




# Douglas E. McCann

## Principal

 Wilmington, DE

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“Doug McCann provides excellent litigation expertise and insight.”

— *Client testimonial, 2021 Chambers and Partners USA*

“Excellent litigator’s sense, excellent knowledge of the judicial bench in Wilmington, Delaware, and an excellent litigator’s drive.”

— *Stand Out Lawyer, Acritas*

“Doug is a very good trial lawyer, a very good thinker. He’s a commanding presence in the courtroom and very well respected. I’ve used him for advice and analysis. He is top flight, and he knows the courtroom and how patents play out. He’s a very strategic guy.”

“He’s an effective advocate and a good guy. He’s well respected in the courtroom.”

— *Client testimonials, 2016 Chambers and Partners*

## Overview

### About Doug

Douglas E. McCann is a principal in the Delaware office of Fish & Richardson P.C. He leads and tries cases for some of the world’s best known companies in critical patent cases. He has worked for both plaintiffs and defendants in a variety of industries. Doug’s practice has an emphasis on life sciences and biotech litigation, and has also included technologies as diverse as medical devices, computer software and hardware, and satellite communications. Doug’s courtroom experience includes jury and bench trials in courts across the country including California, Texas, North Carolina and Delaware, as well as the International Trade Commission. Doug also has represented clients in *inter partes* review

proceeding and argued appeals before the U.S. Court of Appeals for the Federal Circuit.

Doug currently serves on the lawyers advisory committee of the judicial council of the Third Judicial Circuit. He has previously served as a member of the District of Delaware advisory committee, as well as the faculty of the District of Delaware federal trial practice seminar, and as an officer of the Delaware chapter of the Federal Bar Association.

Prior to joining Fish & Richardson in 2008, Doug was an assistant U.S. attorney for the District of Delaware and served as both a criminal and civil assistant U.S. attorney with duties including prosecuting and supervising investigation of all manner of complex white collar, money laundering and narcotic cases, and initiating and defending civil litigation in areas including asset forfeiture, health care fraud, environmental, medical malpractice, tort, and employment cases. He has successfully litigated multiple cases before several U.S. courts of appeals. Doug was previously a litigation associate in the Delaware office of Skadden, Arps, Slate, Meagher & Flom LLP (2000-2002), and he was a law clerk for the Honorable Joseph J. Farnan Jr. of the District of Delaware (1999-2000).

After graduating from the Naval Academy, Doug served as an artillery officer in the U.S. Marine Corps.

## Focus Areas

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### **Services**

- Litigation
- Chancery and Corporate Governance
- False Claims Act and Qui Tam
- Hatch-Waxman
- ITC Litigation
- Patent Litigation

### **Industries**

- Electrical and Computer Technology
- Life Sciences
- Medical Devices

## Education

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J.D., Fordham University School of Law (1999) Member, *Fordham Law Review*

B.S., History, United States Naval Academy (1989)

## Experience

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*Idenix Pharmaceuticals Inc. et al. v. Gilead Sciences Inc. et al.* (Sovaldi/Harvoni, D.Del., trial)

*Glaxosmithkline LLC et al. v. Teva Pharmaceuticals USA Inc.* (D.Del., trial)

*Gilead Sciences, Inc. v. Merck & Co, Inc. et al.* (Sovaldi/Harvoni, N.D.Cal., trial)

*Gilead Sciences Inc. et al v. Abbvie Inc.* (Sovaldi/Harvoni, D.Del., settled)

*Cephalon Inc. et al v. Mylan Pharmaceuticals Inc. et al.* (Fentora, D.Del., trial)

*Cephalon Inc. v. Watson Pharmaceuticals Inc. et al.* (Fentora, D.Del., trial)

Represented leading pharmaceutical company in Hatch-Waxman proceedings regarding glaucoma drug (E.D.Tx., trial)

Represented leading pharmaceutical company in Hatch-Waxman proceedings regarding glaucoma drug (D.Del., trial)

Represented leading pharmaceutical company in Hatch-Waxman proceedings regarding glaucoma drug (M.D.Nc., trial)

*Anesta AG et al v. Mylan Pharmaceuticals Inc. et al.* (Amrix, D.Del., trial, settled)

*Enzo Life Sciences Inc. v. Illumina Inc.* (DNA test arrays, D.Del., settled)

*BASF Corporation v. Johnson Matthey Inc.* (Emissions control, D.Del., summary judgment)

*Tarkus Imaging Inc. v. Adobe Systems Inc. et al.* (Photoshop, D.Del., trial)

*In re Certain Liquid Crystal Display Modules (337-TA-634)* (LCD displays, ITC, trial)

*In re Certain Sleep-Disordered Breathing Treatment Systems (337-TA-879)* (sleep apnea technology, ITC, trial)

*Monec Holding AG v. Samsung* (smart phones, D.Del., settled)

*Callaway Golf v. Roblor* (GPS technology, S.D. Fl., settled)

## Insights

### Publications

Mr. McCann is a contributing author to Fish's IP Law Essentials.

- "How To Present a Persuasive Opening Statement in a Patent Jury Trial," *Fish IP Law Essentials Blog* (August 2020)
- "Where Juries Come From," *Fish IP Law Essentials Blog* (May 2020)

### Media Mentions

- Quoted, "How To Deliver A Stellar Opening Statement In A Patent Trial," *Law360* (September 2019)

## Recognition

- Recognized as a notable practitioner in Intellectual Property, *Chambers USA: Delaware* (2015, 2017-2022)
- "IP Star," *Managing Intellectual Property Magazine* (2014-2022)
- "Lawyer of the Year" Criminal Defense: White Collar, Wilmington, Delaware, *The Best Lawyers in America* (2022)
- "Life Sciences Star," *LMG Life Sciences* (2020-2022)
- "Leading Patent Professional," *IAM Patent 1000* (2018-2022)
- "Stand Out Lawyer," *Acritas* (2018)
- "Lawyer of the Year – Litigation" IP in Delaware by *Best Lawyers* (2018)
- "Life Sciences Group Of The Year: Fish & Richardson," *Law360* award (2018)
- "Outstanding IP Litigation – Delaware ," *Managing Intellectual Property North America Outstanding IP Litigator Awards Shortlist* (2016)
- Selected for the "IAM Patent 1000? List for Litigation and Transactions (2015-2018)

- Life Sciences IP Attorney of the Year in Delaware by *Corporate INTL Magazine* (2014-2015)
- *Best Lawyers* (2010-present)

## Clerkships

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U.S. District Court for the District of Delaware, The Honorable Joseph J. Farnan Jr. (retired 2010),  
1999 - 2000