



# Aaron Lukas, Ph.D.

Co-Chair, Hatch-Waxman & Biologics

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Aaron is a registered patent attorney who concentrates his practice on complex patent cases for clients in the pharmaceutical, biotechnology, and semiconductor industries.

Aaron has handled all aspects of cases including pre-suit investigations, fact and expert discovery, dispositive motions, and trial. He also has experience in IPR matters at the PTAB on behalf of both patent owners and challengers. In addition to patent litigation, his practice includes representing clients seeking patentability, infringement, and invalidity analyses, as well as developing strategic plans for clients seeking to protect their intellectual property around the world. Aaron has worked with clients in a wide range of high technology fields, including nanotechnology, semiconductor devices, display technologies, gene synthesis, recombinant DNA technology, diagnostic assays, and pharmaceuticals.

Prior to entering the legal field, Aaron was a senior research scientist at Air Products and Chemicals, Inc. where he developed thin film precursors and deposition methods for use in flat panel displays, interconnects, and other high tech applications (2001-2005), which resulted in 18 issued patents. While earning his doctorate in chemistry at Northwestern University International Center for Nanotechnology and Department of Chemistry, he synthesized and studied light-absorbing organic molecules for use as molecular switching devices (1996-2001). He is a graduate of Georgetown Law, and earned bachelor's degrees in chemistry and humanities, *cum laude*, from Seattle University.

## Experience

Secured a bench trial victory for Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of Vanda Pharmaceuticals, Inc.'s HETLIOZ® (Tasimelteon) oral capsule product, with the district court invalidating Vanda's disputed patents. This result was affirmed by the U.S. Court of Appeals for the Federal Circuit, and the Supreme Court denied Vanda's petition for certiorari.

Represented Amneal Pharmaceuticals, Inc. in a patent infringement action concerning Amneal's ANDA to make a generic version of Pfizer's KERYDIN® (Tavaborole) topical solution product. After a favorable result on inter partes review petitions at the Patent Trial and Appellate Board, the district court case was dismissed.

Represented Kyowa Kirin, Inc. and Strakan International S.A. against Actavis Labs' attempt to make a generic version of Kyowa Kirin's SANCUSO® (granisetron) transdermal patch product. Following a bench trial, the judge ruled in our clients' favor on all contested issues and rejected the defendant's claims of non-infringement, invalidity, and unenforceability. Successfully argued on appeal with the Federal Circuit affirming the trial court decision without opinion.

Represented Zero Zero Robotics, Inc. in a patent infringement action concerning Zero Zero's HOVERPASSPORT® drone product. Plaintiff voluntarily dismissed its case prior to our client's answer.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action regarding Apotex's biosimilar applications to make biosimilar versions of Amgen's NEULASTA® and NEUPOGEN® products. We navigated Apotex through the Biologics Price Competition and Innovation Act's "patent dance," and in the first BPCIA case to go to trial, we obtained a verdict of noninfringement. This result was affirmed on

## Practice Areas

- Hatch-Waxman & Biologics
- Intellectual Property
- Intellectual Property Litigation
- Patents

## Education

- Georgetown University Law Center, J.D., 2010
- Northwestern University, Ph.D., 2001
- Seattle University, B.A., 1996
- Seattle University, B.S., *cum laude*, 1996

## Bar Admissions

- District of Columbia
- United States Patent and Trademark Office

## Court Admissions

- U.S. Court of Appeals for the Federal Circuit
- U.S. Supreme Court

## Awards & Honors

- Washington, DC Super Lawyers - Rising Star, Intellectual Property - 2014-2015, 2019-2020

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appeal to the U.S. Court of Appeals for the Federal Circuit.

Represented Endo Pharmaceuticals Inc. and Strakan International S.à r.l. against Watson Labs' attempt to make a generic version of Endo's FORTESTA® product. Following a bench trial, the judge ruled in our clients' favor on all contested issues and rejected the defendant's claims of non-infringement, invalidity, and unenforceability. Successfully argued on appeal with the Federal Circuit affirming the trial court decision.

Trial counsel for Apotex Inc. and Apotex Corp. in a patent infringement action regarding Apotex's ANDA to make a generic version of LYSTEDA® (tranexamic acid). After a two week trial, received a favorable decision of non-infringement on all three patents in-suit. Successfully argued on appeal with the Federal Circuit affirming the trial court decision.

Represented Innolux Corporation in a patent infringement action involving an improved method of producing LCD products that reduces the number of photolithographic steps required. Won summary judgment of invalidity based on indefiniteness.

Represented Endo Pharmaceuticals Inc. in a patent infringement action concerning Teva's ANDA to make a generic version of our client's BELBUCA® (Buprenorphine) buccal patch product. Prior to trial, the product was sold to a third party and our client was successfully dismissed from the case.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of Janssen's INVOKANA® (Canagliflozin) oral tablet products. Case settled prior to trial.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of Onyx Pharmaceuticals, Inc.'s KYPROLIS® (Carfilzomib) injectable product. Case settled prior to trial.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of Janssen's ZYTIGA® (Abiraterone Acetate) oral tablet products. Case settled prior to trial.

