



# W. Blake Coblentz

Co-Chair, Hatch-Waxman & Biologics  
Vice Chair, Intellectual Property

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Blake focuses his practice on patent litigation and counseling for clients in the biotechnology and pharmaceutical industries.

A registered patent attorney, Blake has deep subject-matter knowledge in the areas of biochemistry, molecular and cellular biology, gene synthesis, recombinant DNA technology, immunology, pharmaceuticals, therapeutic methods, diagnostic assays, and vaccines.

He counsels pharmaceutical companies in the areas of Paragraph IV design strategies, Hatch-Waxman litigation, and biosimilar market opportunities. Blake's broader experience includes preparing patentability, infringement, and invalidity opinions; prosecuting U.S. and foreign patent applications; developing patent portfolios; advising on complex IP licensing and transactional due diligence; and counselling on trade secret protection, litigation avoidance, and risk management. Blake represents patent owners and challengers in *inter partes* reviews before the Patent Trial and Appeal Board.

Blake is not just a litigator; he's a trial lawyer. His ability to bring clarity to complex issues through effective depositions and examinations of witnesses have led to significant victories for his clients. Blake's notable trial wins in the pharmaceutical sector include a favorable decision of non-infringement in the first ever case to go to trial under the Biologics Price Competition and Innovation Act and the only successful defense to date of patents on a transdermal testosterone product.

In addition to his patent practice, Blake represents clients in trademark and trade secret litigation. He has represented a major river cruise company in trademark and breach of contract litigation and a group of major league baseball teams in trade secret litigation over methods for pitching a baseball.

Blake graduated from DePaul University College of Law. He earned a master's degree in molecular cell biology from Washington University in St. Louis and his bachelor's degree in biology, *cum laude*, from Birmingham-Southern College.

Outside of his legal practice, Blake enjoys volunteering as a baseball coach. He takes great pride in mentoring kids and teaching them the right way to play sports, and has taken several of his baseball teams to play in tournaments up and down the East Coast.

## Experience

Represented a pharmaceutical company as a Respondent in an arbitration proceeding over a failure to pay royalties on licensed patents. The arbitrator sided with our argument that the patents were invalid, and awarded the Claimant no royalties.

Litigation counsel for Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of Otsuka Pharmaceutical Company, Ltd.'s REXULTI® (Brexpirazole) oral tablets. The case settled the day before trial.

Represented London Luxury LLC in a patent infringement action and a post-grant review against E & E Co., Ltd. Case settled prior to trial.

## Practice Areas

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

## Education

- DePaul University College of Law, J.D., 2005
- Washington University in St. Louis, M.A., 2002
- Birmingham-Southern College, B.S., *cum laude*, 1998

## Bar Admissions

- District of Columbia
- Virginia
- United States Patent and Trademark Office

## Court Admissions

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

## Awards & Honors

- Biotech Patents Attorney of the Year in Washington, DC - Corporate Intl Magazine Global Award 2014-2015
- Washington, DC Super Lawyers - Rising Star, Intellectual Property Litigation - 2014-2015
- *IAM Patent 1000*, 2024

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Currently representing Solar Paste, LLC in a patent infringement action against Changzhou Fusion New Material Co., Ltd. and Risen Energy Co., Ltd. Case is pending in Delaware district court.

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.

Currently representing the St. Louis Cardinals in a trade secret litigation over methods for pitching a baseball.

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

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 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.

Represented Sandoz Inc. in a patent infringement action regarding Sandoz's ANDA to make a generic version of Endo's pain product OPANA® ER (oxymorphone hydrochloride).

Represented Apotex Inc. in a patent infringement action regarding Apotex's ANDA to make a generic version of Wyeth's anti-depressant product EFFEXOR XR® (venlafaxine hydrochloride). Settled on favorable terms during trial.

Represented Apotex Inc. in a patent infringement action regarding Apotex's ANDA to make a generic version of Sanofi-Aventis' anticancer product TAXOTERE®, the active ingredient of which is docetaxel. Following a two-week trial, obtained an order for Apotex striking down the patents-in-issue as invalid as obvious and unenforceable due to Sanofi-Aventis' inequitable conduct in procuring the patents. Successfully argued on appeal with the Federal Circuit affirming trial court decision (April 2012). Of import is that inequitable conduct defense remains viable in ANDA litigations because of this ruling.

Represented Sandoz Inc. in a patent infringement action regarding Sandoz's ANDA to make a generic version of Allergan's glaucoma drops COMBIGAN® (brimonidine tartrate/timolol maleate).

Represented Sandoz Inc. in a patent infringement action regarding Sandoz's ANDA to make a generic version of Merck's anti-nausea product EMEND® (aprepitant).

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 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.

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 Pfizer's PRISTIQU® (Desvenlafaxine) extended-release oral tablet products. Case settled prior to trial.

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 Roche's VALCYTE® (Valganciclovir Hydrochloride) capsule product. 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 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 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 NIASPAN® (Niacin) controlled-release tablets. Case settled prior to trial.

Represented Sandoz Inc. in a patent infringement action regarding Sandoz's ANDA to make a generic version of Alcon's eye allergy product PATANOL® (olopatadine hydrochloride). Case settled.

Represented Apotex Inc. in a patent infringement action regarding Apotex's ANDA to make a generic version of AVODART® (dutasteride). Settled prior to trial.

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 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 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.