

## Todd L. Krause Ph.D.

Partner

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Todd Krause is a partner at Desmarais LLP with more than 20 years of experience litigating patents for some of the world's largest pharmaceutical and biotechnology companies. Dr. Krause has litigated a broad range of patent issues in the life sciences industry, including many cases brought under the Hatch-Waxman Act against generic drug companies, biologic drugs, gene amplification techniques, cell-based assays, veterinary vaccines, and recombinant nucleic acids and proteins.

Dr. Krause has served as trial and litigation counsel for a variety of blockbuster drugs and biologics (whose annual sales exceeded \$1 billion). Most recently, he served as trial counsel for Johnson & Johnson subsidiary Janssen Pharmaceuticals in two Hatch-Waxman trials related to the blockbuster prostate cancer drug *Zytiga*® and the blockbuster blood-thinner *Xarelto*®. Dr. Krause also recently served as trial and/or litigation counsel for Merck on the blockbuster cancer immunotherapy *Keytruda*®; Johnson & Johnson subsidiary Janssen Pharmaceuticals on the pain treatment *Nucynta*®; Forest Laboratories on the blood pressure reducing agent *Bystolic*®; Sunovion Pharmaceuticals on the asthma and chronic obstructive pulmonary disease treatment *Xopenex HFA*®; and Merck and Schering on the blockbuster cholesterol lowering drugs *Zetia*® and *Vytorin*®.

Dr. Krause's education and experience in the sciences help him identify important issues and translate complex concepts into language that judges and juries understand. He has formal training in biology, chemistry, and physics and holds a Ph.D. in Biological Sciences from the University of Texas at Austin, where he studied nerve damage and repair. Dr. Krause also served as a Postdoctoral Fellow in the Department of Molecular and Human Genetics at Baylor College of Medicine, where he studied gene therapy for Duchenne muscular dystrophy.

Dr. Krause is active in legal organizations and has been recognized by *LMG Life Sciences* as a Hatch-Waxman Patent Litigation "Star," by *Managing Intellectual Property* as an "IP Star," and in *The Legal 500*.

### Prior Experience

- Partner, Sidley Austin LLP, New York, 2008-2018

### EDUCATION

University of Houston Law Center,  
J.D., *cum laude*, 1997

University of Texas at Austin,  
Ph.D., Biological Sciences  
(Neuroscience), 1993; Honor  
Society of Phi Kappa Phi; Doctoral  
Dissertation Award

Trinity University, B.A. economics,  
1985

### ADMISSIONS

1998, New York

2001, Registered to practice  
before the U.S. Patent and  
Trademark Office

- Counsel, Sidley Austin LLP, New York, 2005-2008
- Associate, Orrick, Herrington & Sutcliffe LLP, New York, 2002-2005
- Associate, Pennie & Edmonds LLP, New York, 1997-2002

## Courts

- United States Court of Appeals for the Federal Circuit
- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York
- United States District Court for the Western District of New York

## Memberships & Affiliations

- American Bar Association
- New York Intellectual Property Law Association
- American Intellectual Property Law Association
- New Jersey Intellectual Property Law Association
- American Association of the Advancement of Science

## Representative Matters

- Represented Johnson & Johnson subsidiary Janssen Biotech, Inc. in Hatch-Waxman patent litigations and *inter partes* review proceedings related to prostate cancer drug Zytiga®.
- Represented Johnson & Johnson subsidiary Janssen Pharmaceuticals Inc. in Hatch-Waxman patent litigations related to the blood-thinner Xarelto®.
- Represented Merck & Co., Inc. in patent litigation related to the cancer immunotherapy Keytruda®.
- Represented Johnson & Johnson subsidiary Janssen Pharmaceuticals, Inc. in Hatch-Waxman patent litigation related to Nucynta®, a drug for the treatment of pain.
- Represented Forest Laboratories Inc. in multidistrict Hatch-Waxman patent litigations involving the blood pressure reduction agent Bystolic®.
- Represented Sunovion Pharmaceuticals, Inc. in Hatch-Waxman patent litigation involving Xopenex HFA®, an inhalation aerosol used to treat the narrowing of airways by asthma and chronic obstructive pulmonary disease.
- Represented Pfizer in a patent litigation involving genetic mutations, recombinant DNA and proteins, and cellular assays related to Alzheimer's disease.
- Represented Pfizer in Hatch-Waxman patent litigation involving the arthritis drug Arthrotec®.
- Represented Schering Corporation and MSP Singapore (both now owned by Merck) in several Hatch-Waxman patent litigations involving the blockbuster cholesterol lowering drugs Vytorin® and Zetia®.
- Represented ConvaTec, Inc. in a patent action involving negative pressure wound healing devices.
- Represented Columbia University professor, Dr. Gertrude Rothschild

in patent actions related to methods for making semiconductor materials.

- Represented Mycogen Corp. in patent action arising under 35 U.S.C. §291 of the patent laws that involved genetically modified plants.
- Represented Boehringer Ingelheim in patent litigations related to a veterinary vaccine.
- Represented Hoffmann-La Roche in patent litigation related to the Nobel Prize winning technology Polymerase Chain Reaction (“PCR”) and a polymerase (“Taq”) used in that technology.
- Represented Hoffmann-La Roche and Boehringer Ingelheim in patent litigations related to the use of cell-based assays for drug discovery.

## **Publications**

Dr. Krause has co-authored numerous publications in scientific periodicals such as the Proceedings of the National Academy of Sciences (USA), Human Gene Therapy, the Biophysical Journal, the Journal of Neuroscience, Brain Research, and the Journal of Neurobiology.

Dr. Krause has also co-authored several publications in legal journals, including the New York Law Journal and the Intellectual Property & Technology Journal.