** spoke on Intellectual Property at the Drake University Entrepreneurial and Transactional Law Clinic.

December 2, 2021
Luke T. Mohrhauser, Patent Attorney and Chair, MVS **Mechanical-Electrical Practice Group** attended the ABI Connecting Statewide Leaders Conference in Pella, Iowa.

December 6-9, 2021
Heidi S. Nebel, Managing Partner and Chair, MVS **Biotechnology and Chemical Practice Group, Jill N. Link, Pharm.D.**, Patent Attorney and Chair, MVS **Licensing Practice Group** and **Cassie J. Edgar**, Patent Attorney and Chair, MVS **Regulatory Law Practice Group**, attended the **ASTA CSS & Seed Expo 2021, Light At The End Of The Tunnel** conference held in Chicago, Illinois.

December 13, 2021
Heidi S. Nebel, Managing Partner and Chair, MVS **Biotechnology and Chemical Practice Group,** attended the AUTM Board of Directors Meeting.

December 14, 2021
Heidi S. Nebel, Managing Partner and Chair, MVS **Biotechnology and Chemical Practice Group,** attended the Plant Variety Protection (PVP) Advisory Board Meeting.

January 18, 2022
Heidi S. Nebel, Managing Partner and Chair, MVS **Biotechnology and Chemical Practice Group,** will be attending the AUTM Board of Directors Meeting.

January 21, 2022
Jill N. Link, Pharm.D., Patent Attorney and Chair, MVS **Licensing Practice Group** will be attending the Drake Law School Board of Counselors meeting.

January 28-February 1, 2022
Heidi S. Nebel, Managing Partner and Chair, MVS **Biotechnology and Chemical Practice Group**, and **Jill N. Link, Pharm.D.**, Patent Attorney and Chair, MVS **Licensing Practice Group** will be attending the **SIPA 61st Vegetable & Flower Seed Conference** in San Diego, California. Jill will also be presenting on January 29th to seed companies about protecting innovations associated with breeding programs.

February 19, 2022
Heidi S. Nebel, Managing Partner and Chair, MVS **Biotechnology and Chemical Practice Group**, will be attending the AUTM Board of Directors Meeting.

February 20-23, 2022
Heidi S. Nebel, Managing Partner and Chair, MVS **Biotechnology and Chemical Practice Group**, **Jill N. Link, Pharm.D.**, Patent Attorney and Chair, MVS **Licensing Practice Group**, **Sarah M.D. Luth**, Intellectual Property Attorney in the MVS **Biotechnology and Chemical Practice Group**, **Gregory Lars Gunnerson** Intellectual Property Attorney in the MVS **Mechanical-Electrical Practice Group** and **Brian D. Keppler, Ph.D.**, Patent Agent, in the MVS **Biotechnology and Chemical Practice Group** to attend the **2022 AUTM Annual Meeting** in New Orleans, Louisiana.

February 23, 2022
Jill N. Link, Pharm.D., Patent Attorney and Chair, MVS **Licensing Practice Group** will be presenting at the **2022 AUTM Annual Meeting**. Jill's topic will be "A Plant License".

March 1-2, 2022
MVS will be attending and sponsoring the **Iowa Biotech Showcase and Conference**.

March 20-24, 2022
Jonathan L. Kennedy, Partner practicing in **Intellectual Property Law and Litigation** will be attending the American Chemical Society Spring Conference in San Diego, California.

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