

Law360's Weekly Verdict: Legal Lions & Lambs

By **Aebra Coe**

Law360 (May 9, 2019, 6:28 PM EDT) -- Boston-based Greene LLP earned the title of legal lion this week after the First Circuit flipped a \$34 million False Claims Act award from another whistleblower to the firm's client, while Dechert LLP was among the legal lambs after a federal jury hit client GSK with a \$90 million patent verdict.

Legal Lions

Greene LLP earned a spot on top of the week's legal lions list after the First Circuit on Monday rejected a lower court's view of how the federal government learned of allegedly fraudulent billing by drug-testing giant Millennium Health, **flipping a \$34 million False Claims Act award** from one whistleblower to the law firm's client. The client, Mark McGuire, is represented by **Thomas M. Greene, Michael Tabb** and **Ryan P. Morrison** of **Greene LLP**.

Next up on the lions list is **Morrison & Foerster LLP**. The **Federal Circuit cleared** the law firm's client, Novartis' Sandoz division, of patent infringement on Wednesday over its biosimilar versions of Amgen's chemotherapy companion drugs Neupogen and Neulasta, upholding a lower court ruling. Sandoz is represented by **Deanne Maynard, Bryan Leitch, Brian Robert Matsui, Erik Jeffrey Olson** and **Eric C. Pai** of **Morrison & Foerster LLP**.

A single sentence in a patent settlement prevents Amgen Inc. from halting sales of a generic version of its blockbuster calcium-control drug Sensipar, a **Delaware federal judge ruled** in an opinion released Friday, handing a win to attorneys at **Hughes Hubbard & Reed LLP** and **Farnan LLP** who represented generic drugmaker Cipla Ltd. Cipla is represented by **Sue L. Robinson, Brian E. Farnan** and **Michael J. Farnan** of **Farnan LLP**, and **James W. Dabney, Patrice P. Jean, Dina Hoffer, Deanne K. Cevalasco, David E. Lansky** and **Lynn M. Russo** of **Hughes Hubbard & Reed LLP**.

Morgan Lewis & Bockius LLP earned a spot on the lions list Friday when a **Delaware federal jury awarded** its client, Tiefs shoemaker Gavrieli Brands, at least \$2.1 million in damages for patent and trade dress infringement by shoe startup Soto Massini (USA) Corp. and its founder on accusations they poached key Tiefs footwear features. Gavrieli Brands LLC is represented by **John V. Gorman, Amy M. Dudash, Michael J. Lyons, Ahren C. Hsu-Hoffman, Ehsun Forghany, Sharon R. Smith, Brett A. Lovejoy** and **Marinna C. Radloff** of **Morgan Lewis & Bockius LLP**.

The **Federal Circuit on Friday** upheld the validity of a patent related to Endo Pharmaceuticals' opioid

painkiller Opana ER, siding with arguments made by attorneys at **Dechert LLP** and **Kasowitz Benson Torres LLP** that generic-drug maker Teva Pharmaceuticals had not shown the invention was obvious. Endo is represented by **Martin Black, Sharon Gagliardi, Blake Greene, Jonathan Loeb** and **Robert Rhoad** of **Dechert LLP**. Mallinckrodt is represented by **Jeffrey Toney, Rodney Miller** and **Paul Williams** of **Kasowitz Benson Torres LLP**.

Legal Lambs

In a loss landing attorneys at **Dechert LLP** and **Morris Nichols Arsht & Tunnell LLP** on this week's legal lambs list, a federal jury in Delaware on Friday found that GlaxoSmithKline LLC and Glaxo Group Ltd. **owe \$89.7 million** to U.K.-based Vectura Ltd. for infringing a single claim of a patent covering features of three important Glaxo inhalers for treating chronic obstructive pulmonary disease. GlaxoSmithKline LLC and Glaxo Group Ltd. are represented by **Jack B. Blumenfeld** and **Jeremy A. Tigan** of **Morris Nichols Arsht & Tunnell LLP**, and **Martin J. Black, Kevin M. Flannery, Robert Ashbrook, Sharon K. Gagliardi** and **Blake B. Green** of **Dechert LLP**.

Next up on the legal lambs list is **Ogletree Deakins Nash Smoak & Stewart PC**. Massachusetts' **top court ruled Wednesday** that employees who are paid entirely on commission or advances on commission are still entitled to time and a half for any overtime under state wage laws, resolving questions posed by the federal courts. Defendants Sleepy's LLC and Mattress Firm Inc. are represented by **Diane M. Saunders** of **Ogletree Deakins Nash Smoak & Stewart PC**.

A **Ninth Circuit panel said Monday** that the Consumer Financial Protection Bureau's single-director structure is constitutionally sound, rejecting California law firm **Seila Law's** bid to be freed from one of the agency's civil investigative demands and heading off a circuit split on the issue. Seila Law is represented by **Thomas H. Bienert Jr.** and **Anthony R. Bisconti** of **Bienert Miller & Katzman PLC**.

Quinn Emanuel Urquhart & Sullivan LLP cannot represent a defunct ride-hailing startup in its antitrust suit claiming Uber drove it out of business, a **California federal judge said** May 2, finding the firm's previous work for Uber created a conflict of interest.

The **D.C. Circuit on Thursday** cut short a challenge to a Federal Energy Regulatory Commission order limiting the scope of its climate change reviews of pipeline projects without ruling on its merits, instead concluding that the challengers — represented by the law firm **Sussman & Associates** — lacked standing to fight the order. Otsego 2000 is represented by **Michael H. Sussman** of **Sussman & Associates**.

--Additional reporting by Aaron Leibowitz, Jon Hill, Linda Chiem, Keith Goldberg, Jeff Montgomery, Jeff Overley and Matthew Bultman. Editing by Kelly Duncan.