



John R. Labbé

Partner

Tel 312.474.9579
jlabbe@marshallip.com

John Labbé is an accomplished trial lawyer and patent attorney with experience representing clients in high-stakes patent infringement trials. His work includes representing life sciences clients including in cases under the Biologics Price Competition and Innovation Act (BPCIA) and the Hatch-Waxman Act.

Serving as first-chair trial counsel, John won an \$80-million judgment on behalf of Amgen in *Amgen v. Hospira*, the first patent-infringement jury trial about a biosimilar under the BPCIA. In 2019, he won affirmance of that judgment on appeal to the U.S. Court of Appeals for the Federal Circuit, where he served as lead counsel for Amgen. *LMG Life Sciences* recognized the case as a Patent Impact Case of the Year for 2017.

John represented Onyx Therapeutics at trial in 2019 in a Hatch-Waxman patent infringement case about Onyx's Kyprolis® (carfilzomib) medicine. The District of Delaware issued its decision in May of 2020 in favor of Onyx on all asserted patents, and the Federal Circuit summarily affirmed that decision in March of 2021.

John has been recognized as a leader in his field. *The National Law Journal* named him to the 2019 "Intellectual Property Trailblazer" list. In 2018, he was recognized as the "General Patent Litigator of the Year – Illinois" at the sixth annual *LMG Life Sciences Awards*. He has also been recognized on the *IAM Patent 1000* list of leading patent professionals, as an "IP Star" in the *Managing Intellectual Property* IP Stars Survey, as an Illinois Super Lawyer for intellectual property litigation by *Super Lawyers Magazine*, as a "Life Sciences Star" in *LMG Life Sciences*, and as a "Leading Lawyer" by *Leading Lawyers*, a division of *Law Bulletin Media*. Most recently, John was named to *The Best Lawyers in America*® list within the areas of Biotechnology and Life Sciences Practice and Litigation – Intellectual Property.

Practices

- IP Litigation
- Post-Grant Patent Proceedings

Industries

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

Representative Experience

- Won an \$80-million judgment as first-chair trial counsel in *Amgen v. Hospira*, the first patent-infringement jury trial about a biosimilar under the BPCIA. Won affirmance before the U.S. Court of Appeals for the Federal Circuit.
- Represented Onyx Therapeutics at trial in a patent-infringement case about Onyx's Kyprolis® (carfilzomib) medicine.
- Represents clients in Hatch-Waxman and BPCIA litigations including in the BPCIA's pre-litigation "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

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

Publications and Presentations

October 2, 2020

Federal Circuit Reinstates \$236 Million Verdict for Induced Infringement in GSK v. Teva
Marshall Gerstein Insights

January 3, 2020

"What To Expect In Patent Litigation This Year"
Law360

February 21, 2018

"Beyond Sandoz v. Amgen: Future of the Biologics Marketplace and Evolving Biosimilars"
2018 ACI Life Sciences Patents Conference

December 4, 2017

"Biosimilars: Get Ready, Get Set..."
2017 Consero IP Forum for Life Sciences

September 22, 2017

"Amgen Gets \$70M in Biosimilar Patent Suit Against Hospira" (featured quotes)
Law360

December 5, 2016

"Biosimilars: Get Ready, Get Set..."

2016 Consero IP Forum for Life Sciences

June 7, 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

February 23, 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

Community and Professional Involvement

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