



Georgia Biomedical Partnership Newsletter

April 2007 GBP E-Chronicle

Georgia House, Senate Approve SB 148

Bill Duplicates Governor's Commission on Umbilical Cord Blood Research

The 2007 Georgia General Assembly has approved legislation to create a public umbilical cord blood and postnatal tissue bank for research and medical treatment with adult stem cells.

The Georgia Biomedical Partnership (GBP) supported formation of the blood and tissue bank, but objected to language in the original Senate Bill 148 that was inflammatory and hostile toward embryonic stem cell research. These references were immaterial to the bill's purpose of establishing a cord blood bank. See the GBP press release. (https://www.gabio.org/pr_details.asp?id=94)

The GBP asked the bill's author and the Senate Science and Technology Committee to remove the unnecessary references to embryonic stem cell research. They refused. The House Science and Technology Committee, however, amended SB 148 to eliminate all the inflammatory references after a two hour hearing April 9. Speaking on behalf of the GBP position were:

- Dr. Robert McNally, president and CEO of Cell Dynamics;
- Dr. Marie Csete, director of the Emory-Georgia Tech Human Embryonic Stem Cell Core Facility;
- James Shepherd, chairman of the Shepherd Center;
- Edward W. "Kip" Klein, III, former Georgia Representative and member of the Parkinson's Action Network.

Follow this link for a replay of the April 9

hearing: http://www.legis.ga.gov/legis/2007_08/house/Committees/scienceTech/scienceArchives.htm

The amended SB 148 passed unanimously in the House and Senate April 20. It has no funding attached. It creates a 15-member commission to investigate and oversee development of the cord blood and tissue banking network, even though Georgia already has such a commission created last year by executive order of Governor Sonny Perdue. The governor's commission is charged with the same responsibility as that outlined in SB 148 and is due to report its findings in December. At a meeting last week of this commission, the *Augusta Chronicle* reported that some members raised questions about the real need for the banking network and the potential high cost.

The amended SB 148 also aligned Georgia public funding of stem cell research with federal law and endorsed funding of embryonic stem cell research in line with limitations outlined by U.S. Senate Resolution 30, introduced by Senator Johnny Isakson of Georgia and passed by the Senate in April. The House has not voted on SR 30.

Currently, federal funding for embryonic stem cell research is restricted to cell lines in existence when President George W. Bush took office in 2001. Another U.S. Senate Resolution, SR 5, proposes lifting these restrictions. It was approved by the House and Senate this spring. If SR 5 becomes law, federal funding will expand to support derivation of new cell lines from donated embryos. SR 5 does not contain the limitations outlined in SR 30. President Bush has vowed to veto SR 5. He has endorsed SR 30.

SR 30 allows funding for new embryonic stem cell lines from donated embryos considered non-viable. It also restricts public funding for therapeutic cloning while SR 5 does not address this research. If SR 5 were to become law, Georgia public funding would follow its guidelines on new embryonic stem cell research from donated embryos, but funding for therapeutic cloning still would be restricted.

Georgia House Approves HR 662

Creates Georgia Bioeconomic Development Study Committee

The House approved a resolution introduced by Rep. Charlice Byrd (R-20th District), forming the Georgia Bioeconomic Development Study Committee to explore establishing a master plan for life sciences technology commercialization in Georgia.

The committee will consist of five members appointed by House Speaker Glenn Richardson and will meet at least five times “to negotiate the details of enabling legislation and endorse its legislative proposals for the 2008 session of the Georgia General Assembly.”

One meeting will be designated a Summit with the goal of bringing together government, university and industry leaders in a partnership to craft a statewide life sciences economic development strategy that will create more jobs, strength education and improve the health and quality of life for all Georgians.

In addition, the study committee will consider ways the state can take advantage of hosting the Biotechnology Industry Organization’s BIO 2009 International Convention in Atlanta. This conference is the largest life sciences technology convention in the world and will attract 25,000 bioscience professionals from more than 60 countries to Atlanta.

The Georgia Biomedical Partnership applauds Rep. Byrd and the Georgia House for their efforts to move the state into a 21st century bioeconomy and aggressively take advantage of life sciences technology advances in healthcare, agriculture, biofuels, environmental management and industrial production.

Here is a link to HR 662: http://www.legis.state.ga.us/legis/2007_08/versions/hr662_LC_35_0608S_hs_4.htm

Georgia Life Sciences Summit Expands Focus

Theme is “Growing Georgia’s Bioeconomy”

The Georgia Biomedical Partnership’s 2007 Life Sciences Summit is expanding beyond the annual conference’s focus on the future of biomedicine to include exploration of advances in agricultural biotechnology, food nutrition and biofuels.

The Summit has become the premier life sciences conference in the Southeast. More than 800 bioscience professionals from across the nation, Canada, Europe and Asia-Pacific are expected to attend the conference October 3 at the Georgia World Congress Center.

Panel sessions will include a showcase of Georgia’s best life sciences companies, universities, research institutes and other organizations, along with discussions on medical devices, global healthcare, agricultural science and bioenergy.

In addition, the Summit’s exhibit hall will feature displays of the latest technological advances and the scientific poster competition will highlight breakthrough research from companies and universities. The conference will conclude with a gala celebration.

Confirmed speakers include MedImmune Chairman Wayne Hockmeyer, who also is president of MedImmune Ventures; Coca-Cola Chief Scientific Officer Rhona Applebaum; Diversa CEO Edward Shonsey; Montreux Equity Partners Managing Director Howard Palefsky; Ventria Bioscience President and CEO Scott Deeter; and two senior executives with Monsanto, Executive Vice President of Commercial Acceptance Gerald Steiner and Vice President of Biotechnology Steve Padgett.

