

Bruce R. Genderson

Partner

Bruce Genderson founded and is the senior trial lawyer of Williams & Connolly's patent litigation practice. He is nationally-known for his work representing major corporations in patent disputes. Over the course of his more-than-three-decade career, he has represented some of the world's largest companies in patent infringement suits involving billion-dollar-a-year pharmaceuticals, complex biotechnology inventions, computers and electronics, and medical devices. He has represented a number of emerging companies in patent litigation in different industries as well.

Bruce has litigated civil and criminal matters of all types — from intellectual property disputes to complex corporate and commercial cases to defending against criminal charges as diverse as tax fraud and capital murder. He has also represented individuals in both complex civil and criminal litigation, and defended prominent law firms in legal malpractice actions. Bruce has been named an "IP Star" by *Managing Intellectual Property* every year since 2013. The 2015 edition stated that he "has been described by peers as a 'superb trial lawyer' and a 'brilliant strategist.'" *LMG Life Sciences* 2012 states that "peers consider [Bruce] to be 'one of the best patent litigators in the country,'" and the publication recognized him as a "Life Science Star" from 2012 to 2018. In 2015, *LMG* inducted him into its Hall of Fame. Bruce also received top rankings in intellectual property litigation in the 2013 to 2019 editions of *Chambers USA: America's Leading Lawyers for Business*, and was recommended in the 2015 edition of *The Legal 500* in the area of commercial litigation. Since 2016, *Benchmark Litigation* has named Bruce a "Local Litigation Star" in the category of intellectual property litigation.

Bruce began building Williams & Connolly's patent litigation practice in the mid-1990s, and it is now among the firm's largest practice groups. He has practiced in state and federal courts across the country, including Washington, D.C., Maryland, Virginia, Delaware, California, New Jersey, New York, Colorado, Wisconsin, Ohio, Texas, Georgia, Louisiana, Alabama, Pennsylvania, Massachusetts, Connecticut, Indiana, Kansas, Arizona and the U.S. Virgin Islands. He has also assisted in litigation outside the U.S., including a trial in Australia. His pharmaceutical clients include Bayer, Eli Lilly, Merck, and Alcon, and his electronics clients include Samsung and Google.

Bruce was elected a Fellow of the American College of Trial Lawyers in 2009. For many years, he was an officer in charge of programming of the Inn of Court for the Federal Circuit. Bruce is listed in the 2010-2013 editions of *Washington DC's Best Lawyers* and in the 2010-2012 editions of *Best Lawyers in America* under the categories of Bet-the-Company



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Education

University of Pennsylvania Law School, J.D., magna cum laude, 1977

Duke University, B.A., summa cum laude, 1974

Practice Focus

Civil Litigation and Trial Practice
Patent Litigation
Commercial Litigation
Criminal Defense and Government Investigations

Recognitions



Fellow, American College of Trial Lawyers

"Intellectual Property (DC)," *Chambers USA*, 2013-2019

"Local Litigation Star," *Benchmark*

Litigation, Commercial Litigation and Intellectual Property Law. He is listed in the 2013-2020 editions of *Best Lawyers in America* under the same categories and under the category of Patent Litigation. Bruce is listed in the 2013-2016 and 2018-2019 editions of *Washington, D.C. Super Lawyers Magazine* as one of the Top 100 lawyers in D.C., as well as under the category of Intellectual Property Litigation. He has been recognized in the 2012-2019 editions of *IAM 1000 - The World's Leading Patent Practitioners*. The 2018 edition identifies Bruce as "a truly superb lawyer who believes in every case he takes." The 2016 edition praises Bruce for having "masterminded the firm's rise to prominence in the IP space," and notes that he is "a brilliant strategist and indefatigable worker, with extraordinarily good judgement," and that "he commands immense respect from opponents and judges; when he's on a case, as if by magic, nobody wants to fight over inconsequential points." In the 2014 edition, *IAM 1000* describes Bruce as a "gold-standard litigator" who "has this wonderful mix of being likeable yet extremely tough,...cerebral, but with great street-smarts and tactical cunning..." In 2013, he was described as "smart, tough and highly articulate" and "one of the most respected trial lawyers" in Washington, D.C. The 2012 edition noted that clients "love IP leader Bruce Genderson for his strategic and tactical acumen, tenacity and ability to overcome any obstacles" and that he has "diverse experience [in] complex civil litigation." He was also named one of the top 10 life sciences litigators in the United States in the June 2012 issue of *Managing Intellectual Property*.

Bruce was born in Washington, D.C. and grew up in Silver Spring, MD. He received his B.A., *summa cum laude*, from Duke University in 1974 and his J.D., *magna cum laude*, in 1977 from the University of Pennsylvania Law School. After clerking for Judge Irving L. Goldberg of the U.S. Court of Appeals for the Fifth Circuit, Bruce joined Williams & Connolly in 1978. He served as a member of Williams & Connolly's Executive Committee from 2002-2006 and again from 2013-2018.

Bruce served on the Board and as an officer of his synagogue, B'nai Tzedek, for many years, including serving as President from 2010-12. He currently serves on the Board of the Washington Region of the American Jewish Committee (AJC) and co-chairs the Campus Outreach Task Force. He is an amateur photographer, and he loves sports of all kinds - including tennis, golf, skiing, hiking, and swimming.

