



Martina Tyreus Hufnal

Principal
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Overview

When companies in the life sciences industry are facing an intellectual property dispute, they trust Martina Tyreus Hufnal to protect their interests and their IP.

As co-leader of Fish's Life Sciences Industry Team, Martina puts her extensive experience in Hatch-Waxman litigation, biosimilar cases, and medical device disputes to use in some of the firm's most complex pharmaceutical and health care industry cases. She has also prevailed in chemical, electrical, and software cases.

Martina has been lead counsel in cases related to small molecule formulations, biosimilar protein formulations, polymer chemistry, gasoline blending technologies, and load balancing software. With experience ranging from competitor-competitor jury trials to Hatch-Waxman bench trials, Martina knows how to strategically position her clients for success, whether through victory in District Court, a win at the Federal Circuit, or a favorable settlement. This long-term strategic perspective, coupled with her deep understanding of her clients' priorities and business objectives, helps her to lead clients to favorable resolutions in even the most complex disputes.

From her noninfringement trial victory for Microsoft against well-known patent assertion entity Parallel Networks to the successful patent infringement defense of Gilead against Merck regarding Gilead's Hepatitis C treatment drugs Sovaldi® and Harvoni®, Martina has handled some of the most contentious, high-stakes matters for industry-leading clients. Her Hatch-Waxman litigations include Latuda®, Zorvolex® (co-lead), Vivlodex® (co-lead), Combigan®, and Lumigan®. She has also headed litigations against Humira® (adalimumab) — the world's top-selling drug by revenue.

While she focuses her practice in U.S. District Courts and has appeared in them across the country, Martina has also practiced before the U.S. Court of Appeals for the Federal Circuit and the U.S. Patent and Trademark Office. Martina has represented clients in multiple post-grant proceedings, including *inter partes* reviews and *post grant* reviews. Martina excels in litigation strategy and offers clients a well-rounded perspective on litigation's impact on business.

Regarded as an outstanding litigator, Martina is recognized year after year. Her many accolades include "Lawyer of the Year," *The Best Lawyers in America* (2022); "Best Lawyers Litigation – Intellectual Property" (2018-2023); "The World's Leading Patent Professionals," *IAM Patent 1000* (2017-2023); Notable Practitioner in Intellectual Property, *Chambers USA: Delaware* (2018-2023); and "IP Star," *Managing Intellectual Property* (2018-2023). According to clients, she is an "outstanding lead counsel" who is "known for her prowess in post-grant proceedings and great in Hatch-Waxman actions."

Martina is a sought-after panelist at conferences discussing litigation preparation and management. She often presents on cutting-edge legal developments, from case decisions to litigation strategy.

Before joining the firm, Martina clerked for the Honorable Judge Sue L. Robinson in the U.S. District Court for the District of Delaware for a year and practiced IP litigation in Delaware for four years.

Experience

Represented the University of Minnesota in four District of Minnesota patent infringement cases that each alleged infringement of five of the University's wireless communications patents. The University sought damages for alleged infringement related to the defendants' LTE and 5G networks. The District Court cases reached summary judgment, which the University successfully opposed, prior to settling favorably on the eve of trial. Fish had previously fended off six related IPRs on behalf of patent owner, obtaining institution denials in each matter.

Alvotech USA Inc. et al v. Abbvie Inc et al (E.D. Va., N.D. Ind.) – Martina represented Alvotech in its multi-jurisdiction biosimilar dispute with AbbVie over arthritis drug adalimumab, sold as Humira®, the world's top-selling drug by revenue, with more than \$75 billion in sales in the past four years. In April 2021, AbbVie sued Alvotech in the Northern District of Illinois, asserting infringement of four of its patents. In May 2021, Alvotech filed a patent case in the Eastern District of Virginia to invalidate AbbVie's patents and assert claims of patent misuse by AbbVie for its assertion of more than 60 patents in the "minefield of IP" (as described by AbbVie's CEO) that AbbVie uses to deter competition in the market. In March 2022, these matters were resolved through a settlement under which AbbVie granted Alvotech a license to its Humira® patents and the nonexclusive right to market a Humira® biosimilar.

