

## Lisa M. Ferri

### Partner

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Lisa M. Ferri is a partner in Mayer Brown's Intellectual Property practice and serves as the IP Practice Leader for the New York Office. She focuses her practice on the trial and appeal of patent matters in the Life Sciences field, including representing innovator companies in cases brought pursuant to the Hatch-Waxman Act. Lisa serves as lead counsel on behalf of high-profile companies in federal courts across the country, Patent Office *inter partes* reviews, the International Trade Commission and the Federal Circuit Court of Appeals.

Lisa has been recognized by clients and peers as a leading lawyer in intellectual property. She was named one of the "Top 250 Women in IP" by *Managing Intellectual Property*. Lisa was recognized by IAM Patent 1000 as "spectacular . . . [she] demonstrates a lot of powerful qualities as a patent litigator" and is "extremely persuasive." She was named a "Life Sciences Star" and an "IP Star" by the Legal Media Group, which noted that "Lisa is professional, intelligent, people savvy, tough when need be, and has a great command of the applicable law." Lisa was nominated in 2014 as "Hatch-Waxman Litigator of the Year" by the LMG Life Sciences Awards. In addition, she has been recognized in the area of patent litigation by the Legal 500. Her recent victory at the Federal Circuit Court of Appeals in *Biogen IDEC, Inc. and Genentech v. GlaxoSmithKline*, which involved the monoclonal antibody therapy Arzerra®, was shortlisted for "Patent Impact Case of the Year" by the LMG Life Sciences Awards.

Lisa's life sciences practice spans a broad range of therapeutic areas and technologies—from pharmaceuticals and biologics for the treatment of HIV/AIDS, cancer, hepatitis, influenza, auto-immunities, anemia, emesis and BPH, to drug delivery systems, research tools, recombinant DNA, RNAi and a variety of medical devices. Her pharmaceutical practice focuses on representing innovator companies in cases brought pursuant to the Hatch-Waxman Act. She has successfully defended a number of key blockbuster drugs. Following enactment of the AIA, Lisa handled one of the first co-pending *inter partes* reviews and district court litigations relating to the Orange Book listed drug Lexiva® -- which was the first "lead compound" IPR before the PTAB as well. Lisa also concentrates on patent litigation dealing with large molecule biologics products including a series of antibody litigations involving the well-known "Cabilly" patent portfolio.

Lisa is an adjunct professor at Fordham University School of Law where she teaches Patent Litigation.

Lisa serves as co-chair of the firm's global Women's Leadership Committee.

## Experience

### Representative Litigation and Trial Experience

- Lead counsel in Hatch-Waxman patent litigation involving cancer treatment Trisenox® (*Cephalon and Memorial Sloan-Kettering Cancer Center v. Fresenius Kabi*, D.Del.)
- Lead counsel in patent infringement suit involving cancer treatment Elitek® (*Washington Research Foundation and Genentech v. Sanofi, Sanofi-Synthelabo LLC, and Sanofi-Aventis*, W.D. Wash.)
- Lead counsel in patent infringement suit involving anti-cholesterol (PCSK-9) antibody therapy Praluent® (*Sanofi and Regeneron v. Genentech and City of Hope*, C.D. Cal.) as well as related *Inter Partes* review before the U.S. Patent and Trademark Office (*Sanofi and Regeneron v. Genentech and*

*City of Hope*, USPTO)