Represented Promius Pharma LLC in a patent infringement action concerning Perrigo's and Taro's ANDAs to make generic versions of our client's SERNIVO® (Betamethasone Dipropionate) topical spray product. Cases settled prior to trial.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of Bionpharma's Naproxen OTC oral capsule product. Case settled prior to trial.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of Dexcel's Omeprazole OTC delayed-release tablet product. Case settled prior to trial.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of AstraZeneca's BRILINTA® (Ticagrelor) oral tablet product. Case settled prior to trial.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of Forest Labs' NAMENDA XR® (Memantine Hydrochloride) extended-release oral capsule products. Case settled prior to trial.

Represented ApoPharma Inc., ApoPharma USA, Inc., and Apotex Technologies Inc. against Taro

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Pharmaceuticals' attempt to make a generic version of ApoPharma's FERRIPROX® (Deferiprone) oral tablet product. Case settled prior to trial.

Represented Apotex Inc., Apotex Technologies, Inc., SmithKline Beecham (Cork) Ltd. and SmithKline Beecham Ltd. against Lupin Ltd.'s attempt to make a generic version of Apotex's PAXIL CR® (Paroxetine) controlled-release oral tablet product. Case settled prior to trial.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of Bausch & Lomb's BEPREVE® (Bepotastine Besilate) eye drops. Case settled prior to trial.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of Symplmed's PRESTALIA® (Amlodipine Besylate and Perindopril Arginine) oral tablet products. Case settled prior to trial.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of Pfizer's PRISTIQ® (Desvenlafaxine) extended-release oral tablet products. Case settled prior to trial.

Represented Apotex Inc. in a patent infringement action regarding Apotex's ANDA to make a generic version of ACULAR LS® (0.4% ketorolac tromethamine). Led the negotiations that resulted in a successful settlement of the matter after the close of expert discovery.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of GSK's AVODART® (Dutasteride) oral capsule product. Case settled prior to trial.

Represented Innopharma, Inc. and Amneal Pharmaceuticals, Inc. in patent infringement actions concerning our clients' ANDAs to make generic versions of Spectrum's FUSILEV® (Levoleucovorin) Injection product.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of SPRIX® (Ketorolac Tromethamine) nasal solution. Case settled prior to trial.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of AstraZeneca's ONGLYZA® (Saxagliptin) oral tablet product. Case settled prior to trial.

Represented Mylan Pharmaceuticals, Inc. in a patent infringement action concerning Mylan's ANDA to make a generic version of Pfizer's CADUET® (Atorvastatin Calcium and Amlodipine Besylate) oral tablet products. Case settled prior to trial.

Represented Actavis in a patent infringement action concerning Actavis's ANDA to make a generic version of King's pain product AVINZA® (Morphine Sulfate) oral capsule products. Case settled prior to trial.

Represented Sandoz Inc. in patent infringement action concerning Sandoz's ANDA to make a generic version of Helsinn's anti-nausea product Helsinn's ALOXI® (Palonosetron Hydrochloride) injection product. Case settled prior to trial.

Represented Sandoz Inc. in a patent infringement action concerning Sandoz's ANDA to make a generic version of Roche's VALCYTE® (Valganciclovir Hydrochloride) capsule product. Case settled prior to trial.

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Represented Sandoz Inc. in a patent infringement action concerning Sandoz's ANDA to make a generic version of Shire's ADHD product INTUNIV® (Guanfacine Hydrochloride). Case settled prior to trial.

Represented Sandoz Inc. in a patent infringement action concerning Sandoz's ANDA to make a generic version of Abbott's NIASPAN® (Niacin) controlled-release tablets. Case settled prior to trial.

Represented Sandoz Inc. in a patent infringement action concerning Sandoz's ANDA to make a generic version of Abbott's TRILIPIX® (Fenofibric Acid) capsules. Case settled prior to trial.

Represented Sandoz Inc. in a patent infringement action concerning Sandoz's ANDA to make a generic version of Abbott's ZEMPLAR® (Paricalcitol) oral capsule product. Case settled prior to trial.

Pro bono counsel to many U.S. Army and U.S. Air Force veterans at the U.S. Court of Appeals for Veterans Claims concerning appeals from the Board of Veterans Appeals denial of their claims for service-related disabilities.

Pro bono counsel to a U.S. Marine Corps veteran to posthumously correct inventorship on an issued U.S. patent to name him as an inventor.

Represented a clinical research startup focused on the treatment of inflammation-related diseases in a \$3 million capital raise from new and existing investors. This representation drew on the experience of the firm's corporate and intellectual property attorneys.