Sunoco Partners Marketing & Terminals LP, et al. v. Magellan Midstream Partners LP (Fed. Cir.) – In a battle over a chemical invention, Martina served as co-lead counsel representing Magellan Midstream Partners in a case centered on the meaning of "gasoline" for an invention that injected butane into gasoline to make it more volatile. Martina persuaded the United States Patent and Trademark Office to kill the patent claims over a prior butane mixing system. Patentee Sunoco argued on appeal that its patent was limited to systems that blended outside the refinery, whereas the prior systems were in-refinery systems. But Fish persuaded the Federal Circuit that the patent spoke of "gasoline" both inside and outside the refinery, and thus was not effectively different from the prior systems, leading to a summary affirmance.

Parallel Networks Licensing LLC v. Microsoft Corp. (D. Del. May 11, 2017) – Martina was co-lead trial counsel for Microsoft in a trial victory against Parallel Networks, a well-known patent assertion entity. In addition to handling an inventor at trial, she spearheaded the damages strategy, winning pre-trial motions that set up the jury trial for success, securing significant *Daubert* wins precluding Parallel Networks' evidence presentation, and cross examining the damages expert. The jury came back in under two hours with a finding for Microsoft of non-infringement.

BASF Corp. v. Johnson Matthey Inc. (D. Del., Nov. 30, 2016; *Johnson Matthey Inc., et al. v. BASF Corp.* IPR 2015-1267) – Martina was co-lead counsel for Johnson Matthey in this patent infringement battle over a patent that controls and reduces emission of nitrogen oxide in heavy diesel trucks. At the *Markman* hearing, she argued that BASF's claims were indefinite. The court agreed, entering a judgment pre-trial that the asserted claims of the patent-in-suit were invalid. On remand, the case settled prior to trial.

iCeutica Pty. Ltd., et al. v. Lupin Ltd., et al. (D. Del.) – Fish represented Iroko and iCeutica in this Hatch-Waxman litigation involving the drug Zorvolex®. Martina, who served as co-lead counsel in this case, argued the *Markman* hearing and obtained favorable claim constructions. The case settled a week before trial.

Idenix Pharmaceuticals LLC v. Gilead Sciences Inc. No. 2018-1691 (Fed. Cir.) – In October 2019, the Federal Circuit ruled for Fish client Gilead Sciences when it denied, in a precedential decision, Idenix's bid to reinstate a \$2.5 billion verdict. The court accepted Fish's argument that Gilead's landmark hepatitis C drugs were not liable for infringement of Idenix's patent, finding that the patent was invalid for lack of enablement. The decision came 18 months after "one of the biggest litigation comebacks of all time" when Fish argued and won a JMOL motion that reversed the \$2.5 billion jury verdict, the largest patent damages award in history, against Gilead. In January 2021, the U.S. Supreme Court denied certiorari, bringing this remarkable case to a close.

Gilead Sciences Inc. v. Merck & Co. Inc., et al. (N.D. Cal. Mar. 20, 2016; June 6, 2016) – Fish represented Gilead in this competitor litigation over Gilead's blockbuster drugs Sovaldi® and Harvoni®, which are used to treat chronic Hepatitis C. Merck asserted that Gilead's products infringed two of its patents. After the jury trial, the court held a bench trial and found that Merck had engaged in

misconduct, including “lying to Pharmasset, misusing Pharmasset’s confidential information, breaching confidentiality and firewall agreements, and lying under oath at deposition and trial.” These findings led the court to void Merck’s \$200 million jury verdict due to “unclean hands.”

Invista North America S.A.R.L. et al. v. M&G USA Corp. et al. (Fed. Cir. Aug. 13, 2014; D. Del. July 24, 2013) – Fish client Invista alleged that M&G’s PoliProtect product infringed two Invista patents that relate to polyester barrier resins — plastic materials that limit the permeation of gas and protect food or beverage contents from contamination or spoilage. Martina co-led and won both the District Court and appellate victory for Invista.

