



→ Bradley C. Graveline

Partner

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Brad Graveline is a partner in the Intellectual Property and Litigation Practice Groups in the firm's Chicago office. His practice focuses on patent litigation, intellectual property advice, cannabis, trademarks and other commercial litigation.

Areas of Practice

Patent Litigation

Brad is a nationally recognized first chair trial lawyer with more than 25 years of experience litigating patent infringement cases. His patent infringement experience involves technologies that include pharmaceuticals, biologics, medical devices, nutrition supplements, security screening systems, computer software and wireless communications.

Brad led the trial team that secured one of the largest (if not the largest) patent infringement damages awards against the United States of America on behalf of client SecurityPoint Holdings, Inc. In a decision from the United States Court of Federal Claims, the Court awarded SecurityPoint more than \$103 million in damages based on the government's unauthorized use of SecurityPoint's patent claiming a method of using carts to manage and move trays at security screening checkpoints at U.S. airports. The opinion also provided for delay damages and damages for additional infringement following fact discovery. When these amounts are added, we expect the judgment to be the largest ever against the United States for patent infringement. In an earlier trial, Brad led the team that secured a victory on the validity of the patent.

Brad also has represented Snap, Inc., HTC, Walmart, Essentra, TaylorMade, and the American Medical Association in patent infringement litigation.

Life Sciences Patent Litigation

Brad is highly experienced in Hatch-Waxman litigation and has represented pharmaceutical companies in more than 30 Abbreviated New Drug Application (ANDA) cases. He frequently represents highly visible clients in high-stakes ANDA cases and has served as lead trial and appeal counsel in numerous cases. Many of Brad's ANDA cases have involved widely known and blockbuster drugs, including Prozac[®] (which Fortune Magazine referred to as "The Mother of All Patent Challenges"), Yaz[®], Yasmin[®], Uloric[®], Gralise[®], Avodart[®], Evista[®], Entocort[®], Clarinex[®] and Mircette[®].

Brad led the trial team that achieved a complete non-infringement victory for Alembic Pharmaceuticals. In that case, the District of Delaware held that Alembic's generic vortioxetine product will not infringe any of the asserted patents covering Trintellix®. The Court held that Alembic's product contains a different polymorphic form than the polymorphic forms claimed in the asserted patents. The Court also held that Alembic's label carved out infringing indications, so Alembic will not infringe method of treatment patents.

Brad also regularly represents branded pharmaceutical companies and advises such companies in IP matters, including patent portfolio reviews, technology transactions, freedom to operate analyses and patent challenges.

Brad's pharmaceutical and other life sciences clients have included Sentiss Pharma, Abbott Laboratories, Stryker, Macleods, Teva Pharmaceuticals, Barr Laboratories, Amicus Therapeutics, Ardelyx, Sun Pharmaceuticals, Everett Laboratories, Abon Pharmaceuticals, Incepta Pharmaceuticals, Silla Jen, Chemo Group, and Cochlear Limited.

Trademarks

Brad manages a trademark prosecution and management team that handles the global protection and enforcement of trademark portfolios, and he counsels clients in the strategy and procurement of trademark rights. He previously served as a qualified mediator in the Northern District of Illinois Lanham Act Mediation Program.

Cannabis

Brad is a member of Sheppard Mullin's Cannabis Team, which has been recognized as a 'Cannabis Practice Group of the Year by *Law360*. He advises clients in the cannabis space in connection with the procurement and management of intellectual property, technology transactions and regulatory matters. Brad is the lead author of the forthcoming book *Illinois Cannabis Law* (LexisNexis, exp. 2022)

Other Commercial Litigation

In addition to IP litigation, Brad serves as trial counsel on a wide array of other commercial cases in the areas of trade secrets, professional responsibility, breach of contract, unfair competition, product liability, securities, antitrust and class action defense. Brad has represented Swift Transportation Company, US Bank, General Electric Company, Sears, and Nuveen in commercial litigation matters. Brad is lead editor of the book, *Illinois Contract Litigation* (LexisNexis 2020).

Honors

Litigation Star, *Benchmark Litigation*, 2023

Illinois Super Lawyer, *Super Lawyers*, 2018-2023

Experience

Representative Patent Litigation Matters

- Currently representing manufacturer of cochlear implants against allegation that the companies' cochlear implant infringe multiple patents. *The Alfred E. Mann Foundation for Scientific Research v. Cochlear Limited and Cochlear Americas* (C.D.Cal.)

