ArentFox Schiff LLP
Attorneys

# Sailesh K. Patel

PARTNER; IP LITIGATION PRACTICE AND LIFE SCIENCES INDUSTRY GROUP CO-LEADER

As a co-leader of the Intellectual Property Litigation Practice at ArentFox Schiff, Sal is a recognized authority in patent litigation.



## Industries

AI & Emerging Technologies
Beverage & Food
Life Sciences

## Practices

Advertising & Promotions
Complex Litigation
Patent Litigation
Copyright
Environmental, Social & Governance (ESG)
Patent
— Chemical & Life Sciences
— Hatch-Waxman Litigation
Trade Secrets, Noncompetes & Employee Mobility

## Education

Boston College Law School, JD, 1999
Northwestern University, BS, 1996


## Offices

Chicago

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Sailesh “Sal” Patel is a highly accomplished patent attorney and first-chair trial lawyer with over 25 years of experience. As a co-leader of the Intellectual Property Litigation Practice at ArentFox Schiff and former co-chair of the IP and Pharmaceuticals/Biologics groups at Schiff Hardin, Sal is a recognized authority in Hatch-Waxman and Biosimilars Litigation. He has expertly handled disputes involving approximately 100 pharmaceutical products, demonstrating a profound understanding of the industry.

With a robust background in chemistry and bioengineering, Sal excels in crafting comprehensive IP protection strategies that align with clients’ business objectives. He effectively utilizes patents, trade secrets, copyrights, trademarks, and more to build strong IP portfolios. Sal has successfully represented clients across diverse sectors, including life sciences, automotive, software, semiconductors, clean tech, and food/beverage.

Sal’s extensive expertise includes representing companies in complex Hatch-Waxman patent litigation related to prescription pharmaceuticals and other federal court matters nationwide. He is adept at advising clients on biosimilars and the BPCIA, conducting freedom-to-operate analyses, and developing strategic plans for potential litigation.

In addition, Sal has managed litigation cases at the International Trade Commission and has significant experience in trademark and trade secret litigation.

Specialties: Intellectual Property, Patent Litigation and Prosecution, Trade Secret Counseling and Litigation, Trademark Litigation, Hatch-Waxman and Biosimilars Litigation and Counseling.

## Client Work

### Representative Hatch-Waxman Paragraph IV Litigation Matters

— *Pfizer v. Aurobindo* (D. Del. 2021) Representing Aurobindo in palbociclib, Ibrance®, ANDA litigation

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*Eagle Pharmaceuticals v. Aurobindo* (D. Del. 2020) Representing Aurobindo in bendamustine, Bendeka®, ANDA litigation

