

The Patent Lawyer

GLOBAL REACH, LOCAL KNOWLEDGE

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Amgen v. Sanofi: The Supreme Court tackles patent enablement

Craig Metcalf of Kirton McConkie reviews the findings in the case that has solidified the enablement requirement for pharmaceuticals in the US patent system.

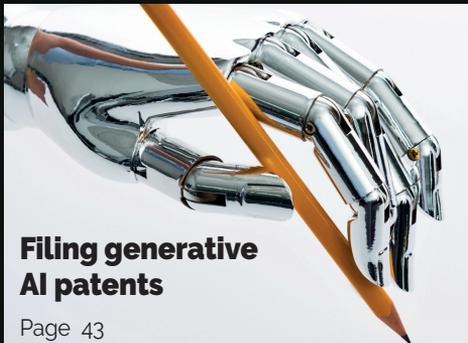
An interview
with the USPTO

Page 12



Filing generative
AI patents

Page 43



New
European
Patent
Landscape

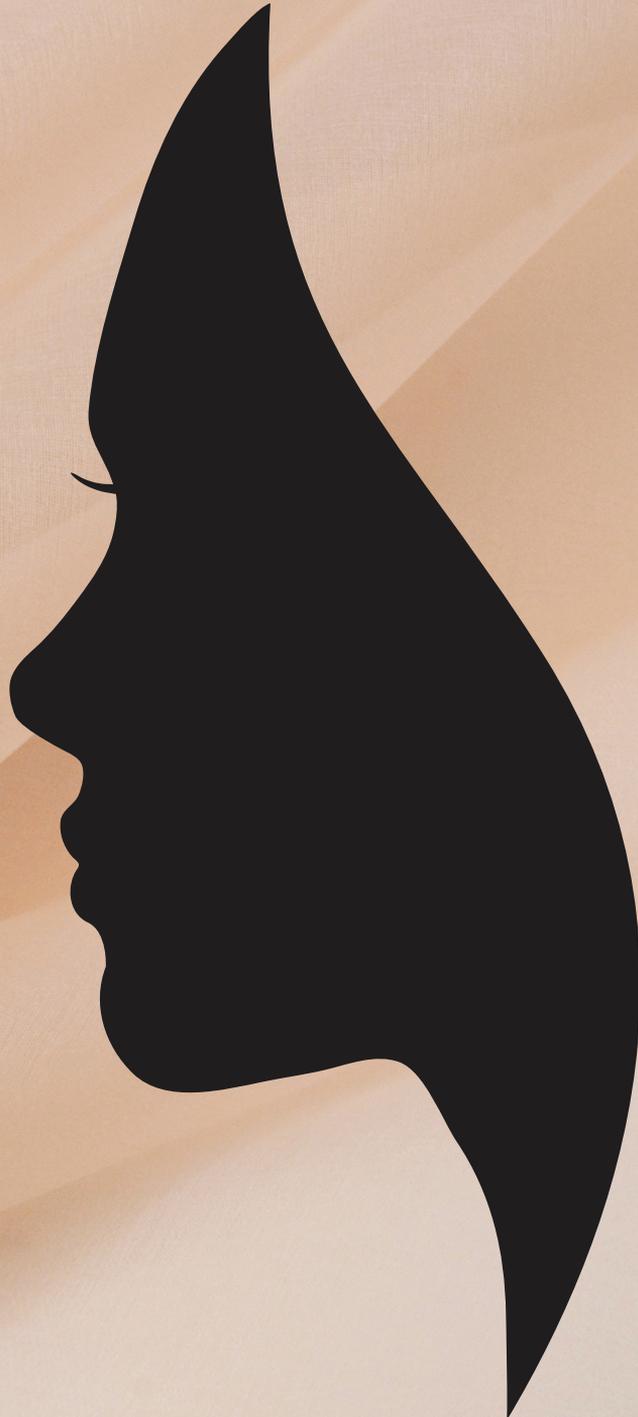
Page 16



AIPPI 2023
WORLD CONGRESS
SPECIAL
EDITION

Women in IP Leadership

Celebrating achievements and continuing
the empowerment of women



This segment is dedicated to women working in the IP industry, providing a platform to share real accounts from rising women around the globe. In these interviews we will be discussing experiences, celebrating milestones and achievements, and putting forward ideas for advancing equality and diversity.

By providing a platform to share personal experiences we aim to continue the empowerment of women in the world of IP.



