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### Save the Date - JP Morgan Healthcare Conference Events

Greenberg Traurig's Life Sciences & Medical Technology Group will once again be hosting a Wine Tasting at First Crush during the 2016 JP Morgan Healthcare Conference and the 9th Annual OneMedForum in San Francisco.

Monday, Jan. 11, 2016



**Lunch Workshop on Deal Making Trends Greenberg Traurig- San Francisco** 

4 Embarcadero Center, Suite 3000 | San Francisco, CA 94111

Tel: 415.655.1300 12 p.m. - 2 p.m. RSVP



Wine Tasting, Networking, Cocktails, and Hors d'oeuvres <u>First Crush Restaurant & Wine Bar</u>

101 Cyril Magnin Street | San Francisco, CA 94102 Tel: 415.982.7874

6 p.m. - 9 p.m.

**RSVP** 

### **Industry Articles and Alerts**



## **Supreme Court Upholds Affordable Care Act Rule Authorizing Health Subsidies in States with Federal Exchanges**

By Robert P. Charrow, Greenberg Traurig Washington, D.C. Office

### **Building a Strategic Patent Portfolio**

By Roman Fayerberg and David J. Dykeman, Greenberg Traurig Boston Office

#### **Three Key Legal Mistakes Startup Companies Make**

By Elizabeth A. English and David H. Poticha, Greenberg Traurig Denver Office

#### **Managing Weight Management Claims**

By Justin J. Prochnow, Greenberg Traurig Denver Office

#### **Strategic Patents Can Strengthen Your Innovation**

By David J. Dykeman. Greenberg Traurig Boston Office

#### **READ MORE.**



### **Greenberg Traurig in the Industry**

## Greenberg Traurig's Shareholders Have Been Named 'Life Science Stars' in LMG Life Sciences 2015 Guide

Scott J. Bornstein (New York), Lori G. Cohen (Atlanta), David J. Dykeman (Boston) and Eric D. Hargan (Chicago) have been named "Life Science Stars" in LMG Life Sciences 2015 guide. The guide serves as a resource for in-house counsel identifying leading lawyers and firms in multiple practice areas.

OTHER EVENTS, READ MORE.

# New Additions to Greenberg Traurig's Life Sciences & Medical Technology Group

Jonathan D. Draluck<sup>‡</sup> joined Greenberg Traurig as Of Counsel in the firm's Northern Virginia and Boston

**About Greenberg Traurig's Life Sciences & Medical Technology Group** 

offices. READ MORE.

Françoise Gilbert joined Greenberg Traurig as a Shareholder in the firm's Silicon Valley office. READ MORE.

**David H. Poticha** joined Greenberg Traurig as a Practice Group Attorney in the firm's Denver office. **READ MORE**.



Our Life Sciences & Medical Technology Group supports clients ranging from startups to large multi-national public companies and not-for-profit care providers, as well as investors, venture capital and private equity funds, investment banks, and public agencies. READ MORE.



#### **Contacts**

- Newsletter Editors
- Life Sciences & Medical Technology Co-Chairs
- · Featured in this Issue

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# Supreme Court Upholds Affordable Care Act Rule Authorizing Health Subsidies in States with Federal Exchanges

By Robert P. Charrow, Greenberg Traurig Washington, D.C. Office



suggested. READ MORE.

On June 25, in *King v. Burwell*, the Supreme Court in a 6-3 decision authored by the Chief Justice upheld the IRS Regulation which provided subsidies under the Affordable Care Act (ACA) to individuals in states with only federally established — as opposed to state established — American Health Benefit Exchanges. At issue in the case was whether the phrase "established by a state" or "established by the state," as used in the ACA § 1311 & IRC § 36B(b) respectively, should be given its ordinary and plain meaning as petitioners suggested, or be read as a term of art as the government



Building A Strategic Patent Portfolio

By Roman Fayerberg and David J. Dykeman, Greenberg

Traurig Boston Office

Venture capital (VC) funding for medical technology companies has been challenging in recent years. **READ MORE**.



### **Three Key Legal Mistakes Startup Companies Make**

By Elizabeth A. English and David H. Poticha, Greenberg Traurig Denver Office

On Aug. 17, *Law Week Colorado* published an article titled, "Three Key Legal Mistakes Startup Companies Make" that discusses mistakes made by start-ups.



### **Managing Weight Management Claims**

By Justin J. Prochnow, Greenberg Traurig Denver Office

Consumer products marketed for weight loss and weight management are heavily scrutinized by federal regulators. Click here for insight on how companies can reduce their risk of being targeted by the FDA and FTC.



