

## Natalie C. Clayton

Partner

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Natalie Clayton is co-chair of Alston & Bird's Intellectual Property Litigation Group and leader of the Biotechnology, Pharmaceutical & Life Sciences Patent Litigation Team. She also serves as one of the diversity partners for the Intellectual Property Litigation Group. She has extensive experience litigating and trying intellectual property cases throughout the U.S., particularly in the pharmaceutical space. She has been involved in patent cases covering diverse areas of technology, including pharmaceuticals, animal health products, medical devices, and chemicals. Natalie also has tried trademark, false advertising, and unfair competition cases brought under the Lanham Act on behalf of pharmaceutical clients. She has substantial experience assisting clients in navigating FDA regulations related to bringing pharmaceuticals to market and associated regulatory exclusivities.

Natalie has represented clients in federal courts across the country and before the International Trade Commission (ITC), Federal Circuit, and Second Circuit.

### **Representative Experience**

- Representing Boehringer Ingelheim VetMedica Inc. in a patent infringement action involving recombinant protein vaccines for treating porcine circovirus type 2. *Boehringer Ingelheim VetMedica Inc. v. Intervet Inc. a/k/a Merck Animal Health, et al.*, No. 2:18-cv-09534 (D.N.J.).
- Representing Lek Pharmaceuticals d.d. and Sandoz Inc. in a patent infringement action relating to the drug ibrutinib (Imbruvica®). *Pharmacyclics LLC, et al. v. Zydus Worldwide DMCC, et al.*, No. 1:18-cv-00275 (D. Del.).
- Represented Mustang Bio in an action related to allegations of tortious interference with contract. Defeated Juno's tortious interference claims at the pleading stage. *City of Hope v. Juno Therapeutics Inc.*, No. 2:17-cv-06201 (C.D. Cal.); *City of Hope v. Juno Therapeutics Inc.*, No. 1:18-mc-00026 (S.D.N.Y.).
- Representing Hubei Grand Life Science and Technology Co. Ltd. in a patent infringement action relating to the process for producing taurine. *Vitaworks IP LLC f/k/a Vitaworks LLC v. Hubei Grand Life Science and Technology Co. Ltd., et al.*, No. 2:17-cv-12358 (D.N.J.).
- Representing Morgan Engineering Systems Inc. in a patent infringement action related to the retractable roofs on the Arthur Ashe and Louis Armstrong tennis stadiums. *Uni-Systems LLC v. United States Tennis Association Inc., et al.*, No. 1:17-cv-00147 (E.D.N.Y.).
- Represented Watson Laboratories Inc. in a patent infringement action related to the drug ticagrelor (Brilinta®). *AstraZeneca LP, et al. v. Watson Laboratories Inc.*, Nos. 1:16-cv-00338, 1:15-cv-01002 (D. Del.).
- Represented a first-to-file generic pharmaceutical company in a patent infringement action related to an extended-release opioid pain reliever containing oxycodone HCl and acetaminophen (Xartemis®). *Mallinckrodt LLC, et al. v. Watson Laboratories Inc. Florida, et al.*, No. 2:15-cv-03800 (D.N.J.).

