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TRAILBLAZERS

INTELLECTUAL PROPERTY

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PIONEER SPIRIT Gerald Flattmann originally intended to become a neurosurgeon. “I did an internship the summer before med school at Yale’s hospital. That’s where I realized I had a problem with the sight of blood.” He had another internship with a small-town attorney, who loved to talk through all his clients’ stories. “I realized patent law was a way to marry my love of science and the law.”



TRAILS BLAZED Flattmann is now the global chair of life sciences patent litigation in the firm’s trial and global disputes practice. “I’m most proud of being the first attorney to win an inter partes review under the America Invents Act for a pharmaceutical company, Galderma, defending its patents against Amneal.” In another victory for Galderma against Amneal, he secured a trial win in the District Court of Delaware. “Amneal was trying to design around our patent. We won by invoking the doctrine of equivalents, which people thought was dead. It was an old Supreme Court holding that you could not just skirt around someone’s patent if your product is designed to do the same thing.” Flattmann also represented Akorda in the first defense against Kyle Bass’ hedge fund. “It was sort of a reverse patent troll. He was developing short positions in pharma companies, then filing IPRs against those companies to drive the stock price down. We built a 23-0 record against him and some other challengers.”

FUTURE EXPLORATIONS There will be reform around patent and IP litigation. “The federal judiciary is totally overburdened. They need some relief, and we need litigation reform at every level. E-discovery particularly has become the tail wagging the dog in many litigations. I would like to see the judiciary become more proactive like Delaware and the Eastern District of Texas, which would benefit us all.”