- *Allergan v. Akorn* (E.D. Tex. 2017) Successfully defended Akorn at trial in the E.D. Texas invalidating Allergan's patent covering Restasis®, a billion dollar ophthalmic product
- *Allergan v. Aurobindo Pharma* (D. Del. 2018) Lead counsel for Aurobindo in linaclotide, Linzess®, ANDA litigation
- *The Medicines Company v. Aurobindo* (D.N.J. 2017) Lead counsel for Aurobindo in bivalirudin ANDA litigation
- *Horizon v. Lupin* (D.N.J. 2017 and Fed. Cir.) Lead counsel for Lupin in Vimovo® ANDA litigation
- *Mylan Institutional v. Aurobindo* (E.D. Tex. 2017 and Fed. Cir.) Lead counsel for Aurobindo in patent litigation involving isosulfan blue
- *Eli Lilly v. Ajanta and Aurobindo* (E.D. Va. 2017) Lead counsel for Aurobindo and Ajanta pharmaceuticals in litigation involving tadalafil, Cialis®
- *The Medicines Company v. Aurobindo* (D.N.J. 2017) Lead counsel for Aurobindo in bivalirudin, Angiomax®, ANDA litigation
- *Allergan v. Akorn* (M.D.N.C. 2016 and Fed. Cir.) Lead counsel for Akorn on bimatoprost, Latisse® and Lumigan®, ANDA litigation
- *Depomed v. Alkem* (D.N.J. 2016 and Fed. Cir.) Represented Alkem in tapentadol, Nucynta®, ANDA litigation
- *Pfizer v. Fresenius Kabi* (D. Del. 2016) Represented FK in tigecycline 505(b)(2) trial
- *Otsuka v. Ajanta and Orchid* (D.N.J. 2016) Lead counsel for Ajanta and Aurobindo in aripiprazole, Abilify®, ANDA litigation
- *Acorda Therapeutics v. Aurobindo, Accord and Alkem* (D. Del. 2016) Representing Aurobindo, Alkem and Accord in dalfampridine, Ampyra®, ANDA litigation
- *Dexcel v. Sun* (D.N.J. 2017) Represented Sun Pharmaceuticals in omeprazole delayed release litigation
- *Pfizer v. Aurobindo* (D.N.J. 2015) Lead counsel for Aurobindo in linezolid ANDA litigation
- *Janssen v. Aurobindo* (D.N.J. 2015) Lead counsel for Aurobindo in galantamine ANDA litigation
- *Forest v. Sun Pharmaceuticals* (D.Del. 2014) Lead counsel for Sun Pharmaceuticals Ltd. in ANDA litigation of the Alzheimer drug Namenda®,memantine XR
- *AstraZeneca v. Aurobindo* (D. Del. 2016 and Fed. Cir.) Lead counsel for Aurobindo in ANDA litigation of diabetes drug Onglyza® (saxagliptin)
- *Cephalon v. Glenmark* (D. Del. 2014) Lead counsel for Glenmark in bendamustine ANDA litigation
- *Teva Women's Health v. Lupin* (D.N.J. 2012 and Fed. Cir.) Lead counsel for Lupin in ANDA litigation for birth control drugs Seasonique and Loseasonique
- *Teva Women's Health v. Lupin* (D.N.J.) Represented Lupin in Seasonale® ANDA litigation
- *Warner-Chilcott v. Lupin* (D.N.J.) Represented Lupin in Loestrin and Femcon ANDA litigation
- *Sciele Pharma v. Lupin* (D. Del.) Represented Lupin in metformin, Fortamet, ANDA litigation
- *Shire v. Mylan* (D. Del.) Represented Mylan in lanthanum carbonate ANDA litigation
- *Abbott Laboratories v. Mylan Inc*. (N.D. Ill.) Represented Mylan in lopinavir/ritonavir ANDA litigation
- *AstraZeneca v. Sandoz* (D.N.J.) Represented Sandoz in quetiapine ANDA litigation
- *AstraZeneca v. Lupin* (D.N.J.) Represented Lupin in esomeprazole ANDA litigation
- *Sepracor v. Lupin* (D.N.J.) Represented Lupin in eszopiclone ANDA litigation
- *AstraZeneca v. Lek and Sandoz* (S.D.N.Y.) Represented Lek and Sandoz in omeprazole litigation. Obtained a finding of non-infringement opening the U.S. market for a generic version of Prilosec

## Representative Non-Pharma Patent Litigation Matters

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*Rosco, Inc. v. Safety Vision* (S.D. Tex. 2020) Lead counsel representing Safety Vision in patent litigation involving vehicle mirror/monitor systems

- *Estech v. Houston Wire & Cable* (W.D. Tex. 2020) Lead counsel representing Houston Wire & Cable in patent litigation involving VoIP systems
- *MillerCoors v. HCL Technologies* (N.D. Ill. 2018) Representing HCL in SAP software implementation dispute
- *Rosco Inc. v. Velvac Inc.* (S.D.N.Y 2015) Lead counsel for Velvac in patent litigation involving fender mounted mirror assemblies
- *Kodak v. DR Systems* (S.D. Cal. 2009) Represented Kodak in patent litigation involving MRI imaging systems
- *Schreiber Foods v. Saputo Foods* (N.D. Ill.) Represented Schreiber in patent litigation involving imitation cheese
- Continental Can v. Orexo (N.D. Ill.) Represented Continental Can in patent litigation involving oxygen barrier films

### Representative Trademark Matters

- *Joseph Legat v. Legat Architects, Inc.* (N.D. Ill. 2021) Representing Legat Architects in trademark infringement litigation
- *Purepecha Enterprises Inc. v. El Matador Adobos, et al.* (N.D. Ill. 2012) Representing El Matador Adobos in trademark infringement dispute
- Sal has also handled many inter partes review petitions in the USPTO relating to LED lighting patents, pharmaceuticals, and internet technology.

