Life Sciences:

The Fish Differential

Fish & Richardson’s Life Sciences practice focuses on intellectual property and business strategy for organizations in the biotechnology and pharmaceutical industries.

Our practice consists of more than 60 attorneys, together holding more than 50 PhDs and technical master’s degrees, and is spread across our 11 US offices and our office in Munich, Germany. Our clients include multinational corporations, small to medium-size businesses, and academic and research institutions. They choose Fish because of the depth of our scientific backgrounds; our experience managing portfolios of all sizes; the integration between our patent, litigation, and regulatory practices; our industry-leading post-grant practice; and our focus on client satisfaction.
Strategic Patent Services

IP protection is a crucial part of every organization’s business strategy, and selecting patent counsel that understand your technology, industry, and organizational structure is extremely important.

Our Life Sciences group offers a full suite of patent services from patent prosecution; patent portfolio planning and analysis; opinions on topics such as freedom to use, infringement, validity, and patentability; and patent-related analysis of competitive and third-party positions to patent portfolio analysis in connection with financing, evaluation, and acquisition of technology. Our office in Munich—the home of the European and German patent offices and the German Federal Patent Court—serves US and European clients on EU matters, and our extensive network of counsel around the globe enables us to provide comprehensive IP services for any jurisdiction. The introduction of the America Invents Act opened up new proceedings for challenging the validity of patents at the USPTO. As the most active firm in patent reexamination, and with the close-knit relationships between our patent prosecutors and litigators, Fish is perfectly positioned to assist our clients in strategically navigating the new proceedings.

Regulatory Work

In addition to our patent and litigation practices, we have experienced FDA regulatory attorneys who advise and assist pharmaceutical and medical device manufacturers on FDA approvals and enforcement issues.

Regulatory and patent attorneys work closely on the various Hatch-Waxman issues that surface in most drug litigations, and we are at the forefront of Biologics Price Competition and Innovation Act matters, closely following developments in the area of biosimilars. Our experienced team provides solutions that maximize the return on our clients’ significant investments in research and development. Fish regulatory attorneys advise clients on the marketing exclusivities for new drugs and “first filer” generics, and also Orange Book issues involving patents and use codes. Clients depend on us to counsel and represent them on the “safe harbor” exemptions from patent infringement and for assistance in securing their patent term extensions for drugs, biologics, and Class III medical devices. We also counsel clients on orphan drug approvals and pediatric exclusivity rights and assist companies that develop innovative combination products to seek the appropriate designation by the FDA as a drug or device. We are experienced with the preparation and filing of 510(k) applications for medical device marketing authorization as well as all other aspects of device regulation.
Litigation

We are ranked as a top firm for patent litigation, and our victories have been consistently named to the National Law Journal biggest winners list for more than a decade. Corporate Counsel has ranked us as the most active patent litigation firm in the US for ten straight years and has also ranked us at the top of its list for handling patent cases at the International Trade Commission. We handle both plaintiff and defense cases, giving us the ability to understand patent litigation strategy from both the offensive and defensive perspectives. Our attorneys litigate patent disputes involving a wide variety of biotechnology, pharmaceutical, medical device, and chemical patents. We have a rapidly growing ANDA litigation practice and have successfully disputed Hatch-Waxman and other patent cases for leading pharmaceutical and biotechnology companies.

Trademark

Fish helps pharmaceutical clients conduct trademark searches, register their trademarks at the US Patent and Trademark Office, obtain FDA approval of their marks, and enforce their marks through negotiation and litigation, if necessary. We also advise on the process for obtaining generic names for new pharmaceutical compounds and have a wealth of experience advising clients on domain name issues, including the launch of new generic top-level domain names to compete with .com, such as .pharma, .cancer, or a “.brand” domain. Our trademark attorneys have served on the Pharmaceutical Subcommittee of the International Trademark Association and regularly attend the semiannual conferences held by the Pharmaceutical Trade Marks Group.

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