

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.

