Patents

Cozen O’Connor’s patent attorneys practice at the cutting edge of law and science. They routinely handle every phase of the patent process, from initial patentability analysis and prior art searches, to documentation and disclosure, to prosecution, protection, licensing, and enforcement. Cozen O’Connor has also established reciprocal relationships with foreign firms in all jurisdictions in order to provide clients comprehensive patent protection. With the globalization of technology and commerce, a sophisticated IP practice must have international patent capabilities.

We represent a range of companies, from small start-ups to multinational blue chips, that do business in many sectors, including industrial science, engineering, computer software, finance, education, manufacturing, telecommunications, managed services, retail, arts, and sports. Cozen O’Connor is also one of the only large law firms in the country with a team of patent attorneys dedicated to serving the generic pharmaceutical and biologics industries.

The concepts at issue in most patent matters are highly technical. It is essential that patent counsel have the requisite scientific training to fully comprehend the underlying IP at issue. In addition, they must be able to communicate with clients at a sophisticated level and persuasively defend clients’ patent rights. More than half of our team holds advanced degrees in the natural sciences and nearly all members have experience as research scientists in industry or academia. Our attorneys have worked at pharmaceutical companies and leading research universities, and many have published work in top scientific journals.

In addition to technical ability, Cozen O’Connor attorneys have the business acumen to counsel clients on building and managing their patent portfolio. Patents are assets that can bestow tremendous competitive advantage, but only if they are protected and leveraged wisely. We develop a deep understanding of each client’s business model and design patent strategies that complement each client’s financial position and long-term aspirations. A good patent lawyer does not simply draft documents and perform due diligence. A good patent lawyer helps determine what assets to protect and how to maximize each asset’s value.

SERVICE AREAS

- Prosecute patent applications with the U.S. Patent and Trademark Office and abroad
- Develop strategies to maximize patent protection
- Analyze patentability of inventions not yet protected
- Assist with searches of prior art and survey competitors’ patent activities
- Perform freedom-to-operate, clearance, validity, due diligence and infringement studies
- Represent clients in reissue, reexamination, inter partes review, post grant review and derivation proceedings
- Counsel clients about leveraging domestic and international patent rights
- Provide transactional advice on acquisitions, joint ventures, and transfer and licensing agreements
- Assert or defend patents with respect to infringement claims or other disputes

Experience

Represented Zero Zero Robotics, Inc. in a patent infringement action concerning Zero Zero’s HOVERPASSPORT® drone product. Plaintiff voluntarily dismissed its case prior to our client’s answer.

Currently representing Amneal Pharmaceuticals, Inc. in a patent infringement action concerning Amneal’s ANDA to make a generic version of Pfizer’s KERYDIN® (Tavaborole) topical solution.
product. Case is currently stayed in Delaware district court pending resolution of inter partes review petitions at the Patent Trial and Appellate Board.

Represented Kyowa Kirin, Inc. and Strakan International S.A. against Actavis Labs’ attempt to make a generic version of Kyowa Kirin’s SANCUSO® (granisetron) transdermal patch product. Following a bench trial, the judge ruled in our clients’ favor on all contested issues and rejected the defendant’s claims of non-infringement, invalidity, and unenforceability. Successfully argued on appeal with the Federal Circuit affirming the trial court decision without opinion.

Won a judgment of non-infringement of multiple patents directed toward vehicular tilt control apparatuses on behalf of a German auto parts maker. These judgments were affirmed by the U.S. Court of Appeals for the Federal Circuit, which agreed with our arguments that intrinsic evidence and the prosecution history supported the district court’s constructions of the claim terms at issue and finding of non-infringement based thereon.

Lead counsel in damage phase of a patent infringement action regarding Sandoz’s ANDA to make a generic version of Pfizer’s seizure and neuropathic pain product, Neurontin®, the active ingredient of which is gabapentin. The case settled during the pre-trial phase and after successful Motions in Limine by Sandoz.

