



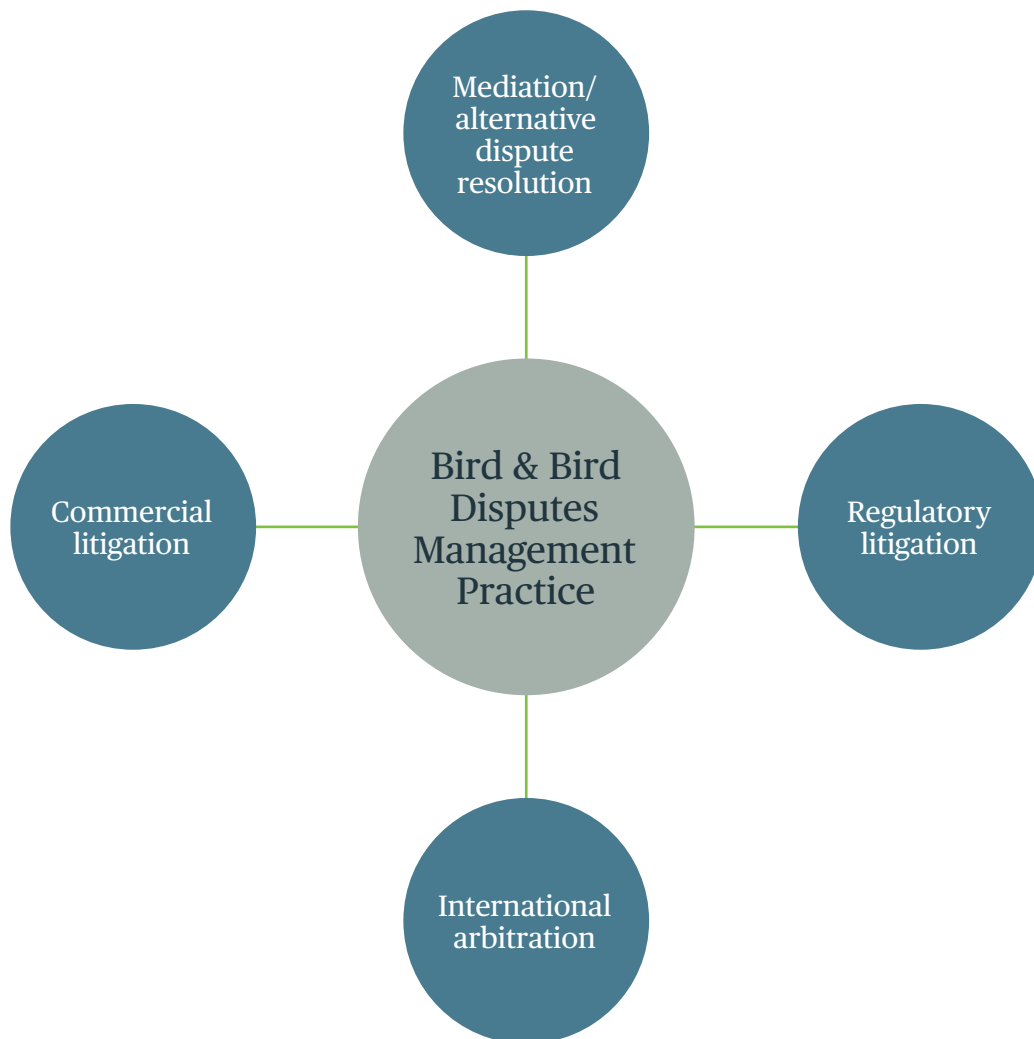
Bird & Bird & First for Disputes

Our life sciences disputes group

Our dispute management practice

Business does not always run smoothly and whilst we work with our clients to avoid disputes wherever possible, sometimes they do arise. When you do find yourself in dispute, we will help you to manage the best business advantage.

Chambers Global comments that our commitment to specific sectors distinguishes us from many other firms and enables us to provide a comprehensive array of services to clients and providing them a first-rate service. You will benefit from the experience of more than 100 lawyers in 15 countries, all of whom believe in working in close partnership with their clients.



The dispute resolution group has developed a formidable reputation. Interviewees praise the team as being “very thorough and knowledgeable,” and highly “user-friendly.”

Chambers UK 2013

‘Bird & Bird - the world’s leading law firm for Life Sciences’

Who’s Who Legal 2008, 2009, 2010, 2011, 2012

Our integrated approach

Because we take an integrated approach with our non-contentious colleagues, we become involved in potential disputes from the very earliest stage and we can assess risk, alone or with other professional advisers. This enables us to provide you with early advice in confidence and can lead to the avoidance of costly litigation.

