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## Legal Duo Stays on the Cutting Edge of Biomedical Field

1999-12-06

By Judy Stringer *associate editor*

One of the best parts of my job is meeting the people behind Boston's vibrant biomedical scene.

I am not talking about the biotech or device executives themselves, but the cast of characters, ranging from venture capitalists and accountants to bio-researchers and real estate developers, who seem to have their hands in just about every deal going down.

Hale and Dorr's Steven Singer and Fred Server fit into this group.

Singer and Server are the law firm's main biotech lawyers, spending 100 percent of their time helping life science companies do everything from ink licensing agreements and draft strategic partnership contracts to raise money. (That is, at times when the market is so inclined.)

And while some may think the duo would turn green with envy at flashy Internet and telecom deals being done by their Hale and Dorr associates in the more traditional technology practices, these two have seen their share of important deals.

"I can say without hesitation that I have been involved in deals that will make a bigger impact to the medical field and health care, than I could do so if I was still seeing patients," Server said.

Server is a former neurologist-in-training and past research director at Cambridge NeuroScience, who turned in his stethoscopes and lab coats for a law degree several years ago. Singer, meanwhile, is a history major, whose first assignment out of law school was with the Genetics Institute, one of the maiden biotech firms. Apparently, it struck a chord.

To date, their biggest claim to fame is acting as Millennium Pharmaceuticals' main outside counsel since 1996, when it was a private biotech startup with roughly 60 people. Millennium now has 1,000 employees and a \$3.5-billion market capitalization. Much of the growth is attributed to the company's innovative partnerships with large pharmaceutical companies. The

Hale and Dorr duo has been involved in one way or another in each of Millennium's dozen major deals.

"Millennium is a great client because it constantly generates deals that are new and different," Singer said, "and when you are entering into uncharted territory, you can be more creative."

The recent strategic alliance between Millennium and Bristol Myers Squibb Co. is a good example of the Cambridge firm's creative partnership prowess, Singer said. These two companies signed a \$32 million deal last month to develop clinical markers that will be used to make diagnostic tests and target drugs to patients according to their individual genetic sensitivities and responses, an emerging practice called pharmacogenomics. The five-year alliance not only outlines the responsibilities of both parties, but creates a set of protocols for the selection of a third company to commercialize diagnostic products coming from the research and development.

"What you have is two groups writing a deal that works to accommodate their interests and the interests of a third unknown company," Singer said.

Singer's favorite is still the \$465 million mega-deal between Millennium and German drug maker Bayer AG that was signed last year. The largest alliance penned in biotech history, term sheets were drafted and redrafted while en route from Logan Airport to the train station in Germany.

While Millennium keeps these two busy (indeed, the Cambridge company could support a small practice), it is not their only client. They represented Transkaryotic Therapies Inc. (TKT) in a private placement that raised \$132 million two months ago, and they have a roster full of much smaller companies like Lexington's Focal Inc. and Charlestown-based Diacrin Inc.

Singer and Server also got a rare opportunity to be a part of genetic research history early this year as lead attorneys in devising a contract between 10 large pharmaceutical companies and five research centers making up the "SNP Consortium." The consortium's goal is to find genetic variations, known as single nucleotide polymorphisms (or SNPs), in humans and to make them publicly available before smaller biotech companies have the opportunity to hoard this information. Server said of the SNP project: "It was very exciting to be a part of an event that was novel, even groundbreaking."

These two appear to find themselves in that position much of the time.

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