

## Evan Diamond

Partner

*Trial and Global Disputes / Intellectual Property, Patent, Trademark and Copyright Litigation*



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Evan Diamond is a partner on our Intellectual Property, Patent, Trademark and Copyright Litigation team. Evan focuses his practice on patent litigation matters, with an emphasis on the pharmaceutical and biotechnology industries. In federal court trials, *inter partes* reviews before the Patent Trial and Appeal Board, and appeals before the Federal Circuit, he has substantial experience representing pharmaceutical and life sciences technology companies through trial victory or to favorable business resolutions for products with hundreds of millions or billions of dollars in annual sales.

Evan has been acknowledged by IAM Patent 1000 as one of the "World's Leading Patent Professionals," and has been recognized for the past five years as a "Top Ranked Intellectual Property Litigation Attorney" and a "Rising Star" by Super Lawyers. Evan speaks and writes extensively on new developments impacting life sciences patents and business concerns for the industry.

Evan brings to his practice a technical background in chemistry and biochemistry, having received an M.S. from the University of Pennsylvania prior to entering the legal field.

### Matters

In the first three Final Written Decisions for *inter partes* reviews in the Hatch-Waxman context, obtained rulings from the PTAB for client Galderma upholding all challenged claims on patents covering Oracea, a multi-million dollar drug for the treatment of rosacea

Obtained preliminary injunction and then permanent injunction against launch of a generic version of Oracea, which was upheld by the Federal Circuit on appeal

Obtained favorable claim construction in second-filer Hatch-Waxman litigation regarding Oracea, resulting in withdrawal of Paragraph IV challenge before trial

Obtained decision upholding validity of key patent in bench trial in District of New Jersey regarding Hatch-Waxman dispute for Merck's drug Emend for Injection, for nausea and vomiting due to highly emetogenic chemotherapy

Member of trial teams litigating toward favorable settlements preserving market exclusivity in cases regarding Lexapro (Forest Labs and Lundbeck), Namenda (Forest Labs and Merz), Targretin (Eisai and Valeant), and Amitiza (Sucampo)

## Credentials

### EDUCATION

J.D., Harvard University, cum laude

B.A., University of Pennsylvania, summa cum laude, Phi Beta Kappa

M.A., University of Pennsylvania

### ADMISSIONS

U.S. Court of Appeals for the Federal Circuit  
New York

### ASSOCIATIONS

Federal Circuit Bar Association

PTAB Bar Association

Member of the New York Intellectual Property Law Association, New Jersey Intellectual Property Law

## Recognition

Super Lawyers Rising Stars  
2015-2017

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## Insights

### ARTICLE

*August 20, 2019 • Source: Law360*

Fed. Circ.'s Arduous Legal Landscape For Diagnostic Patents

*April 29, 2019 • Source: Bloomberg Law*

Big Pharma Should Watch SCOTUS After Circuit Court Finds New Drug Uses Patentable

### CLIENT ALERT

*August 13, 2019*

Federal Circuit Continues Trend of Finding Diagnostic Inventions to Be Patent-Ineligible

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## Events

### CONFERENCE

*November 12, 2019*

12th Annual King & Spalding Pharmaceutical University

*June 20, 2019*

5th Annual West Coast Pharmaceutical & Medical Device University

### SPEAKING ENGAGEMENT

*June 24, 2019*

Evan Diamond, Vanessa Yen to Speak at ACI's 2019 Summit on Biosimilars

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## News

### CASES & DEALS

*October 4, 2019*

Galderma Laboratories wins a major patent infringement case in Delaware

### IN THE NEWS

*October 8, 2019 • Source: Law360*

Gerald Flattmann Jr., Evan Diamond and Vanessa Yen secure a victory for Galderma in its patent infringement dispute against Sun Pharmaceutical

### RECOGNITION

*September 19, 2019*

LMG Life Sciences Recognizes King & Spalding With Hatch-Waxman Impact Case of the Year Award

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