- Lead counsel in Hatch-Waxman patent litigation involving HIV therapy Lexiva® (*ViiV Healthcare and Vertex Pharmaceuticals v. Mylan*, D. Del.) as well as related *Inter Partes* reviews before the U.S. Patent and Trademark Office (*Ranbaxy v. Vertex Pharmaceuticals* and *Lupin v. Vertex Pharmaceuticals*, USPTO)
- Lead counsel in biotech patent infringement suit involving antibody therapies Erbitux® and Yervoy® (*Bristol-Myers Squibb v. Genentech and City of Hope*, C.D. Cal.)
- Representing innovator pharmaceutical company Egalet in Hatch-Waxman litigation relating to ketorolac (Sprix®) pending in N.J. (*Egalet v. Apotex*, D.N.J.)
- Lead counsel in patent infringement suit involving the use of antibody product Arzerra® in the treatment of chronic lymphocytic leukemia (*Biogen Idec, Inc. and Genentech v. GlaxoSmithKline et al.*, S.D. Cal.)
- Lead counsel in biotech patent infringement suits relating to the “Cabilly” portfolio, involving the monoclonal antibodies Arzerra® and Benlysta® (*Glaxo Group Ltd, GlaxoSmithKline and Lonza Biologics v. Genentech and City of Hope*, C.D. Cal.; *Genentech Inc. v. Glaxo Group Ltd., GlaxoSmithKline and Human Genome Sciences*, C.D. Cal.)
- Lead counsel in life sciences patent and trademark litigation for IP holder relating to medical devices (*Zest IP Holdings LLC et al. v. Implant Direct et al.*; S.D. Cal.)
- Lead counsel in false advertising, unfair competition suit for medical device manufacturer (*Implant Direct Sybron v. Zest IP Holdings and Zest Anchors*; S.D. Cal.)
- Lead counsel in defense of patent infringement suit for consumer and construction products designer and manufacturer (*Cobra Fixations Cie Lteé – Cobra Anchors v. Newell Operating Co.*; M.D.N.C.)
- Successfully represented GlaxoSmithKline as trial counsel in several patent infringement suits brought against generic challengers to blockbuster drug Zofran® (*Glaxo Group Limited and SmithKline Beecham Corp. v. Teva Pharmaceuticals, Inc.*, D. Del.; *Glaxo Group Limited and SmithKline Beecham Corp. v. Dr. Reddy’s Laboratories, Inc.*, D. N.J.; *Glaxo Group Limited and SmithKline Beecham Corp. v. Kali Laboratories*, D. N.J.; *Glaxo Group Limited and Smith Kline Beecham Corp. v. Pliva*, D. N.J.; *Glaxo Group Limited and Smith Kline Beecham Corp. v. Sandoz*, D. N.J.)
- Represented Pfizer Inc. as trial counsel in successful patent infringement suit brought against generic challenger to Cardura® drug (*Pfizer Inc. v. Apotex Corp.*, N.D. Ill.)
- Represented pharma-biotechnology company in patent litigation involving transdermal drug delivery product (*Elan Corp. v. Cygnus Therapeutics*, N.D. Cal.)
- Represented Metrologic as trial counsel in multi-patent infringement suit relating to laser bar code scanning and digital imaging technology (*Symbol Technologies v. Metrologic Instruments*, E.D. Tex)
- Represented major manufacturer of hard-drives and storage solutions in trade secret litigation (*Nanonex Corp. v. Seagate Technology*, D. N.J.)
- Represented internet based e-commerce company in trademark infringement litigation (*GreenPoint Financial v. Sperry Hutchinson*, S.D.N.Y.)
- Represented patentee in business method patent infringement suit (*Xinetic, Inc. v. Copient Technologies, LLC*, S.D. Ind.).
- Representation of cash management and mutual fund corporation in trademark infringement suit (*Reserve Management Corp. v. Reserve Inc.*, S.D.N.Y.).

### Representative Appellate Experience

- *Implant Direct v. Zest Anchors and Zest IP Holding*, Appeal No. 2015-1927 (Fed. Cir.)
- *Biogen IDEC and Genentech Inc. v. GlaxoSmithKline LLC and Glaxo Group Ltd.*, Appeal No. 2012-1120 (Fed. Cir.)
- *Metrologic Instr. v. Int’l Trade Comm.*, Appeal No. 07-1582 (Fed. Cir.)
- *Symbol Technologies v. Int’l Trade Comm.*, Appeal No. 07-1472 (Fed. Cir.)
- *Glaxo Group Ltd. v. Kali Labs.*, Appeal No. 06-1026 (Fed. Cir.)
- *Ferring Pharm. v. Barr Labs.*, Appeal No. 05-1284 (Fed. Cir.)
- *Glaxo Group Ltd. v. Teva Pharm.*, Appeal No. 05-1057 (Fed. Cir.)
- *Marshak v. Treadwell*, Appeal No. 99-5678, 5614 (3d Cir.)
- *Nashua Co. v. Ricoh, et al.*, No. 98-1872 (U.S. Supreme Court)

