



## Intellectual Property for Life Sciences

Life sciences companies turn to WilmerHale to resolve their most complex intellectual property issues. We draw upon deep experience gained by handling thousands of IP matters across the pharmaceutical, biologic and biosimilar, genomic, biotechnology and medical device sectors. Life sciences companies strive to stay competitive in an increasingly challenging market by developing innovative offerings. It is our privilege and passion to bring to bear our experience in IP litigation, counseling and prosecution to help these clients protect their hard-earned achievements at each stage of growth.

### PRACTICE AT A GLANCE

- Our intellectual property and IP litigation lawyers are part of a multidisciplinary practice of nearly 200, focusing on a broad array of cutting-edge matters for life sciences clients.
- Our team is bolstered by the academic and industry experience of more than 100 lawyers and technology specialists with scientific and technical degrees, including 55 with degrees in biological and chemical sciences.
- We have robust experience with legal processes specific to the life science industry such as abbreviated new drug applications (ANDA), Orange Book listings and litigation arising from the Biosimilar Price Competition and Innovation Act (BPCIA).
- We have served as trial and appellate counsel in multi-jurisdictional life science matters before the International Trade Commission, district courts throughout the US, the Federal Circuit and the US Supreme Court. Our lawyers also have an outstanding track record in *inter partes* review proceedings (IPRs) before the Patent Trial and Appeal Board (PTAB), ensuring a comprehensive approach to any litigation strategy.
- We provide a comprehensive range of IP counseling and prosecution services:
  - strategic patent portfolio development and life-cycle management;
  - IP diligence in connection with public and private offerings and M&As; and
  - landscape, freedom-to-operate, patentability, validity and infringement advice.

200

medical device, biopharma  
and diagnostic company clients

150

ANDA cases handled in the last  
five years

120

life science IPRs handled  
by WilmerHale attorneys



Nearly **1 out of 4** litigations  
filed under BPCIA were handled  
by WilmerHale lawyers

## EXPERIENCE

### Biosimilars

- Representing **Genentech** in biosimilar patent litigation and related IPRs involving its \$7 billion-a-year drug, Herceptin. Our work for this client includes four district court litigations, 30 IPRs, and issues arising in international jurisdictions including the EU, Japan, South Korea and Brazil.
- Obtained a favorable settlement for **AbbVie** with Boehringer Ingelheim in some of the first litigations arising under BPCIA related to the proposed sale of a biosimilar for AbbVie's \$19 billion-a-year product Humira.

### Genomics

- Defending **Memorial Sloan Kettering Institute for Cancer Research (MSK)** against Errant Gene Therapeutics' (EGT) accusations of breach of contract, fraudulent misrepresentation and civil conspiracy to defraud. EGT's claims relate to a patented gene therapy for a rare blood disorder developed by MSK and formerly licensed to EGT.
- Prevailed on behalf of **Ancestry** in a lawsuit brought by 23andMe. The district court judge ruled all asserted patent claims to be invalid because they were directed to patent ineligible subject matter. A Federal Circuit panel unanimously affirmed.

### Pharmaceuticals

- Representing **Bristol-Myers Squibb** and **Pfizer** in one of the largest Hatch-Waxman cases ever filed, concerning the Orange Book-listed patents for the clients' anticoagulant drug Eliquis. The case began with 25 different generic companies, and five remain.
- Successfully defended **Astellas Pharmaceuticals'** subsidiary **OSI Pharmaceuticals** and **Genentech** against a patent infringement suit in relation to the oncology drug Tarceva when the PTAB invalidated all asserted claims and the Federal Circuit affirmed.

### Medical Devices

- Representing **Hearing Instrument Manufacturers Patent Partnership** against Intellectual Ventures (IV) in 11 IPRs, of which the PTAB instituted all 11. IV conceded four proceedings, and the remaining are on appeal to the Federal Circuit. This is one of the few large actions by an industry group against a non-practicing entity, without concurrent litigation.
- Earned a milestone victory for **Becton Dickinson (BD)**, ending an eight-year multinational patent infringement dispute with Braun Melsungen in US district court, the Federal Circuit, the PTAB and numerous jurisdictions across the globe. Eleven patents were asserted against BD in the US, and more than 60 patents in a half dozen countries were asserted outside the US. Braun ultimately settled the global dispute and gave BD a broad portfolio license.

### For information, please contact:

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## RECOGNITION

**Chambers USA:** ranked in Band 1 nationally for IP and life sciences since 2011 and 2013, respectively.

**The Legal 500 US:** named among the top law firms in the country for IP and life sciences each year since 2013.

**LMG Life Sciences:** named the 2019 IP Firm of the Year and General Patent Litigation Firm of the Year; recognized as a leader for Hatch-Waxman litigation, IPRs and all-around life sciences work.

**Managing IP:** consistently listed as Tier 1 for life sciences; honored as the US Patent Contentious Firm of the Year seven times since 2011.

**U.S. News and World Report:** named the 2021 Patent Law Firm of the Year, 2020 Biotechnology Law Firm of the Year and the 2018 IP Litigation Law Firm of the Year.

**“WilmerHale provides flawless execution and high-level strategic thinking, which is well grounded in the biotech industry.”**

— *Chambers USA 2019*

**“They are, far and above, of a higher quality for client service than any of the other firms.”**

— *Chambers USA 2019*