

Intellectual Property in the Health Care Sector

For more than 120 years, Pillsbury's intellectual property practice has advised health care organizations on how to develop successful and comprehensive IP strategies by protecting, managing, asserting, defending and leveraging their IP assets.

We field a team of more than 100 IP attorneys, many bilingual, which includes scientists and engineers with advanced degrees in areas including chemistry, biotechnology, physics, electrical and mechanical engineering. We are also backed by the presence of technical consultants, patent agents, and former U.S. Patent and Trademark Office examiners.

Pillsbury works as an integrated team. Our Chambers-ranked Intellectual Property and Health Care practices closely work together to pool the appropriate personnel and resources to assist at a moment's notice. Whether our clients face a bet-the-company competitor suit or infringement claims from a non-practicing entity, our world-class team of lawyers have the necessary combination of industry experience, technical knowledge and litigation talent to achieve unrivaled results.

- Our IP practice is Top-Listed for IP Litigation and Patent Litigation by U.S. News – Best Law Firms and is recognized by IAM Patent 1000 across all patent law categories in DC, The Legal 500 U.S., and by World Trademark Review as a top California Trademark Enforcement and Litigation practice.
- Our Health Care practice is ranked by U.S. News – Best Law Firms, and has a strong presence in California where we have longstanding relationships with key technology and health care service providers.

Our Health Care lawyers also are active members and leaders in industry organizations, including the American Health Lawyers Association, Health Care Compliance Association, Health Information Management Systems Society and the American Telemedicine Association.

Experience

We represent a healthy mix of health care organizations, including: networks of hospitals and clinics, physicians, insurance providers, and health plans, as well as biopharmaceutical, biotechnology and medical devices companies. A sampling of our IP experience in the health care realm demonstrates our ability to assist parties in intellectual property matters, including patent, trademark, and copyright events, and litigation. Of note:

- We help our clients file, manage and protect their IP rights from invalidity action. We use the latest technology, including an advanced, computerized online tracking system and customized extranet to provide real-time information and at-a-glance reports to help clients easily manage their IP portfolios.
- We represent our clients before federal and state courts, as well as administrative agencies such as the Patent Trial and Appeal Board (PTAB), Trademark Trial and Appeal Board (TTAB), the International Trade Commission (ITC), the World Intellectual Property

IP Litigation

Organization (WIPO), and international alternative dispute resolution forums. We routinely assist clients in enforcing their patents, defending against claims of patent infringement, and in disputes concerning inventorship and ownership of patents and patent licenses.

- We help clients take advantage of, and respond to, post-grant proceedings that include ex parte reexaminations, inter partes reviews and supplemental examinations.
- We counsel brand-intensive companies on the protection of IP rights on the internet, as well as on domain name strategies and acquisition.

Representative Matters

Representative matters include:

Patents

Counseling and Prosecution

- Represent Children's Hospital of Philadelphia in strategic counseling, prosecution and management of its gene therapy patent portfolio.
- Represented a university research center in an unfair competition and patent infringement case involving the use of canine DNA for certain genetic disorders.
- Represented world's largest standalone medical technology development company in an inter partes review, which resulted in all of the opposing party's asserted patent claims being unpatentable by both the Patent Trial and Appeal Board and the Federal Circuit
- Represented a medical devices company in challenging validity of aortic replacement valve patent.
- Assisted dentist with patent prosecution matters.
- Litigation Claims and Defense
- Achieved favorable arbitration ruling for University of Kansas following years litigating a closely watched battle over inventorship credit on National Institute of Health-owned patents covering cancer drug formulations.
- Represented Sharp Healthcare in the areas of IP portfolio prosecution and management, unfair competition and TTAB litigation matters.
- Defended Seton Health in three-patent case against allegations of patent infringement.
- Pursued action for Invitae Corporation to have declared invalid genetic testing patents asserted by Myriad Genetics in MDL proceeding in Utah. Following extensive litigation, Myriad abandoned its patent enforcement efforts.
- Represented defendant Biomedical Enterprises Inc. against InteliFUSE Inc. in patent infringement litigation involving medical device patents.
- Represented Intervenor BMC Medical Co. Ltd., 3B Medical Inc. and 3B Products LLC in patent infringement case.
- Represented international medical device company in asserting its visualization-related patent against a major manufacturer. Successfully settled.

Copyrights and Trademarks

- Represented HealthNet in a copyright and breach of contract lawsuit, involving the alleged over-installation of certain advanced software programs. On the eve of trial, the case was very favorably settled.
- Filed trademark applications and registrations and provided trademark advice to Lucile Salter Packard Children's Hospital.
- Represented HealthNet, a health insurance agency, in the prosecution and opposition defense of trademarks.
- Filed trademark applications and registrations and provided trademark advice to Stanford Health Care, an academic health system.
- Filed and prosecuted trademark applications for Cbr Systems Inc., a global umbilical cord blood stem cell and cord tissue bank.
- Represented Genoptix, an oncology diagnostics services company, in multiple trademark oppositions against infringing marks.
- Advised a California nonprofit corporation that provides technology to manage Type 1 diabetes on trademarks, IP and website advice and agreements.
- Assisted a U.S.-based medical device giant in enforcement of its important trademark in Japan and protecting the trademark from invalidity action.
- Advised a company that provides technology used to train medical personnel on copyright and trademark issues.

- Provided copyright advice, application and registration for a health care related software company.
- Advised a medical weight loss company on trademark issues.
- Provided copyright advice to a medical research and development company.
- Assisted a dental clinic with trademark prosecution matters.

General IP and Licensing

- Represented CIGNA Corporation, a health services and insurance company, in a licensing dispute.
- Worked on IP, transactional issues and data sharing agreements for a health information exchange company that electronically links health records within the San Francisco medical community.
- Represented the Cystic Fibrosis Foundation in a record-setting \$3.3 billion sale of drug rights to Royalty Pharma following an intensive IP due diligence effort.
- Prepared a health care contract that involved IP issues for a national health care provider.
- Represented university-affiliated hospitals and health care facilities on IP related transitional matters.
- Advised a national health care provider on terms of service for a mobile health care app.
- Assisted a neonatal intensive care center with IP licensing.

Website Terms of Use and Privacy Policy

- Provided social media advice to New York Life Insurance Company.
- Provided advice and prepared terms of use in a privacy policy for a referral service company that uses a technology platform to connect online users with health and fitness advisers.
- Counseled a nonprofit organization that provides a voluntary professional certification program for pharmacists on IP and website agreements.
- Counseled a nonprofit pulmonary disease organization on IP, website issues, terms of use and privacy policy agreements.

- Provided advice on IP and website-related issues and agreements to an organization that certifies physician assistants.
- Provided advice on IP and website issues and agreements to a professional association for surgical oncologists.
- Provided advice on IP and website-related issues for a company that advances efforts and programs for the care of the elderly.
- Provided IP and website counseling for a professional nursing organization.
- Advised a mental illness counseling company on IP and website advice and agreements.

About Pillsbury

Pillsbury Winthrop Shaw Pittman LLP is an international law firm with offices around the world, and a particular focus on the technology, energy & natural resources, financial services, real estate & construction, and travel & hospitality sectors. Recognized by legal research firm BTI as one of the top 20 firms for client service, Pillsbury and its lawyers are highly regarded for their forward-thinking approach, their enthusiasm for collaborating across disciplines and their unsurpassed commercial awareness.

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