

Carving Out Induced Infringement: Strategy for Skinny Labels

April 22, 2022

BCLT BY THE NUMBERS

#1

IP law program,
19 years in a row,
by US News



3

Faculty Directors ranked among
top 5 most cited IP scholars



35

Practitioner instructors
teaching advanced and
technology courses

50+

Law & tech courses
planned for 2021-2022



9

BCLT faculty-authored textbooks



13

Tech-focused Student
Groups



9

Major conferences
planned for 2021-2022

20+

Other expert-level
events planned for
2021-2022

24

Years BCLT has been
collaborating with
Federal Judicial Center



800+

Federal judges
trained at the BCLT/
FJC IP seminar



Azra Hadzimehmedovic

Azra is a partner at Tensegrity. Azra has represented pharmaceutical, medical device and other biotechnology companies in high-stakes litigations. Recent accomplishments and activities include:

- Representation of 10X Genomics in multiple ITC, district court and IPR proceedings against Bio-Rad through 10X Genomics' successful IPO
- Vice Chair of FCBA Patent Litigation Committee
- Berkeley Law graduate (Stephen Finney Jamison Award)

Learn more @ LinkedIn (Azra Hadzimehmedovic) & tensegritylawgroup.com

Kira A. Davis

Kira is a partner in the Los Angeles office of Durie Tangri, where she represents pharmaceutical, medical device, and other biotechnology companies in all stages of patent litigation. Recent accomplishments include:

- Won pharmaceutical patent infringement jury trial resulting in \$178m award.
- Defeated institution of multiple PGR petitions filed against antibody patents.

Learn more @ LinkedIn (Kira Davis) and durietangri.com

Ryan Johnson

Ryan represents innovative companies in patent litigation and provides strategic patent advice. He has extensive experience with the Hatch-Waxman act. His practice includes:

- Hatch-Waxman litigation for branded pharmaceutical companies (e.g., Novo Nordisk, Pfizer, UCB) in district court and at the Federal Circuit
- “Competitor” pharmaceutical patent litigation and parallel PTAB proceedings (IPR/PGR)
- Antitrust litigation arising out of prior Hatch-Waxman disputes
- Strategic patent advice (e.g., Orange Book listing, PTE strategy, diligence)

Learn more @ LinkedIn and [fenwick.com](https://www.fenwick.com)

What you will learn today

1. What a skinny label is and how skinny labels fit into the framework of Hatch-Waxman pharmaceutical patent litigation.
2. What the Federal Circuit and other courts have said about induced infringement claims where the argument is that the skinny label is not skinny enough.
3. Some possible implications of these recent developments in the law.

How we will get there

- Overview of Hatch-Waxman framework and induced infringement law;
- *GlaxoSmith Kline LLC v. Teva Pharmaceuticals USA, Inc.*, 7 F.4th 1320 (Fed. Cir. 2021) and other recent decisions:
 - Does *GSK* signal a retraction of the carveout doctrine?
 - Do generics have a work-around?
 - Strategic considerations for brands and generics pre-litigation
- Will *GSK* affect biologics litigation?
- Trends in induced infringement law?

Thank you for joining us.

Connect with BCLT on LinkedIn:

www.linkedin.com/company/berkeley-center-for-law-technology