- Martina was a member of the trial team on a series of Hatch-Waxman cases regarding pharmaceutical company Allergan’s eye care drugs. In August 2015, the Federal Circuit affirmed a win that blocked Allergan’s four competitors from selling a generic version of its Lumigan® 0.01% glaucoma treatment, which has \$200 million in annual sales, until 2027.
 - In August 2011, the Eastern District of Texas found Allergan’s claims in four patents valid and infringed by copies of Combigan® and issued an injunction against the generics companies from selling their own version of the drug until Allergan’s last patent expired in 2022. In May 2013, the Federal Circuit agreed in a precedential opinion that one key patent was valid and infringed.
 - Won a 2013 trial that blocked four generic versions of Allergan’s Latisse® from entering the market until 2024.
 - Achieved a win in the Eastern District of Texas when the court found that opposing party "Actavis PLC...jumped the gun by asserting Allergan's patents for its dry-eye medication Restasis® were invalid or unenforceable before its application for a generic version of the drug was accepted by the Food and Drug Administration," which is a violation of federal law.
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Recognitions & awards

Best Lawyers in America

Best Lawyers 2018-2025

IAM Patent 1000

IAM 2017-2025

Ranked Lawyer

Chambers USA: Delaware 2018-2025

IP Star

Managing IP 2018-2025

Delaware Litigator of the Year

Managing Intellectual Property (MIP) 2022

AV Preeminent Lawyer

Martindale-Hubbell 2014-2022

Delaware Lawyer of the Year for Patent Law

Best Lawyers 2022

Life Sciences Star

LMG Life Sciences 2017-2020

Rising Star

Philadelphia Inquirer 2019

Women Worth Watching

Profiles in Diversity Journal 2018

40 Under 40

Delaware Business Times 2017

Professional associations

American Bar Association

Intellectual Property Owners Association

American Institute of Chemical Engineers

Delaware State Bar Association

American Intellectual Property Association

Federal Bar Association (Executive Board Co-Chair Federal Civil Panel Section 2011-2013)

Federal Bar Association (Executive Board Co-Chair Intellectual Property Section 2013-2014)

Insights

Blog | May 23, 2025

HHS Sets Most-Favored-Nation Price Targets for Pharmaceuticals

Blog | May 14, 2025

How Trump's Latest Drug Price EO Could Impact Pharma

Webinar | January 29, 2025

Biosimilars 2024 Year in Review

Webinar | January 30, 2024

Biosimilars 2023 Year in Review

Webinar | December 14, 2023

FTC Challenges to Orange Book Listings: Considerations for Patent Holders

Blog | November 9, 2023

FTC Challenges More Than 100 Patents as Improperly Listed in Orange Book

Webinar | June 6, 2023

Amgen v. Sanofi Discussing the SCOTUS Decision

Blog | May 19, 2023

Amgen v. Sanofi

Webinar | May 10, 2023

Litigating Written Description: Understanding the Landscape, Navigating the Pitfalls, and Taking Advantage of the Opportunities

Webinar | March 22, 2018

Venue Decisions and Trends Post- *TC Heartland*

Article | July 28, 2017

Practical Aftermath of 'TC Heartland': Book Your Flights for the Coasts

News

June 6, 2025

Fish & Richardson Earns "Band 1" Nationwide Rankings for Intellectual Property and ITC Practices in Chambers USA 2025

May 30, 2025

Fish & Richardson Receives Top Rankings in 2025 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

October 4, 2024

Fish & Richardson Ranked Highly by *Managing IP*; Attorneys Named IP Stars

August 15, 2024

101 Fish Attorneys Included in the 2025 Edition of *The Best Lawyers in America*

August 1, 2024

Fish & Richardson Secures Victory for Genetec, Inc., in Exceptional Patent Infringement Suit

June 11, 2024

Fish & Richardson Receives Top Rankings in 2024 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

June 10, 2024

Fish & Richardson Earns "Band 1" Nationwide Rankings for Intellectual Property and ITC Practices in *Chambers USA 2024*

March 4, 2024

John Adkisson Re-Elected to Second Term as President & CEO of Fish & Richardson

February 12, 2024

Fish & Richardson Launches Team Focused on Protecting Life Sciences Innovations

October 5, 2023

Fish & Richardson Ranked Highly by *Managing IP*, Attorneys Named IP Stars

August 17, 2023

101 Fish Attorneys Included in the 2024 Edition of *The Best Lawyers in America*

June 27, 2023

Fish & Richardson Receives Top Rankings in 2023 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

June 1, 2023

Fish & Richardson Earns "Band 1" Nationwide Rankings for Intellectual Property and ITC Practices in *Chambers USA 2023*

April 28, 2023

Fish & Richardson Recognized by *Managing IP* as Patent Disputes (West) Firm of the Year

September 8, 2022

Fish & Richardson Receives Top Rankings in 2022 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

