



## Gerald J. Flattmann Jr.

PARTNER

[gflattmann@cahill.com](mailto:gflattmann@cahill.com)

212.701.3645 Phone

Cahill Gordon & Reindel LLP

32 Old Slip

New York, NY 10005

**Gerald Flattmann, Co-Chair of Cahill's Life Sciences Patent Litigation practice group and Co-Chair of the Intellectual Property Litigation practice group, focuses his practice on intellectual property matters, including pharmaceutical and biotechnology patent litigation.**

Gerald has over 30 years' experience representing companies at the forefront of these technologies. He litigates high-stakes patent disputes in federal district courts and before the Patent Trial and Appeal Board of the U.S. Patent Office.

Recognized as a 2023 Intellectual Property Trailblazer by *The National Law Journal*, Gerald is a frequent speaker on topics relating to patent litigation and the protection of intellectual property. He has been recognized by numerous publications as a leading patent lawyer, including *Chambers USA*; *The Legal 500*; *New York Super Lawyers*; *LMG Life Sciences*; *International Asset Management 250: Life Sciences*; and *Managing Intellectual Property IP Stars* among others. Gerald was named Lawyer of the Year, New York City, Litigation - Intellectual Property for 2022 by *Best Lawyers*.

Clients identify Gerald for his "outstanding work" and call him one of the "most insightful hard-working litigators, with great instincts, who knows the business" and makes "accessible presentation of complex technical information" according to *Chambers USA*. It has also been noted that he "is singled out for his outstanding litigation skills."

### SELECTED MATTERS

- Amgen, Inc. v. Alexion, Inc., Cases IPR 2019-00739, -00740, -00741 (Patent Trial and Appeal Board) (lead counsel in inter partes review proceedings brought by Amgen as petitioner and applicant for biosimilar version of Alexion's humanized monoclonal antibody drug Soliris®; obtained favorable settlement for client).
- Galderma et al. v. Sun Pharmaceuticals, LLC, Civil Action No. 16-1003 (LPS) (D. Del.) (lead trial counsel in ANDA case on behalf of Galderma concerning client's drug Oracea®; obtained judgment for client at trial and permanent injunction; affirmed on appeal).
- Galderma et al. v. Amneal Pharmaceuticals, LLC, Civil Action No. 16-207 (LPS) (D. Del.) (lead trial counsel in ANDA case on behalf of Galderma concerning client's drug Oracea®; obtained judgment for client at trial and permanent injunction).
- Coalition for Affordable Drugs LLC v. Insys Pharma, Inc., Cases IPR 2015-01797, -01799, -01800 (Patent Trial and Appeal Board) (lead counsel in inter partes review proceedings brought by coalition associated with Kyle Bass hedge fund; obtained non-institution decision on all three petitions).
- Coalition for Affordable Drugs LLC v. Acorda Therapeutics, Inc., Cases IPR 2015-01850, -01853, -01857, -01858 (Patent Trial and Appeal Board) (lead trial counsel in inter partes review proceedings concerning client's drug Ampyra®; obtained victory in all four proceedings).

