



Chad A. Landmon

PARTNER

Chad Landmon practices primarily in the areas of patent and other intellectual property litigation and counseling and food and drug law. He chairs the firm's FDA Practice Group.

Mr. Landmon litigates intellectual property cases in federal and state courts across the country, as well as in arbitration proceedings, involving numerous industries, including pharmaceuticals, printing and packaging, power tools, and many others. Representative examples of recent patent infringement cases handled include: *Roche Palo Alto LLC v. Endo Pharmaceuticals Inc.*, No. 10-00261 (D. Del.); *Genzyme Corporation v. Endo Pharmaceuticals Inc.*, No. 09-02589 (D. Md.); *sanofi-aventis v. Actavis South Atlantic LLC*, No. 07-572 (D. Del.); *Purdue Pharma L.P. v. Actavis Totowa LLC*, No. 07-3972 (S.D.N.Y.); *Shire LLC v. Actavis, Inc.*, No. 07-00718 (D. Md.); *Adams Respiratory Therapeutics, Inc. v. URL/Mutual Pharmaceutical Cos.*, No. 06-4418 (E.D. Pa.); *Cushion Technologies, LLC v. Fila USA, Inc.*, No. 06-347 (E.D. Tx.); *Eisai Co., Ltd. v. URL/Mutual Pharmaceutical Cos.*, No. 06-03613-HAA-MF (D.N.J.); *Whelen Engineering Co., Inc. v. Star Headlight & Lantern Co., Inc.*, No. 06-0299 (JCH) (D.Conn.); *Arthur Blank & Co. v. Moore North America, Inc.*, No. 02-2282 (W.D. Tenn.); *Rexon Industrial Corp. v. Ryobi Technologies*, 02-1264 (D. Conn.).

A significant portion of Mr. Landmon's practice is spent in the firm's FDA and BioMedical Practice Groups, in which he provides counseling and litigation services relating to patent, FDA and antitrust issues involving the development and marketing of new and generic drug products and the regulation of tobacco products. The FDA matters involve numerous issues relating to the Hatch-Waxman Amendments, including marketing exclusivities, patent listing, certification and notification requirements, bioequivalence, labeling and other issues relating to the FDA approval process. Mr. Landmon has petitioned FDA and litigated disputes involving a variety of issues, including new chemical entity exclusivity, the generic

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Practice Areas

- » BioMedical Practice Group
- » FDA Practice Group
- » Intellectual Property
- » Intellectual Property Litigation

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exclusivity period and pediatric exclusivity. Representative examples of recent litigation involving FDA issues includes: *Actavis Elizabeth LLC v. FDA*, No. 09-362 (D.D.C.); *Mylan Laboratories, Inc. v. FDA*, No. 07-579 (D. D.C.) (representing third-party intervenor); *Ranbaxy Labs, Ltd. v. FDA*, No. 04-0869 (D.D.C.) (representing third-party intervenor); *Purepac Pharmaceutical Co. v. FDA*, No. 03-2282 (D.D.C.). Mr. Landmon has also handled Lanham Act cases relating to false advertising allegations, including in a case in which the firm obtained the dismissal of such claims based upon an argument that the claims were preempted by FDA law. See *Wyeth v. Sun Pharmaceutical Indus. Ltd.*, 2010 U.S. Dist. LEXIS 18180, Dkt. No. 09-11726 (E.D. Mich. March 2, 2010). Mr. Landmon frequently speaks and writes about issues relating to FDA law and pharmaceutical patent litigation. He also serves on the Editorial Advisory Board of *Generic Line*, a publication of FDAnews.

Mr. Landmon has an active intellectual property counseling practice, in which he evaluates patent, trademark and trade secret claims. He is often involved with the product development process, assisting clients in navigating around the intellectual property rights of competitors and in designing their own patent strategies. In the course of this practice, Mr. Landmon provides advice and services to clients regarding the acquisition, management and enforcement of intellectual property portfolios. He also prepares freedom-to-operate opinions and opinions relating to the infringement and validity of patents.

Mr. Landmon also participates in matters involving the intersection of the antitrust and patent laws, including issues arising from the settlement of patent and Hatch-Waxman exclusivity disputes, the licensing of critical technology and the formulation of joint development relationships. In addition to providing advice regarding such issues, Mr. Landmon has also represented clients during FTC investigations involving such agreements.

Mr. Landmon has also been involved with commercial litigation and arbitration involving a variety of complex contract and tort law issues.