### **Strategic Patents Can Strengthen Your Innovation**

By David J. Dykeman, Greenberg Traurig Boston Office

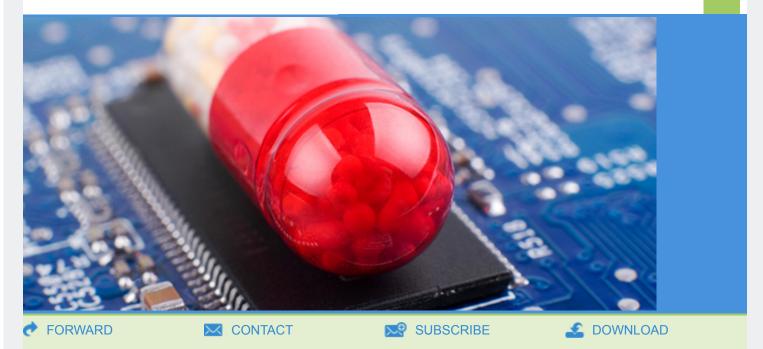
In today's innovation economy, a medical device company's success depends on the strength and value of its patent portfolio. READ MORE.

# GT GreenbergTraurig









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### Awards and Recognition



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## Greenberg Traurig's Evan Holden Named Sponsorship Chair and Liaison to Drug and Medical Device Comittee

Evan Holden (Atlanta) has been named the sponsorship chair and a vice-liaison to the Defense Research Institute's Drug and Medical Device Committee. He was also named to the Steering Committee of the DRI's Young Lawyer Committee. READ MORE.



#### **Recent Success**

## **Greenberg Traurig Team Secures Defense Verdict in Patent Trial in Eastern District of Texas**

Greenberg Traurig obtained a jury verdict of non-infringement in a patent trial on behalf of Rex Medical, LP and Argon Medical Inc. against a non-practicing entity called EVM Systems, a subsidiary of Acacia, the world's largest patent holding company. READ MORE

### Recent and Upcoming Events and Speaking Engagements

The 10th Annual Therapeutic Area Partnerships is a meeting for the sharpest minds in biopharma and has come to be regarded as the industry's premier biopharmaceutical Boutique Partnering Meeting. Attendees have the opportunity to hear from and meet some of the industry's most talented biotechnology entrepreneurs and pharmaceutical leaders. Casual gatherings and one-on-one partnering meetings bring together business development decision makers from large pharmaceutical firms and executive leadership from innovative biotechnology firms to make this one of the industry's most productive events. GT's Wayne Elowe (Atlanta) and Dave Dykeman (Boston) will be speaking on Nov. 18 at 2:30pm ET on panel during the pre-conference workshop entitled "Strategic Decision-Making in R&D." In this workshop, attendees will learn about the distinguishing elements of top performers and how to use these insights to improve your own company's R&D productivity and strategic decision-making.

# Greenberg Traurig's Sara Deskins Tucker to Speak at the 2015 Georgia Bio Innovation Summit

Sara Deskins Tucker (Atlanta) has been selected to speak at the 2015 Georgia Bio Innovation Summit. The Summit is in its 14th year, and takes place Nov. 2 in Atlanta, Georgia. Tucker will speak with Kevin L. Ong, Ph.D., P.E., Principal Engineer with Exponent, Inc., on "FDA Inspection and Warning Letters: What We Can Learn from the Past." Tucker and Ong previously co-authored an article entitled "Under the Watchful Eye: What do FDA Warning Letters Tell Us?" for *Litigation Management* magazine, Summer 2014. Tucker is one of the few attorneys selected to speak at this year's event. READ MORE.

# **Greenberg Traurig's Carolyn McNiven to Speak at Health Care Enforcement Compliance Institute**

On Oct. 26, Carolyn McNiven (San Francisco) will speak at the Health Care Enforcement Compliance Institute in Washington, D.C. She will speak on

the panel entitled, "Do External Evaluations of Compliance Program Effectiveness Matter?" The panel will discuss how external firms review and evaluate compliance program effectiveness; what the enforcement community looks for in effectiveness evaluations; and practical advice from a formal federal prosecutor for compliance officers, external reviewers, and enforcement officials. READ MORE.



# Greenberg Traurig's Justin Prochnow Spoke at BevNet's FBU Boston 2015

BevNET's FBU Boston 2015 was an exclusive one day seminar for food and beverage entrepreneurs. GT's Justin Prochow (Denver) spoke on Sept. 30 on "Claims and Endorsements." GT was also a sponsor of this event. **READ MORE.** 



# Greenberg Traurig's Roman Fayerberg, Christina Jacxsens and Dan Smulian Spoke at DeviceTalks Minnesota

Roman Fayerberg (Boston), Christiana Jacxsens (Atlanta) and Dan Smulian (New York) spoke at DeviceTalks, the live interview series from MassDevice, Sept. 23 in Saint Paul with leaders from some of Minnesota's most exciting emerging companies. This event included insight, networking, workshops on clinical trials, mergers & acquisitions, and product development. Greenberg Traurig's panel titled "Putting On Your Legal Cap – Hot Legal Topics That Can Influence Your Medtech Company?" discussed products liability litigation and what every medtech company needs to know; M&A trends from the perspective of both acquirer and seller; and why IP protection is key to a successful exit. Greenberg Traurig is also sponsor of this event. READ MORE.