Our commercial approach

Our established understanding of your business means that we will not attempt to impose a lawyer-led approach upon you. We are committed to accompanying you through all stages of the business process and believe firmly that commercial priorities and realities must dictate the general legal strategy. And whether we recommend negotiation, arbitration, mediation or litigation, it will be because that is the right route for your circumstances. Goals may change and alternative approaches may be required at short notice to enable our clients to gain the best result. This level of flexibility is central to our overall philosophy.

*Highly rated life sciences teams
throughout Europe.*

Chambers Global 2013



Our life sciences disputes group

Our International Life Sciences group has a wealth of hands-on experience from working inside life sciences companies and the bodies that regulate them. Our Life Sciences team, boasts 69 partners and over 130 lawyers, operates in 23 offices across Europe, the Middle East and Asia. Our specialist lawyers combine their legal skills, industry knowledge and scientific background to provide a multi-disciplinary approach which delivers more than core legal and litigation services.

We provide a fully integrated service combining many practice areas relevant to the life sciences sector including working with colleagues in our top tier IP group to help some of the world's most innovative companies resolve disputes in this sector. We are renowned for our involvement in many of the principal litigation cases. We combine our legal skills, industry knowledge and scientific background to provide a multidisciplinary approach which delivers more than core legal services.

Sector focus

We don't pretend to be experts in all areas, but where we do excel, we are the equal to any global leader. Our sector focus combined with our international reach comprising 23 offices across Europe, the Middle East and Asia involving almost 1000 lawyers means that we are global leaders in sectors such as Aviation, Defence & Security, Life Sciences, Technology & Communications, IT, Banking & Finance, Energy and Sports. The depth of experience in each sector, and the fact so many of our lawyers around the world have worked in-house or have relevant degrees that complement their legal qualifications, means that our clients will find they are working with a legal team that already understands the challenges they face.

- **Teva:** one of the major pharmaceutical patent cases in recent years where the litigation concerned a product called alendronate for which there are two patents covering the product which have been litigated throughout Europe. It was part of a continuing war being waged by Merck against generic entrants including Teva.
- **Actavis:** in the pan-European proceedings against AstraZeneca in relation to their multi-billion dollar product esomeprazole (Nexium). Actavis is taking action in a number of jurisdictions and we are co-ordinating the strategy in the UK, France, Germany, Italy, Spain, Poland and the Netherlands.
- **Baxter Healthcare:** in an action against Baxter by Kuros Biosurgery AG, concerning the alleged breach of a Collaboration & Licence Agreement for the development of pharmaceutical products in the fields of hard and soft tissue repair.
- **Biopharmaceuticals company:** acting in conjunction with our IP specialists in a professional negligence action against patent agents in relation to a ground breaking US drug product resulting in loss suffered in 13 jurisdictions in Europe through the negligence.
- **NHS trust hospital:** in relation to a dispute with one of its sub-contractors over the proper interpretation of a contractual payment increase mechanism.

International reach

Life sciences is a diverse and vibrant global industry and this globalisation increasingly means that when disputes arise they involve more than one jurisdiction. We have offices in Abu Dhabi, Beijing, Bratislava, Brussels, Budapest, Düsseldorf, The Hague, Hamburg, Helsinki, Hong Kong, Frankfurt, London, Lyon, Madrid, Milan, Munich, Paris, Prague, Rome, Shanghai, Singapore, Stockholm and Warsaw. We have specialist litigators operating out of all our European offices as well as from our Singapore and Hong Kong offices. Being a truly integrated international team, we are able to provide genuine local knowledge and understanding of a variety of systems of laws and procedures. Further, our creative project management skills ensure that we are able to provide seamless cross-border advice.

- **German provider of care facilities** in a defamation case where the opposing party published wrongful and defamatory information about our client.
- **US Healthcare provider solutions company** in relations to initial investigations into alleged breach of confidentiality provisions in contract between CSC and NHS Connecting for Health.
- **Global pharmaceutical company** in a potential regulatory claim in relation to a drug not mentioning certain side effect.

Full range of clients

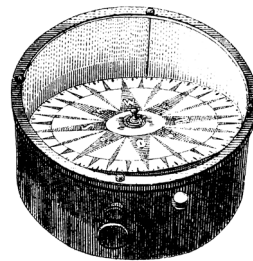
Bird & Bird leads the market in acting for many of the world's most innovative life sciences companies including pharmaceutical, bioinformatics, medical devices, and biotech companies, universities and university spinouts, investors and venture capital companies, manufacturers and distributors, and clinical research organisations.