If you would like the opportunity to share your experiences with *Women in IP Leadership*, would like to nominate an individual to be involved, or would like to learn more about sponsorship, please contact our Editor.

Winnie Tham: Director, Amica Law

An interview: inspirations, experiences, and ideas for equality.

Winnie Tham is a Director of Amica Law LLC, and has been practicing in the intellectual property field since 1993. Winnie is an advocate and solicitor of the Supreme Court of Singapore and a registered patent attorney (Singapore). She was admitted to the Bar in 1993 winning the Justice Tan Ah Tah Prize for Professional Ethics. She has also attained a Bachelor of Laws (Hons) and is admitted to the Supreme Court of Victoria in Australia.

She has a multi-disciplinary background, encompassing both legal and technical expertise. She has a particular specialization in life sciences and pharmaceuticals as she holds a Bachelor of Science (Pharmacology & Biochemistry), in addition to her law degree, and regularly advises on patent and regulatory matters. However, her experience in intellectual property spans various industries including pharmaceuticals, technology, retail and fashion, hotels and the food and beverage industry.

What inspired your career?

I had already set my sights on a career in law when I was in secondary school, and this was reinforced in school when I did a short stint in a law firm as part of my work experience. However, beyond that, I did not know what area of law I wanted to specialize in. I was in a double degree program at university, studying Bachelors of Science and Law, and ultimately it was my science degree that determined my field in law. Whilst I thought I might go into corporate law, every law firm I interviewed with steered me towards intellectual property because of my science degree, and the possibility that I could be not only a lawyer, but also a patent agent. I was fortunate that the partners interviewing me were passionate about intellectual property and took the time to talk to me about a career in this area. Looking back, I think I was quite curious and had lots of questions, but they were very kind and hopefully took it as enthusiasm!

After that, I did some of my own investigation in the field and decided that it might be an interesting area to specialize in. The rest is



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history, and I have never looked back on that pivotal decision.

How have you found the pathway to your current position? And can you offer advice from your experience?

Looking at my own pathway, I have learned that you should always keep an open mind, and whatever opportunities come your way, seize the day. Treat others as you think they would like to be treated and always put in your best effort. People around you recognize the effort and it stands you in good stead.

Also, don't be discouraged when things seem to be going awry; there is usually a silver lining behind the cloud. It may sound like a cliché, but life is really a journey. The quote by Robert Frost encapsulates my career – “two roads diverged in a wood and I – I took the one less traveled by, and that has made all the difference”.

What would you consider to be your greatest achievement in your career so far?

There are always challenges along the way, as we evolve in our careers. First, there is the road to partnership and proving yourself in the workplace. It takes hard work and a little bit (or maybe a lot!) of luck. Juggling a family and career is tough, especially if you are trying to be the best you can be at both. Having a strong support system is important. It is fortunate that in Singapore, it is not too difficult to bring in domestic help and with family support, it does allow you to focus on your career at the same time.

I think it is important to enjoy your work and find fulfillment in what you do. If you are just in it for the money, you are more likely to burn out before you reach your potential. And work hard and smart because that is unavoidable if you want to reach your goals.

In terms of career, I think founding Amica Law LLC in 2006 with three other colleagues from my previous firm is the highlight of my career and has probably been the biggest challenge of my career as well. It is a true test of your lawyering and management skills, and also the relationship

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you have with your employees and clients. Apart from that, you have employees who depend on you as well and you can't let them down. It's an exciting and invigorating experience, and sometimes more than a little daunting. I never cease to be grateful for the people around me, my employees, clients, and friends who put their faith and trust in you. Although we are now in our 17th year, it still seems like yesterday when we first announced the opening of the Firm.

Another highlight is my appointment to the Intellectual Property Office of the Singapore Board of Directors. It is a great honor to serve, and I feel that it has really added a new dimension to my career.

What are your future career aspirations? And how will you work to achieve them?

At this time in my career, my aspirations are to see Amica Law grow from strength to strength. When we first began the Firm, survival was key. Now, as our Firm has consolidated and expanded, it is really about planning for the future and succession in the Firm and ensuring that the groundwork is properly laid.

What changes would you like to see in the IP industry regarding equality and diversity in the next five years?

