

Thomas S. Fletcher

Partner

Tom Fletcher's practice focuses on patent litigation and licensing disputes, primarily in the biotechnology and pharmaceutical fields. Tom has represented clients in Hatch-Waxman trials, in appellate proceedings in the Court of Appeals for the Federal Circuit, and in *inter partes* review proceedings before the PTO. Tom has also represented clients in proceedings under the BPCIA. In 2018, Tom was recognized by *LMG Life Sciences* with the U.S. Rising Star – Intellectual Property award.

Tom received a B.S. in Chemistry and Economics, with honors, from the California Institute of Technology in 2004 and received his J.D. from the University of California, Berkeley School of Law (Boalt Hall) in 2007. He clerked for Judge Ronald M. Whyte of the United States District Court for the Northern District of California in San Jose before joining Williams & Connolly in 2009.

Representative Experience

- Represented Bayer Healthcare in a Hatch-Waxman trial against Watson in the United States District Court for the District of Delaware, relating to Watson's effort to market a generic version of Bayer Healthcare's erectile dysfunction drug vardenafil. The Court ruled from the bench in Bayer Healthcare's favor, upholding the validity of Bayer Healthcare's patents directed to vardenafil.
- Represented MedImmune in its declaratory judgment action challenging the "Queen patents" assigned to PDL BioPharma, among the most widely licensed patent portfolios in the biotechnology industry. The court ruled on summary judgment that the asserted Queen patent was invalid as anticipated.
- Representing a biotechnology company in connection with district court litigation brought pursuant to the BPCIA concerning a biosimilar immunoadhesin drug.
- Representing a biotechnology company in connection with *inter partes* review proceedings against patents related to client's antibody drug.
- Representing 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



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Education

University of California at Berkeley
School of Law (Boalt Hall), J.D.,
2007: Order of the Coif
California Institute of Technology,
B.S., with honors, 2004

Practice Focus

Patent Litigation

Recognitions

"40 & Under Hot List", *Benchmark Litigation*, 2019

"U.S. Rising Star – Intellectual Property," *LMG Life Sciences*, 2018

Admissions

California
District of Columbia
United States District Court for the
Northern District of California
United States Patent and Trademark
Office

transform bacterial cells with plasmids containing the human DNA sequence to induce the bacteria to produce human Interferon.

- Represented energy services company Petroleum GeoServices in *inter partes* review proceedings against Schlumberger subsidiary WesternGeco relating to patents directed to seismic surveying technology. The PTAB canceled claims from three patents previously asserted by WesternGeco that were the subject of a district court judgment of validity and damages of over \$100,000,000 against Petroleum GeoServices' supplier.

Resources

Publications

- *Patent Case Management Judicial Guide*, 2009
- *American Library Ass'n v. FCC: Charting the Future of Content Protection for Digital Television*, January 2006