



Keri L. Schaubert, Ph.D.

Member

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Keri concentrates her practice on complex patent cases for clients in the pharmaceutical and biotechnology industries. She is a registered patent attorney and represents companies in Hatch-Waxman and biosimilar litigation. Keri handles all aspects of patent cases including pre-suit investigations, fact and expert discovery, dispositive motions, and trials. She also has experience in IPR matters at the PTAB on behalf of both patent owners and challengers.

Prior to attending law school, Keri received her Ph.D. in immunology from Wayne State University School of Medicine where, as a part of her doctoral research, she studied human CD8+ T cell responses to HIV epitopes and mimotopes thereof. Keri then completed a postdoctoral fellowship at the University of Michigan where she examined the role of transforming growth factor- β (TGF- β) in natural killer (NK) cell maturation. Keri has been published in numerous immunology journals.

Keri serves as co-chair of the firm's Members' Committee. She is a graduate of Loyola University Chicago School of Law, and earned a bachelor's degree in biology and anthropology from the University of Michigan.

Experience

Represented a pharmaceutical company as a Respondent in an arbitration proceeding over a failure to pay royalties on licensed patents. The arbitrator sided with our argument that the patents were invalid, and awarded the Claimant no royalties.

Represented London Luxury LLC in a patent infringement action and a post-grant review against E & E Co., Ltd. Case settled prior to trial.

Secured an *inter partes* review victory before the U.S. Patent and Trademark Office's Patent Trial and Appeal Board (PTAB), and affirmance by the U.S. Court of Appeals for the Federal Circuit, successfully defending three patents relating to water treatment systems.

Secured a bench trial victory for Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of Vanda Pharmaceuticals, Inc.'s HETLIOZ® (Tasimelteon) oral capsule product, with the district court invalidating Vanda's disputed patents. This result was affirmed by the U.S. Court of Appeals for the Federal Circuit, and the Supreme Court denied Vanda's petition for certiorari.

Represented Amneal Pharmaceuticals, Inc. in a patent infringement action concerning Amneal's ANDA to make a generic version of Pfizer's KERYDIN® (Tavaborole) topical solution product. After a favorable result on *inter partes* review petitions at the Patent Trial and Appellate Board, the district court case was dismissed.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action regarding Apotex's biosimilar applications to make biosimilar versions of Amgen's NEULASTA® and NEUPOGEN® products. We navigated Apotex through the Biologics Price Competition and Innovation Act's "patent dance," and in the first BPCIA case to go to trial, we obtained a verdict of noninfringement. This result was affirmed on appeal to the U.S. Court of Appeals for the Federal Circuit.

Practice Areas

- Hatch-Waxman & Biologics
- Intellectual Property
- Intellectual Property Litigation
- Patents

Education

- Loyola University Chicago School of Law, J.D., 2013
- Wayne State University of Medicine, Ph.D., 2006
- University of Michigan, B.S., 2000

Bar Admissions

- Illinois
- United States Patent and Trademark Office

Court Admissions

- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Fifth Circuit

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Represented Kyowa Kirin, Inc. and Strakan International S.A. against Actavis Labs' attempt to make a generic version of Kyowa Kirin's SANCUSO® (granisetron) transdermal patch product. Following a bench trial, the judge ruled in our clients' favor on all contested issues and rejected the defendant's claims of non-infringement, invalidity, and unenforceability. Successfully argued on appeal with the Federal Circuit affirming the trial court decision without opinion.

Represented Endo Pharmaceuticals Inc. and Strakan International S.à r.l. against Watson Labs' attempt to make a generic version of Endo's FORTESTA® product. Following a bench trial, the judge ruled in our clients' favor on all contested issues and rejected the defendant's claims of non-infringement, invalidity, and unenforceability. Successfully argued on appeal with the Federal Circuit affirming the trial court decision.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of Janssen's ZYTIGA® (Abiraterone Acetate) oral tablet products. Case settled prior to trial.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of Forest Labs' NAMENDA XR® (Memantine Hydrochloride) extended-release oral capsule products. Case settled prior to trial.

Represented ApoPharma Inc., ApoPharma USA, Inc., and Apotex Technologies Inc. against Taro Pharmaceuticals' attempt to make a generic version of ApoPharma's FERRIPROX® (Deferiprone) oral tablet product. Case settled prior to trial.

Pro bono counsel to military veterans at the U.S. Court of Appeals for Veterans Claims concerning appeals from the Board of Veterans Appeals denial of their claims for service-related disabilities.