I think the IP industry is doing quite well in terms of equality and diversity for women but there is always room for improvement. The legal sector in Singapore has pretty even numbers of men and women, and to this end, I have been fortunate not to face obstacles in my career simply because of gender. In my own firm, the founding directors are balanced between males and females, as well as in management. I think these augurs well for the future. However, this is not necessarily the case in other firms, and it would be good to see more women holding management positions at the executive committee level.

However, if we look at equality and diversity from the perspective of minorities, gender diversity, and being more inclusive for people with disabilities, this may not come as naturally in the workplace. I would really like to see more awareness, training, and policies for firms to create more workplaces that reflect the desire to be equal, diverse, and inclusive.

How do you think the empowerment of women can be continued and expanded in the IP sector?

I was privileged to have a strong female mentor as a role model in my legal career, and this really shaped me and provided opportunities. As a result, I always felt that I had every opportunity available to me, and I could achieve my goals based on my abilities and merit. In my view, this

is really important for the empowerment of women in the IP sector, and more broadly, the workplace.

I also think positive policies that are institutionalized in firms are vital because they educate the management and staff as to what sorts of behavior are acceptable and can influence perceptions of how they see women in the workplace. This is a dynamic process because, as progress is made and social mores may change, the workplace needs to keep up.

At the community level, we need to also emphasize the message in schools and universities that women's roles in the workplace need not be confined because of their gender. In the legal sector, I think we are well on the way, but if we look at the STEM area, there is an underrepresentation of women as inventors and in management roles. This is where role models are important, to lead the way and show that it can be done.

Finally, in my own personal experience, it is difficult to be a "superwoman" and do everything at home and excel at work. And women should not have that burden on them. I think it is key to have a good support network that enables women to focus on their careers as well. It really takes a village.

Finally, it is also important for women to consider the needs of their colleagues and workplace, and there has to be some give and take. In this way, a culture of trust and respect can be developed, which is absolutely essential to pave the way for women's empowerment.

Shu-Pei Oei: Global IP Team Lead, Palfinger Europe

An interview: inspirations, experiences, and ideas for equality.

Shu-Pei Oei is a European Patent Attorney based in the DACH region, and Global IP Team Lead at Palfinger Europe. In addition to holding a master's in IP Law and Management (LLM) from CEIPI, Shu-Pei is a qualified ISO 9001 Quality Management lead auditor. Her thesis on "Risk Management Practices and their Applications in Intellectual Property and Trade Secrets Management" has highlighted the need for standards in IP leadership and management. Shu-Pei is an appointed Chair of the Committee 'Risk Management' at I3PM (International Institute of Intellectual Property Management). She holds a Ph.D in Engineering (Cambridge) and degrees in Electrical and Electronics Engineering (M.Sc, BEng) from Stanford and UCL.

What inspired your career?

My first encounter with IP was in the UK, when I had the chance to intern at a Patent Attorney firm in London. It was 2008-2009, around the time of the global financial crisis. I was nearing the end of a PhD in Engineering at Cambridge, and the thought of finally being able to put knowledge to practice was an appealing one.

Although the ad in the careers magazine had described patent attorney life quite well, I remember being anxious at the thought of entering the legal profession. I didn't feel brainy enough to be a lawyer, yet, I couldn't abandon the feeling that patent law would suit me rather well.

So, I embarked on the journey to find a firm that would accept me as an intern. It was important to me to get a fair assessment of my strengths before I took the plunge.

How have you found the pathway to your current position? And can you offer advice from your experience?

The first indicator that I was on the right track was the buzz I felt after the internship. I had received sufficient positive affirmation from the partners to take it further. But more importantly, I felt a happiness while working on patent cases that I had never felt while working in a lab. It sounds cheesy, but it is true. When you're finally doing what you're meant to be doing, everything feels right.



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So, the first piece of advice I can offer others is to rely on both your inner voice and external validation when making choices. While it may have become a trend to choose one exclusively over the other, both can play a part in achieving success and satisfaction. The inner voice sets the direction for where you want to go, while external voices provide pathways and options for you to get there.

The success of the internship gave me confidence to expand my career search to more places, such as Singapore, London, Germany and Australia. It also emboldened me to apply to larger firms.

I ended up in Munich, Germany, where I learned German, trained for the European Qualifying Exam (EQE), passed it several years later, and became a patent attorney. I stayed on the rather predictable *Tao* of the patent attorney for 11 years until my inner voice started vocalizing again.

This time, it was telling me that my other human faculties weren't being exercised fully in that role.

