

## 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, AstraZeneca, Dropbox, Roche/Genentech, Samsung, Pfizer, Intel, Eli Lilly, 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 thirteen 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:

**Biotechnology/Pharmaceuticals:** A major part of Williams & Connolly’s patent litigation practice is representing brand-name pharmaceutical companies in Hatch-Waxman and BPCIA pharmaceutical patent litigation against competitors seeking to sell generic and biosimilar versions of the brand companies’ drugs. Over the years, the firm achieved significant successes for many companies in these disputes and others 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:

- Genentech in the Central District of California, the District of Delaware, and the Federal Circuit in its BPCIA litigation against Amgen regarding Avastin.
- Pfizer at trial and in the Federal Circuit in litigation over Pfizer’s billion dollar a year anti-cancer drug Sutent
- MedImmune in the Eastern District of Virginia and the Federal Circuit in litigation against AbbVie regarding the payment of royalties for its Humira product.
- Merck in defending patent litigation brought by PDL Biopharma relating to Merck’s Keytruda product
- 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
- 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

- Bayer in a patent litigation against Biogen in the District of New Jersey, District of Massachusetts, and Federal Circuit relating to Bayer's genetically-engineered Interferon product for the treatment of multiple sclerosis
- Merck in patent litigation in multiple district courts regarding Merck's diabetes drug, Januvia
- AstraZeneca in litigation with Pharmacyclics in the District of Delaware regarding the parties' assertion of patents against their respective cancer therapies, Calquence and Imbruvica.
- Teva's branded division in the District of Delaware Hatch Waxman litigation asserting patents against generic versions of its Bendeka cancer therapy.
- 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
- 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 district court litigation in Delaware relating to Pfizer's long-acting pain relief product Embeda
- Roche in connection with BPCIA litigation against biosimilar versions of Enbrel.
- Alcon in district court litigation and *inter partes* review proceedings relating to patents protecting Alcon's antibiotic eye drops Vigamox and Moxeza
- MedImmune in a variety of patent matters, including *MedImmune v. PDL BioPharma*, which involved PDL's Queen patent portfolio
- Whitehead Institute in litigation in the District of Massachusetts involving the content and ownership of patent applications in the field of siRNA molecules used to mediate RNA interference

**Electronics and Software:** The firm handles major patent and licensing matters in the electronics and software fields. The firm routinely serves as counsel in trial courts and the Federal Circuit, as well as in international arbitrations, on behalf of major technology firms including Samsung, Google, Dropbox, Acer, ASUS, Motorola, AOL and Intel.

We have represented the following clients in these matters:

- Samsung in an international patent licensing arbitration relating to standard essential patents and products with billions of dollars in revenue
- Acer and ASUS in patent litigation in the Northern District of California and Federal Circuit in which Philips Electronics asserted eleven patents against various smartphones, tablets and laptop computers
- Google in multiple *inter partes* review proceedings and associated Federal Circuit appeals relating to user interface and other patents
- Dropbox in an action brought by Synchronoss Technologies, Inc. in the Northern District of California alleging that Dropbox's products used by hundreds of millions of customers worldwide infringed three synchronization-related patents
- Google and YouTube in an action brought by Network-1 Technologies in the Southern District of New York alleging that YouTube's Content ID system infringes multiple patents

- CVS in a patent litigation against Walgreens in the District of Delaware relating to a feature of CVS's prescription renewal app
- A global technology company in a patent infringement litigation relating to patents for technology for processing big data
- Samsung in patent litigation in the Eastern District of Michigan regarding touchscreen controller technology
- 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 in the District of Delaware and parallel Patent Office proceedings related to cross-language Internet search
- Motorola, LG, Samsung and Google in a case in which the plaintiff asserted a patent in the District of Colorado related to voice control of a computer
- A global technology company in an international arbitration over the scope of a semiconductor patent license
- iHance in asserting its patent portfolio in the Eastern District of Virginia 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
- ION Geophysical in patent infringement litigation against WesternGeco in district court and the Federal Circuit regarding marine seismic surveys.
- SenoRx in a patent infringement suit filed by Hologic claiming infringement of patents relating to a device for irradiating breast tissue following a lumpectomy
- PGS EM Limited in a patent infringement suit that it filed against EMGS asserting a patent related to electromagnetic surveying
- 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
- AstraZeneca against Sanofi in connection with patents regarding the parties' diabetes products
- 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
- Petroleum Geo-Services and PGS Geophysical AS in connection with several petitions for *inter partes* review against WesternGeco
- Bayer in *inter partes* review proceedings relating to Bayer and Johnson & Johnson's billion-dollar-a-year anticoagulant drug Xarelto
- 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
- 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. For example, the firm has been lead counsel in multiple antitrust matters involving allegations of unlawful settlements of Hatch-Waxman litigation, including in the first class action antitrust trial involving claims for "pay-for-delay" after Supreme Court's decision in *FTC v. Actavis*. Williams & Connolly also has been retained on numerous occasions by other major law firms accused of malpractice resulting from patent litigation or prosecution.