





Megan A. Chacon

Principal

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Overview

About Megan

Megan Chacon is a principal in the Southern California office of Fish & Richardson P.C. Her practice emphasizes complex patent litigation across a wide range of technologies. Ms. Chacon has extensive experience in the life sciences and pharmaceutical fields, including Hatch-Waxman litigation. She has worked on matters involving a wide variety of pharmaceutical compounds, formulations, and treatment methods for conditions such as schizophrenia, bipolar depression, pain management, hepatitis C virus, oral testosterone therapy, and osteoporosis. Ms. Chacon also has experience with biotechnology, chemicals, medical devices, and consumer products.

Ms. Chacon's experience covers all aspects of pre-litigation due diligence and litigation, including case assessment, domestic and international document collection and production, managing fact and expert discovery teams and strategy, depositions, dispositive motions, *Markman* hearings, settlement strategy, and pre-trial and trial work. While Ms. Chacon focuses her practice in the U.S. district courts and has appeared in many across the country, she also has experience with the U.S. International Trade Commission.

Prior to joining the firm, Ms. Chacon practiced as a patent litigator at a leading intellectual property law firm in New York focusing on Hatch-Waxman litigation. Ms. Chacon also served as a student judicial extern to the Honorable Clark Waddoups of the U.S. District Court for the District of Utah (2009).

Focus Areas

Services

- Litigation
- Hatch-Waxman
- ITC Litigation
- Patent Litigation

Industries

- Chemicals
- Consumer Products
- Life Sciences
- Medical Devices

Education

J.D., Boston University School of Law (2011) Articles Editor, *Journal of Science and Technology Law*

B.S., Chemical Engineering, University of Utah (2008)

Experience

Juno Therapeutics Inc. et al. v. Kite Pharma Inc. (C.D. Cal.): Counsel for Kite in ongoing litigation against Juno concerning Kite's CAR-T cancer therapy YESCARTA®.

Sumitomo Dainippon Pharma Co., Ltd. v. Emcure Pharma Ltd. et al. (D. NJ): Representing Plaintiffs in Hatch-Waxman litigation over schizophrenia and bipolar depression medication LATUDA®.

In the Matter of Certain Sleep-Disordered Breathing Treatment Mask Systems and Components Thereof — Int'l Trade Comm'n Investigation No. 337-TA-1022 (I.T.C.): Counsel for complainant ResMed in the investigation against New Zealand manufacturer Fisher & Paykel Healthcare involving two ResMed patents on CPAP masks to treat sleep apnea.

iCeutica Inc. et al v Lupin, Ltd., et al. (D. Md.): Representing Plaintiffs in Hatch-Waxman litigation over

pain medication VIVLODEX®.

Gilead Sciences, Inc. v. AbbVie (D. Del.): Represented Plaintiff in litigation over its hepatitis C treatment HARVONI®.

Represented Plaintiff in Hatch-Waxman litigation over ocular pain drug.

Clarus Therapeutics, Inc. v. Lipocine Inc. (D. Del.): Represented Defendant in litigation related to Defendant's oral testosterone therapy formulation.

iCeutica Inc. et al v Lupin, Ltd., et al. (D. Del): Represented Plaintiffs in Hatch-Waxman litigation over pain medication ZORVOLEX®.

Warner Chilcott Co., LLC v. Teva Pharmaceuticals USA, Inc. (D. NJ): Represented Plaintiff in Hatch-Waxman litigation over osteoporosis treatment ATELVIA® (prior to joining Fish & Richardson).

Insights

Selected Publications

Ms. Chacon is a contributing author to Fish's IP Law Essentials.

"FDA Seeks to Modernize the Orange Book," co-authored with Geoff Biegler and Cheryl Wang, *Fish Litigation Blog* (June 22, 2020).

"How Pandemic-Related Delays Affect Hatch-Waxman Litigants," co-authored with Geoff Biegler and Madelyn McCormick, *Law360* (May 21, 2020).

"Patent Local Rules: Knowing Them Well Can Make Litigating Your Case Smoother," co-authored with Michael Amon, Ricardo Bonilla, Madelyn McCormick, Kayleigh McGlynn, Jason Wolff, *Fish IP Law Essentials Blog* (April 22, 2020).

"*Mayo* at Five: Are Traditional Method of Treatment Claims in Danger Under Section 101?," co-authored with Geoff Biegler and Dalia Kothari, *Fish Litigation Blog* (October 9, 2017).

"*Mayo* at Five: Eligibility of Diagnostic Method Claims," co-authored with Geoff Biegler and Dalia Kothari, *Fish Litigation Blog* (September 6, 2017).

"Diagnostics Patent Eligibility: A Turning Point Approaches," co-authored with Jenny Shmuel, *Life Sciences Intellectual Property Review* (February 16, 2016).

Life Sciences Patent Eligibility “101”: Mayo at Five, co-authored with Geoff Biegler and Dalia Kothari.

Speaking Engagements

Patent Resources Group Advanced Patent Law Course, Hatch-Waxman and Biosimilars: A Hatch-Waxman and BPCIA (Biosimilars) Immersion Course, Lecturer (April 10-12, 2019).

“Patentable Subject Matter in the Life Sciences,” University of San Diego School of Law Intellectual Property Law Conference (March 22, 2019).

“Biosimilar and Hatch-Waxman Litigation,” San Diego Office CLE Event (January 24, 2018).

“Fishbowl Session,” Facilitator, Benchmark Litigation Women In Business Law Forum Los Angeles (September 28, 2017).

Recognition

Named a “Women of Influence in Law” by the *San Diego Business Journal* (2021).

Named 2019 Top 40 Under 40 by the *Daily Transcript*.

Recipient of a 2019 “Women Worth Watching” award by *Profiles in Diversity Journal*.

Named a Leadership Council on Legal Diversity 2019 Fellow.

Memberships & Affiliations

Member of the Law360 2020 Life Sciences Editorial Advisory Board.