



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 IP and IP litigation lawyers are part of a multidisciplinary practice of nearly 200 professionals 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 125 lawyers and technology specialists with scientific and technical degrees, including more than 50 with degrees in biological and chemical sciences.
- We have robust experience with legal processes specific to the life science industry such as Hatch-Waxman litigation related to drugs listed in the Orange Book, litigation arising from the Biologics Price Competition and Innovation Act (BPCIA), and competitor cases.
- We have served as trial and appellate counsel in life science matters before the district courts throughout the US, the Federal Circuit and the US Supreme Court, and the International Trade Commission. Our lawyers also have an outstanding track record in *inter partes* review proceedings (IPRs) representing both Patent owners and petitioners before the Patent Trial and Appeal Board (PTAB).
- 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;
 - landscape, freedom-to-operate, patentability, validity and infringement advice; and
 - strategic coordination of global contested matters strategies for clients involved in oppositions and litigation across multiple jurisdictions.

200+

medical device, biopharma
and diagnostic company clients

120+

ANDA cases handled
since 2015

160+

life science IPRs handled
by WilmerHale attorneys



**2022 Hatch-Waxman
Litigation Firm of the
Year – Branded**

— LMG Life Sciences Awards

EXPERIENCE

- Won on a significant victory on behalf of **Gilead Sciences** against the Department of Health and Human Services in the Court of Federal Claims when the court found that the government breached three material transfer agreements relating to studies of Gilead's ground-breaking drug, Truvada®, for HIV prevention.
- Represented **Genentech** in biosimilar patent litigations and related IPR matters involving its \$7 billion-a-year drug, Herceptin®. Our work included five 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®.
- Represent a **major research university** in patent prosecution encompassing a wide range of HIV-related technologies, including genetics, immunology, vaccines, therapeutic antibodies and diagnostics.
- Successfully defended **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 alleged claims related 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 invalid as they were directed to patent ineligible subject matter. A Federal Circuit panel unanimously affirmed.
- Obtained a complete victory for **Bristol-Myers Squibb** and **Pfizer** in what began as one of the largest Hatch-Waxman cases ever filed, with 25 different generic companies as defendants, when the court found the patents covering our clients' blockbuster drug Eliquis® valid and infringed by all generics challenging them. We also handled related IPR matters.
- Achieved a significant victory for **Astellas** affiliate **OSI Pharmaceuticals** and **Genentech** when the Federal Circuit reversed a PTAB decision holding the relevant patent claims obvious. The decision capped our successful four-year defense of the clients' patent covering Tarceva®, a blockbuster treatment of non-small cell lung cancer.
- Provide strategic patent counseling and freedom to operate advice to a **clinical-stage biopharmaceutical company** focused on therapies for the treatment of psychiatric and neurological disorders.
- Offer strategic advice and manage worldwide patent prosecution of approximately 2,300 patent applications for **Columbia University's** Morningside and Medical Center campuses, including prosecuting applications in a wide variety of pharmaceutical areas, medical devices, and high-tech innovation.
- Earned a milestone victory for **Becton Dickinson**, 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.

For information, please contact:

Mark D. Selwyn — Co-Chair, Intellectual Property Litigation Practice | +1 650 858 6031 | mark.selwyn@wilmerhale.com

Emily R. Whelan — Chair, Intellectual Property Department | +1 617 526 6567 | emily.whelan@wilmerhale.com

Amy K. Wigmore — Co-Chair, Intellectual Property Litigation Practice | +1 202 663 6096 | amy.wigmore@wilmerhale.com

RECOGNITION

Chambers USA: Ranked in Band 1 nationally for IP and life sciences since 2011 and 2013, respectively; named 2024 Intellectual Property Firm of the Year.

The Legal 500 United States: Named among the top law firms in the country for IP and life sciences each year since 2013.

LMG Life Sciences: Awarded 2020 Impact Case of the Year; named the 2019 IP Firm of the Year; awarded 2018 Hatch-Waxman Impact Case of the Year; recognized as a leader for patent litigation, IPRs and all-around life sciences work.

Managing IP: Consistently listed as Tier 1 for life sciences; honored as the US Patent Disputes Firm of the Year eight times since 2013.

U.S. News and World Report: Named the 2022 and 2021 Patent Law Firm of the Year, the 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.”

“WilmerHale's attention to detail and ability to attend to highly complex and nuanced issues are outstanding.”

— Chambers USA