

Todd L. Krause Ph.D.

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Todd Krause is a partner at Desmarais LLP with more than 25 years of experience successfully litigating patent cases for some of the world's largest pharmaceutical and biotechnology companies. Dr. Krause has litigated subject matter across the life sciences, including small-molecule drugs, biologic drugs, medical devices, gene amplification techniques, cell-based assays, veterinary vaccines, and recombinant nucleic acids and proteins. Dr. Krause holds a Ph.D. in Biological Sciences from the University of Texas at Austin and served as a Postdoctoral Fellow in the Department of Molecular and Human Genetics at Baylor College of Medicine, which provides him with a deep understanding of his cases' subject matter.

Dr. Krause has worked on numerous high-profile matters, many of which involved blockbuster drugs. Most recently, he helped lead teams for GlaxoSmithKline affiliate ViiV Healthcare and Shionogi & Co. that obtained a **\$1.25 billion settlement**, plus royalties, in a global pharmaceutical drug lawsuit against Gilead Sciences; and for Avanos Medical that obtained a very favorable settlement against Medtronic involving a medical device. He has also represented clients in matters related to the cancer immunotherapy Keytruda®, the Nobel Prize winning method PCR, and numerous Hatch-Waxman litigations, including cases related to treatments for arthritis (Arthrotec®), high blood pressure (Bystolic®), pain (Nucynta®), blood clots (Xarelto®), asthma (Xopenex HFA®), high cholesterol (Zetia®; Vytorin®), and metastatic prostate cancer (Zytiga®).

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," featured in the *IAM Patent 1000*, and in *The Legal 500*.

Prior Experience

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

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

Courts

- United States Supreme Court
- 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

Representative Matters

- Represented GlaxoSmithKline affiliate ViiV Healthcare and Shionogi in patent litigation related to HIV-1 treatment Biktarvy®.
- Represented Avanos in patent litigation related to cooled radiofrequency ablation products.
- 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 been in the news numerous times. Please see the Desmarais LLP [News](#) tab for recent stories.