David Dykeman (Boston) presented at the 2015 Shenzhen International Biotechnology Summit and Biological/Health Industry Expo. On Sept. 23, Dykeman spoke at two sessions during the Shenzhen International Biotechnology Summit. He was a featured presenter on the topic "New Technologies and Trends in Cell Therapy." In addition, Dykeman will serve as a panelist for the program, "Policies and Regulations for Biologics, Healthcare Technologies and Medical Devices." READ MORE.



### Greenberg Traurig's Justin Prochnow Spoke at Expo East 2015

Natural Products' Expo East 2015 is one of the East Coast's largest natural, organic and healthy products events. Each year Expo East draws top retail buyers from independent stores, natural market chains and big box retailers. GT's Justin Prochnow spoke on Sept. 17 on "The Future of Nutritional Labels: How Greater Transparency is Shaping Consumer Beverage Trends." Fueled by public health concerns such as obesity & insulin resistance, the FDA is proposing changes to nutrition labels that will require the listing of "added sugars." This labeling update represents a move toward

greater transparency in sugar intake and is a driving force behind recent beverage category innovation. **READ MORE.** 

# Greenberg Traurig's Roman Fayerberg Spoke at the 2015 MEDevice San Diego Conference & Showcase

Roman Fayerberg (Boston) spoke at the 2015 MEDevice San Diego Conference & Showcase, held on Sept. 1-2 in San Diego. Fayerberg moderated the panel discussion "Integrating Personalized Medicine into Next-Gen Medical Device Development." In addition, Fayerberg presented "Patent Strategies to Protect Innovative Medical Technology & New Product Development." READ MORE.



### ACI Women Leaders in Life Sciences Law

Greenberg Traurig sponsored the ACI Women Leaders in Life Sciences Law conference which took place in Boston July 23-24. Lori Cohen (Atlanta) cochaired the conference and led a panel discussion on the topic of "Defining Success for Yourself and Making the Most Out of Both Life and Career in the Increasingly Hectic Life Sciences Legal World." READ MORE.

# Greenberg Traurig's Sara Thompson Spoke at the ACI FDA Bootcamp

Sara Thompson (Atlanta) presented on the topic of "Diversity, Inclusion and Well Being in the Life Sciences Bar—Ethical Considerations in Building a Better Life Sciences Legal Community" as part of the 25th Annual ACI FDA Boot Camp. The FDA Boot Camp was held July 21-23 in San Francisco. The annual event provides basic training in core regulatory concepts for life sciences lawyers, business executives, scientists, and policy analysts. **READ MORE.** 



Johnston (Boston) spoke at the DeviceTalks Boston on June 17 at Boston Scientific's Global Headquarters, Marlborough, Massachusetts. Dykeman moderated the panel discussion and Peck and Johnston served as panelists on "Hot Topics: M&A Megadeals, IP, Financing, and Products Liability Trends for MedTech Companies." Hosted by online journal MassDevice.com, DeviceTalks is a conversation among leaders. It was an evening for an exchange of ideas, insight, and contacts among the pioneers of the medical technology industry. Formerly known as the Big 100, this event is held annually in Boston, Orange County, and the Twin Cities. READ MORE.



#### 2015 International Bio Convention

Greenberg Traurig sponsored a reception in honor of Avi Hasson, Chief Scientist of the Ministry of Economy of Israel and the Israeli delegation to 2015 International BIO Convention which took place in Philadelphia on June 16.



# Greenberg Traurig's David J. Dykeman Participated in Life Sciences Mission to Portugal

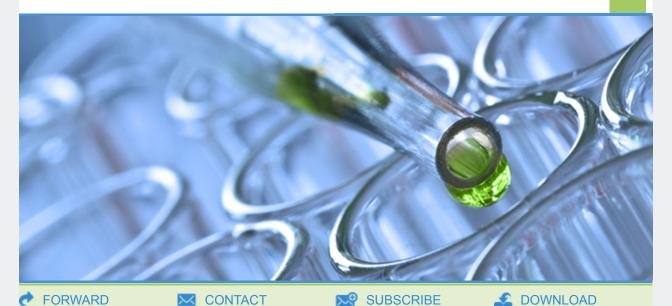
David Dykeman (Boston) participated in a U.S. Life Sciences Mission to Portugal, June 1-3. Organized by the U.S. Embassy in Lisbon and chaired by Nobel Laureate Dr. Craig Mello, the Life Sciences Mission to Portugal purpose was to foster cooperation and create synergies between U.S. and Portuguese entrepreneurs, companies, investors, and research institutions. READ MORE.

