Patent Litigation

“Williams & Connolly may be the finest overall litigation outfit in the country.”

“[A] quality organisation with top lawyers who, in the opinion of peers, are ‘as good as it gets at trial.’”

“Clients concur, saying, ‘there isn’t a better group of lawyers in the country when it comes to litigation, PTAB proceedings and Federal Circuit Appeals.’”

“On the branding side in pharmaceutical patent litigation, it is the absolute best in the business.”

- IAM Patent, 2017-18

Williams & Connolly’s reputation for handling “bet-the-company” civil litigation at the trial and appellate levels applies equally to the firm’s thriving Intellectual Property Practice. Major corporations including Google, Dropbox, Samsung, Intel, Pfizer, Eli Lilly, Alcon, Roche/Genentech, Bayer, AstraZeneca/MedImmune, and many others place their trust in Williams & Connolly litigators to handle major intellectual property matters, particularly in patent litigation and related licensing disputes.

About 50 Williams & Connolly attorneys devote a substantial portion of their practice to patent cases, including fifteen former clerks of the United States Court of Appeals for the Federal Circuit. Many of our lawyers practicing in this area have science degrees, and fifteen have been admitted to practice before the United States Patent and Trademark Office.

A major part of Williams & Connolly’s patent litigation practice is representing pharmaceutical companies in Hatch-Waxman pharmaceutical patent litigation.

Williams & Connolly has handled over 100 IPR proceedings, including numerous concurrent with district court proceedings in Hatch-Waxman cases.

Representative areas of concentration include:

**Pharmaceuticals:** A major part of Williams & Connolly’s patent litigation practice is representing brand-name pharmaceutical companies in Hatch-Waxman pharmaceutical patent litigation against generic competitors seeking to sell generic versions of the brand companies’ drugs. Over the years, the firm achieved significant successes for many companies involving a diverse array of highly successful drugs, prevailing numerous times at trial and in the Federal Circuit.

We have represented the following pharmaceutical clients in these matters:

- Eli Lilly in multiple district court trials, Federal Circuit appeals, and *inter partes* review proceedings over patents protecting Eli Lilly’s blockbuster anti-cancer drug Alimta
- Pfizer at trial and in the Federal Circuit in litigation over Pfizer’s billion dollar a year anti-cancer drug Sutent
- Bayer in litigation in the U.S. District Court for the District of Delaware and in *inter partes* review proceedings relating to Bayer and Johnson & Johnson’s billion-dollar-a-year anticoagulant drug Xarelto
- AstraZeneca in Federal Circuit appeal addressing where specific personal jurisdiction exists over generic drug manufacturers for purposes of Hatch-Waxman litigation
- Bayer at trial and in the Federal Circuit in several cases relating to Bayer’s erectile dysfunction drug products Levitra and Staxyn
Alcon in district court litigation and *inter partes* review proceedings relating to Alcon’s topical anti-allergy eye drop Pazeo

Bayer in Hatch-Waxman litigation over several patents protecting Bayer’s anti-cancer drug Nexavar, which has annual U.S. sales of hundreds of millions of dollars

Pfizer in *inter partes* review proceedings, on appeal in the Federal Circuit, and in several district court cases relating to patents protecting Pfizer’s antibiotic drug Tygacil

Alcon in Hatch-Waxman litigation relating to Alcon’s Illevo product, an ophthalmic drug used to treat pain and inflammation associated with cataract surgery

Pfizer in district court litigation relating to Pfizer’s long-acting pain relief product Embeda

Alcon in district court litigation and *inter partes* review proceedings relating to patents protecting Alcon’s antibiotic eye drops Vigamox and Moxeza

Bayer in district court litigation and *inter partes* review proceedings over patents protecting Bayer’s anti-cancer drug Stivarga

Alcon in district court trial and on appeal to the Federal Circuit in connection with patents protecting Alcon’s Patanol anti-allergy eye drop, as well as district court litigation relating to Alcon’s Pataday anti-allergy product

Bayer in district court trial relating to patents protecting Bayer’s antibiotic drug Avelox

**Biotechnology:** The firm also handles significant patent, licensing, and trade secret disputes in biotechnology for Roche/Genentech, AstraZeneca/MedImmune, and Pfizer, among others, in courts and arbitral forums throughout the world, including before the United States Supreme Court in the landmark MedImmune case, which addressed a licensee’s ability to challenge a patent while still paying royalties.

We have represented biotech clients in the following matters:

- Bayer in a patent infringement suit brought by Biogen relating to Bayer’s genetically-engineered Interferon product for the treatment of multiple sclerosis
- Merck in defending patent litigation brought by PDL Biopharma relating to Merck’s Keytruda product
- University of Pittsburgh in its dispute over the inventorship of a patent jointly assigned to the University of Pittsburgh and the University of California relating to adult stem cells derived from fat tissue
- MedImmune in a variety of patent matters, including *MedImmune v. PDL BioPharma*, which involved PDL’s Queen patent portfolio
- Genentech in a number of patent licensing disputes
- ACell in *inter partes* interference proceedings in the Patent and Trademark Office and federal court litigation
- A biotechnology company in connection with district court litigation brought pursuant to the BPCIA concerning a biosimilar immunoadhesin drug
- A research institute in litigation involving the content and ownership of patent applications in the field of siRNA molecules used to mediate RNA interference
A biotechnology company in a patent and licensing action related to the activity of human antibodies in bacteria

**Electronics and Software:** The firm handles major patent and licensing matters in the electronics and software fields. In addition to handling a landmark licensing arbitration involving the value of entire portfolios of wireless standards essential patents, the firm serves as counsel in trial courts and before the International Trade Commission, and in international arbitrations on behalf of major technology firms including Samsung, Google, Dropbox, and Intel.