### Education

- Seton Hall University Law School, JD; Editor of the Seton Hall Law Review
- University of Virginia, BA

## Admissions

- New York
- New Jersey
- US District Court for the District of New Jersey
- US District Court for the Southern District of New York
- US District Court for the Eastern District of New York
- US Court of Appeals for the Federal Circuit
- US Court of Appeals for the Second Circuit
- US Court of Appeals for the Third Circuit
- US Supreme Court
- US Court of International Trade

## Activities

- Member of the American Bar Association, Litigation and Intellectual Property Law sections
- Member of the New York State Bar Association, Intellectual Property Law section
- Intellectual Property Owners Association, Litigation Committee, NYIPLA and AIPLA
- Member New York Intellectual Property Law Association
- Member American Intellectual Property Law Association
- Board Member, Women in Law Empowerment Forum (WILEF)

## News & Publications

- "5 Tips To Avoid Spoliation Sanctions," *Law360*, 3 December 2015
- "The Doctrine of Equivalents and the Challenge of Giving Meaning to "Substantial" in Patent Jury Trials," *Bloomberg BNA's Patent, Trademark & Copyright Journal*, 16 October 2015
- "Attorney's Fee Awards Post-Octane: A Guide for Practitioners," *InsideCounsel*, 23 September 2015
- "Prepping for Battle - Best Practices for IP Litigation Strategy Vary Depending on Venue and Industry," *InsideCounsel*, 1 September 2015
- "Mayer Brown secures victory at the USPTO for ViiV Healthcare and Vertex Pharmaceuticals in Hatch-Waxman Inter Partes Review," 10 July 2015
- "Mayer Brown partners recognized by *IAM Patent 1000*," 17 June 2015
- "Ten Mayer Brown partners recognized as "IP Stars" in *Managing IP's 2015 World IP Handbook and Survey*," 28 May 2015
- "Mayer Brown partners Lisa Ferri and Terri Gillis named to list of "Top 250 Women in IP"," 30 September 2014
- "Mayer Brown partners Lisa Ferri and Terri Gillis named "IP: Hatch-Waxman (Branded) Litigator of the Year" finalists for LMG Life Sciences Awards," 29 July 2014
- "Assessing the Post-'Myriad' and 'Mayo' Landscape," *New York Law Journal*, 13 January 2014
- "IP Law Update: Federal Circuit Court Allows Inequitable Conduct Claim to Proceed; Gives Insight Into Application of *Therasense* Standard," *Mayer Brown Legal Update*, 8 January 2014
- "IP Law Update: Objective Indicia of Non-Obviousness Lead To Reversal of Board's Obviousness Determination," *Mayer Brown Legal Update*, 16 October 2013
- "Mayer Brown partners Lisa Ferri and Terri Gillis listed among top 250 women in intellectual property law," 1 October 2013
- "Mayer Brown attorneys honored as LMG 2013 "Life Sciences Stars"," 1 July 2013
- "Mayer Brown receives top rankings in *Managing IP's 2013 World IP Handbook and Survey*," 16 May 2013
- "GSK Backed By Fed. Circ. In Leukemia Drug Patent Suit," *Law360*, 16 April 2013
- "Mayer Brown secures appellate victory for GSK in patent infringement case," 16 April 2013
- "Reverse Payment Patent Settlements: The Interplay of Antitrust and Patent Policies," *Intellectual Property & Technology Law Journal*,
- "Trademark Rights v. Gray Market Drug Imports," *MWE IP Review*,
- "Protecting Against Parallel Importation: Drug Companies Look to Trademark Laws, Licenses to Bar Imports," *National Law Journal, Health Care Section*,
- "Assessing the Value of Biotech Royalty Financing," *MWE International News*,
- "Partnering With IP: An Investor's Checklist," *Venture Capital Journal*