- **NHS trust hospital:** on the Hospital's entitlement and ability to enforce an agreement with a contractor for the construction of a new facility. Our advice has included detailed contractual analysis, as well as advising the Trust on the best strategy for enforcing its rights and ensuring a swift and cost-effective resolution.
- **Globally focused biopharmaceutical company** in relation to a dispute concerning a convertible loan instrument.
- **Clinic specialised in treatments pertaining to eating disorders:** against the supplier of meals, who is claiming before the District court of Paris damages for the early termination of the agreement by the clinic
- **Major IT and telecommunications provider:** acting in a dispute with a US-based supplier of medical terminology management services. We advised on termination rights under a software supply contract (as part of the National Programme for IT) following the discovery of various functional failures in the contracted software.

Technology disputes in the life sciences sector

The life sciences industry is high-tech, innovative and highly diverse, spanning pharmaceuticals, medical technology, biotechnology, and industrial biotechnology and has applications across many other sectors. Bird & Bird is globally renowned for its technology expertise and has been central to many of the largest, most complex and innovative technology projects of recent years and have provided an extensive range of corporate, commercial, regulatory and dispute resolution advice to clients in the life sciences sector.

- **Major IT and telecommunications provider:** on contractual options arising out of the National Programme for IT in London, which is being delivered by the Department of Health for the benefit of the National Health Service. In particular, we advised on termination rights and the legal consequences on various connected sub-contracts.
- **Healthcare Trust** in relation to a dispute with an IT company arising out of contracts for the supply, implementation and maintenance of a laboratory information management system (to be used by the Trust in its five London hospitals for pathology services).
- **International group of laboratories:** providing litigation and EU competition advice as to the merits of the client's supplier refusing to provide testing kits at the lower price it afforded the same kits.
- **Medical technology company:** in relation to their dispute with NHS Supply Chain arising out of the mini-competition under an existing framework agreement for the supply of drug testing equipment.
- **Leader in ultra high-frequency micro-ultrasound technology and impedance cardiography equipment** in relation to a negotiated takeover of distributorship by the producer and drafting a settlement agreement with regard to the notice period and indemnity.



Product liability credentials in the life science sector

The worldwide volume of product liability claims in all sectors is increasing and this includes the life sciences sector. Such claims are often complicated due to the combination of applicable laws in different jurisdictions, including the potential for variations between European legislation and the national laws of each member state. Our product liability specialists understand these issues, often from first-hand industry experience, and are specialists in handling product liability disputes.

- Handling of a serial case regarding thousands of defective implantable medical devices distributed in many countries.
- Defending pharmaceutical product liability claims on a regular basis (adverse effects allegedly attributed to drugs whether already marketed or still in development).
- Product liability work in relation to claims from consumers concerning hip replacement devices.
- Handling of isolated or recurrent cases involving damage or harm caused by: breaking or dysfunction of surgical devices; misuse of surgical or implantable devices; inappropriate interaction between the implanted device and various parts of the human body; lack of performance; failure to meet specifications (hip replacement prostheses, pain control devices, leads associated to defibrillators).
- Defending producers' interests at any stage in the litigation process instituted by patients due to adverse reactions or accidents attributable to medicines, medical devices and cosmetics. This includes pre-litigation assistance by providing legal advice and handling judicial expertise.
- Studying and coordinating product recall strategies and liaising with regulators.
- Negotiating and executing amicable settlements, both before and during the court's proceedings.

Bird & Bird is an obvious choice for high-calibre commercial and banking disputes, particularly those involving elements of IP, IT, outsourcing, telecoms and life sciences.

Chambers Global 2013



Arbitration expertise in the life sciences sector

Bird & Bird's International Arbitration Group is a cross-border, integrated, multi-disciplinary team with an in-depth knowledge of arbitration as a dispute resolution mechanism and a comprehensive understanding of key industry sectors. The group has a truly international feel, operating throughout all of the major financial cities in the world and because of this, the team has extensive experience of representing clients in arbitrations, including under the rules of the world's leading arbitral institutions (ICC, LCIA, AAA/ICDR, CIETAC, ICSID, WIPO) and under a variety of systems of ad-hoc law including UNCITRAL.

