

# 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

Secured a verdict in favor of Kyowa Kirin, Inc., a specialty pharmaceutical company that currently markets three products in the United States, after a five-day bench trial in federal court in which the largest generic pharmaceutical company in the world challenged a patent covering the client's transdermal granisetron patch product. In securing this victory, we overcame the plaintiff's



**Frank Abramonte**

Co-Chair, Patent Prosecution Practice

fabramonte@cozen.com  
Phone (206) 373-7270  
Fax (206) 455-8248



**Thomas Langer**

Co-Chair, Patent Prosecution Practice

tlanger@cozen.com  
Phone (212) 297-2662  
Fax (646) 588-1539



**Edward M. Weisz**

Co-Chair, Patent Prosecution Practice

eweisz@cozen.com  
Phone (212) 297-2660  
Fax (646) 588-1392

## Related Practice Areas

- Biologics/Biosimilars
- Domains
- e-commerce
- Entertainment Law
- Franchising
- Hatch-Waxman Litigation
- Intellectual Property
- Intellectual Property Litigation
- Licensing & Transfer
- Trade Secrets & Unfair Competition
- Trademark & Copyright

## Industry Sectors

contentions that there was no infringement, that the patent at issue was invalid, and that the patent was unenforceable.

---

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 regarding Sandoz's ANDA to make a generic version of Abbott's cholesterol product NIASPAN® (niacin). Settled prior to trial.

---

Represented Sandoz Inc. in a patent infringement action regarding Sandoz's ANDA to make a generic version of Abbott's cholesterol medication TRILIPIX® (fenofibric acid). Settled prior to trial.

---

Represented Innopharma, Inc. in a patent infringement action regarding Innopharma's ANDA to make a generic version of Spectrum's FUSILEV® (levoleucovorin injection).

---

Represented Sandoz Inc. in patent infringement action regarding Sandoz's ANDA to make a generic version of Helsinn's anti-nausea product ALOXI® (palonosetron hydrochloride injection).

---

Represented Sandoz Inc. in a patent infringement action regarding Sandoz's ANDA to make a generic version of Roche's VALCYTE® (valganciclovir hydrochloride).

---

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). Settled prior to trial.

---

Represented Apotex Inc. in a patent infringement action regarding Apotex's ANDA to make a generic version of PRISTIQ® (desvenlafaxine). 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 regarding Sandoz's ANDA to make a generic version of Abbott's ZEMPLAR® (paricalcitol). Settled prior to trial.

---

Represented Mylan Pharmaceuticals, Inc. in a patent infringement action regarding Mylan's ANDA to make a generic version of Pfizer's cardiovascular product CADUJET® (atorvastatin calcium and amlodipine besylate). Settled prior to trial.

---

Represented Actavis in a patent infringement action regarding Actavis' ANDA to make a generic version of King's pain product AVINZA® (morphine sulfate). Settled after 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 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 Lockheed Martin Corp. in opposing an effort by Zoltek Corp. to substitute it as a defendant in a patent-infringement action Zoltek had originally brought against the United States stemming from the U.S.'s alleged use of Zoltek's patent in the manufacture of the F-22 fighter plane. Obtained a decision from the U.S. Court of Appeal for the Federal Circuit allowing it to seek an interlocutory appeal of a Court of Federal Claim's decision that Lockheed was not protected by

government-contractor immunity pursuant to 28 U.S.C. §1498. Subsequent en banc Federal Circuit reversed trial court ruling thereby dismissing Lockheed Martin as a party.

---

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 Sultan Dental as accused infringer of dental fluoride foam patent. The patent was held invalid after jury trial.

---

Defended Bel Fuse in a patent infringement case on integrated modular connectors which was favorably settled.

---

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.

---

Represent relator in qui tam action involving patent false marking. Slack v. Bon Aqua International, (M.D.N.C.).

---

Represented Vonage Inc. in defense of a patent case in a jury trial in federal court in Kansas. Settled following trial on terms the client found favorable.

---

Represented Wockhardt in ANDA litigation regarding LUNESTA®, the active ingredient of which is eszopiclone. Settled prior to trial on terms the client found favorable.

---

Lead counsel for InnoLux Display Corp. in patent infringement litigation involving plasma-enhanced chemical vapor deposition (PECVD) processes used to make TFT-LCDs. Case settled on terms the client found favorable. (E.D.N.Y.).

---

Lead counsel for Chi Mei Optoelectronics in patent infringement litigation involving plasma-enhanced chemical vapor deposition (PECVD) processes used to make TFT-LCDs. Jury trial on liability found no willfulness and awarded plaintiff less than 5 percent of requested damages. *Plasma Physics v. Chi Mei Optoelectronics Display Corp.*, C.A. No. 08-1628 (E.D.N.Y). Case settled on terms the client found favorable following a subsequent trial on laches.

---

Lead counsel for Impax in a patent infringement case involving Sanofi-Aventis' drug RILUTEK®.

---

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

---

In *Aventis v. Dr. Reddy's*, three of Dr. Reddy's generic fexofenadine products were alleged to infringe a total of seven patents, four patents directed to fexofenadine formulations and three patents directed to methods of treatment using fexofenadine. After a bench trial and with several summary judgment motions filed by Dr. Reddy's pending, the plaintiff capitulated, providing Dr. Reddy's with a no-strings-attached covenant not to sue with respect to all asserted patents.

---

Represented Sandoz Inc. in *King and Mutual v. Sandoz*, 08-5974 (D.N.J.), in which Sandoz was alleged to infringe a patent concerning the muscle relaxant Skelaxin®. After an eight-day jury trial, the jury found the patent both invalid and not infringed. Both King and Mutual appealed, but then withdrew their appeal after Sandoz filed its appellate brief.

---

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.

---

Represented Metso Paper, Inc. as plaintiff for patent infringement against Enerquin Air on a patent covering a blow box used on machines for making paper. After a favorable court decision construing the claims of the patent, the defendant settled on favorable terms.

---

Prior to trial, represented Sun Pharma as a defendant for infringement, by the FDA filing of a generic drug application, of a patent covering the drug pantoprazole. The preliminary injunction was denied.

---