August 22, 2022

96 Fish Attorneys Included in the 2023 Edition of *The Best Lawyers in America*

June 3, 2022

Fish & Richardson Earns "Band 1" Nationwide Rankings for Intellectual Property and ITC Practices in *Chambers USA 2022*

June 2, 2022

Fish & Richardson Named a Top ITC and Life Sciences Firm by *Managing IP*, Attorneys Named IP Stars

April 8, 2022

Martina Hufnal and Mike McKeon Named Litigators of the Year by *Managing IP*

February 28, 2022

Fish & Richardson Shortlisted for 2022 *Managing IP* Americas Awards

August 19, 2021

Fish Attorneys Recognized in 2022 Edition of *The Best Lawyers in America*

July 7, 2021

Fish & Richardson Receives Top Rankings in 2021 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

May 26, 2021

Fish & Richardson Ranks in Top "Band 1" Nationwide Rankings for Intellectual Property and ITC Practices in *Chambers USA 2021*

September 29, 2020

Fish & Richardson Receives Top Firm Rankings and 14 Principals Named 2020 "Life Sciences Stars" by *LMG Life Sciences*

August 12, 2020

Fish & Richardson Receives Top "Gold" Ranking from *IAM Patent 1000* for National Litigation Practice; National Rankings in the Plaintiff Firm and Prosecution...

August 4, 2020

32 Fish & Richardson Attorneys Named 2020 "IP Stars" by *Managing Intellectual Property* Magazine

June 2, 2020

Fish & Richardson Receives Top "Band 1" National Rankings for Intellectual Property and ITC Practices in *Chambers USA 2020*

October 2, 2019

Fish & Richardson Receives Top Firm Rankings from *LMG Life Sciences* in Four Practice Areas

June 20, 2019

Fish & Richardson Receives Top "Gold" Ranking from *IAM Patent 1000* for National Patent Litigation Practice

May 22, 2019

Fish & Richardson Announces 32 Attorneys Named "IP Stars" by *Managing Intellectual Property* Magazine

May 21, 2019

Fish & Richardson Receives Top "Band 1" National Rankings for Intellectual Property and ITC Practices in *Chambers USA* 2019

March 18, 2019

Fish & Richardson Principal Martina Tyreus Hufnal Named 2019 "Influencer of Law - Rising Star" by the *Philadelphia Inquirer*

September 27, 2018

Fish & Richardson Announces 13 Principals Named 2018 "Life Sciences Stars" by LMG Life Sciences

September 27, 2018

Four Fish Post-Grant Attorneys Named 2018 Life Science Stars by *LMG Life Sciences*

August 15, 2018

47 Fish Attorneys Named to The Best Lawyers in America 2019 List

July 26, 2018

Fish & Richardson Attorneys Named 2018 "Women Worth Watching" by *Profiles in Diversity Journal*

June 14, 2018

Fish Receives Top "Gold" Ranking from *IAM Patent 1000* for National Patent Litigation Practice

May 22, 2018

Fish & Richardson Receives Top "Band 1" National Rankings for Intellectual Property and ITC Practices in *Chambers USA* 2018

May 21, 2018

Fish & Richardson Announces 39 Attorneys Named "IP Stars" by *Managing Intellectual Property* Magazine

February 23, 2018

Fish & Richardson Wipes Out \$2.5 Billion Patent Verdict Against Gilead Sciences on JMOL

October 13, 2017

11 Fish & Richardson Principals Named 2017 "Life Sciences Stars" by *LMG Life Sciences*

October 6, 2017

Fish & Richardson Named 2017 Delaware Regional Powerhouse By *Law360*

September 7, 2017

Fish & Richardson Principal Martina Tyreus Hufnal Named 2017 "40 Under 40" Honoree by *Delaware Business Times*

July 24, 2017

Fish & Richardson Receives Top "Gold" Ranking from *IAM Patent 1000* for National Patent Litigation Practice

