



## Christina D. Brown-Marshall, Ph.D.

Principal  
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### Overview

Christina Brown-Marshall, Ph.D., focuses her practice on patent litigation in the pharmaceutical, biotechnology, and medical device fields. She has also successfully represented clients in mass tort product liability litigation.

Christina has experience in a variety of technological fields, including medical devices, biotechnology, pharmaceuticals, and device manufacturing. She has represented clients in all aspects of litigation in U.S. District Courts, the International Trade Commission, and at the Patent Trial and Appeal Board. Christina also works closely with expert witnesses, many of whom are academics, to prepare them for the unique challenges of deposition and trial.

Christina earned her J.D. from Stanford Law School and her Ph.D. in chemistry from Stanford University. As a law student, she served as co-president of the BioLaw and Health Policy Society. As a graduate student, her research focused on computational modeling of enzymes involved in drug synthesis. Christina was also a founding member of the Stanford chemistry department's women's committee on graduate life. She also graduated *summa cum laude* from the University of Kentucky with a Bachelor of Science degree in chemistry.

In her spare time, Christina enjoys running, gardening, Kentucky basketball, and watching her son play baseball.

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### Experience

*Exela Pharma Sciences, LLC v. Eton Pharmaceuticals, Inc.*, No 1:20-cv-365 (D. Del.) Fish filed a high-profile Hatch-Waxman lawsuit for client Exela Pharma Sciences against Eton Pharmaceuticals over its intent to produce a generic version of Exela's patented Elcys® drug. Elcys® is the only FDA-approved cysteine hydrochloride injection on the market for use as an additive to amino acid solutions to meet the nutritional requirements of newborn infants requiring total parenteral nutrition (TPN). The Fish team successfully stopped the institution of three PGRs at the Patent Trial and Appeals Board. Then, following a March 2022 bench trial, the court found all of Exela's asserted patent claims infringed and valid, and ordered FDA to withhold final approval of Eton's ANDA until expiration of Exela's patents.

*Semiconductor Energy Laboratory Co., Ltd. v. BOE Technology Group Co., Ltd., BOE Technology America, Inc., and Motorola Mobility LLC (cellular telephones)* (N.D. Cal.) Represented Semiconductor Energy Laboratory in a four-patent infringement suit against BOE and Motorola related to OLED display technology.

*In the Matter of Certain Sleep-Disordered Breathing Treatment Mask Systems and Components Thereof*— Int'l Trade Comm'n Investigation Nos. 337-TA-1022 and 337-TA-1134 (I.T.C.). Represented complainant ResMed in investigation against New Zealand manufacturer Fisher & Paykel Healthcare concerning CPAP masks to treat sleep apnea.

*In re Fresenius GranuFlo/NaturaLyte Dialysate Products Liability Litigation* – (MDL No. 2428) – Represented Fresenius in product liability litigation relating to its GranuFlo dialysate product in federal court and state courts.

*Dial v. Fresenius Medical Care Holdings, Inc.* – C.A. No. 14-11101-DPW (D. Mass.). Defended Fresenius in four-week trial in which plaintiff alleged use of NaturaLyte liquid acid concentrate in hemodialysis treatment caused patient's death; obtained defense verdict of no causation in March 2017.

*Ogburn-Sisneros v. Fresenius Medical Care Holdings, Inc.* – No. MICV2013-05050 (Mass. Sup. Ct.). Defended Fresenius in three-week trial in which plaintiff alleged use of GranuFlo granulated acid concentrate in hemodialysis treatment caused patient's death; obtained defense verdict of no causation in December 2015.

*Medigus Ltd. v. EndoChoice, Inc.* (D. Del.) – Defended EndoChoice against Medigus' assertion of a patent related to endoscopes.

*EndoChoice, Inc. v. Medigus Ltd. and Medigus USA LLC* (D. Del.) – Represented EndoChoice in enforcement of trademark rights related to endoscopy products.

Successfully represented a medical device client in a government investigation related to device manufacturing procedures.

*St. Jude Medical v. Volcano Corp.* (D. Del.) – Defended Volcano against St. Jude's assertion of a patent related to cardiac guidewire consoles. Case resulted in settlement favorable to client.