Bar & Court Admissions

- » Connecticut
- » District of Columbia
- » U.S. Court of Appeals for the District of Columbia Circuit
- » U.S. Court of Appeals for the Federal Circuit

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- » U.S. Court of Appeals for the Sixth Circuit
- » U.S. District Court District of Columbia
- » U.S. District Court District of Connecticut
- » U.S. District Court Southern District of New York

Education

- » University of Connecticut School of Law, Hartford, Connecticut, 1999 J.D. with Honors. Notes & Comments Editor, Connecticut Law Review.
- » University of Connecticut, Storrs, Connecticut, 1996 B.A. Political Science with honors, and Economics, summa cum laude.

Publications

- » Ask the Experts: Experts Discuss Effect of NJ Rules on Hatch-Waxman Litigation, Generic Line, February 4, 2009
- » Ask the Expert: Impact of Federal DJ Jurisdiction Decision, Generic Line, September 3, 2008
- » Federal Circuit Draws the Line on DJ Jurisdiction, IP Law360 and Health Law360, August 25, 2008
- » FDA's Exclusivity Forfeiture Saga Continues, IP Law360 and Health Law360, May 15, 2008
- » Ask the Expert: Caraco's Impact on Declaratory Judgment Actions, Generic Line, May 14, 2008
- » Ask the Expert: Impact of FDA's Exclusivity Forfeiture Rulings, Generic Line, April 30, 2008
- » Here Comes The Tidal Wave of Generic DJ Actions, IP Law360 and Health Law360, April 3, 2008
- » FDA Removes Teeth From Exclusivity Forfeiture, IP Law360 and Health Law360, January 25, 2008
- » Supreme Court Backhands Key Federal Circuit Test, IP Law360, January 10, 2007
- » Fourth Circuit Rejects Another Authorized Generics Challenge, IP Law360 and Health Law360, July 19, 2006
- » On Demand: Focusing The Patent Scope, The Connecticut Law Tribune, Intellectual Property Supplement, May 8, 2006; also published in The Connecticut Tech Tribune, July 2006

- » FDA's "Holding On The Merits" Test, IP Law360, April 21, 2006
- » Recent Court Rulings Indicate That Patent Rights May Trump the Antitrust Laws, Intellectual Property Today, April 2006
- » The "Narrowed Claim Conundrum" Resulting from Reissue and Reexamination Proceedings, Intellectual Property Today, Vol. 12, No. 10, October 2005
- » The Impact of a Brand Generic Launch on the Recovery of Patent Damages, IPL Newsletter, Vol. 23, No. 4, Summer 2005
- » *Note, Creation of a Less Perfect Union: The Implications of General Motors Corp. v. Tracy for Commerce Clause Analysis of State Taxation*, 30 Conn. L. Rev. 1121 (1998)

Seminars & Classes

- » ACI's FDA Boot Camp: Bioequivalence - What Patent Lawyers Need to Know (March 25, 2010, September 16, 2009, March 31, 2009, September 22, 2008, and April 1, 2008).
- » ACI's Paragraph IV on Trial: Litigator's Master Class on Paragraph IV Pre-Trial Preparation (November 11, 2009).
- » CBI's Pharmaceutical Congress on Paragraph IV Disputes and Settlements: Workshop Leader on Assessing Paragraph IV Litigation Strategies (October 23, 2009).
- » FDAnews Webinar: Assessing the Patent and FDA Strategies for Follow-On Biologics to Maximize Success (May 27, 2009).
- » ACI's Paragraph IV Disputes: Advanced Master Class - Obtaining Optimal Terms and Mitigating Antitrust Concerns When Settling Paragraph IV Disputes; Moderator of Panel on Mastering the Interplay between 180-Day Exclusivity, Forfeiture Provisions, Citizens Petitions and Paragraph IV Litigation (April 27-29, 2009).
- » CBI's Annual Summit on Biosimilars and Follow-On Biologics: Panelist on First Follow-On Biologic Exclusivity; Moderator of Panel on How Different Lengths of Exclusivity Would Affect Innovation (March 10-11, 2009).
- » ACI's Paragraph IV on Trial: Litigator's Master Class on Paragraph IV Pre-Trial Preparation (November 18, 2008).
- » CBI's Pharmaceutical Congress on Paragraph IV Disputes: Workshop Leader on Assessing Litigation Strategies to Proactively Plan for Paragraph IV Disputes; Moderator of Panel on Interpreting Forfeiture Provisions (October 15-16, 2008).