- Reddy's Laboratories, Ltd v. Galderma Laboratories, Inc., Cases IPR 2015-01777, -01778, -01782 (Patent Trial and Appeal Board) (lead counsel in inter partes review proceeding; obtained non-institution decision on all three petitions).
- Coalition for Affordable Drugs LLC v. Acorda Therapeutics, Inc., Cases IPR 2015-00720, -00817 (Patent Trial and Appeal Board) (lead counsel in first inter partes review proceedings brought by coalition associated with Kyle Bass hedge fund; obtained non-institution decision on both petitions).
- Amneal v. Supernus, Case IPR 2013-00368 (Patent Trial and Appeal Board) (lead trial counsel in inter partes review proceeding; obtained first victory for a pharmaceutical company in an IPR proceeding).
- Galderma et al. v. Mylan Pharmaceuticals Inc., Civil Action No. 09-184 (JJF) (D. Del.) (trial counsel in ANDA case on behalf of Galderma concerning client's drug Oracea®; obtained preliminary injunction for client; obtained judgment for client at trial and affirmance on appeal).
- Butamax v. Gevo, Appeal No. 2012-1490, -1508 (Fed. Cir. 2012) (argued for Gevo in complex appeal involving patents on recombinantly produced isobutanol "biofuel"; obtained victory for Gevo on appeal of denial of preliminary injunction motion brought by Butamax).
- Sanofi-Aventis et al. v. Actavis et al., Civil Action No. 07-572 (GMS) (D. Del.) (lead trial counsel in multiple defendant ANDA case on behalf of Sanofi-Aventis concerning client's drug Uroxatral®; obtained judgment for client after bench trial).
- Forest Labs, Inc. et al. v. Cobalt Labs, Inc. et al. Civil Action Nos. 08-21-GMSLPS and 08-52-GMS-LPS (D.Del) (co-lead trial counsel in multiple defendant ANDA case on behalf of Forest and Merz concerning clients' Alzheimer's drug Namenda®).
- Novartis v. Alexion, et al., Civil Action No. 11-84 (D. Del.) (lead trial counsel for Alexis in case involving client's drug Soliris® and humanized monoclonal antibody technologies).
- Forest Labs., Inc. et al. v. Ivax Pharmaceuticals, Inc. et. al., Civil Action No. 03-891 (JJF) (D. Del.) (co-lead trial counsel in ANDA case on behalf of Forest and Lundbeck concerning clients' blockbuster anti-depression drug LEXAPRO®; obtained judgment for clients).
- Forest Labs., Inc. et al. v. Caraco Pharmaceutical Laboratories, Inc., Civil Action No. 06-13143 (E.D. Mich.) (BAJ) (lead trial counsel for Forest and Lundbeck in ANDA case concerning clients' blockbuster anti-depression drug LEXAPRO®).
- PDL Biopharma, Inc. v. Alexion Pharmaceuticals, Inc., Civil Action No. 07-156 (MPT) (D. Del.) (lead trial counsel for Alexion in patent infringement case involving client's drug Soliris® and humanized antibody technologies).
- Oklahoma Medical Research Foundation v. Alexion Pharmaceuticals, Civil Action No. 07-163 (GKF) (N.D. Okla.) (lead trial counsel for Alexion in case involving client's drug Soliris® and humanized antibody technologies).
- Caraco Pharmaceutical Laboratories, Inc. v. Forest Labs, Inc. et al., Civil Action No. 07-10737 (E.D. Mich.) (BAJ) (lead trial counsel for Forest and Lundbeck in declaratory judgment ANDA action concerning clients' blockbuster antidepressant drug LEXAPRO®).
- Reliant Pharmaceuticals, Inc./ GlaxoSmithKline v. Par Pharmaceutical, Inc., Civil Action No. 06-774 (D. Del) (JJF) (lead trial counsel for Reliant in ANDA litigation concerning client's anti-arrhythmia drug Rythmol® SR).
- Schering Corporation v. Caraco Pharmaceutical Laboratories, Ltd. and Sun Pharmaceutical Industries, Ltd., Civil Action No. 06-14386 (E.D. Mich.) (JAC) (litigation counsel for Schering in ANDA litigation concerning client's drug Clarinex®).
- Proctor v. Transkaryotic Therapies, Inc. ("TKT"), Civil Action No. 05-CV-1737 (BEN) (S.D. Cal.) (trial counsel for TKT in its defense of inventorship claims regarding its pioneering targeted gene activation technology; obtained dismissal of case on jurisdictional grounds).
- Applied Research Sys. ARS Holding, N.V. v. Cell Genesys, Inc. and Transkaryotic Therapies, Inc. ("TKT"), Civil Action No. 1:04-CV-11810 (MLW) (D. Mass) (trial counsel for TKT in its defense to patent infringement claims brought by Serono subsidiary ARS regarding targeted gene activation technology).

