Gerald J. Flattmann Jr.

PARTNER
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.

"Gerald's courtroom presence and demeanor are very strong, and his ability to think on his feet is very impressive." - *Chambers USA*

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 praise 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 antidepression 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-ß 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).
- Infinitech, 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.

Professional Activities

Past Events

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

Associations

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

Education

Harvard Law School, J.D.

Yale University, B.S.

Practices

Life Sciences Patent Litigation

Intellectual Property Litigation

Intellectual Property

Life Sciences

Admissions

New York

U.S. Patent and Trademark Office

U.S. Court of Appeals for the Federal Circuit