## Boards, Memberships & Certifications

- American Bar Association
- Asian American Bar Association of Chicago, Honorary Board Member
- Indian-American Bar Association of Chicago, Advisory Council, Past President
- North American South Asian Bar Association, Former Board of Directors, Intellectual Property Section, Former Chair
- Intellectual Property Law Association of Chicago, Past Board of Managers

## Professional Activities

- Chicago-Kent College of Law, Pharmaceutical Patent Law, Adjunct Professor

## Publications, Presentations & Recognitions

### Publications

- "R&D Using the Metaverse and Digital Twins," *Applied Clinical Trials Magazine* (Aug. 11, 2022)
- "The Supreme Court's *Mayo v. Prometheus* Decision: The Implications for Biotechnology," (co--author) *The National Law Review* (Mar. 23, 2012)
- "There Is No Orange Book: The Coming Wave of Biological Therapeutics," (co-author) *Oxford University Journal of Intellectual Property Law & Practice* (2011)
- "Inequitable Conduct: *Therasense En Banc*," *SpicyIP Blog*, (India) (Mar. 27, 2011)
- "Northern Ill.'s New Local Patent Rules," *Law360* (Nov. 6, 2009)
- "Federal Circuit Review of *Markman* Issues (2002)," Litigation Committee, Intellectual Property Law Association of Chicago (IPLAC) (Dec. 2003)
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"Federal Circuit Review of *Markman* Issues (2001)," Litigation Committee, Intellectual Property Law Association of Chicago (IPLAC) (Dec. 2002)

## Presentations

- "Finding a New Balance in IP Protection with Trade Secret Protection", WIPR - World IP Review Summit 2025, Panel Discussion, Chicago, Illinois (Mar. 13, 2025)
- "IPR & AI: The Future of Intellectual Property Rights in Pharma", 14th Annual Pharma IPR Conference 2025, Panel Discussion, Mumbai, India (Mar. 4, 2025)
- "Overcoming IP Issues Relating to the Metaverse and Augmented Reality," 6th World Legal Tech Summit, Luxatia International, Conference (Sept. 8, 2023)
- "Patenting AI: Navigating National & Regional Differences, Protecting Inventions and Outputs," Global IP ConfEx Collaborative Roundtable Discussion, Conference (May 24, 2023)
- "Building a Robust Invention Harvesting Program - is there a Special Sauce?" IP & Secret Sauce - Virtual Round Table Discussion, Webinar (Apr. 28, 2023)
- "RVIA General Counsel Meeting," RV Industry Association, Conference (Oct. 5, 2022)
- "Trends in Hatch-Waxman Litigation," IPR Connexion, Webinar (Sep. 2, 2021)
- "Section 112 Considerations on Pharmaceutical Patents and Litigation," IPR Connexion, Webinar (Sep. 1, 2021)
- "Diversity in the Legal Profession," TerraLex 2020 Virtual Global Meeting, Webinar (Nov. 12, 2020)
- "Inherent Obviousness: A Case Study on a Less Known but Effective Defense", 9th Annual Pharma IPR Conference 2020, Mumbai, India (Mar. 4, 2020)
- "Doctrine of Equivalents: Latest from the Federal Circuit," Intellectual Property Owners Association, Webinar (Oct. 2, 2019)
- "Doctrine of Equivalents: Tips for Plaintiffs, Defendants, and Patent Prosecutors," Intellectual Property Owners Association, Webinar (Jun. 18, 2019)
- "2018: A Year of Change for Post Issuance Proceedings," 4th Annual IP Strategy Summit: Chicago, Chicago, Ill. (Jun. 5, 2018)
- "The On-Sale Bar and its implications in Hatch-Waxman Litigation," Pharma IPR conference, Mumbai, India (Mar. 2018)
- "A View from the Bench: The Federal Judges Speak on Paragraph IV Litigation," (moderator) Paragraph IV Disputes Master Symposium – ACI's Hatch-Waxman Series, Chicago, Ill. (Oct. 3, 2017)
- "The State of the Asian American Attorney in Chicago Law Firms," (panelist) The Chicago Committee, Chicago, Ill. (Jun. 3, 2015)
- "Takeaways from High-Profile Biosimilar Court Cases," Business of Biosimilars Conference, Boston, Mass. (Oct. 21, 2014)
- "Perils of the Safe Harbor: Understanding How the Resetting of the Boundaries of 271(e)(1) in the Aftermath of *Classen* and *Momenta* Is Impacting Paragraph IV Litigation Strategies," American Conference Institute, New York, N.Y. (Apr. 29, 2014)
- "Cost-Effective Litigation Management Strategies for Paragraph IV Litigation," Pharma IP and Regulatory Conference, Mumbai, India (Feb. 26, 2014)
- "Formulating Assertions and Defenses in View of New Substantive and Procedural Developments in the Federal Courts and PTO," Paragraph IV Disputes Master Symposium, American Conference Institute, Chicago, Ill. (Oct. 3, 2013)
- "Freedom to Operate Issues and Patent Litigation Considerations for Biosimilars," Second International Conference on Biowaivers and Biosimilars, Raleigh, N.C. (Sep. 23, 2013)
- "Breaking Developments in Hatch-Waxman Litigation: Paragraph IV Disputes and Beyond," Legal and Regulatory Summit on Generic Drugs, New York, N.Y. (Jul. 17, 2013)
- "Antitrust Concerns in Settlement of Paragraph IV Litigation," Pharma IP and Regulatory Conference, Mumbai, India (Apr. 10, 2013)
- "Evaluating the Patentability Standards in the Pharmaceutical Industry to Mitigate the Risks

