



Clients, ranging from some of the world's largest pharmaceutical, medical device and biologics companies to startups and individual inventors, turn to Duane Morris for strategic counsel on litigation. Whether defending products liability claims, protecting intellectual property or preventing competitive threats, Duane Morris has decades of experience working with pharmaceutical and medical device clients to develop cost-containment and strategic litigation plans resulting in high-level representation.

Our attorneys thoroughly understand the challenges involved in the development, regulation, manufacture, marketing and sales of medical devices, technology and pharmaceuticals, and seek to protect our clients' intellectual and monetary assets. With hundreds of attorneys in major markets, including London and Asia, who practice in diverse litigation, Duane Morris offers medical device and pharmaceutical clients comprehensive litigation services for the entire business lifecycle.



Top-Tier  
National Ranking  
Mass Tort Litigation/Class  
Actions - Defendants

## INTELLECTUAL PROPERTY PROTECTION

For companies in the extremely competitive medical device and pharmaceutical industries, how well they protect their discoveries and inventions can determine their overall success. Duane Morris' Intellectual Property Practice Group regularly advises clients on the protection of their materials and intellectual property. National publications, including *U.S. News & World Report*, have recognized Duane Morris among the leading law firms handling IP litigation, patents, trademarks and copyrights. Repeatedly cited by major clients, the most respected third party authorities and the bench for exemplary performance, our IP litigators and technical specialists have the depth, versatility and experience needed to help our clients achieve their goals.

## RESTRICTIVE COVENANTS AND TRADE SECRET PROTECTION

Duane Morris has assembled a dedicated team of lawyers with significant experience in the many intersecting areas of law that fall under the broad headings of "noncompete" agreements and "trade secrets," including: drafting and reviewing restrictive covenants; advising clients on hiring, onboarding and retaining personnel from competitors; and aggressively pursuing and defending contract- and tort-based claims.



## PRODUCTS LIABILITY AND TOXIC TORTS

Duane Morris helps clients in the life sciences industry strategically navigate through mass tort and individual high stakes products liability litigation. Our experience spans the wide range of cases involving various generic and brand drugs, surgical instruments, orthopedic implants, tissue matrices and patches, and bone cement products. Duane Morris has handled all aspects of numerous, complex multiparty and multidistrict litigation at both the federal and state level—earning a Top-Tier ranking by *U.S. News World Report* for its mass tort litigation practice. Duane Morris guides clients through all aspects of complex litigation, including general and expert discovery, strategic motion practice, selecting and conducting bellwether trials and structuring settlement programs.



## REPRESENTATIVE MATTERS

### Products Liability and Toxic Torts

- ▶ Represented a medical device manufacturer in federal multi district court and coordinated state court litigation involving over 2,000 claims alleging that metal-on-metal hip implant products were unreasonably dangerous. Obtained a complete defense verdict—upheld on appeal—on behalf of a metal-on-metal hip implant manufacturer following a two-week jury trial in St. Louis, Missouri.
- ▶ Defended an international health food retailer and dietary supplement manufacturer in five coordinated wrongful death cases alleging that an herbal tea was a defective product. Obtained defense verdict following six-week jury trial which was affirmed on appeal, and favorably settled remaining cases afterward.
- ▶ Defended an international manufacturer of active pharmaceutical ingredients in federal multi district litigation based on allegedly contaminated products.
- ▶ Obtained no-cost dismissal in talc powder personal injury case on behalf of raw material suppliers and pharmaceutical companies, after assertion of federal preemption defenses.
- ▶ National coordinating counsel for pharmaceutical company in phenylpropanolamine ("PPA") litigation involving both prescription and over the counter cold medications.
- ▶ Obtained dismissal on behalf of orthopedic implant manufacturer based on a lack of successor liability and the absence of any requirement that successor companies have a duty to continually warn of any alleged prior defects.
- ▶ Secured no-cost dismissal of claims against a biologics manufacturer related to "off label" use of a human tissue matrix in a foot and ankle surgery.
- ▶ Secured no-cost dismissal of claims against a manufacturer of synthetic graft materials alleging manufacturing and design claims relating to cure times of products.
- ▶ Represented a dietary supplement company involving legal fallout over ephedra and claims that clients product was linked to dozens of heart attacks, strokes and more than 100 deaths.

### Intellectual Property Protection

- ▶ Represented Global Surgical Instrument in a patent infringement case filed in Minneapolis involving expandable reamer for use in orthopedic implant surgery.
- ▶ Represented a device manufacturer in connection with a generic "EpiPen-type" device, including conducting due diligence and a landscape search for freedom to operate.

- ▶ Represented a client in a patent infringement case involving a medical device used to treat atrial septal defects.
- ▶ Defended a global medical device company in a patent infringement dispute involving polyethylene-titanium surgical implants, resulting in a successful settlement.
- ▶ Defended a medical device company and tissue bank in a patent dispute over orthobiologic tissues containing viable stem cells and osteoprogenitor cells, resulting in a successful settlement.

### Restrictive Covenants and Trade Secret Protection

- ▶ Successful defense of a biomedical device startup company in parallel bet-the-company patent and trade secret litigation in the District of New Jersey and New Jersey Superior Court.
- ▶ Represented a Fortune 100 pharmaceutical company in a multibillion-dollar trade secret and antitrust litigation arising out of technology relating to the pharmaceutical application of recombinant proteins.
- ▶ Member of the trial team representing a pharmaceutical company in a trade secret misappropriation suit concerning RNA interference technology. Resolved before trial on terms the client found favorable.

## OFFICE LOCATIONS & REACH



### UNITED STATES

Atlanta	Miami
Austin	New York
Baltimore	Newark
Boca Raton	Philadelphia
Boston	Pittsburgh
Cherry Hill	San Diego
Chicago	San Francisco
Houston	Silicon Valley
Lake Tahoe	Washington, D.C.
Las Vegas	Wilmington
Los Angeles	

### INTERNATIONAL

Hanoi	Oman
Ho Chi Minh City	Shanghai
London	Singapore
Myanmar	Taiwan

> Also satellite offices, including Bangor and Portland, Maine; and Seattle, Washington

> Alliances in Mexico and Sri Lanka

> Leadership position with international network of independent law firms

## FOR MORE INFORMATION, PLEASE CONTACT:

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