

## Life Sciences Group Of The Year: Mayer Brown

By Melissa Daniels

*Law360, Los Angeles (February 15, 2017, 2:27 PM EST)* -- Mayer Brown LLP's life sciences team pulled off a string of courtroom victories in 2016 that included notable intellectual property decisions, while navigating big-budget transactions, settling tax controversies for top-level clients and landing on Law360's list of Life Sciences Groups of the Year.

The firm's life sciences practice comprises more than 100 lawyers in 17 offices, including six in the United States, four in Asia, five in Europe and two in South America. Co-chair Reb Wheeler said the group has been successful largely because of their strong collaboration across different specialties, allowing the lawyers to work with clients on day-to-day matters and to be there when major litigation and transactions arise.



“What’s most important to us is the relationships we have with our clients,” Wheeler said. “Most of our clients go back years and decades. It’s a very important quality of the relationship we have with some of those clients than we might have if we were just with them for one case or one deal.”

In 2016, the practice saw big wins at the Federal Circuit in patent-related matters, as well as success on the domestic and international arbitration fronts. Lisa Ferri, who is the IP practice leader in New York, credits the life sciences group’s success to a collaborative approach that brings together attorneys from IP, corporate transactions and appellate backgrounds. As such, they’re able to assist clients through any possible challenges that may arise in their drug development, she said.

“We go through the whole timeline of the drug, from developing it to the patent fight, to the product liability fight, to the antitrust case,” Ferri said. “We can help you throughout the entire life cycle.”

Ferri points to the July 2016 decision in *Rapid Litigation Management Ltd. v. CellzDirect Inc.* as an example of the strength the group has shown at the Federal Circuit. The firm represented plaintiff In Vitro Inc. and successfully got its patent for the preservation of liver cells revived.

Meanwhile, James Ferguson, a Mayer Brown partner who specializes in IP and arbitration in the life sciences sphere, represented AbbVie Inc. affiliate Abbott GmbH & Co. KG in a long-running dispute over a patent for a TBP-II protein. In September 2016 and after a 20-year battle, the Federal Circuit handed down what is believed to be the first reported decision addressing the issue of whether a partial amino acid sequence counts as a sufficient written description of a novel protein.

“This is an area in which we’ve been particularly active at the appellate level as well as the trial court,” Ferguson said.

Part of the life sciences group’s recent track record includes tackling areas of new or developing law and jurisdiction. That includes developing a specialty for inter partes review and other proceedings at the Patent Trial and Appeal Board.

Ferri said clients are drawn to the efficiency of the review process, given the shorter timeline and avoidance of major discovery.

“Companies like to go to the PTAB with the hope that maybe they can very efficiently and effectively get rid of a patent,” she said.

The firm has also consciously developed in the arbitration space, Ferguson said, recognizing that companies are increasingly interested in arbitration as a method of dispute resolution. One example saw Mayer Brown argue for Merck & Co. Inc. in a case with PeriCor Therapeutics where an arbitration panel denied PeriCor’s claims for more than \$140 million. The firm then successfully defended the arbitration decision in New York federal court.

Ferguson also highlighted a new collaboration between the tax controversy practice and the IP practice that specifically addresses life sciences companies’ needs as they undergo mergers and acquisitions, enter joint ventures or navigate internal restructuring.

“We’ve found that when we combine the tax lawyers and the IP lawyers, we’re able to ensure the final structure is one that protects both the tax and IP interests of the company,” he said.

The group’s transaction arm handled representation of Nestlé Health Science SA in a \$1.9 billion licensing deal with Seres Therapeutics Inc., notable for not only its size but also the unique development of drugs based on the human microbiome. The team also advised Trilogy Investors LLC in the \$1.25 billion sale of its Midwest senior health care facility portfolio.

Wheeler said the practice has also worked closely with the firm’s preeminent tax controversy group, including securing a \$275 million settlement between Boston Scientific Corp. and the IRS.

Looking ahead, Wheeler said the industry is bracing for possible developments coming from the Trump administration, including changes to drug pricing laws, the potential repeal of the Affordable Care Act,

and potential streamlining of U.S. Food and Drug Administration processes.

Whatever changes may come, Wheeler said, Mayer Brown's tendency to be there for clients for the day-to-day and bigger matters is key to their relationships. He pointed to the firm's representation of Adapt Pharma Inc., the Ireland-based drugmaker behind lifesaving opiate overdose treatment nasal spray Narcan.

"We've helped them with their lease in addition to IP and regulatory work," he said. "It's very gratifying for us to be involved in a story like that."

--Additional reporting by Matthew Bultman. Editing by Edrienne Su.

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