*St. Jude Medical v. Volcano Corp.* (D. Del.) – Defended Volcano in patent litigation and jury trial related to pressure sensing guide wires used to diagnose heart problems. At trial, jury found two St. Jude patents invalid, two not infringed; a fifth patent was declared not infringed by the court on the eve of trial.

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## Testimonials

"Dr. Brown-Marshall is a flat-out genius." - Client comment, as reported by *BTI*

"She exceeds everyone's expectations and delivers exceptional service." - Client comment, as reported by *BTI*

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## Recognitions & awards

Client Service All-Star

*BTI Consulting Group Inc.* 2022

Women Worth Watching

*Profiles in Diversity Journal* 2019

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## Pro bono activities

Christina volunteers with Kids In Need of Defense (KIND) to represent unaccompanied children in immigration proceedings. She has successfully guided several children through the process of obtaining Special Immigrant Juvenile Status and legal residency.

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## Insights

Article | June 4, 2025

Expert Testimony in an Era of Skepticism of Expertise

Webinar | January 22, 2025

Hatch-Waxman 2024 Year in Review

Blog | April 15, 2024

Hatch-Waxman 101

Webinar | February 22, 2024

Hatch-Waxman 101

Article | February 5, 2024

Hatch-Waxman 2023 Year in Review

Blog | January 19, 2024

Middle District of North Carolina Finds Public Interest Favors Granting Preliminary Injunction

Webinar | December 7, 2023

Hatch-Waxman 2023 Year in Review

Blog | November 3, 2023

District of Delaware Finds Allergan Patents Invalid for Lack of Written Description and Obviousness-Type Double Patenting in *Allergan v. MSN Labs*

Webinar | March 31, 2021

Negotiation Ethics 2021

Article | March 4, 2014

The Clients Are Real, the Pitches Are Just for Practice

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## News

August 15, 2022

Fish & Richardson Secures Win for Exela Pharma Sciences in ELCYS® Patent Infringement Litigation

October 14, 2020

Fish & Richardson Principal Christina Brown-Marshall Named a 2020 Pro Bono Attorney of the Year by Kids In Need of Defense (KIND)

June 25, 2019

Fish & Richardson Principals Named 2019 "Women Worth Watching" by *Profiles in Diversity Journal*

February 4, 2019

Fish & Richardson Elevates 11 Attorneys to Principal

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## Events

October 9, 2024

Kisaco Life Sciences Strategy Summit on IP & Exclusivity 2024

May 3, 2023

Boston Seminar Series 2023 Mid-Year Review

October 8, 2019

Georgia Bio Innovation Summit 2019

October 9, 2018

ACC Georgia Monthly Luncheon

November 3, 2016

Life Sciences Summit 2016

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## Additional insights

### Publications

- "Spectroscopic and Electronic Structure Studies of the Role of Active Site Interactions in the Decarboxylation Reaction of  $\alpha$ -keto

Acid-Dependent Dioxygenases," *J.Inorg. Biochem.* 100, 2108-2116 (2006)

- "VT VH-MCD and DFT Studies of Thiolate Bonding to {FeNO}7/{FeO2}8 Complexes of Isopenicillin N Synthase: Substrate Determination of Oxidase versus Oxygenase Activity in Nonheme Fe Enzymes" *J.Am. Chem. Soc.*, 129, 7427-7438 (2007)
- "CD and MCD of CytC3 and Taurine Dioxygenase: Role of the Facial Triad in  $\alpha$ -KG-Dependent Oxygenases," *J. Am. Chem. Soc.*, 129, 14224- 14231 (2007)

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## Services

Litigation

Patent Litigation

Post-Grant

*Inter Partes* Review

Post-Grant Review

Regulatory & Government Affairs

Drug & Medical Device Regulation

## Industries

Life Sciences

Biotech & Diagnostics

Pharmaceuticals

Medical Devices

Academic Research & Medical Centers

Manufacturing

Energy & Chemicals

Cleantech

## Admissions

California (2011)

Georgia (2017)

## Education

J.D., Stanford Law School (2011) Member, *Stanford Technology Law Review*

Ph.D., Chemistry, Stanford University (2008)

B.S. *summa cum laude*, *Phi Beta Kappa*, Chemistry, University of Kentucky (2001)