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Practice Areas

- » Intellectual Property
- » Intellectual Property Procurement
- » Patent Litigation

Speaking Engagements & Seminars

- » Jonathan Harris Leads Seminar Entitled, "Prior Art and Obviousness 2011: Current Trends in Sections 102 & 103"
- » "Biosimilars and Biointerchangeables," Hatch-Waxman Boot Camp, American Conference Institute
- » "Inventorship & Priority of Invention," Prior Art and

Jonathan A. Harris

PARTNER

Jonathan A. Harris, a partner in the firm's Intellectual Property Group, has approximately 15 years experience in the trial and appeal of patent infringement actions. He has successfully argued numerous contested proceedings, including hearings on claim construction and dispositive motions, and has co-chaired bench and jury trials. Jonathan also counsels clients on intellectual property issues, preparing patent opinions, conducting intellectual property due diligence and supervising patent procurement.

Jonathan has lectured on numerous intellectual property topics, including strategies for opinion drafting, pharmaceutical patent litigation, biosimilars and Hatch-Waxman issues. He has been invited to speak by the Practising Law Institute, the American Conference Institute and the Generic Pharmaceutical Association.

Patent Litigation

Jonathan has extensive patent litigation experience in a variety of industries, including pharmaceuticals and topicals, specialty chemicals, consumer products, footwear, automotive tools and computer software and systems. His experience in Paragraph IV pharmaceutical patent actions is particularly extensive.

Representative cases include:

Gilead Sciences, Inc. v. Natco Pharma Ltd., No. 11-0221 (D. Del.)

Jonathan is defending Alvogen in a patent action over a patent directed to the active pharmaceutical ingredient oseltamivir and methods of use (Tamiflu®). The case is ongoing.

Purdue Pharma L.P v. Ranbaxy, Inc. et al., No. 10-3734 (S.D.N.Y.)

Jonathan is defending Actavis Elizabeth, LLC in a patent action over three patents directed to purified forms of the active pharmaceutical ingredient oxycodone (Oxycontin®). The case is ongoing.

Pfizer Inc. v. Teva Pharmaceuticals USA, Inc. et al., No. 09-0307 (D.

Jonathan A. Harris (continued)

Obviousness: Current Trends in Sections 102 and 103, Practicing Law Institute

- » Jonathan Harris Speaks on In Re Rosuvastatin Litigation
- » "Medical Process Claims after Bilski and Prometheus," Maximizing Pharmaceutical Patent Life Cycles, American Conference Institute
- » "Patent Litigation Strategies for Follow-on Biologics," Generic Pharmaceutical Association GphA Annual Meeting
- » "Bioequivalence in Paragraph IV Patent Infringement Litigation," FDA Boot Camp, American Conference Institute
- » "Practical Guidelines for Assessing the Doctrine of Equivalence and Invalidity in Patent Opinion Writing," Pharmaceutical and Biotech Patent Opinion Writing, American Conference Institute

Del.) Jonathan is defending Actavis Elizabeth LLC in a patent action over three patents directed to the active pharmaceutical ingredient pregabalin and methods of use (Lyrica®). At a recent *Markman* Hearing, Jonathan successfully argued claim construction on behalf of six other co-defendants. The case is ongoing.

Medacis Solutions Group LLC v. Pandora Data Systems, Inc., No. 07-0692 (D. Conn.) Jonathan defended Pandora Data Systems in a patent action by Medacis Solutions over a patent directed to computer software and systems for preventing drug diversion in the hospital setting. The case settled favorably in the midst of fact discovery after the parties exchanged proposed claim constructions.

Elan Corp. PLC. v Actavis South Atlantic, LLC., No. 07-0679 (D. Del.) Jonathan defended Actavis South Atlantic in a patent action over two patents directed to controlled release formulations containing an isomer of the active pharmaceutical ingredient methylphenidate (Focalin XR®). The case settled favorably after submission of claim construction briefing.

Celgene Corp. v. Abrika Pharmaceuticals, Inc., No. 06-5818 (D.N.J.) Jonathan defended Abrika Pharmaceuticals in a patent action over three patents directed to controlled release methylphenidate formulations for treating ADD (Ritalin LA®). The case settled favorably after submission of claim construction briefing.

Zanfel Laboratories, Inc. v. Cade Laboratories, LLC, No. 06-0348 (W.D. Mich.) Jonathan represented patentee Zanfel Laboratories in enforcing a patent directed to the use of topical compositions in the treatment of poison ivy. After Jonathan successfully argued a motion for summary judgment of infringement and defeated five motions for summary judgment of invalidity and enforceability, the case settled favorably.

