

Life Sciences Group Of The Year: Weil

By Adam Lidgett

Law360 (January 17, 2019, 12:26 PM EST) -- Weil Gotshal & Manges LLP has amassed numerous wins in federal court in the past year — including a nearly \$27 million jury win for Illumina Inc. in a patent suit — landing its life sciences team among Law360's Practice Groups of the Year.

Edward Reines, a Weil partner in Silicon Valley, said that in January 2018 a California federal jury handed Weil client Illumina a \$26.7 million win against genomics company Ariosa Diagnostics Inc., finding Ariosa infringed two of its patents protecting prenatal testing technology.

The eight-person jury found Ariosa's Harmony prenatal test that checks a mother's blood for early signs of fetal abnormalities infringed U.S. Patent Numbers 7,955,794 and 8,318,430, which protect methods for testing and analyzing DNA for chromosomes associated with genetic disorders such as Down syndrome.

Reines, the firm's patent practice group co-leader and life sciences practice co-leader, said the blood test that was part of the invention at issue is a noninvasive, relatively inexpensive and more accurate way to do prenatal testing. He said the blood test stands in contrast to the process known as amniocentesis, which involves a long needle being used to get amniotic fluid in the womb to see if a fetus has genetic disorders like Down syndrome. That process, Reines said, is not only expensive but can be painful and lead to termination of pregnancy.

He said the Illumina test is a huge step forward for medical health worldwide. The case is now on appeal.

"So we vindicated the approach of our clients to inventing and disseminating a blood test for Down syndrome that is in the process of replacing amniocentesis," Reines said.

Additionally, the firm nabbed a win for client Life Technologies Corp. in November 2017. In that case the Federal Circuit ruled Promega Corp. can't recover any damages in a patent suit against Life Technologies over genetic-testing kits after the U.S. Supreme Court put limits on overseas infringement, with the court finding the possibility for damages had been foreclosed by Promega's "all-or-nothing" damages strategy.



"Weil is in the business of helping clients problem-solve, and solving the problem of a \$52 million verdict by helping to zero it out is obviously the kind of result we like to provide to our clients," Reines said.

Elizabeth Weiswasser, a Weil partner in New York City, said the firm's life sciences practice has just over 100 attorneys across a number of its U.S. offices.

Weiswasser said that in the past year the firm formally established the life sciences practice and named her and Reines as co-heads. She said that helps illustrate the firm's success in and commitment to the life sciences industry.

"Weil has a long-standing and deep dedication to working with clients in the pharmaceutical, biotech and medical device industries, and has developed a strong and deep bench of attorneys who have unique expertise in the technologies and specific issues that clients in that overall industry face," Weiswasser, who is also co-head of the patent litigation practice, told Law360.

According to Reines, the firm's life sciences practice has flourished, and the attorneys involved in the work have experience in various other disciplines, including pharmaceutical litigation, biotechnology and product liability.

Reines said the firm's life sciences expertise is spread throughout offices at the firm, including in Boston, New York City and Washington, D.C.

Reines said Weil continues to invest in life sciences throughout the litigation and transactional practice areas, adding that its patent litigation practice is flourishing and that it expects to continue to grow in prominence and size. He said the firm's transactional area is blossoming as well.

Weiswasser said it was fair to say the firm has continued its trajectory of growth in the life sciences space, and that she was proud of the number of victories the firm has worked on.

"We're looking forward to continuing and expanding our partnership with life science companies to promote innovation in the overall area of human health, and continuing our commitment to excellence in developing teams of attorneys that are uniquely positioned to help our clients address their legal needs in this space," Weiswasser said.

--Additional reporting by Cara Bayles and Matthew Bultman. Editing by Marygrace Murphy.