It soon became clear that being in-house, in a person-oriented organization, was where I wanted to direct my expertise and energies. When the inner voice starts speaking, it is usually a matter of time before I act on it. But the trouble is, that even with a pretty loud inner voice, I learned that children are louder. And this time, I had two of them to contend with!

It took a little longer to negotiate the change with my family, but the change eventually did happen.

So, the second piece of advice I can offer is to negotiate for the life that you know will fulfill you. When you've succeeded, grasp the opportunity, and go onward.

What challenges have you faced? And how have you overcome them?

At 21, I had to cope with the death of a parent while in a foreign country. It was a simple phone call telling me that my father had passed suddenly two weeks before my final exams. A decade later, I saw another parent through end-of-life care. It affected my morale and how I viewed my life in an overseas country. Despite this, I returned to Germany to rebuild and sit for the EQE.

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because it is an amalgamation of all the missing pieces from the past that I wish I could have had. Coping with prematurely missing pillars, such as identity, roots, family ties and support, can be rather challenging for a young woman.

My story is not unique, as most of us face questions and doubts about parenthood, identity, mortality, invincibility, and loss, sooner or later. But I guess what makes it quite rare is to have met and overcome these challenges so early on- in my early thirties.

When it comes to overcoming uncomfortable situations, I give myself time to sort out my desires, and sources of regret and grief. Then, I try to make decisions that are in sync and authentic with my being. This process allows me to make life choices I can live with, accept trade-offs, and to perform my responsibilities with peace of mind.

What would you consider to be your greatest achievement in your career so far?

Fully bridging and overcoming “the motherhood penalty” is something I am particularly proud of. I feel comforted that I have been able to do this quite quickly, and I want to help more women do the same. Overcoming the motherhood penalty isn’t an award or prize for “best patent attorney” or anything glitzy. To me, it simply means that I have exceeded my own expectations, and I can stand shoulder to shoulder again with the peers I started out with. It’s an amazing feeling to be back in the game.

As an introvert, I rely on my intuition and inner self to set both personal and professional goals, while ignoring external hype. It is nice to know that this intuition led me to become Singapore’s first female European Patent Attorney, purely by accident.

What are your future career aspirations? And how will you work to achieve them?

I will stay in the IP profession and continue to lead or contribute, wherever needed.

In recent years, it has become clear to me that the IP tech community urgently needs professionals who can gel and execute. To me, that means not only being proficient in technology, business, and different aspects of law – which is challenging enough! We also have to hone our decision-making skills, and organize data and people in a way that jives with the organization.

Yep. Shimmying and jiving with the organization are words I never thought I’d publish in a Patent Lawyers magazine, but here we go.

On a personal note, I’ll keep up-skilling because I value competency-based leadership, and like many women out there, I still tend to over-prepare when I lead.

I will also keep learning from other experts, particularly senior IP experts. There are many to learn from.

What changes would you like to see in the IP industry regarding equality and diversity in the next five years?

The tech IP industry is known to be quite male-dominated, rather competitive, and at times, intimidating. It is not unusual for people to speak dismissively of one another. I would like to see less of that, because it can create an anxious environment for newcomers.

It can also be quite hard to find information in the IP industry, unless you’re plugged into a good network. I think all newcomers to the IP industry would benefit from an IP environment that is more open, less intimidating, and that prioritizes information sharing.

If we can agree on the basic tenets that would address skill shortages in general, we might then be able to have a proper discussion on how to bridge gaps brought on by our preferences and differences.

Meanwhile, I encourage minorities to be fearless when seeking out information, and never let a couple of bad experiences define your future. There are many good people in the tech IP industry who are willing to help you. You might just have to poke the bear a little bit.

How do you think the empowerment of women can be continued and expanded in the IP sector?

I would really like to see more career acceleration programs for mature women in organizations, including the IP sector. It’s such an obvious demographic that needs help, yet for some reason they have been left off the radar. I love that we are seeing more young leaders programs emerging. Yet, ironically, they are usually directed at an age where women are focused on family life. While many YLPs do not have a strict age cut-off, the needs of youth and mature women are rather different.

I would support schemes where more help is given to mature women returning to the workforce. Particularly in terms of relationship-building and leadership mentorship.

I would also like to bring attention to organizations like Young Members Congress (YMC) of the Licensing Executives’ Society (LES) and the International Institute of Intellectual Property Management (I3PM), which I am involved in. In recent times, they have been active in extending their reach to a wider demographic. There are many supportive people in IP to be found there.