Greenberg Traurig Litigator Michael E. Pastore Presented Program on Trade Secrets for Life Science Companies at MassBio

Michael Pastore (Boston) moderated a panel discussion entitled "Are Your Trade Secrets Adequately Protected? Best Practices to Protect & Strengthen Your Competitive Advantage" on May 13 at the offices of the Massachusetts Biotechnology Council (MassBio). The discussion addressed how pharma and biotech companies can protect their trade secrets by creating and implementing a defensible, proprietary information protection plan. READ MORE.







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### **Greenberg Traurig's Life Sciences & Medical Technology Group**



Our Life Sciences & Medical Technology Group supports clients ranging from startups to large multi-national public companies and not-for-profit care providers, as well as investors, venture capital and private equity funds, investment banks, and public agencies. Our wide-ranging work encompasses numerous industry sectors, including biomedical engineering, biotechnology, chemistry, cosmetics, dietary supplements, disease management, drug delivery, EMR, billing and coding, immunology, medical devices, microbiology, nanotechnology, pharmaceuticals, stem cells, and vaccines. For more information on our Life Sciences and Medical Technology Group, please

visit http://www.gtlaw.com/Experience/Industries/Life-Sciences-Medical-Technology.

Greenberg Traurig, LLP is an international, multi-practice law firm with approximately 1900 attorneys serving clients from 38 offices in the United States, Latin America, Europe, Asia, and the Middle East. The firm is among the 2015 BTI Brand Elite and among the most "Tech Savvy." It was on the 2013-2015 BTI Client Service 30 listings of firms "most recognized by clients for providing excellent client service," and one of the 2014 BTI Client Relationship Scorecard "Power Elite," based on the nature and strength of its client relationships. More information at: www.gtlaw.com.







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# **New Additions to Greenberg Traurig's Life Science & Medical Technology Group**



Jonathan D. Draluck<sup>‡</sup> joined Greenberg Traurig as Of Counsel in the firm's Northern Virginia office. He counsels public and private companies on a variety of commercial and strategic transactions. He has focused on technology transfer and procurement matters and developed early experience in expansion of telecommunications

offerings and infrastructure. For pharmaceutical and medical device makers, Jonathan has crafted arrangements for sponsored research and other collaboration, patent licensing, material transfer and evaluation, design and manufacturing, and preclinical and clinical trials.

Jonathan previously represented global pharmaceutical companies and an array of ingenious ventures in Israel at the country's largest firm, lived in Bucharest where he advised the Romanian government on EU admission, litigated antitrust matters for the U.S. Federal Trade Commission, and served as Vice President of Business Affairs, General Counsel and Secretary of a NASDAQ tech company, where he supported business growth to more than 120 countries. Jonathan has mentored innumerable tech and life sciences start-ups, from formation and IP protection to investor pitching and financing.

Françoise Gilbert joined Greenberg Traurig as a Shareholder in the firm's Silicon Valley office. She focuses her practice on U.S. and global data privacy and security in a wide variety of markets, including, among others, cloud computing, big data, connected devices, robots and other emerging technologies. Her clients include public or multinational entities, cloud service providers, big data analytics companies, connected device developers, B2C and B2B businesses, publishers, Internet stores, insurance companies, manufacturers, service providers, trade associations, non-profit organizations, software developers, and others. With more than 30 years of experience addressing cutting edge domestic and international computer, Internet and data protection issues, she brings a unique combination of practical business acumen, sharp legal skills, deep regulatory knowledge, and extensive experience of the information technology markets.

In addition, Ms. Gilbert is the author of the leading two-volume treatise "Global Privacy and Security Law" which covers in depth the privacy and data protection laws of 68 countries on all continents. She has also written numerous chapters in collective works and has published hundreds of articles in peer-reviewed publications, professional journals and magazines on privacy, security, emerging technologies, compliance, cybercrime, outsourcing, workplace privacy, information law, data governance, Internet law, ecommerce, children protection, and comparative law.

**David H. Poticha** joined Greenberg Traurig as a Practice Group Attorney in the firm's Denver office. He was formerly with the University of Colorado Technology Transfer Office on the Anschutz Medical Campus where he focused on the protection, transfer and licensing of life sciences and medical technologies. He focuses his practice on general patent and intellectual property matters, particularly in the biotechnology, medical device, pharmaceutical and diagnostic fields. He is experienced developing commercially valuable intellectual property; licensing and transactions related to intellectual property; drafting applications, conversions, regular patent applications and amendments; patent strategy consulting; branding and marketing strategies; and managing patent portfolios.

<sup>‡</sup> Admitted in Massachusetts and Israel, and not admitted in Virginia.







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<sup>&</sup>lt;sup>‡</sup> Admitted in Massachusetts and Israel, and not admitted in Virginia.

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