- **Global pharmaceutical company** in winning a \$160 million ICC arbitration for a and successfully defeating the opponent's anti-suit injunctions.
- **German chemicals then life-sciences company** in a €150 million ICC arbitration against a manufacturer of a medical device pursuant to a license agreement.
- **Leading US molecular diagnostics company:** in relation to a \$300 million arbitration over a Licence Agreement.
- **Leading pharmaceutical company:** LCIA arbitration between two bio-tech companies regarding a toxin and a licence agreement involving issues of breach of confidence, infringement of know-how and IP.
- **Biopharmaceutical company:** potential ICC arbitration proceedings concerning a distribution agreement for pharmaceutical products
- **US life sciences company:** LCIA arbitration in which it is claiming damages for breach of a SPA in respect of a pharmaceuticals business.



Bird & Bird LLP (international arbitration group) has 'a deep bench of sector-focused practitioners'

Mediation

In recent years Bird & Bird has enabled mediation to take place in over a hundred disputes which it was handling. In nearly 70% of these cases, the mediation made it possible to reach a settlement much more quickly than if litigation proceedings had been pursued. Our know-how in this regard extends not only to our awareness of the mechanisms of mediation and the advantages it may present for our clients, but also to the ways of persuading the opposing party to agree to such recourse.

Relationship pricing

We have invested in an innovative system to forecast and monitor the legal costs of contentious and non-contentious matters. The Bird & Bird cost management system ensures:

- Accuracy: we work closely with you to scope work and price it accurately
- Transparency: we share our detailed budgeting information with you at the outset
- Clarity: we are clear on what is included in the budget
- Real-time reporting: we tailor reports to meet your needs

Our integrated approach enables us to provide clients with early advice in confidence and can lead to the avoidance of costly litigation.



Our reputation in the market

“Bird & Bird again emerges as one of the best represented firms in our research, with 21 lawyers from 9 offices throughout Europe and Asia ranking prominently - an increase of six listings from the previous edition’s total”.

Who’s Who Legal Life Sciences 2012

“They are not acting as outsiders, but help us as if they are the real owners of the problem and provide us with the best possible solution. They are concentrated on finding solutions rather than creating problems.”

Chambers and Partners 2014 (What clients say)

Possesses capability across all of the major areas of life sciences, including regulatory, licensing, M&A and litigation concerns.

Chambers and Partners 2014

Manages massive pieces of litigation seemingly effortlessly.

Chambers and Partners 2013

“One of the things that I most admire is their availability. Whenever needed, even at the most bizarre times, the team members, including the partner, are always available.”

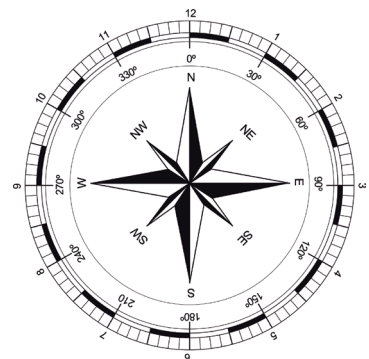
Chambers and Partners 2014 (What clients say)

Bird & Bird LLP’s sector-focused practice commits to cases.

The Legal 500 EMEA 2011

Bird & Bird LLP (international arbitration group) has ‘a deep bench of sector-focused practitioners’

Legal 500 2013



“Commercial, quick to identify the issues and get to the heart of the matter.”

Chambers and Partners 2014

“Determined but pragmatic”

Chambers and Partners 2013

The dispute resolution team at this firm is praised by sources for the quality of its litigation work, and has been receiving instructions in a wide range of cross-border matters.

Chambers and Partners 2013

Bird & Bird’s renowned status as a leader in the fields of IT, IP, outsourcing, telecoms and life sciences, this dispute resolution group has developed a formidable reputation in these core areas.

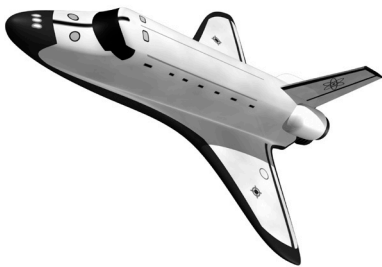
Chambers Europe 2013

‘Outstanding’ team ... Bird & Bird is ‘commercially minded and gives concise advice’, and is exceptionally good at ‘anticipating changes in the legal environment’

Legal 500 EMEA 2012

Clients are full of praise for our sector based dispute resolution practice, noting that the “smart, attentive and service orientated” lawyers have “specific industry knowledge in addition to the legal skills required”.

Chambers and Partners, 2012



Getting to know us

Bird & Bird is a truly international firm, organised around our clients. We connect our passion and practical insight with our clients' vision, to achieve real commercial advantage.

