



## → 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.

### Areas of Practice

Brad has more than 25 years of experience litigating patent infringement cases, trademark disputes, cases involving theft of trade secrets and other commercial matters. His patent infringement experience involves technologies that include pharmaceuticals, biologics, medical devices, nutrition supplements, security screening systems, software and wireless communications.

Brad led the trial team that secured a key patent victory for SecurityPoint, the company that invented the system of recycling trays through security screening checkpoints by use of movable carts that TSA uses in commercial airports throughout the U.S. After an eight-day trial, the U.S. Court of Federal Claims concluded that SecurityPoint's patent was valid and infringed by TSA. The court held that the government failed to prove that any of the asserted claims would have been obvious, the testimony of the government's key expert "smack[ed] of hindsight" and "the balance of the evidence regarding the objective indicia of non-obviousness weigh[ed] strongly in favor of" SecurityPoint.

Brad is experienced in Hatch-Waxman litigation and has represented pharmaceutical companies in more than 25 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.

In addition to intellectual property litigation experience, Brad works on a wide array of other commercial cases in the areas of professional responsibility, breach of contract, product liability, securities, antitrust and class action defense. He is lead editor of the book, *Illinois Contract Litigation* (LexisNexis 2020).

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

Brad's clients have included Alembic Pharmaceuticals; Abon Pharmaceuticals; Incepta Pharmaceuticals; Barr Laboratories; Teva Pharmaceuticals; Symbiotec Pharmedlab; Sun Pharmaceuticals; Macleods Pharmaceuticals; SillaJen; Essentra; Chemo Group; Everett Laboratories; Cochlear Limited and Cochlear Americas; Abbott Laboratories; Moffat & Co.; HD Buttercup; SecurityPoint Holdings, Inc.; HTC; MacLean Power Systems; Morningstar; Nuveen; and General Electric Co.

## Honors

Illinois Super Lawyer, *Super Lawyers*, 2018-2021

## 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

- 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

## Books

- Editor, *Illinois Contract Litigation*, 2015 edition

## 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 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"](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

- "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

## Media Mentions

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

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

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