We have represented the following clients in these matters:

- Google in a variety of patent matters, both in federal court and before the Patent Trial and Appeal Board, in connection with issues related to digital image storage and transmission, voice control of computers, photo tagging technology, and online search.
- A major technology company in a variety of patent matters, including an international patent licensing arbitration involving the price the company was required to pay to extend a patent license agreement covering products with billions of dollars in revenue.
- CVS in a patent litigation against Walgreens relating to a feature of CVS’s prescription renewal app.
- Alice Corp, an Australian company of which the National Bank of Australia is a principal shareholder, in a patent infringement suit against CLS Bank.
- Google, Samsung, Motorola, and LG in a case in which the plaintiff asserted a patent related to voice control of a computer.
- A global technology company in a patent infringement litigation relating to patents for technology for processing big data.
- A global technology company in the defense of trade secret litigation relating to modifications made to Hadoop software for processing big data.
- AOL in a patent infringement litigation and parallel Patent Office proceedings related to cross-language Internet search.
- iHance in asserting its patent portfolio against two competitors in the lead management software space.

**Medical and Mechanical Devices:** The firm has handled or is handling a number of significant patent and license disputes concerning a wide variety of devices, including surgical instruments for cancer diagnosis and treatment, implantable defibrillators, marine seismic survey technology, laser hair removal equipment, and biosensors for blood testing.

We have represented the following medical and mechanical device clients in these matters:

- Mirowski Family Ventures at trial and in the appeal of a $309.3 million verdict in a complex breach of contract and patent licensing trial against Boston Scientific.
- SenoRx in a patent infringement suit filed by Hologic claiming infringement of patents relating to a device for irradiating breast tissue following a lumpectomy.
- Petroleum Geo-Services and PGS Geophysical AS in connection with several petitions for *inter partes* review.
• PGS EM Limited in a patent infringement suit that it filed against EMGS asserting a patent related to electromagnetic surveying

• A medical device company in a patent infringement action involving a breast tissue biopsy device

• A global pharmaceutical and medical device company in a patent infringement action related to a device used to test blood sugar

• A global diagnostics company in patent litigation involving diagnostic kits for the detection of HIV virus in blood products

• A medical device company in *inter partes* reexamination proceedings involving a patent related to microbial contamination testing

• A medical device company in connection with suits claiming infringement of several patents relating to a laser device for use on patients

**Inter Partes Review/Patent Office Disputes:** The firm has handled close to 100 *Inter Partes Review* (IPR) proceedings before the patent office, and our lawyers currently serve as lead counsel in a number of IPRs for both Patent Owners and Petitioners. Many of the IPRs handled by the firm involve parallel district court litigation. The firm has served as counsel in other patent office proceedings of strategic importance to the firm’s clients, including interferences.

We have represented the following clients in these matters:

• Pfizer subsidiary Wyeth against Apotex in one of the first *inter partes* review pharmaceutical patent cases decided by the Patent Trial and Appeal Board and the Court of Appeals for the Federal Circuit

• Eli Lilly in an *inter partes* review proceeding before the Patent Trial and Appeal Board and bench trials over the validity and infringement of a patent protecting its blockbuster anti-cancer drug Alimta, which has annual U.S. sales of over $1 billion

• Google, in *inter partes* review proceedings in connection with issues related to digital image storage and transmission, software and hardware, and online search technology

• Nektar Therapeutics and AstraZeneca in connection with a petition for *inter partes* review filed by Neptune Generics in the United States Patent & Trademark Office

• Bayer in *inter partes* review proceedings relating to Bayer and Johnson & Johnson’s billion-dollar-a-year anticoagulant drug Xarelto

• Petroleum Geo-Services and PGS Geophysical AS in connection with several petitions for *inter partes* review

• Alcon in *inter partes* review proceedings relating to its Travatan Z, Pazeo, Vigamox, and Moxeza products

• ACell in an *inter partes* interference proceeding in the Patent and Trademark Office in which Purdue Research Foundation claimed rights to ACell’s core intellectual property

• Bayer in *inter partes* review proceedings over patents protecting Bayer’s anti-cancer drug Stivarga

• Intel in a petition for *inter partes* review related to trade secrets litigation
Other Proceedings: William & Connolly's patent experience is also brought to bear in other contexts. Recently, the firm was retained to defend AstraZeneca in the Nexium Antitrust Litigation, a class action involving allegations of unlawful settlements of Hatch-Waxman patent litigation. Williams & Connolly has been retained on numerous occasions by other major law firms accused of malpractice resulting from patent litigation or prosecution.