Representative Experience

Though all cases vary and none is predictive, Bruce's experience includes:

- Lead counsel for Bayer in ANDA litigation related to Bayer and Johnson & Johnson's drug Xarelto®, a novel oral anticoagulant and the most prescribed product in its class. With annual sales in the billions, Xarelto® is prescribed to reduce the risk of stroke and blood

Litigation, 2016-2019

IAM 1000, the World's Leading Patent Practitioners, 2012-2019

"Top 10 Life Sciences Litigators in the United States," 2012 and an "IP Star," 2013-2019, *Managing Intellectual Property*

"Life Science Star," *LMG Life Sciences*, 2012-2018

Inducted into *LMG Life Sciences Hall of Fame*, 2015

Recognized as one of *The Best Lawyers in America*®, 2010-2020

Admissions

District of Columbia

Maryland

District of Columbia Court of Appeals
and Court of Appeals of Maryland
United States Court of Appeals for the
District of Columbia, Fourth, Fifth,
Eleventh, and Federal Circuits
United States District Court for the
District of Columbia, District of
Maryland, Southern District of
Alabama, Western District of Texas,
Eastern District of Wisconsin,
Southern District of Indiana, District
of Colorado, and Western District of
Michigan

clots in people with atrial fibrillation or in people who have just had knee or hip replacement surgery. It is also prescribed to treat deep vein thrombosis and pulmonary embolism, and to help reduce the risk of those conditions. Several manufacturers have filed applications with the FDA to sell generic versions of Xarelto®, and have challenged the validity of three patents covering the product.

- Lead counsel for Bayer in a patent infringement suit brought by Biogen relating to Bayer's genetically-engineered Interferon product for the treatment of multiple sclerosis. The case involves the use of genetic engineering to identify the gene that codes for Interferon and to transform bacterial cells with plasmids containing the human DNA sequence to induce the bacteria to produce human Interferon.
- Represented long-standing client Bayer in a Hatch-Waxman case relating both to Bayer's erectile dysfunction drug product Staxyn® as well as to a patent that also covers its erectile dysfunction drug product Levitra®. The patent at issue generated \$200 million/year in sales. A federal judge in the District of Delaware ruled in favor of Bayer on both patents.
- Played a key role in cross-examining expert witness in a major international patent licensing arbitration, which was tried before a three-member panel, relating to standard essential patents and products with billions of dollars in revenue. The firm represented a major technology company in the arbitration. The International Chamber of Commerce tribunal award was hailed as a model of constructive resolution of a licensing dispute. The award set the royalty amount the company will pay to extend a patent license agreement through 2018. In recent years, regulatory authorities such as the U.S. Federal Trade Commission and the European Commission's Directorate-General for Competition have urged large, sophisticated parties to resolve substantial patent royalty disputes through binding arbitration, and this is one of the first major cases in which both parties committed to do so.
- Lead trial lawyer for Eli Lilly and Princeton University in patent litigation relating to the validity of the patent covering Lilly's blockbuster anti-cancer drug Alimta®, which has annual U.S. sales of almost \$1 billion and worldwide sales approaching \$2 billion. A federal judge in the District of Delaware ruled in favor of Lilly and Princeton, upholding the validity of the patent, and the decision was affirmed on appeal.
- Represented Eli Lilly in two other Alimta® cases involving a particular method of administering the drug with folic acid and vitamin B12. In 2014, following a trial in 2013, a federal judge in the Southern District of Indiana ruled in favor of Lilly in a second case involving the same defendants challenging a patent covering a

method of administering Alimta® with certain vitamins.

- As lead trial lawyer, represented Alcon, now a division of Novartis, and its licensing partner Kyowa Hakko in *Alcon Research, Ltd. v. Apotex*. The case involved Apotex's attempt to sell a generic version of Alcon's anti-allergy drug Patanol®, which for over a decade was the market leading anti-allergy eye drop with annual sales in excess of \$300 million. After a bench trial in the Southern District of Indiana, the court ruled in Alcon and Kyowa's favor on every issue.
- Lead trial lawyer for SenoRx in *Hologic v. SenoRx*. Hologic claimed that SenoRx's radiation balloon brachytherapy device for treating breast cancer infringed three of Hologic's patents. A jury in the Northern District of California invalidated all claims of the two patents that remained at trial and ruled that SenoRx did not infringe the one patent for which infringement was an issue. After the successful jury verdict, trial Judge Ronald M. Whyte commented on the record that "I've tried a number of patent cases and this was a real pleasure. I thought this was the most professionally handled case from both sides that I've seen...." The Federal Circuit reversed the District Court's ruling on a claim construction issue for one of the patents, and the case then settled.
- First-chaired for Bayer the trial of *Bayer AG v. Dr. Reddy's*. This was an ANDA (Abbreviated New Drug Application) suit involving the antibacterial drug Avelox®, whose annual U.S. sales exceed \$300 million. The District of Delaware Court ruled in favor of Bayer on all issues, rejecting Reddy's claim that the two Bayer patents in suit were invalid and unenforceable.

Resources

Publications

- *The Constitutionality of the New York Municipal Wage Freeze and Debt Moratorium: Resurrection of the Contract Clause*, 1976

Presentations

- *IP Malpractice and Ethics Issues*, January 2017