

Bio

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To: BIO Witnesses For San Diego

From: Chuck Ludlam

Subject: Confirmation of Witness List

Date: October 11, 1994

We will be sending requests for witnesses to the PTO tomorrow and we need confirmations on who will be testifying on behalf of BIO.

Here is our list:

1. CEO's Panel: Dr. Ken Widder, Chairman and CEO, Molecular Biosystems, Inc.; William H. Rastetter, President and CEO, Pharmaceuticals, Inc.; and Jerry D. Caulder, Chairman, President and CEO, Mycogen Corporation.

2. Financing Panel: Kathy Behrens, of Robertson, Coleman & Stephens, and (NAME and TITLE), Ernst and Young.

3. California Association Panel: Dave Gollaher, Director, California Health Care Institute; and Bernie Rhinerson, Executive Director, Biomedical Industry Council of San Diego.

4. Voluntary Health Organization Panel: Dr. Gene Schonfeld President, National Kidney Cancer Association, and Bill Otterson, National Cancer Patients Association.

5. University Panel: Martin Simpson, Resident Counsel, Office of Technology Transfer, Office of the President, University of California; and Dr. William Beers, Senior Vice President, The Scripps Research Institute.

We will ask that each of these individuals be given 10-15 minutes for his or her testimony.

With the completion of this opening phase of the hearing, we will propose to the PTO that six panels be called to testify specifically on each of the issues and questions outlined in the hearing notice.

A. Practical Utility

- a. Utility vs. Operability Epstein
- b. Case Law Handley
- c. Question 1 Gens
- d. Question 2 Epstein
- e. Question 3 Murashige

B. Operability/Enablement

- a. Case Law Enayati
- b. Question 1 Scanlon
- c. Question 2 Scanlon
- d. Question 3 Enayati

C. Nonobviousness

- a. Case Law Rae-Venter
- b. Question 1 Gens
- c. Question 2 Johnston
- d. Question 3 Lassen
- e. Question 4 Peet
- f. Question 5 Wiseman

D. Implications of Legislation

- a. GATT Chambers
- b. Question 1 Johnston
- c. Question 2 Johnston
- d. Question 3 Opperman
- e. Question 4 Opperman
- f. Section 104 interferences Opperman

E. Experimental Use. Johnston

F. Plant Patent Issues

- a. Current law coverage Peet
- b. PTO issue -- legislation Peet
- c. Cov. of plants under util Sanders

We will ask that the PTO permit certain individuals to cover more than one issue and give them a full allotment of time for each presentation. We will ask that the minimum amount of time for each speaking assignment be ten minutes and that if possible individuals be given fifteen minutes for each assignment.

Finally, you are invited to an informal reception following the hearing. The reception

would run from approximately 5:30 until 7:00 pm at the law firm's offices, 401 B Street, Suite 1700, San Diego, California 92101. The contact person at the law firm is T. Knox Bell (619-699-2787).