## Events

- Symposium: Hot Topics in Life Sciences Law, 30 October 2015
- "Obviousness Considerations in Light of *Barclade*," American Conference Institute's 9th Annual Paragraph IV Disputes Conference, 27 April 2015 - 28 April 2015
- "May It Please the Court: Rules of Engagement for Appearing Before the PTAB," ACI's Post-Grant PTO Proceedings, 25 March 2015 - 26 March 2015
- "Ethical Considerations for Paragraph IV Matters Before the PTO and District Courts: Looking Beyond Inequitable Conduct," ACI's Paragraph IV Disputes Master Symposium, 30 September - 1 October 2014
- GlaxoSmithKline Global Patent Lawyers Meeting, 29 April 2014
- American Conference Institute's 8th Annual Paragraph IV Disputes Conference, 28-29 April 2014
- "Use of IPR and Other PTO Proceedings in A Paragraph IV Challenge: Strategies For Brand Names and Generics in Navigating PTO Proceedings in ANDA Litigation," American Conference Institute's 8th Annual Paragraph IV Disputes Conference: Expert Insights on Hatch-Waxman Litigation Strategies for Brand Names and Generics, 28 April 2014
- "The Interplay Between Hatch-Waxman Litigation and Inter Partes Review," Patent Litigation Seminar – New Jersey Intellectual Property Law Association, 12 March 2014
- "A Litigator's Guide to Effectively Preserving issues for Appeal and Keeping Your Case Alive Post-District Court," International Congress on Paragraph IV Litigation, 23-24 September 2013
- "Monoclonal Antibodies: Successful and Practical Strategies for Developing and Commercializing Antibody Therapies," ACI's Fourth Advanced Forum on Biosimilars, 5-7 June 2013
- "Throwing Down the Gauntlet: The Paragraph IV Notice Letter—The Branded View," ACI's Seventh Annual Paragraph IV Disputes Conference, 7-8 May 2013
- "Hatch-Waxman Litigation Process Fundamentals and Strategies," GlaxoSmithKline Law Program, 22-23 April 2013
- "Experts in Patent Litigation," NYIPLA, 28 February 2013
- "New Claim Construction Considerations in Paragraph IV Challenges," ACI's Sixth Annual Paragraph IV Disputes Conference, 24-25 April 2012
- "New Standards and Controversies in Obviousness-Type Double Patenting: Repercussions for Paragraph IV Challenges," ACI's Fifth Annual Paragraph IV Disputes Conference, 3-4 May 2011
- "Litigating with Multiple ANDA Filers: The Brand Name Perspective," ACI's Fourth Annual Paragraph IV Disputes Conference, 27-28 April 2010
- Bloomberg's Annual Law Speaker Series, 2010
- Bloomberg's Annual Law Speaker Series, 2009
- "Litigating with Multiple ANDA Filers: The Brand Name Perspective," ACI's Third Annual Paragraph IV Disputes Conference, 27-28 April 2009
- "Master Class, Obtaining Optimal Terms and Mitigating Antitrust Concerns When Settling Paragraph IV Disputes," ACI Conference, 2009
- "Patent Licensing and Litigation: Strategies to Consider in the Wake of MedImmune, Sandisk and Quanta," MWE Intellectual Property Roundtable, 2008
- Bloomberg's Annual Law Speaker Series, 2008
- "Cross-Licensing and Injunctions," Fordham University School of Law, Intellectual Property Journal Annual Symposium, 2008
- "Licensing and Litigation in the Wake of MedImmune and Quanta Computer," IPO Annual Meeting, 2008
- "Reverse Payment Settlement Agreements," MWE Intellectual Property Roundtable, 2008