Events

January 21, 2025

Kisaco Pharma & Biotech Patent Litigation Summit 2025

October 29, 2024

Kisaco Pharma & Biotech Patent Litigation North America 2024

January 23, 2024

2024 Kisaco Pharma & Biotech Patent Litigation Summit

October 10, 2023

2023 Kisaco Life Sciences Strategy Summit on IP & Exclusivity

June 13, 2023

Kisaco Global Biologics Cell and Gene Legal Summit 2023

January 24, 2023

Kisaco European Summit on Pharma and Biotech Patent Litigation

December 7, 2022

thINc Patents & IP Summit 2022

March 15, 2022

European Summit on Pharma and Biotech Patent Litigation

February 24, 2020

C5's Annual Pharma and Biotech Patent Litigation Conference

October 14, 2019

C5 Life Sciences IP Summit 2019

March 26, 2019

Philadelphia Inquirer 2019 Influencers of Law Award Dinner

October 17, 2018

C5 Life Sciences IP Summit

April 26, 2018

Life Sciences Patent Network North America

April 19, 2018

2018 Franklin Institute Awards Ceremony & Dinner

February 27, 2018

C5 Pharma & Biotech Patent Litigation

October 11, 2017

C5 Life Sciences IP Summit 2017

September 28, 2017

BPLA Biotechnology Committee: PTAB/Hatch-Waxman Parallel Proceedings

April 25, 2017

Delaware Bio 2017 Annual Awards Gala

April 25, 2017

Fish to Sponsor & Speak at C5 Pharma & Biotech Patent Litigation Conference

April 2, 2017

Patent Resources Group (PRG): Pharma and Biotech Patents: A Hatch-Waxman and BPCIA (Biosimilars) Immersion Course Encompassing Prosecution Strategies, FDA...

November 3, 2016

Life Sciences Summit 2016

October 22, 2015

C5 Life Sciences IP Summit

September 10, 2015

Benchmark "Women in Litigation" Forum

Additional insights

Speaking engagements

- "Fish's Annual Life Sciences Seminar," *Fish & Richardson* (May 16, 2024)
- "Addressing Second Medical Use Infringement," *Life Sciences Patent Network* (April 2018)
- "Pharma and Biotech Cases, Costs and Procedures in Arbitration and Mediation," *C5's 10th Pharma & Biotech Patent Litigation Conference* (February 2018)
- "Trade Secret Protection and the Defend Trade Secrets Act: What's New, What's Different?" *Fish Litigation Webinar* (March 2017)
- "Pharma & Biotech Patents: A Hatch-Waxman and BPCIA Immersion Court – Litigation," *PRG Course* (2016, 2017)
- "Panel Session: Strategic Patent Prosecution," *Fish Life Sciences IP Summit* (November 2016)
- "Trade Secret Protection and the Defend Trade Secrets Act: What's New, What's Different?" *Fish Litigation Webinar* (March 2016)
- "Stream A – Biotech Patenting and Biotech Litigation," *2015 C5 Conference* (October 2015)
- "Litigation and arbitration in different jurisdictions," *2015 Women in Litigation Conference* (September 2015)
- "IPR – A New Tool in U.S. Litigation," *2015 C5 Conference* (March 2015)
- "IPRs – Coming to a Patent Near You," *2015 Fish on Tap* (2015)
- "BioPharma Patents at the PTAB and the Implications on U.S. Litigation," *2014 C5 Conference* (2014)

Publications

- "H.R. 2391: Protecting Universities in Collaborative Research," 82 *U.L.Q.* 557 (2004)
- Co-Editor: F. Scott Kieff, *Perspectives on Properties of the Human Genome Project*, published by Academic Press, December 2003
- Co-Author: Jack Hicks & M. Tyreus, "Patent Reform 2007: Important Changes are Coming for U.S. Patent Law," Furniture Executive, *American Home Furnishings Alliance* (November 2007)

Media mentions

- "[Fish & Richardson Launches Life Sciences Group](#)," *Law360* (February 12, 2024)
 - "[Exclusive: Fish & Richardson launches life sciences industry team](#)," *Managing IP* (February 12, 2024)
 - "How Judges and Lawyers Are Coping With Court Backlogs This Year," *Managing IP* (January 28, 2022)
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Services

Litigation

Patent Litigation

Inter Partes Review

Post-Grant Review

Strategic Patent Counseling & Opinions

Patent Portfolio Management

Post-Grant

Industries

Electrical & Computer Technology

Energy & Chemicals

Life Sciences

Medical Devices

Pharmaceuticals

Admissions

U.S. Patent and Trademark Office (2006)

Delaware

U.S. Court of Appeals for the Federal Circuit

U.S. District Court for the District of Delaware

Languages

Swedish

English

Education

J.D., Washington University School of Law (2005) Executive Notes Editor, *Washington University Law Quarterly*

B.S.C.E., Chemical Engineering, University of Delaware (2002) Alumni Award for Excellence