



## Peter J. Armenio

PARTNER

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### **Peter J. Armenio, Co-Chair of Cahill's Intellectual Property Litigation and Life Sciences Patent Litigation practices, focuses his practice on intellectual property matters, including pharmaceutical, biotechnology, and medical device patent litigation and counseling.**

Peter has represented clients at the forefront of these areas for three decades, including in their most important "bet the company" matters. Peter has also handled a wide range of other patent and related commercial matters in courts across the country and in national and international arbitrations. He has represented clients from three continents – North America, Europe, and Asia – ranging from the Fortune 100 to start-ups.

Peter has been recognized by *Chambers USA* as a leading lawyer in intellectual property every year since 2007, and has been similarly recognized by *Chambers Global* every year since 2013. *Chambers* has noted in various years that Peter is "a fantastic trial lawyer," "one of the brightest ANDA litigators out there today," "tremendously strategic in setting up a case," and has a "track record of winning."

Peter has been listed in a number of other guides and rankings, including *IAM Global Leaders 2023*, *Managing Intellectual Property* magazine's "America's Best Life Sciences Litigators," the *IAM Life Sciences 250*, *IAM Patent Litigation 250*, and *IAM Patent 1000*. *IAM* has reported client comments that "he is one of the smartest lawyers out there and handles cases expertly and efficiently, obtaining great results at a reasonable cost – often through facilitating early wins."

#### **Upcoming Speaking Engagements**

- "The Hatch-Waxman Year in Review: Pivotal Moments and Policy Shifts for Small Molecule Patents," 2024 Paragraph IV Disputes Conference, American Conference Institute (April 25, 2024)

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#### **SELECTED MATTERS**

- Lead counsel for a research foundation in a confidential collaboration agreement arbitration against a specialty pharmaceutical company, obtaining specific performance and other requested relief (JAMS Arbitration) (March 2024)\*
- Lead outside IP counsel for Karuna Therapeutics, Inc. in the announced \$14 billion sale of the company to Bristol Myers Squibb (December 2023)\*
- Lead counsel for LumiThera, formerly MacuLogix, in patent infringement litigation brought to protect its AdaptDx® and AdaptDX Pro® ophthalmic devices for measuring dark adaptation, obtaining a favorable settlement (D. Del. and PTAB) (August 2022)\*
- Lead counsel for BlephEx in patent infringement litigation regarding its ophthalmic instruments, obtaining a Federal Circuit decision confirming its free speech right to discuss infringement of its patents (Fed. Cir.) (April 2020)\*, a preliminary injunction against that infringement (E.D. Mich.) (Oct. 2020)\*, an appellate affirmance of that injunction (Fed. Cir.) (Feb. 2022)\*, and a consent judgment with a permanent injunction (E.D. Mich.) (May 2022)\*

- Represented Janssen Pharmaceuticals and Mitsubishi Tanabe in Hatch-Waxman patent infringement litigation brought to protect their INVOKANA® and INVOKAMET® brand crystalline canagliflozin products for the treatment of type 2 diabetes, obtaining a consent judgment with an injunction against the sole remaining defendant on the eve of trial (D.N.J.) (July 2021)\*
- Lead counsel for a physician inventor in a confidential patent license agreement arbitration against an international medical equipment manufacturer, obtaining an eight-figure damages award (JAMS Arbitration) (June 2021)\*
- Lead counsel for a venture philanthropy foundation in a confidential mRNA development agreement arbitration against an international pharmaceutical company, obtaining an eight-figure damages award (ICDR Arbitration) (Nov. 2020)\*
- Lead counsel for Allergan in Hatch-Waxman patent infringement litigation brought to protect its LINZESS® brand linaclotide peptide products for the treatment of IBS-C, obtaining consent judgments with injunctions against all defendants (D. Del.) (Jan. 2020)\*
- Lead counsel for Pfizer and Merck KGaA in patent infringement litigation brought against their BAVENCIO® brand anti-PD-L1 antibodies for the treatment of various cancers, and related patent inventorship litigation, obtaining a dismissal of all claims, with prejudice (D. Del. and D. Mass.) (Feb. 2019)\*
- Lead counsel for inAuth, a subsidiary of American Express, in patent infringement litigation brought against its authentication services, obtaining a consent order dismissing all claims, with prejudice (C.D. Cal.) (Jan. 2019)\*
- Lead counsel for Neos Therapeutics in Hatch-Waxman patent infringement litigation brought to protect its COTEMPLA XR-ODT® brand extended-release orally disintegrating methylphenidate products for the treatment of ADHD, obtaining a consent judgment with an injunction (D. Del.) (Dec. 2018)\*
- Lead counsel for Neos Therapeutics in Hatch-Waxman patent infringement litigation brought to protect its ADZENYS XR-ODT® brand extended-release orally disintegrating amphetamine products for the treatment of ADHD, obtaining a consent judgment with an injunction (D. Del.) (Oct. 2017)\*
- Lead counsel for Myriad Genetics in patent infringement litigation brought against its myRISK® brand tests for genetic mutations associated with an increased risk for cancer, obtaining a dismissal of all claims (M.D.N.C.) (Aug. 2017)\*
- Lead counsel for Ion Torrent, a subsidiary of Thermo Fisher Scientific, in patent infringement litigation brought against its DNA sequencing systems and consumables, obtaining a dismissal of all claims, with prejudice (D. Del.) (Apr. 2017)\*
- Lead counsel for AngioScore, a subsidiary of Spectranetics, in patent inventorship litigation brought against key patents covering its ANGIOSCULPT® scoring balloon catheters, obtaining a dismissal of all claims, with prejudice (N.D. Cal.) (Mar. 2017)\*
- Lead counsel for Allergan and Takeda in Hatch-Waxman patent infringement litigation brought to protect their TEFLARO® brand ceftaroline products for the treatment of drug-resistant bacterial infections, obtaining a consent judgment with an injunction against the sole remaining defendant (D. Del.) (Jan. 2017)\*
- Lead counsel for Allergan in Hatch-Waxman patent infringement litigation brought to protect its NAMZARIC® brand combination donepezil and extended-release memantine products for the treatment of Alzheimer's disease, obtaining consent judgments with injunctions against all defendants (D. Del.) (Sept. 2016)\*
- Lead counsel for Life Technologies, a subsidiary of Thermo Fisher Scientific, in patent infringement litigation brought against its DNA sequencing systems and consumables, obtaining a dismissal of all claims, with prejudice (M.D.N.C.) (Sept. 2015)\*
- Lead counsel for Mallinckrodt in breach of contract litigation brought against its commercialization of the PENNSAID® brand topical NSAID products, obtaining a stipulated dismissal of all claims, with prejudice (S.D.N.Y.)\*
- Lead counsel for AMEX in patent infringement litigation brought against its prepaid cards, obtaining summary judgment of non-infringement and invalidity (W.D. Wis.)\*