- Represented Watson in a Hatch–Waxman second patent infringement action related to the atrial fibrillation drug dronedarone (Multaq®). *Sanofi, et al. v. Lupin Atlantis Holdings SA*, No. 1:15-cv-00415 (D. Del.).
- Representing Zip-It Ltd. in a patent infringement action related to zippable bags. *Bam Bags LLC v. Zip-It Ltd.*, No. 1:15-cv-02172 (S.D.N.Y.).
- Represented Mylan Pharmaceuticals Inc. and Mylan Inc. in an action involving the breach of a patent license. Obtained a jury verdict exceeding \$100 million. *Mylan Inc., et al. v. Apotex Inc., et al.*, No. 3:14-cv-04560 (D.N.J.).
- Represented Orient Pharma Co. Ltd. in a patent infringement action related to the drug pitavastatin (Livalo®). *Kowa Company Ltd., et al. v. Orient Pharma Co. Ltd.*, No. 1:14-cv-02759 (S.D.N.Y.).
- Represented Watson in patent litigation and an appeal related to the atrial fibrillation drug dronedarone (Multaq®). *Sanofi, et al. v. Watson Laboratories Inc.*, No. 1:14-cv-00265 (D. Del.).
- Represented Skechers USA Inc. in a patent infringement action related to children’s spring shoes. *Aura Technologies LLC v. Skechers USA Inc.*, No. 2:14-cv-00929 (S.D.N.Y.).
- Represented Merck & Cie in a trademark infringement action related to Merck & Cie’s Metafolin® product. *Merck & Cie, et al. v. Santegra Inc., et al.*, No. 2:13-cv-06007 (D.N.J.).
- Represented Mylan Inc. in a patent infringement action related to the drug milnacipran (Savella®). *Forest Laboratories Inc., et al. v. Mylan Inc.*, No. 1:13-cv-01605 (D. Del.).
- Represented defendant Arr-Maz in a patent infringement action involving asphalt binding compositions. *ALM Holding Co., et al. v. Arr-Maz Custom Chemicals Inc.*, No. 1:13-cv-01070 (D. Del.).
- Represented Actavis Mid Atlantic in a patent infringement action involving the topical drug imiquimod (Zyclara®). *Medicis Pharmaceutical Corporation, et al. v. Actavis Mid Atlantic LLC*, No. 1:12-cv-01091 (D. Del.).
- Represented Mylan Pharmaceuticals Inc. in patent infringement actions regarding pharmaceutical compounds related to the drug entacapone (Comtan®). *Orion Corporation v. Mylan Pharmaceuticals Inc.*, No. 1:12-cv-00523 (D. Del.); *Orion Corporation v. Mylan Pharmaceuticals Inc.*, No. 1:11-cv-00078 (D. Del.).
- Represented Mylan Pharmaceuticals Inc. in patent infringement actions related to the pain medication oxycodone (OxyContin®). *Purdue Pharma L.P., et al. v. Mylan Pharmaceuticals Inc., et al.*, No. 1:12-cv-02959 (S.D.N.Y.); *Purdue Pharma L.P., et al. v. Ranbaxy Inc., et al.*, No. 1:10-cv-03734 (S.D.N.Y.).
- Represented Mylan Inc. in a patent infringement action related to two patents covering the cholesterol drug fenofibrate (Antara®). *Lupin Atlantis Holdings S.A. v. Mylan Inc., et al.*, No. 1:11-cv-03893 (S.D.N.Y.).
- Represented Actavis in a patent infringement action related to the combination topical acne drug clindamycin phosphate/tretinoin (Ziana®). *Medicis Pharmaceutical Corporation, et al. v. Actavis Mid Atlantic LLC*, No. 1:11-cv-00409 (D. Del.).
- Represented Mylan Pharmaceuticals Inc. in a patent action regarding an orally disintegrating form of prednisolone (Orapred® ODT). *Cima Labs Inc., et al. v. Mylan Pharmaceuticals Inc.*, Nos. 1:10-cv-01077, 1:10-cv-00625 (D. Del.).
- Represented Merck Eprova AG in a false advertising and unfair competition action under the Lanham Act involving prescription vitamin products. After trial, obtained treble damages, attorneys’ fees, and a permanent injunction. *Merck Eprova AG v. Brookstone Pharmaceuticals LLC*, No. 1:09-cv-09684 (S.D.N.Y.).

- Represented Mylan Laboratories in a patent infringement action involving paroxetine hydrochloride extended-release tablets (Paxil CR®). *SmithKline Beecham Corporation, et al. v. Mylan Laboratories Inc., et al.*, No. 3:07-cv-02939 (D.N.J.).
- Represented Merck Eprova AG in a false advertising and unfair competition action under the Lanham Act involving the active pharmaceutical ingredient l-methylfolate. After trial, obtained treble damages, attorneys' fees, and a permanent injunction. The case was affirmed by the Second Circuit on appeal and set new damages law in the false advertising space. *Merck Eprova AG v. Gnosis S.P.A., et al.*, No. 1:07-cv-05898 (S.D.N.Y.).
- Represented defendant Alphapharm Pty. Ltd. in a patent infringement action regarding methods of treating headaches with the drug sumatriptan/naproxen (Treximet®). *Pozen Inc. v. Alphapharm Pty. Ltd.*, No. 6:09-cv-00003 (E.D. Tex.).
- Represented Mylan Pharmaceuticals Inc. in a patent infringement action involving the cholesterol drugs ezetimibe/simvastatin (Vytorin®/Zetia®). *Merck Sharp & Dohme Corp., et al. v. Mylan Pharmaceuticals Inc.*, No. 2:09-cv-06383 (D.N.J.).
- Represented Mylan Pharmaceuticals Inc. in a patent infringement action involving the drug atomoxetine (Strattera®). *Eli Lilly and Company v. Actavis Elizabeth LLC*, No. 2:07-cv-03770 (D.N.J.).
- Represented Abrika Pharmaceuticals Inc. regarding the antidepressant drug bupropion (Wellbutrin® XL). *Biovail Laboratories Inc. v. Abrika Pharmaceuticals Inc.*, No. 0:04-cv-61704 (S.D. Fla.).

## **Publications & Presentations**

### **Publications**

- *USPTO Post-Grant Trials Handbook*, 2nd Edition, Wolters Kluwer, 2018.
- *USPTO Post-Grant Trials Handbook*, Wolters Kluwer, 2016.

### **Education**

- Duke University (J.D., 2005)
- Davidson College (B.S., 2002)

### **Languages**

- Spanish

### **Admitted to Practice**

- New York

### **Related Services**

Intellectual Property | Intellectual Property Litigation | Intellectual Property Licensing Transactions | Patent Prosecution, Counseling & Review | Patent Litigation | Biotechnology, Pharmaceutical & Life Sciences Patent Litigation | FDA/Food, Drug & Device