- Amgen, Inc. v. Hoechst Marion Roussel, Inc. (now “Aventis”) and Transkaryotic Therapies, Inc. (“Amgen I”), Civil Action 97-CV-10814 (WGY) (D. Mass.) (trial counsel for Aventis/TKT in 4-month bench trial concerning recombinant erythropoietin and gene activation technology).
- Amgen, Inc. v. Hoechst Marion Roussel, Inc. (now “Aventis”) and Transkaryotic Therapies, Inc. (“Amgen II”), Civil Action 97-CV-10814 (WGY) (D. Mass.) (trial counsel for Aventis/TKT in 1-month bench trial on remand concerning recombinant erythropoietin and gene activation technology; argued all summary judgment motions).
- Purdue Pharma L.P. et al. v. Endo Pharmaceuticals, Inc., Civil Action No. 00-8029 (SHS) (S.D.N.Y.) (trial counsel for Purdue in 1-month bench trial in ANDA case re: OxyContin®).
- Purdue Pharma L.P. et al. v. Boehringer Ingelheim et al., Civil Action No. 99-3658 (SHS) (S.D.N.Y.) (trial counsel for Purdue in infringement case involving its OxyContin® product).
- Biogen, Inc. v. Schering AG and Berlex Labs., Inc., Civil Action Nos. 96-CV-10916, 96-CV-12487, and 98-CV-11728 (MLW) (D. Mass.) (co-lead counsel in consolidated cases concerning recombinant interferon-β used in the treatment of multiple sclerosis).
- AstraZeneca v. Faulding Pharmaceutical Co., Civil Action No. 03-6487 (WHP) (S.D.N.Y.) (litigation counsel in ANDA case concerning its Diprivan® product).
- Biogen, Inc. v. Genentech, Inc. and Hoffman La-Roche, Inc., Civil Action No. 96-10862 (MEL) (D. Mass.) (litigation counsel in case involving recombinant ainterferon).
- Schering Corp. v. Geneva Pharmaceuticals Tech. Corp., Civil Action No. 01-4556 (DMC) (D.N.J.) (litigation counsel in ANDA case concerning its Rebetol® product).
- Schering Corp. v. Three Rivers Pharmaceuticals, Civil Action No. 01-1894 (GLL) (W.D. Pa.) (litigation counsel in ANDA case concerning its Rebetol® product).
- Gentex, Inc. v. Donnelly Corp., Civil Action No. 5:92-CV-84 (BFG) (W.D. Mich.) (trial counsel in 4-week jury trial concerning automatic dimming electrochromic rearview mirrors).
- Donnelly Corp. v. Gentex, Inc., Civil Action No. 1:93-CV-530 (RAE) (W.D. Mich.) (took or defended over 50 depositions as second-year associate in case concerning automatic dimming electrochromic rearview mirrors having lights and compasses).
- Infinitex, Inc. v. Vitrophage, Inc., Civil Action No.93-2846 (JFG) (N.D. Ill.) (ran case concerning artificial vitreous fluid comprising perfluorocarbons on day-today basis as second-year associate; argued discovery and jurisdictional motions).
- Block Drug, Inc. v. Orthovita, Inc. et al., Civil Action No. 96-CV-82 (MMP) (N.D. Fla.) (appellate counsel in case concerning dental implants).
- Micro Motion, Inc. v. Endress + Hauser, Inc. et al., Civil Action No. 98-N-36 (D. Colo.) (litigation counsel in case involving electronic circuitry used to measure mass flow through conduits).
- AT&T Corp. v. Excel Communications, Inc., Civil Action No. 96-434 (SLR) (D. Del.) (litigation counsel in case involving long distance telephone billing systems).
- Al-Site Corp. v. Accessories Associates, Inc., Civil Action No. 92-6544 (JSM) (S.D.N.Y.) (litigation counsel in case involving retail eyeglass displays; argued summary judgment motions).

*Includes matters handled prior to joining Cahill.*

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## Professional Activities

### Upcoming Events

- 2024 Paragraph IV Disputes Conference, American Conference Institute (April 2024)

### Associations

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- State Bar of New York
  - District of Columbia Bar
  - Court of Appeals for the Federal Circuit
  - New York Intellectual Property Law Association
  - United States Patent & Trademark Office

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## Education

Harvard Law School, J.D.

Yale University, B.S.

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## Practices

Life Sciences Patent Litigation

Intellectual Property Litigation

Intellectual Property

Life Sciences

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## Admissions

New York

U.S. Patent and Trademark Office