

FARNEY DANIELS

Life Sciences Capabilities

The lawyers of Farney Daniels have a long history of success in litigating patent cases in the courts and a wide range of technology areas of importance to parties to patent litigation, including pharmaceuticals, medical devices as well as computer hardware and software. The Farney Daniels team has successfully litigated cases in U.S. District Courts all over the country, including hotbeds of patent litigation in Delaware, Texas, Wisconsin, Florida and California, as well as the International Trade Commission. The firm also has significant experience with multidistrict litigation (“MDL”). Our record of success—in the courtroom and at the negotiating table—is why industry-leading companies call on us to resolve our most complex patent disputes. Farney Daniels has also been recognized as the Number 2 patent litigation firm in the US based on filings from 2009 to 2013.

Farney Daniels’ Life Sciences Practice embraces the traditional spheres of biotechnology, pharmaceuticals and medical devices. We recognize that these spheres do not represent discrete subspecialties: drug discovery often involves biotechnological tools; diagnostics combine materials with assay systems; medical devices often carry drug or biological actives. When presented with a new technology that crosses scientific disciplines, Farney Daniels Life Sciences lawyers are adept at providing a key link to the intellectual assets of other lawyers in our firm.

Legal and Technical Experience

The Farney Daniels team brings together highly experienced trial attorneys, including attorneys with academic degrees in a range of scientific disciplines, practical experience in the technology and life science industries, and extensive experience with corporations’ internal business and litigation strategies. Our lawyers have put their skills to work for a wide range of clients in almost every field that touches upon Life Sciences. Our experience includes matters involving pharmaceuticals, biotechnology, medical devices, telecommunications, computer hardware and software, and Internet technologies. Our current clients include large pharmaceutical companies, biotechnology and medical device companies, and start-up and early stage companies.

Services

Clients regularly come to Farney Daniels to assess the value of existing patents, prepare strategies for maximizing the potential of pending applications, and design monetization programs. Our legal team regularly guides individuals and corporations through the steps needed to protect valuable intellectual property in the manner that most closely suits their short- and long-term goals. We also litigate pharmaceutical, biotechnology, and medical device patents for plaintiffs and defendants in trial and appellate courts and are regularly involved in global IP disputes.

We routinely receive comments that we bring a unique blend of litigation acumen and business savvy to approach their problems from the way they see them – as part of their overall business goals and needs, and not as isolated one-off litigation matters independent from the operation of the business as a whole. A number of companies with large portfolios are increasingly looking to their technology transfer teams to derive more value from their portfolios, and they find that we are able to help them find ways to meet the increasingly high bar that is being set by their management.

Team



Bryan Farney
Managing Shareholder
bfarney@farneydaniels.com
+1-512-582-2810



Steven R. Daniels
Co-Founding Shareholder
sdaniels@farneydaniels.com
+1-512-582-2820



Michael A. Siem
Shareholder
msiem@farneydaniels.com
+1-512-948-3133



Jennifer Towle
Shareholder
jtowle@farneydaniels.com
+1-512-582-2841

ANDA Litigation & Hatch-Waxman Counseling

Farney Daniels' lawyers are experienced in matters relating to the Drug Price Competition and Patent Term Restoration Act, informally known as the "Hatch-Waxman Act," from filing of the ANDA to marketing of the finished product. Our litigation team combines seasoned trial attorneys with attorneys who have extensive technical experience. We pride ourselves on getting the science right and building our legal theories around technically sound arguments. We also partner with our clients to fully understand the business aspects of the legal decisions we are making.

Our lawyers know how to win patent cases. We understand the law, we understand complex litigation, we understand judges and we understand technology. From the outset of litigation, we work with our clients to develop a strategy for winning the case consistent with the objectives of the client. We have an impressive record of success in patent cases through pretrial summary judgment and at trial. We also work with our clients to find a business solution outside the courtroom when that will achieve a client's objectives.

On the technical front, our team includes lawyers and scientific advisors with advanced degrees and/or industry experience in scientific disciplines relevant to biotechnology and pharmaceutical patent law. We apply our technical expertise cost effectively for our clients. By including scientifically trained lawyers and advisors on our litigation teams, we are able to cut through the numerous issues that clutter the landscape of pharmaceutical and biotechnology patent cases and focus on those that are critical to successful outcomes.

Our lawyers also have significant litigation and trial experience, including experience with both bench and jury trials. Our lawyers are knowledgeable in discovery matters, depositions, expert witnesses, and *Markman* hearings, particularly in the context of life sciences litigation. Our lawyers are also experienced in a myriad of legal issues, including issues related to inventorship, licensing rights, infringement, validity, and inequitable conduct. Hatch-Waxman litigation may also involve antitrust concerns, particularly in view of settlements agreements, and Farney Daniels' attorneys are well-situated to navigate and to provide guidance to our clients. Our lawyers have extensive knowledge with FTC policies and procedures in assessing potentially anticompetitive conduct. Our vast range of experience allows us to handle Hatch-Waxman litigation with a holistic approach to ensure that we meet our clients' needs.

National Law Firms, Ranked by Open Cases in 2013 (Filed 2009-2013)

Rank	Firm	Open Cases	Total Cases
1	Fish & Richardson	308	1,027
2	Farney Daniels	216	590
3	DLA Piper	188	599
4	Winston & Strawn	165	477
5	Kirkland & Ellis	154	498
6	Perkins Coie	150	501
7	Finnegan Henderson	141	398
8	Kilpatrick Townsend & Stockton	136	436
9	Cooley Godward Kronish	135	384
10	McCarter & English	133	384

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