



Robert M. Oakes

Principal
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Overview

Intellectual property lawyer Robert Oakes litigates patent disputes in federal courts, handles post-grant reviews, advises on patentability and licensing matters, and conducts freedom to operate and infringement analyses.

Bob represents businesses in a variety of technology areas in patent-related disputes and post-grant proceedings. He is experienced at every stage of litigation, from case assessment, strategy, and team leadership through document collection and production, discovery, expert witness selection and testimony, trials, and appeals. Experienced in both asserting and defending IP-related claims, Bob excels at strategizing and executing dispute resolution strategies that align with his client's business goals and expectations, whether that's aggressive litigation, settlement, or a business resolution. He considers the facts, circumstances, risks, concerns, and benefits in preparing cases, crafts cogent briefs, and delivers clear, logical, and effective oral arguments.

Experienced across a broad spectrum of technologies, including chemical compounds, mechanical devices, biotechnology, software, hardware, and more, Bob is particularly experienced in litigating patents in the life sciences sector, arguing cases involving life-changing drugs, medical devices, and biotech and diagnostic inventions. For example, he was a member of the Fish & Richardson team that prevailed for client Gilead in a case in which Merck claimed Gilead's groundbreaking hepatitis C drugs Sovaldi® and Harvoni® infringed its patents and sought \$2 billion in damages.

Bob's work also includes patent counseling, advising on patent protection strategy, IP licensing deals, and patent due diligence. He provides patentability, infringement, and freedom to operate opinions for client companies, executives, engineers, and scientists, and conducts due diligence investigations and patent value and strength assessments for venture capitalists and private equity firms considering investing in the sector.

Clients appreciate Bob's business-centered approach. Whether litigating a case or advising on a patent or business opportunity, Bob offers guidance based on both the client's current situation and its long-term aspirations.

Before joining Fish, Bob earned a master's in biology, was a biologist at the Louis Berger Group (2004-2005), and worked in the legal department of Johnson & Johnson (2006).

Recognitions & awards

Rising Star

Super Lawyers 2014-2015

Insights

Webinar | August 13, 2020

The Impact of Patent Term Extension on Litigation Under the Hatch-Waxman Act: A Look at the Federal Circuit's Recent Decision in *Biogen v. Banner Life Scis.*

Webinar | March 22, 2018

Venue Decisions and Trends Post- *TC Heartland*

Blog | November 22, 2013

Update on pleading standards in Hatch-Waxman cases

News

Media Coverage | June 18, 2018

Patent Issues Related to Gene Editing

Gene Editing Institute

News | April 25, 2018

Fish & Richardson Wins Federal Circuit Affirmance of Reversal of \$200 Million Damages Against Gilead After Merck's "Unclean Hands"

Events

October 29, 2024

Kisaco Pharma & Biotech Patent Litigation North America 2024

February 6, 2020

Delaware Bio Today & Tomorrow

June 8, 2018

Delaware Bio's CRISPR Gene Editing 360

February 7, 2013

Bio NJ 20th Anniversary Annual Dinner Meeting

Additional insights

Speaking engagements

- "From Laboratory Science to Ethical Application," *CRISPR Gene Editing 360 Symposium*, Delaware Bio (June 8, 2018)
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Services

Litigation

Patent Litigation

Post-Grant

Patent

Strategic Patent Counseling & Opinions

IP Licensing, Transactions & Agreements

Industries

Energy & Chemicals

Life Sciences
Biotech & Diagnostics
Medical Devices
Pharmaceuticals

Admissions

U.S. Patent and Trademark Office (2008)
Delaware
U.S. Court of Appeals for the Federal Circuit
U.S. District Court for the District of Delaware

Education

J.D., University of Pennsylvania Law School (2008)
M.S., Biology, Kansas State University (2003)
B.S., Biology, Emory University (2001)