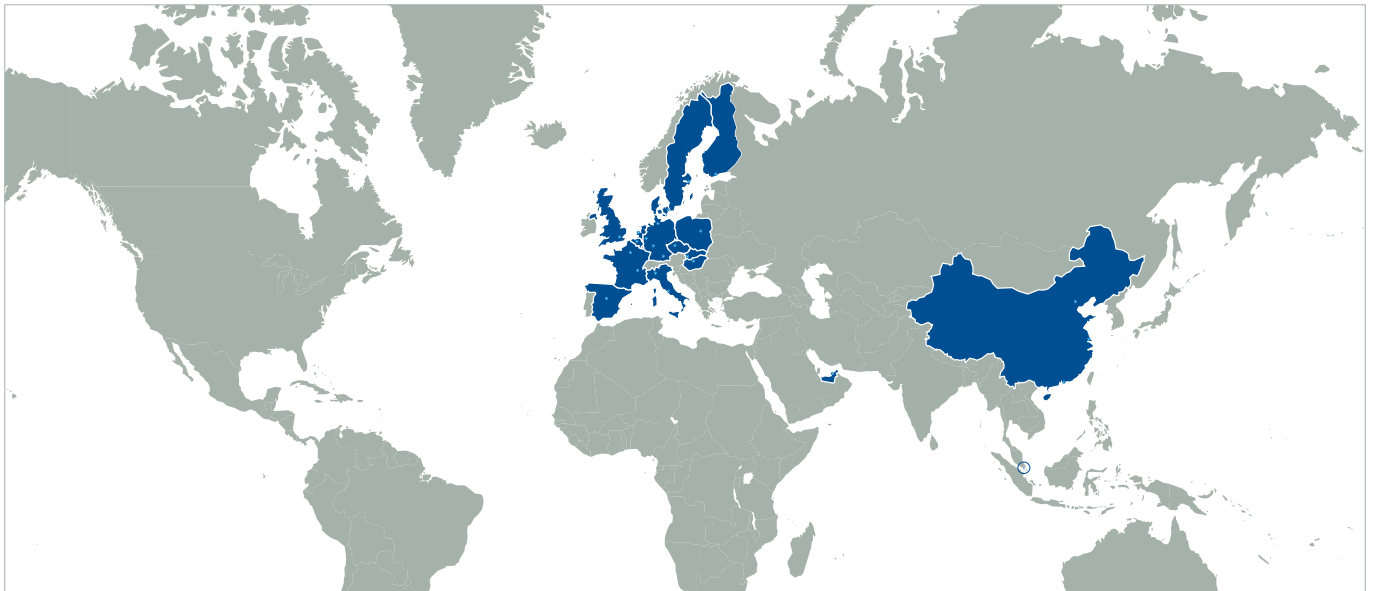
With more than 1000 lawyers and legal practitioners in 25 offices worldwide, we specialise in combining leading expertise across a full range of legal services, including advice on commercial, corporate, EU and competition, intellectual property, dispute resolution, employment, finance and real estate matters.

Our clients build their businesses on technology and intangible assets, and operate in regulated markets. The key to our success is our sector focus. We have developed deep industry understanding of these sectors, including aviation & aerospace, communications, electronics, energy & utilities, financial services, information technology, life sciences, media and sports. Our deep industry knowledge gives us:

- Expertise in the law and regulatory framework relating to each sector
- A practical, commercial approach to navigating the sector, supported by advisors who have worked for decades in these specific industries

Most of our work is cross-border and multi-jurisdictional. We excel at managing complex projects across multiple regions with a seamless one-firm approach.

We have offices in key business centres across Europe, the Middle East and Asia, including in Abu Dhabi, Beijing, Bratislava, Brussels, Budapest, Copenhagen, Düsseldorf, Frankfurt, The Hague, Hamburg, Helsinki, Hong Kong, London, Lyon, Madrid, Milan, Munich, Paris, Prague, Rome, Shanghai, Singapore, Skanderborg, Stockholm and Warsaw. We also have a dedicated group focusing on India and close ties with firms in other key jurisdictions in Europe, the Middle East, Asia and the United States. We offer local expertise within an international context.



twobirds.com

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Bird & Bird is an international legal practice comprising Bird & Bird LLP and its affiliated and associated businesses. Bird & Bird LLP is a limited liability partnership, registered in England and Wales with registered number OC340318 and is authorised and regulated by the Solicitors Regulation Authority. Its registered office and principal place of business is at 15 Fetter Lane, London EC4A 1JP. A list of members of Bird & Bird LLP and of any non-members who are designated as partners, and of their respective professional qualifications, is open to inspection at that address.