

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.S. in Biochemistry, 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

Insights

CLIENT ALERT

April 7, 2021

“Purple Book” Patent Listing Under Biological Product Patent Transparency Act: What is Required, and What to Expect?

March 4, 2021

Group of Nearly 60 WTO Members Seek Unprecedented Waiver from WTO Intellectual Property Protection for COVID-related Medical Products

February 12, 2021

GSK v. Teva and Induced Infringement by AB-Rated Generics: Where are we now?

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Events

CONFERENCE

November 12, 2019

12th Annual King & Spalding Pharmaceutical University

WEBINAR

November 10, 2020

13th Annual King & Spalding Medical Device Summit

October 28, 2020

Testing the Limits: New Developments in Antitrust Targeting Biologics/Biosimilars Competition

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News

IN THE NEWS

January 6, 2021 • Source: Law360

Evan Diamond comments on President Trump signing into law a bill that updates U.S. Food and Drug Administration regulations on patents for drugs

October 7, 2020 • Source: Law360

Evan Diamond discusses the Federal Circuit's decision to revive a \$235M induced infringement verdict against Teva

RECOGNITION

June 17, 2020

King & Spalding IP Practices and Individuals Recognized in the IAM Patent 1000 Guide

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