Involved in Product Launches in Analyzing Freedom-to-Operate Issues," Pharma IPR Conference, Mumbai, India (Feb. 1, 2012)

- "A Glimpse of the Future – US Biosimilars Litigation Considerations," Biopractice.com, Webinar (Dec. 15, 2011)
- "Alleging and Defending Against Inequitable Conduct in a Paragraph IV Case: Legal and Ethical Considerations," Paragraph IV Disputes, American Conference Institute, New York, NY (May 4, 2011)
- "IP Overview for Drugs and Biologics: Hatch-Waxman, BPCIA, Trade Dress, and More," Paragraph IV Disputes, American Conference Institute, New York, NY (May 2, 2011)
- "The Scientist: Discussing the 'Invention' History With an Eye Towards Distinguishing the Innovative Nature of the Generic Product and Proving Invalidity," Paragraph IV On Trial, American Conference Institute, New York, NY (Nov. 13, 2009)

## Recognitions

- *IAM Patent 1000* – Patent Litigation, Illinois, (2019-2022, 2024, 2025, 2026)
- *Chambers USA* – Intellectual Property, Illinois (2021 and 2023-2026)
- *The Legal 500 United States* – Patents: Litigation (2021-2025)
- The Best Lawyers in America, *Best Lawyers* (2019-2027)
- Life Sciences Star – Hatch-Waxman Patent Litigation, *LMG Life Sciences* (2018-2022)
- *Illinois Super Lawyers*, Thomson Reuters (2009, 2012-2014, 2018-2021)
- IP Star, *Managing Intellectual Property* (2013-2020)
- Illinois Leading Lawyer, Law Bulletin's *Illinois Leading Lawyers Network* (2013-2021)
- *Nation's Best – Midwest Region*, Lawyers of Color (2019)
- Peer Reviewed AV® Preeminent™, *Martindale-Hubbell* (Since 2014)
- Named to *The National Law Journal*'s Chicago's 40 Under 40 Attorneys List for 2013

## Bar Admissions

Illinois

## Court Admissions

US Court of Appeals, Federal Circuit
US District Court, Northern District of Illinois (Trial Bar)
US District Court, Eastern District of Michigan
US Patent and Trademark Office