



Timothy A. Cook

PARTNER

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Tim Cook represents life sciences companies in high-stakes intellectual property litigation. He regularly represents innovators in “bet-the-company” cases that are closely watched by national and legal media. On top of a core practice focused on patent litigation of all forms—including litigation between competitors, against non-practicing entities, and with generic and biosimilar manufacturers—Mr. Cook regularly tries licensing and contractual disputes involving life sciences technology.

As a former scientist and chemistry teacher, Mr. Cook can deeply analyze the technical issues raised in life sciences litigation and communicate them to lay judges and juries. One court recently praised a technology tutorial that Mr. Cook oversaw as one of the best it had seen. Mr. Cook has tried cases and handled challenging witness examinations involving a wide range of subjects, including gene therapies, drug formulations, purification methods for biological products, biofuels, and many types of pharmaceuticals.

Mr. Cook has appeared in all major forums where life sciences IP disputes are litigated, including federal courts across the country, the US Court of Federal Claims, the Judicial Panel on Multidistrict Litigation, the US Court of Appeals for the Federal Circuit, the Patent Trial and Appeal Board, and the New York Supreme Court Commercial Division. Mr. Cook also regularly advises on multi-jurisdictional disputes, working with foreign counsel to develop and execute strategies to protect clients’ rights around the world.

Mr. Cook also maintains an active pro bono practice. He recently served as lead counsel in a Social Security redetermination of benefits hearing that, because of its unusual procedural posture, raised novel administrative and constitutional law questions.

Professional Activities

Mr. Cook often speaks on life sciences IP issues. He has delivered CLE presentations on venue for Hatch-Waxman litigation, antitrust issues for life sciences IP lawyers, the Hatch-

Waxman Act's safe harbor, and intellectual property issues facing gene therapy companies.

Mr. Cook was also recently appointed to a three-year term on the *American Intellectual Property Law Association Quarterly Journal* Editorial Board.

Prior Experience

Mr. Cook clerked for the Honorable Rya W. Zobel of the US District Court of the District of Massachusetts. During law school, he also served as an intern for the Honorable Robert B. King of the US Court of Appeals for the Fourth Circuit.

Before becoming a lawyer, Mr. Cook received an AB and MA in chemistry, served as a head teaching fellow for several organic chemistry courses at Harvard University, and conducted scientific research in chemistry and biochemistry groups there.

Solutions

Intellectual Property Litigation
Trials

Life Sciences
Commercial Litigation

Litigation

Experience

LIFE SCIENCES PATENT DISPUTES

- Secured a complete trial victory for Gilead Sciences in first-of-its-kind patent infringement litigation brought by the U.S. Department of Justice. The government sought more than \$1 billion in royalties for alleged infringement of four patents issued to the Centers for Disease Control and Prevention. The WilmerHale team obtained summary judgment of invalidity on one patent and a jury verdict of non-infringement and invalidity due to anticipation, obviousness, and non-enablement for the remaining patents.
- Represented a genetic testing company in a post-trial appeal before the US Court of Appeals for the Federal Circuit. Successfully defended the district court's order denying injunctive relief.
- Achieved a favorable outcome for an innovator pharmaceutical company in a dispute with a non-practicing entity about a method-of-treatment patent. Successfully obtained a stay of litigation in the Northern District of Illinois and invalidated all asserted claims in an *inter partes* review. The Federal Circuit affirmed the decision.
- Successfully opposed institution of an *inter partes* review of a compound patent covering a major drug, defeating a hedge fund's attempt to invalidate the patent.

HATCH-WAXMAN & BIOSIMILARS LITIGATION

- Secured complete trial and appellate victories for clients Bristol-Myers Squibb Co. and Pfizer Inc. in Hatch-Waxman litigation over two patents covering their blockbuster drug Eliquis®. The litigation began as one of the largest Hatch-Waxman cases ever filed, with 25 different generic companies named as defendants.
- Represented a major life sciences innovator in BPCIA “patent dances” and several litigations about patents relating to proposed biosimilars of its blockbuster biologic cancer drug. Successfully briefed a motion to dismiss a biosimilar company’s declaratory judgment action, adding to a growing body of law about the BPCIA’s declaratory judgment bars.
- Achieved a favorable outcome for an innovator pharmaceutical company in Hatch-Waxman litigation related to one of its main products. Successfully moved the Judicial Panel on Multidistrict Litigation to consolidate all actions in the District of Delaware and resolved all cases during discovery.
- Represented an innovator pharmaceutical company in a four-day Hatch-Waxman patent infringement trial in the District of Delaware about a tyrosine kinase inhibitor used to treat several cancers.
- Represented a major pharmaceutical company in several declaratory judgment actions in the District of New Jersey related to an Orange Book-listed patent for its product. Obtained complete dismissal following briefing about the Hatch-Waxman Act’s exclusivity provisions.
- Represented a major pharmaceutical company in several Hatch-Waxman cases in the District of Delaware involving challenges to patents covering two of its oral iron chelator products.
- Represented an innovator pharmaceutical company in a five-day Hatch-Waxman patent infringement trial in the District of Delaware about an antibiotic of last resort.

LICENSING & CONTRACT DISPUTES

- Representing Gilead Sciences in litigation about the CDC’s breaches of several material transfer agreements and clinical trial agreements in the US Court of Federal Claims. After a seven-day bench trial, the Court of Federal Claims found that the government breached three MTAs by failing to promptly notify Gilead of patent applications that the CDC filed on experiments done using free pharmaceuticals that Gilead provided under the agreements.
- Defended research institution in licensing dispute related to gene therapy, including at trial before the New York Supreme Court Commercial Division.
- Achieved a favorable outcome for a Brazilian biotechnology and clean energy company in litigation involving state and federal trade secret law, including the Defend Trade Secrets Act. The Northern District of Georgia granted our motion to compel arbitration and denied plaintiffs’ motion for a preliminary injunction.

Recognition

- Named a Rising Star in the Life Sciences category by *Law360*, 2023.

- Litigation Daily's Litigator of the Week Runner Up for a complete jury victory in a first-of-its-kind case, 2023.
- Selected for inclusion in *Best Lawyers: Ones to Watch* for intellectual property litigation in 2023 and 2024.
- Named to *Boston Magazine's* Top Lawyers list in 2022 and 2023 in the area of intellectual property rights.
- Chosen annually as a *Massachusetts Super Lawyer* "Rising Star" for intellectual property litigation since 2018.
- Elected to the Order of the Coif.
- Winner of the Virginia State Bar's 2010 Intellectual Property Law Student Writing Competition.
- ABA-BNA Award for Excellence in the Study of Intellectual Property Law at the University of Virginia School of Law.

Credentials

EDUCATION

JD, University of Virginia
School of Law, 2011

*Order of the Coif; Virginia Law
Review; Editor-in-Chief, Virginia
Journal of International Law*

MA, Chemistry, Columbia
University, 2007

AB, Chemistry, Harvard
College, 2006

ADMISSIONS

Massachusetts

District of Columbia

New York

US Patent and Trademark Office

CLERKSHIPS

The Hon. Rya W. Zobel, US
District Court for the District
of Massachusetts, 2014 - 2015