

Rising Star: WilmerHale's Timothy Cook

By Adam Lidgett

Law360 (July 20, 2023, 9:55 AM EDT) -- Timothy Cook of WilmerHale helped lead Gilead Sciences to victory in a case in which a jury rejected a claim that Gilead infringed government-owned patents when it fielded its Truvada and Descovy HIV drugs — earning him a spot among the life sciences law practitioners under age 40 honored by Law360 as Rising Stars.

The biggest case of his career:

Cook said his most fascinating case was one that wrapped up in May, in which a Delaware federal jury scuttled government claims to ownership and demands for licensing of some rights associated with HIV drug patents, capping a five-day trial on U.S. Department of Justice claims that three patents had been infringed. Jurors also found that prior government patent claims were invalid based on both obviousness and anticipation.

It was "a first of its kind case," according to Cook.

"The fact that this was a case with DOJ was itself unusual," Cook told Law360. "The government has only brought a handful of patent cases and nothing like this."

Cook added that "the use of the drugs that the government patented really wasn't new," which he said was his team's "main defense in the Delaware case."

"Finding a way to present the case and make it clear that Gilead was the good actor here and the government ... wasn't behaving on the up and up, that was the real challenge here," Cook said.

Another interesting case:

Cook also represented Bristol-Myers Squibb and Pfizer in a case in which the Federal Circuit found that patents for the companies' blockbuster blood clot treatment Eliquis are valid and infringed by generics manufacturers.

Cook said that initially there were more than two dozen simultaneous generics challengers. His clients worked to settle with many, but three

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Timothy Cook
WilmerHale

Age: 38

Home base: Boston

Position: Partner

Law school: University of Virginia School of Law

First job after law school: Associate at Debevoise & Plimpton LLP

generics makers were still left by the time of the trial.

"It was a technically complicated issue — finding a way to present it in a really clear manner," Cook said.

Why he is a life sciences attorney:

"It's partially my background, having worked in chemistry and studied chemistry before law school," Cook said of his practice.

Cook said he likes the challenge of taking a complex body of knowledge and distilling it into something that's easy to understand.

That comes into practice in litigation, he said, adding that he deals with very procedurally complicated cases that allow for creative, strategic thinking.

"After I realized in grad school that focusing on one slice of research wasn't for me ... I wanted to focus on something broader than that," Cook said.

How he thinks his legal field will change:

Cook said drug discovery changes very rapidly. Where once it involved a chemist finding a drug and patenting it, emerging therapies and tools are more complex than those used a decade or two ago.

As drug discovery becomes more complex, more stakeholders will want a piece of the pie, Cook said.

"As drug discovery is getting harder and more expensive, [there's] more litigation between competitors and more litigation driven by broader concerns, like pricing concerns," Cook said.

--As told to Adam Lidgett.

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2023 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of May 1, 2023, to be eligible for this year's award. This interview has been edited and condensed.