

# Healthcare & Life Sciences Committee Meeting

Thursday, November 12, 2020  
2:00 pm to 5:00 pm (ET)  
*Via web conference*

## ATTENDEES

**Allen Waxman**  
CPR Institute

**Connie Matteo – Co-Chair**  
Pfizer

**Samuel Zimmerman – Secretary**  
Hogan Lovells US LLP

**David Colvin**  
Fox Rothschild

**Christina Diaz**  
GlaxoSmithKline

**Conna Weiner**  
Conna Weiner ADR

**Neal Dahiya**  
BMS

**Laura DeLuca – Staff Liaison**  
CPR Institute

**Jon Wasserman – Co-Chair**  
Hogan Lovells US LLP

**Art Cohn**  
Pfizer

**Brian Stalter**  
Cabaletta Bio

**Michael Freeman**  
Walgreens

**Matthew P. Blischak**  
Roivant Sciences

**Grant Kim**  
LimNexus

*The other attendees at this meeting were not recorded.*



I. **Welcome by Allen Waxman, President & CEO of CPR**

- Allen Waxman opened the call and introduced the agenda for the meeting and the guest speakers.
- Committee intends to hold committee meetings twice a year. In addition, the committee intends to establish task forces for its members, including potentially a task force to further examine some of today's issues, a joint task force with the arbitration committee to develop a guide for arbitration in the life sciences, and a task force to vet panelists for a healthcare and life sciences panel of neutrals. Members should email committee leadership for further details or to make suggestions.
- Session will be recorded and made available to members. Full speaker bios were provided in the chat.

II. **Panel 1: Mitigating Risk in Life Sciences Transactions**

- Moderated by Connie Matteo, Co-Chair
- Panelists
  - Art Cohn, VP & Assistant General Counsel at Pfizer
  - David Colvin, Partner at Fox Rothschild
  - Brian Stalter, General Counsel at Cabaletta Bio
- The presentation focused on four areas of potential risk mitigation: (1) defining key terms (“Product”; “Net Sales”; “First Commercial Sale”; “Commercially Reasonable Efforts”); (2) exclusivity; (3) allocation of risk; and (4) dispute prevention.
- Connie Matteo solicited volunteers from membership interested in joining a task force to further develop best practices in life sciences risk mitigation.

III. **Panel 2: Uses of ADR to Resolve Life Sciences Disputes**

- Moderated by Allen Waxman, President & CEO of CPR
- Panelists





- Christina Diaz, Vice President & Associate General Counsel at GlaxoSmithKline
- Michael Freeman, Group Vice President at Walgreens

- Conna Weiner, Independent Mediator and Arbitrator at Conna Weiner ADR

- This panel shared perspectives on the use of ADR in life science. The discussion touched on topics including (1) use of three-step provisions (particularly first step of executive stakeholder negotiation); (2) use of early case assessment and assessment of partners; (3) mediation; (4) use and benefits of arbitration; (5) keeping arbitration from turning into litigation-light; (6) appellate arbitration.

#### IV. **Panel 3: Arbitrating Life Sciences IP Disputes**

- Moderated by Jonathan Wasserman, Co-Chair.
- Panelists
  - Matthew P. Blischak, Partner, Intellectual Property at Roivant Sciences
  - Neal Dahiya, Assistant General Counsel at BMS
  - Grant Kim, Partner at LimNexus
- This panel focused on the implications of resolving IP disputes through ADR, including the following topics: (1) pros and cons of arbitration of IP disputes; (2) types of disputes that are amenable to arbitration; (3) creative ways to use ADR to address IP disputes.

#### V. **Any Other Business**

- The meeting was closed with no other business.