The Summit’s afternoon science program will focus on advances in cancer research with presentations by three distinguished scientists: Ravi Bellamkonda, Georgia Institute of Technology Professor and Georgia Cancer Coalition Distinguished Scholar; Brian Leyland-Jones, Emory University Winship Cancer Institute Director; and Michael Thun, American Cancer Society Vice President of the Department of Epidemiology and Surveillance Research.

The GBP is broadening the Summit’s focus on life science technology applications beyond healthcare as it prepares to host the Biotechnology Industry Organization’s BIO 2009 International Convention in Atlanta. The annual BIO conference will attract more than 25,000 bioscience professionals from more than 60 countries in the world’s largest exposition of technological progress in healthcare, agriculture, industrial and energy production, environmental management and marine science. Georgia is among the leaders nationwide in applying life sciences technologies across all these industry sectors.

For more information on the 2007 Summit and sponsorships, please visit www.gabio.org.

GBP Files Friend of Court Brief in Trade Secrets Case

Lower Court Ruling against Porex Reversed

The Georgia Biomedical Partnership (GBP) recently made an *Amicus Curiae*, or friend of the court, appearance in a state Court of Appeals case involving the Georgia Trade Secrets Act. Bill Kitchens of Arnall Golden Gregory LLP represented the GBP.

The case, *Porex Corporation v. Haldopolous et al*, involved a dispute between Porex Corp., a GBP member, and a company founded by former Porex employees. The Porex complaint contended that the former employees misappropriated Porex's trade secrets in violation of the Georgia Trade Secrets Act.

The trial court granted a summary judgment in favor of the former Porex employees. The court ruled Porex had "suspicions" of the defendants' trade secret violations more than five years before filing its complaint and these suspicions were sufficient to trigger the five-year limitation period under the Trade Secrets Act. Porex appealed.

The GBP's Board of Directors asked Kitchens to evaluate whether the issue in the case could be of significance to the biosciences industry. Following his review, the Board determined it was in the best interests of GBP members to file an *Amicus Curiae* brief because the trial court's "suspicion" standard, if affirmed by the Court of Appeals, would establish harmful public policy that could adversely affect the life sciences industry.

It is significant to note that the interests of the GBP related only to the appropriate interpretation of the Georgia Trade Secrets Act; the GBP took no position regarding the ultimate resolution of the factual dispute between the parties.

Representing the GBP on a *pro bono* basis, Kitchens advocated that the GBP had a direct and substantial interest in the case because the adoption of a lower "suspicion" standard for applying the statute of limitations period would force technology companies to litigate based on suspicion alone, which in turn would prompt baseless claims and require courts to waste valuable resources resolving premature or non-existent disputes.

The GBP urged the Appeals Court to reverse the trial court by holding that only knowledge of misuse, rather than concerns and suspicions, should start the clock of the statute of limitations. This approach, the GBP argued, would establish a proper balance between a potential defendant's legitimate interest in repose from unfounded lawsuits and the private and public interests of companies whose trade secrets have been stolen to discover and present those claims.

The GBP argued that affirmation of the "suspicion" standard used by the trial court would create uncertainty in the Georgia life sciences community, pressure life science companies to file lawsuits based largely on fears, and in turn, increase the risks and costs associated with developing new biomedical products and bringing them to market.

The appeals court agreed with these arguments and reversed the trial court's ruling on March 27. It held that the time to bring an action for violation of the Georgia Trade Secrets Act does not begin to run "until a plaintiff has sufficient information to make a 'meaningfully colorable' claim", and that "mere suspicion of possible misappropriation does not amount to objectively reasonable notice sufficient to trigger the running of the statute." The case will return to the trial court for resolution of the underlying claims.

Dr. Cinda Herndon-King Joins GBP

Will Coordinate Education and Workforce Development Initiatives

The Georgia Biomedical Partnership welcomes Cinda Herndon-King, Ph.D, as a senior consultant to help manage the GBP's many community-based education outreach programs.

Dr. Herndon-King worked extensively in the life sciences industry in Pennsylvania and Ohio with technology-based economic development groups, academic research organizations and start up companies. She also served as Vice President of the Board of ASSET Inc., a nonprofit organization that provides professional development training and teaching materials to science teachers in southwestern Pennsylvania. For a complete biography of Dr. Herndon-King please visit <https://www.gabio.org/staff.asp>.

The GBP has established collaborations throughout metro-Atlanta in an effort to help K-12 school teachers and administrators with bioscience education and assist university students in understanding the business applications of life sciences technologies. Dr. Herndon-King's expertise will be vital to the progression of these efforts.

The GBP has partnered with Dekalb County School System and the Arlington, Va.-based Biotechnology Institute to improve student achievement in science. In addition, the GBP efforts include working with the Governor's Office of Workforce Development on an expanded life sciences education strategy for a 12-county region from Atlanta to Athens.

The GBP also has partnered with the Center for Behavioral Neuroscience, a consortium of eight Atlanta universities, in developing an undergraduate college-level seminar series that will be taught by life sciences company CEOs and senior executives. The course, which begins this fall, will bring together science and business students to learn how life sciences companies operate.

For more information on the GBP's education initiatives, contact GBP President Charles Craig, charles.craig@gabio.org.

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