Represented Apotex Inc. in a patent infringement action regarding Apotex’s ANDA to make a generic version of AVODART® (dutasteride). Settled prior to trial.

Handled a patent infringement action regarding Sandoz’s ANDA to make a generic version of Alcon’s eye allergy product Pataday®, the active ingredient of which is olopatadine hydrochloride.

Handled a patent infringement action regarding Sandoz’s ANDA to make a generic version of Pfizer’s antimuscarinic tablet Detrol and Detrol LA®, the active ingredient of which is tolterodine tartrate.

Handled a patent infringement action regarding Sandoz’s ANDA to make a generic version of Pfizer’s antifungal medication VFEND®, the active ingredient of which is voriconazole.

Represented Sandoz Inc. in a patent infringement action regarding Sandoz’s ANDA to make a generic version of Alcon’s eye allergy product PATANOL® (olopatadine hydrochloride). Case settled.

Represented Sandoz Inc. in a patent infringement action concerning Sandoz’s ANDA to make a generic version of Abbott’s NIASPAN® (Niacin) controlled-release tablets. Case settled prior to trial.

Represented Sandoz Inc. in a patent infringement action concerning Sandoz’s ANDA to make a generic version of Abbott’s TRILIPIX® (Fenofibric Acid) capsules. Case settled prior to trial.

Represented Innopharma, Inc. and Amneal Pharmaceuticals, Inc. in patent infringement actions concerning our clients’ ANDAs to make generic versions of Spectrum’s FUSILEV® (Levoleucovorin) Injection product.

Represented Sandoz Inc. in patent infringement action concerning Sandoz’s ANDA to make a generic version of Helsinn’s anti-nausea product Helsinn’s ALOXI® (Palonosetron Hydrochloride) injection product. Case settled prior to trial.

Represented Sandoz Inc. in a patent infringement action concerning Sandoz’s ANDA to make a generic version of Roche’s VALCYTE® (Valganciclovir Hydrochloride) capsule product. Case settled prior to trial.

Represented Sandoz Inc. in a patent infringement action concerning Sandoz’s ANDA to make a
generic version of Shire’s ADHD product INTUNIV® (Guanfacine Hydrochloride). Case settled prior to trial.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex’s ANDA to make a generic version of Pfizer’s PRISTIQ® (Desvenlafaxine) extended-release oral tablet products. Case settled prior to trial.

Represented Apotex Inc. in a patent infringement action regarding Apotex’s ANDA to make a generic version of ACULAR LS® (0.4% ketorolac tromethamine). Led the negotiations that resulted in a successful settlement of the matter after the close of expert discovery.

Trial counsel for Apotex Inc. and Apotex Corp. in a patent infringement action regarding Apotex’s ANDA to make a generic version of LYSTEDA® (tranexamic acid). After a two week trial, received a favorable decision of non-infringement on all three patents in-suit. Successfully argued on appeal with the Federal Circuit affirming the trial court decision.

Represented Sandoz Inc. in a patent infringement action concerning Sandoz’s ANDA to make a generic version of Abbott’s ZEMPLAR® (Paricalcitol) oral capsule product. Case settled prior to trial.

Represented Mylan Pharmaceuticals, Inc. in a patent infringement action concerning Mylan’s ANDA to make a generic version of Pfizer’s CADUET® (Atorvastatin Calcium and Amlodipine Besylate) oral tablet products. Case settled prior to trial.

Represented Actavis in a patent infringement action concerning Actavis’s ANDA to make a generic version of King’s pain product AVINZA® (Morphine Sulfate) oral capsule products. Case settled prior to trial.

Lead counsel for Chimei InnoLux Corporation, f/k/a InnoLux Display Corporation, in a patent infringement case involving Honeywell’s patent to brightness-enhancing films used in LCD devices. Plaintiff dismissed its case against our client, with prejudice, after the special master indicated he would recommend granting our motion for summary judgment of noninfringement.