- Lead counsel for Meda Pharmaceuticals in Hatch-Waxman patent infringement litigation brought to protect its ASTEPRO® brand anti-allergy nasal spray, obtaining consent judgments with injunctions against multiple defendants (D.N.J.)\*
- Lead counsel for Covidien in patent infringement litigation brought against its VERSAPORT™ PLUS surgical trocar products, obtaining summary judgment of non-infringement (C.D. Cal.)\*
- Lead counsel for AMEX in patent infringement litigation brought against its Travelers Cheque™ Card products, obtaining summary judgment of non-infringement and a Federal Circuit affirmance (D. Conn. and Fed. Cir.)\*
- Lead counsel for Meda Pharmaceuticals in a senior executive employment arbitration, obtaining a Panel judgment in favor of Meda on all counts (AAA arbitration)\*
- Lead counsel for AMEX in patent infringement litigation brought against its contactless ExpressPay™ products, obtaining a consent judgment of non-infringement after a dispositive *Markman* hearing and a Federal Circuit affirmance (C.D. Cal. and Fed. Cir.)\*
- Lead counsel for H. Lundbeck A/S and Forest Laboratories in patent infringement litigation brought against the manufacture of their LEXAPRO® and CELEXA® brand antidepressants, obtaining judgment as a matter of law and a Federal Circuit affirmance (S.D.N.Y. and Fed. Cir.)\*
- Lead counsel for AMEX in patent infringement litigation brought against its prepaid card products, obtaining summary judgment of non-infringement and a Federal Circuit affirmance (W.D. Wis. and Fed. Cir.)\*
- Lead counsel for Tyco Healthcare in patent infringement litigation brought to enforce its surgical trocar patents, obtaining a jury verdict of infringement and damages (E.D. Texas)\*
- Lead counsel for Schering-Plough in multiple Hatch-Waxman patent infringement litigations regarding its CLARINEX® brand antihistamines, obtaining consent judgments with injunctions against all defendants (D.N.J.)\*
- Lead counsel for GlaxoSmithKline in a breach of contract litigation brought against its performance under a settlement agreement regarding LAMICTAL®, obtaining judgment for GlaxoSmithKline on the pleadings (D.N.J.)\*
- Lead counsel for American Express in patent infringement litigation brought against its gift card products, obtaining final judgment in favor of American Express at the *Markman* hearing and a Federal Circuit affirmance (M.D. Fla. and Fed. Cir.)\*
- Lead counsel for Boston Scientific in an international patent infringement arbitration brought against its LIBERTE® and TAXUS LIBERTE® brand cardiovascular stents, obtaining a Tribunal judgment of non-infringement (WIPO arbitration)\*
- Lead counsel for Tyco Healthcare Group in patent infringement litigation brought against its STEP™ and other surgical trocar products, obtaining a dismissal of all claims with prejudice in three actions after a combined *Markman* hearing (E.D. Texas)\*
- Lead counsel for Meda Pharmaceuticals in multiple Hatch-Waxman patent infringement litigations brought to protect its ASTELIN® brand anti-allergy nasal spray, obtaining consent judgments with injunctions against all defendants (D. Del.)\*
- Lead counsel for Cadbury Adams in patent, trademark, and trade dress infringement litigation brought against its TRIDENT®, DENTYNE®, and STRIDE® brand chewing gums, obtaining a dismissal of all claims, with prejudice (N.D. Ill.)\*
- Lead counsel for Boston Scientific in patent infringement litigation brought against its EXPRESS® and TAXUS EXPRESS® brand cardiovascular stents, obtaining summary judgment of non-infringement (D. Del.)\*

\*Matter handled prior to joining Cahill.

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## Education

Seton Hall University School of Law, J.D., 1994, *summa cum laude*

Bucknell University, B.A., Chemistry, 1990

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## Practices

Intellectual Property Litigation

Life Sciences Patent Litigation

Intellectual Property

Life Sciences

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## Admissions

New York

US District Court for the Eastern District of New York

US District Court for the Southern District of New York

US District Court for the Eastern District of Michigan

US Court of Appeals for the Federal Circuit

US Patent and Trademark Office

US Supreme Court