Cushion Technologies, LLC v. Adidas Solomon North America, Inc. et al., No. 06-0347 (E.D. Tex.) Jonathan defended Fila USA, Inc. in a

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patent action over a patent directed to cushioning springs used in athletic footwear. The case settled prior to fact discovery.

PSN Illinois, LLC v. Oil-Dri Corporation Of America, No. 04-0915 (N.D. Ill.) Jonathan defended Oil-Dri in a patent action over two patents directed to particulate compositions used in animal litter. The case settled favorably after service of Oil-Dri's invalidity expert reports.

Quickie Manufacturing Corp. v. The Libman Company, No. 04-2229 (C.D. Ill.) Jonathan represented patentee Quickie in enforcing a patent directed to an enhanced wringing mechanism for use with butterfly mops. The case settled favorably on the eve of trial.

Ondeo Nalco Company v. Eka Chemical, Inc., No. 01-0537 (D. Del.) Jonathan defended Ondeo Nalco in a declaratory judgment patent action over three patents directed to colloidal silica compositions used in papermaking. The case settled favorably after the Court declared a mistrial.

The Libman Company v. Quickie Manufacturing Corp., No. 00-2279 (C.D. Ill.) Jonathan represented patentee Quickie in a declaratory judgment action over a patent directed to a locking device used on cleaning implements. Jonathan successfully second-chaired a bench trial. The Federal Circuit affirmed the district court's decision in favor of Quickie on appeal.

Polyclad Laminates Inc. v. MacDermid Corp., No. 99-0162 (D.N.H.) Jonathan defended Macdermid in a patent action over a patent directed to specialized adhesives used in the manufacture of printed circuit boards. Macdermid prevailed on its motion for summary judgment of non-infringement.

Patent Transactional

In addition to his patent litigation experience, Jonathan also possesses extensive experience with transactional matters, including patent opinion matters, intellectual property due diligence and patent procurement. Jonathan's patent litigation experience is particularly useful in advising clients concerning these issues.

Jonathan has prepared patent and freedom-to-operate opinions and has assisted in formulating design-around advice. He has also assisted in analyzing Orange Book listed patents and preparing Paragraph IV Notice Letters in anticipation of ANDA litigation.

Jonathan has conducted intellectual property due diligence in a variety of settings. In the merger and acquisition context, he has evaluated intellectual property portfolios and assessed intellectual property litigation risk. He has also helped investors identify investment opportunities by evaluating

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the effects of patent events on the movement of equities in the stock market. He has, for example, evaluated the likely outcome of Patent Office and Court proceedings.

Jonathan has prepared and prosecuted patent applications in numerous industries. In the chemical area, he has experience with pharmaceuticals, specialty chemicals, water treatment chemicals and systems, nanoparticles and nanotubes and fluorescent dyes used in biomedical imaging. In the mechanical area, he has experience with medical devices, biomedical imaging equipment, cleaning implements and automotive tools. He also has extensive experience with cable management and distribution systems. In the area of computer software, he has experience with software driven systems, including disaster recovery systems and global positioning systems.

Bar & Court Admissions

- » Connecticut
- » Illinois
- » U.S. Court of Appeals for the Federal Circuit
- » U.S. District Court for the District of Connecticut
- » U.S. District Court for the Northern District of Illinois
- » U.S. Patent and Trademark Office

Education

- » University of Connecticut School of Law, Hartford, Connecticut, 1998 J.D. cum laude.
- » University of Connecticut School of Business, Storrs, Connecticut, 1998 M.B.A. cum laude.
- » Duke University, Durham, North Carolina, 1994 B.S.

Articles & Newsletters

- » Five Things Every Biotech Company Must Know About Biosimilars, International BioPharm, June 6, 2010
- » Making it Easier to Win Patent Infringement Suits, Connecticut Law Tribune, October 12, 2009
- » Federal Circuit Obviousness Vs. SCOTUS Precedent, IPLaw360, August 20, 2009

» The Nanotech Researcher's Dilemma: Patent or Perish?, Small Times, November 1, 2006

Recent News

- » AVH Partners Named New England Super Lawyers and Rising Stars 2011
- » AVH Partners Named Connecticut Rising Stars 2011/2012
- » AVH Partner Jonathan Harris Speaks with the Hartford Business Journal about Small Green Firm Winning Patent
- » On August 25-26, Jonathan Harris Presents on Follow-on Biologics in San Francisco
- » On July 19-20, Jonathan Harris Presents on Follow-on Biologics in Boston
- » On July 7, 2010, Jonathan Harris Presents on Inventorship and Prior Conception in New York City
- » On June 3, 2010, Jonathan Harris Speaks on In Re Rosuvastatin Litigation
- » AVH Serving as Patent Counsel for ADHD and Pain Relief Medications