- Representation of Alembic Pharmaceuticals in ANDA litigation relating to febuxostat. *Teijin, et al. v. Alembic, et al.*
- Representation of Abon and Incepta in ANDA litigation relating to extended release gabapentin. *Depomed, Inc. v. Incepta Pharmaceuticals, et al.*
- Representation of Everett Laboratories in multiple cases involving nutritional supplements. *Everett Laboratories, Inc. v. Acella Pharmaceuticals, LLC.*
- Representation of Teva in patent infringement litigation relating to the oral contraceptive product YAZ®. *Teva Pharmaceuticals USA, Inc., et al. v. Bayer Schering Pharma AG, et al.*
- Representation of Barr in ANDA case involving patents relating to dutasteride, the active ingredient in Avodart®, which is used for the treatment of benign prostatic hyperplasia. *SmithKline Beecham Corporation v. Barr Laboratories, Inc.*
- Representation of Barr in ANDA litigation relating to Travatan® and Travatan Z®, which are used for the treatment of intraocular pressure in patients with open-angle glaucoma. *Alcon Research, Ltd. v. Barr Laboratories, Inc.*
- Representation of Barr in an ANDA case involving patents relating to raloxifene, the active ingredient in Lilly's Evista product, which is used in the treatment of osteoporosis. *Eli Lilly and Company, et al., v. Barr Laboratories, Inc.*
- Representation of Barr Laboratories in ANDA litigation relating to Femcon Fe®, a chewable oral contraceptive product. *Warner Chilcott Company, Inc. v. Barr Laboratories, Inc.*
- Representation of Barr Laboratories in ANDA litigation relating to Focalin XR®, a drug product used in the treatment of attention deficit disorders. *Celgene Corporation, et al. v. Barr Laboratories, Inc.*
- Representation of Barr Laboratories in ANDA litigation relating to Entocort EC®, a drug product used in the treatment of inflammatory bowel disease. *AstraZeneca LP, et al. v. Barr Laboratories, Inc.*
- Representation of Barr in an ANDA case relating to Celgene's Thalomid® drug product. *Celgene Corporation v. Barr Laboratories, Inc.*
- Representation of Sun and Caraco Pharmaceutical Laboratories, Ltd. in ANDA cases relating to Schering's patent for Clarinex®, a pharmaceutical product used to treat allergy symptoms. *Schering Corporation v. Sun Pharmaceutical Industries, Ltd., et al.*
- Representation of Sun in cases relating to Cardene® I.V., an injectable drug product used for short-term treatment of hypertension. *PDL Biopharma, Inc. v. Sun Pharmaceutical Industries, Ltd.*
- Representation of Abbott Laboratories in a patent infringement case relating to Humira®. *Rockefeller Univ. and Chiron Corp. v. Abbott Laboratories*
- Representation of Barr Laboratories in ANDA litigation relating to the oral contraceptive Mircette®. *Bio-Technology General Corp. v. Duramed Pharmaceuticals, Inc.*
- Representation of Barr Laboratories in ANDA litigation relating to fentanyl, a drug product used for pain relief. *Cephalon, Inc., et al. v. Barr Laboratories, Inc.*
- Representation of Abbott in a patent infringement case relating to Abbott's patents covering a remote glucose monitoring device. *Abbott Diabetes Care, Inc. v. DexCom, Inc.*
- Representation of SecurityPoint Holdings, Inc. in patent infringement litigation relating to security checkpoint systems. *SecurityPoint Holdings, Inc. v. U.S.A.*

- Representation of a large national retailer in patent infringement litigation involving Wi-Fi technology.
- Representation of HTC in patent infringement litigation involving wireless transmission of caller ID information.

Articles

- 2023 Federal Circuit Case Summaries Year End Report
04.08.2024
- Suing for Patent Infringement if the Government Takes Your Intellectual Property During the COVID-19 Pandemic
IPWatchdog, 04.24.2020
- Defending Against Nonperformance Of Life Science Contracts
Law360, 04.21.2020

FDA Law Update Blog Posts

- "Proposed New FDA Labeling Rules Would Result in Increased Generic Drug Product Liability Claims," October 14, 2016

Intellectual Property Law Blog Posts

- "Federal Circuit Affirms Skinny Label Carve Outs," January 18, 2024
- "Pharmaceutical Companies Have Rights if the Federal Government Seized their Patents," December 21, 2023
- "Historic \$130m+ Patent Infringement Award Against the United States of America," December 1, 2021
- "Federal Circuit Agrees to Reconsider Ruling in GSK v. Teva Drug Patent Case," February 10, 2020
- "Defending Against Nonperformance Of Life Science Contracts," April 21, 2020
- After the Copyright Office Registers the Copyright" rel="noopener" href="https://www.intellectualpropertylawblog.com/archives/sc-copyright-claimant">"Supreme Court Holds that a Copyright Claimant May Commence an Infringement Suit Only After the Copyright Office Registers the Copyright," March 7, 2019
- "Suing The United States Government For Patent Infringement And Defending Against A Claim Of Obviousness," January 25, 2017
- "Proposed 'Patent Agent Privilege' Promises Protection For Patent Practitioners And Clients," November 23, 2016
- "*FTC v. Actavis*: What Does It Mean for Reverse-Payment Settlements?" June 24, 2013