Represented Sandoz Inc. in a patent infringement action regarding Sandoz’s ANDA to make a generic version of Merck’s anti-nausea product EMEND® (aprepitant).

Represented our client, Sandoz Inc. in a patent infringement action regarding Sandoz’s ANDA to make a generic version of Alcon’s eye allergy product PANTANOL® (olopatadine hydrochloride).

Represented Sandoz Inc. in a patent infringement action regarding Sandoz’s ANDA to make a generic version of Allergan’s glaucoma drops COMBIGAN® (brimonidine tartrate/timolol maleate).

Represented Apotex Inc. in a patent infringement action regarding Apotex’s ANDA to make a generic version of Sanofi-Aventis’ anticancer product TAXOTERE®, the active ingredient of which is docetaxel. Following a two-week trial, obtained an order for Apotex striking down the patents-in-issue as invalid as obvious and unenforceable due to Sanofi-Aventis’ inequitable conduct in procuring the patents. Successfully argued on appeal with the Federal Circuit affirming trial court decision (April 2012). Of import is that inequitable conduct defense remains viable in ANDA litigations because of this ruling.

Represented Apotex Inc. in a patent infringement action regarding Apotex’s ANDA to make a generic version of Wyeth’s anti-depressant product EFFEXOR XR® (venlafaxine hydrochloride). Settled on favorable terms during trial.

Represented Sandoz Inc. in a patent infringement action regarding Sandoz’s ANDA to make a generic version of Shire’s ADHD product INTUNIV® (Guanfacine Hydrochloride). Case settled prior to trial.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex’s ANDA to make a generic version of Pfizer’s PRISTIQ® (Desvenlafaxine) extended-release oral tablet products. Case settled prior to trial.

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version of Endo’s pain product OPANA® ER (oxymorphone hydrochloride).

Lead counsel for Sandoz Inc. in a patent infringement action regarding Sandoz’s ANDA to make a generic version of Medicis’ acne product SOLODYN® (minocycline hydrochloride).

Represented defendant Wal-Mart Inc. on appeal to the Federal Circuit. Settled the case on terms the client found favorable just prior to oral argument.

Represented Signalization Ver-Mac in declaratory judgment patent infringement action relating to solar tilt and rotate features of roadside message boards. Settled the case on terms the client found favorable after discovery.

Represented a German-based biotech company in a patent infringement action regarding a method for synthesizing nucleic acids.

Represented Chi Mei Optoelectronics in a jury trial against a plaintiff who had received 42 licenses totaling $180-plus million in license royalties. Non-infringement found on one of three patents, reducing potential $900 million damages award to $10 million.

Represented relator in qui tam action involving patent false marking.

Represented Chi Mei Optoelectronics in patent infringement action relating to modules for monitor and television displays.

Represented Peter Kiewit & Sons in patent infringement relating to fiber optic cable communications systems. Settled the case on terms the client found favorable following substantial discovery.

Represented NuVox in patent infringement action relating to Voice Over Internet Protocol (VoIP). Settled the case on terms the client found favorable following substantial discovery.

Represented Vonage Holdings in a jury trial of a patent infringement action relating to Voice Over Internet Protocol (VoIP). Settled the case on terms the client found favorable following trial.

Represented Signalization Ver-Mac in declaratory judgment patent infringement relating to smart work zones on highways. Settled the case on terms the client found favorable after summary judgment motions were filed.

Patent infringement action representing defendant Chi Mei Optoelectronics (CMO) relating to modules for monitor and television displays. Received summary judgment of non-infringement in favor of CMO.

Lead counsel for Barr Labs in a patent infringement case involving Barr’s drug, TAMBACOR©.

Served as lead trial counsel for Wilmington Trust Company in largest multidistrict patent litigation suit in defense of claims of patent infringement of RAKTL concerning call processing patents.