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- » FDAnews Audioconference: Navigating the FDA's New 180-Day Generic Marketing Exclusivity Rulings (March 28, 2008).
- » Guest Lecturer at the University of Connecticut School of Law regarding patent law and the pharmaceutical industry, including related antitrust issues.
- » Collaborating Attorney to the Connecticut Intellectual Property Notes, an e-publication of the University of Connecticut School of Law.

Professional Activities

- » American Bar Association, Intellectual Property, Litigation and Antitrust Sections
- » American Intellectual Property Law Association
- » Connecticut Bar Association
- » Connecticut Intellectual Property Law Association
- » Hartford County Bar Association

Recent News

- » AV&H Partner Chad Landmon Speaks with Pharmawire about Johnson & Johnson Facing Further Regulatory Scrutiny
- » AV&H's Landmon Quoted by The Pink Sheet Discussing the Lovenox Lawsuit
- » Landmon Quoted by Pharmawire on the Possibility of a Cephalon Settlement
- » Landmon Provides Insights on Generics Challenge of AstraZeneca's Crestor Patents to Pharmawire
- » Landmon Discusses Teva's Launch of Generic Cozaar/Hyzaar With Market Exclusivity with The Pink Sheet
- » Chad Landmon Discusses a Recent U.S. Court of Appeals Ruling with The Pink Sheet
- » AV&H's Chad Landmon Discusses the Likelihood of the FTC Increasing Efforts to Obtain Passage of "Pay-For-Delay" Legislation with Drug Industry Daily
- » AVH Partner Chad Landmon Discusses "pay-for-delay" Legislation in White House Health Care Plan
- » Chad Landmon Discusses At-Risk Launches with The Pink Sheet Daily

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- » Chad Landmon Discusses Report on Generic Drug Availability with Generic Line
- » AV&H Attorney Named Connecticut Rising Star 2010
- » AV&H Attorneys Named New England Super Lawyers 2009
- » Chad Landmon Discusses Astellas Court Loss with Generic Line
- » Chad Landmon Discusses Cubist's Lawsuit Against Teva with Pharmawire
- » Axinn Veltrop & Harkrider's Chad Landmon Speaks with Drug Industry Daily About the Drug Price Competition Act of 2009
- » Chad Landmon Participates in Question and Answer Session with The National Law Journal on Follow-On Biologics
- » Chad Landmon Discusses Court Decision Enjoining Teva from Launching Generic Osteoporosis Drug with Generic Line
- » Chad Landmon Discusses Novartis' Exjade® with Pharmawire
- » Chad Landmon Discusses Court Rulings and Patent Law Reform with Thomson-Reuters
- » Connecticut Rising Stars 2009
- » Chad Landmon Discusses Teva's At-Risk Launch of Generic Pulmicort with The Pink Sheet
- » Chad Landmon Discusses FDA's Letter Ruling Practice with The Pink Sheet
- » CBI's Pharmaceutical Congress on Paragraph IV Disputes -- Chad Landmon and Michael Davitz Discuss Litigation Strategies, Generic Exclusivity Forfeiture and Recent Developments in Paragraph IV Disputes
- » Chad Landmon Discusses Recent Declaratory Judgment Ruling with The Pink Sheet
- » Pfizer Buys More Time for Lipitor
- » The Best and Worst Patents for Generics to Fight
- » Chad Landmon Discusses generic exclusivity forfeiture provisions with IP Law360
- » Michael Keeley and Chad Landmon discuss FDA's recent 180-day exclusivity decisions with FDAnews
- » FDAnews Audioconference -- Navigating the FDA's New 180-Day Generic Marketing Exclusivity Rulings
- » Axinn, Veltrop & Harkrider Boosts IP Practice
- » Firm Gears Up For High Stakes Drug Lit

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- » Axinn, Veltrop & Harkrider LLP Expands Intellectual Property Practice
- » AV&H Represents URL/Mutual Companies in Launch of Guaifenesin Products
- » AV&H Defends Fila in Marshall, Texas Patent Action
- » AV&H Represents Sport Brands International/FILA in Connection with Launch of Various Products
- » AV&H Represents R.R. Donnelly in Patent and Antitrust Litigation
- » AV&H Represents Purepac Pharmaceutical Company in Metformin Launch
- » AV&H Defends Ryobi Technologies, Inc.