



John R. Labbé

Partner

Tel 312.474.9579
jlabbe@marshallip.com

Trial lawyer and patent attorney John Labbé has broad experience in patent litigation involving biotechnology, pharmaceuticals, and biologics. He represents clients in litigation under the Biologics Price Competition and Innovation Act (BPCIA) and the Hatch-Waxman Act. His experience spans all phases of litigation from pre-suit opinions and investigations through discovery, trial, and appeal.

Serving as first-chair trial counsel, Mr. Labbé won a \$70 million verdict in September 2017 in the first patent-infringement jury trial about a biosimilar under the BPCIA. His other recent work includes counseling clients during and in preparation for the BPCIA's "patent dance." His experience also includes a trial victory in a patent ownership suit regarding DNA sequencing inventions. Mr. Labbé brings a focus on creative, practical, and efficient solutions that best meet his clients' business objectives.

Mr. Labbé has been named an Illinois Super Lawyer for intellectual property litigation by *Super Lawyers* magazine, and he is included on the 2017 *IAM Patent 1000* list of leading patent professionals.

Practices

- IP Litigation
- Post-Grant Patent Proceedings

Industries

- Biotechnology & Life Sciences
- Consumer Products
- Internet & Cyberlaw
- Pharmaceutical

Representative Experience

- Won a \$70 million patent-infringement verdict as first-chair trial counsel in a case about a biosimilar under the BPCIA.
- Represents clients in Hatch-Waxman and BPCIA litigations including in the BPCIA's pre-litigation "patent dance."
- Advises clients regarding strategies for the BPCIA's "patent dance."
- Won a jury trial in a patent ownership dispute for an inventor of DNA-sequencing techniques accused of breaching his employee invention agreement.
- Represented a biotechnology company in numerous patent litigation matters regarding its next-generation DNA sequencing technologies.
- Represented an Internet design and consulting firm in a trademark infringement and breach of contract dispute resulting in a favorable settlement.
- Defended a leading cable provider in numerous patent litigation matters regarding high-speed data, cable television, and VoIP technologies.
- Defended a client in a patent infringement action regarding a method of manufacturing turbine blades.
- Defended a client accused of infringing a patent on arc-fault circuit interrupter circuit breakers.

Background and Credentials

Mr. Labbé served as a judicial law clerk to the Honorable Algenon L. Marbley of the U.S. District Court for the Southern District of Ohio.

He received his undergraduate degree in molecular and cellular biology from Northwestern University in 1998. He graduated *cum laude* from Northwestern University School of Law in 2002 where he served as the executive editor of the *Northwestern University Law Review* and was a quarter-finalist in the Julius H. Miner Moot Court Competition. His *Law Review* comment, "Louisiana's Blanket Primary After *California Democratic Party v. Jones*," is published at 96 Nw. U. L. Rev. 721 (2002).

Education

- Northwestern University School of Law (J.D., *cum laude*)
- Northwestern University (B.A.)
 - Biological Sciences

Bar Admissions

- Illinois
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Southern District of Ohio
- U.S. Patent and Trademark Office

Publications and Presentations

- "Amgen Gets \$70M in Biosimilar Patent Suit Against Hospira," *Law360*, September 22, 2017 (featured quotes).
- "Biosimilars: Get Ready, Get Set...," 2016 Consero IP Forum for Life Sciences, December 5, 2016.
- "Rise of the Biosimilars: Recent Developments and Strategies for Innovators and Biosimilar Applicants for Resolving Patent Disputes under the BPCIA," 2016 BIO International Convention, June 7, 2016.
- "The Year of the Biosimilar: Refining Current Life Sciences Patent Strategies and Formulating a Multi-Faceted Approach for Innovators and Biosimilars Manufacturers," 2016 ACI Life Sciences Patents Conference, February 23, 2016.

Community and Professional Involvement

- Intellectual Property Law Association of Chicago (Biotechnology Committee)
- Richard Linn American Inn of Court
- American Bar Association