Cannabis Law Blog

- "New Litigation Continues to Challenge the Social Equity and Scoring Process of the Illinois Cannabis Regulation And Tax Act," July 26, 2022
- "IMPACT OF COVID-19 ON ILLINOIS CANNABIS CONTRACTS – Do Force Majeure Clauses Provide A Defense To Non-Performance," May 18, 2020

Labor and Employment Law Blog Posts

- "What Do I Do With My Workplace Drug Policy Now That Cannabis Is Legal in Illinois and My Employees Are Remote?," July 28, 2021

Presentations

- "Establishing Personal and General Jurisdiction in a Paragraph IV Case in the Aftermath of *Daimler* and *Mylan*," September 30, 2015
- "Recent Developments in U.S. and European Trademark Law," Sheppard Mullin and the US-India Business Council Present: *A Program on Timely Topics Facing Indian Lawyers and Chief Legal Officers*, Mumbai, December 1, 2016

Books

Illinois Marijuana Laws and Regulations 2022
10.24.2022

Trade Secret Litigation and Protection: A Practice Guide to the DTSA and the CUTSA
04.2022

Illinois Contract Litigation
2015 Edition

Media Mentions

Generic Co. Asks Fed. Circ. To Undo Loss In Takeda IP Fight
Law360, 06.17.2022

Securing The Result
Chicago Lawyer, 12.2021

Litigators of the Week: Sheppard Mullin Lands a \$100M-Plus Patent Infringement Award Against the Federal Government
American Lawyer, 10.29.2021

US dept hit with record damages over airport security patent
World IP Review, 10.26.2021

U.S. Owes Over \$100 Million Over Security Screening Patent
Bloomberg Law, 10.26.2021

TSA Owes \$134M In 10-Year Patent Saga With Fla. Biz
Law360, 10.25.2021

U.S. government owes over \$100 million for TSA's patent infringement
Reuters, 10.25.2021

Award of More Than \$100 Million in Patent Case Could Be Largest-Ever Against Federal Government
National Law Journal, 10.25.2021

An Absolutely Stacked Week of Litigator of the Week Runners-up and Shout Outs
American Lawyer, 10.08.2021

Litigator of the Week Runners-Up and Shout Outs
The American Lawyer, 08.13.2021

Pharma Co. Wants Sex Drug Marketing Case Axed
Law360, 10.19.2018

TSA Loses Patent Suit Over Airport Security Trays
Law360, 10.31.2016

DC Circuit Awards Attorneys' Fees to SecurityPoint for Illegal and Improper Unilateral Decisions by the Transportation Security Administration
Metropolitan Corporate Counsel, 09.08.2016

Speaking Engagements

Speaker, "International Markets Built and Driven by Canadian Expertise," O'CannaBiz, June 1, 2022

Speaker, "Legal Issues Impacting Canadian Cannabis Companies Entering The U.S. Market," Montreal Cannabis Expo., September 21, 2022

Panelist, "Trade Secrets and Patents: A Comprehensive Approach to Protecting Intellectual Property," *Strafford*, January 26, 2022

Presenter, Seventh Annual Paragraph IV Master Symposium, American Conference Institute, Chicago, Illinois, October 3-4, 2019

"Risky Business: Examining New Guidance for Calculating Damages in the Aftermath of an At-Risk Launch," American Conference Institute, New York, April 25, 2016

"Establishing Personal and General Jurisdiction in a Paragraph IV Case in the Aftermath of *Daimler* and *Mylan*," American Conference Institute, Chicago, Illinois, September 30, 2015

"The Advanced Forum for Brand Name and Generic Counsel on the Intricacies of Extreme Hatch-Waxman Litigation," American Conference Institute, Chicago, Illinois, October 1, 2014

"The Drug Approval Process in the U.S.," Sheppard Mullin conference on "Overview of U.S. Drug Application and Patent Litigation Process: What Korean Companies Need to Know to Enter into the U.S. Market," Seoul, Korea, April 9, 2014

Practices

Intellectual Property

Patent Litigation

Trade Secrets

Trademarks and Trade Dress

Litigation

Healthcare

International Reach

Korea

South Asia

Industries

Cannabis

Financial Services

Healthcare

Hospitality

Life Sciences

Nonprofit

Retail, Fashion & Beauty

Transportation

Education

J.D., Northwestern University, Editor of the *Journal of Criminal Law and Criminology*, 1990

B.A., DePauw University, 1987

Admissions

Illinois

Northern District of Illinois

District of Colorado

Eastern District of Michigan

Western District of Wisconsin

U.S. Court of Federal Claims

U.S. Supreme Court

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Ninth Circuit