




Neal Seth

Partner



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Neal is a partner in Wiley's Intellectual Property Group, where he leads the Patent Litigation Practice. He is a past member of the firm's Management Committee and formerly served as co-chair of the Diversity, Equity, and Inclusion Committee. He concentrates his practice on intellectual property and commercial matters.

Representative Matters



Pharmaceutical Patent Litigation

Neal has extensive experience as lead counsel litigating pharmaceutical patent matters, including Hatch-Waxman/ANDA litigation and *inter partes* reviews (IPRs). Notable cases concerned the following products:

- apalutamide (Erleada®)
- fesoterodine (Toviaz®)
- apixaban (Eliquis®)
- leuprolide acetate (Eligard®)
- aripiprazole (Abilify®)
- lurasidone (Latuda®)
- azacitidine (Onureg®)
- lenalidomide (Revlimid®)

Practice Areas



Intellectual Property
Patent
Hatch-Waxman Act Litigation
Litigation

Credentials



Education

J.D., The George Washington University
Law School
B.S., Cornell University

Bar and Court Memberships

District of Columbia Bar
Supreme Court of the United States
U.S. Courts of Appeals for the Fourth and
Federal Circuits
U.S. District Court for the Eastern District of
Virginia
U.S. Patent and Trademark Office

- bendamustine (Belrapzo®)
- olanzapine (Zyprexa®)
- bendamustine (Bendeka®)
- pomalidomide (Pomalyst®)
- bendamustine (Treanda®)
- rivaroxaban (Xarelto®)
- brexpiprazole (Rexulti®)
- roflumilast (Daliresp®)
- cinacalcet (Sensipar®)
- sacubitril/valsartan (Entresto®)
- colchicine (Colcrys®)
- sitagliptin (Januvia®, Janumet®)
- crisaborole (Eucrisa®)
- tenofovir alafenamide (Descovy®)
- dexmedetomidine (Precedex®)
- ticagrelor (Brillinta®)
- diclofenac (Solaraze®)
- topiramate (TrokendiXR®)
- esomeprazole (Nexium®)
- vortioxetine (Trintellix®)

Neal also has significant experience handling a wide variety of FDA regulatory matters usually adjacent to pertinent Hatch-Waxman/ANDA litigation issues, as well as general corporate counseling for pharmaceutical companies concerning commercial matters.

Other Litigation

- Representing defendant in litigation regarding product distribution issues. *Nexgen Lifesciences LLC v. MSN Labs. Pvt. Ltd.*, (D.N.J. 2022).
- Lead counsel for plaintiffs in trade secret and employment litigation. *Cipla USA v. ANI Pharm. Inc.*, 3:21-cv-20059 (D.N.J. 2021).
- Lead counsel for defendant in product liability litigation relating to guaifenesin. Prevailed on motion to dismiss. *Brown v. Harvard Group and Torrent Pharma Inc.*, 4:41-cv-02140 (D. Neb. 2021).
- Represented plaintiff in patent litigation concerning tianeptine supplements. *Karmagreen, LLC v. Mossad & J Distribution Inc.*, 1:20-cv-03968-WMR (N.D. Ga. 2020); *Karmagreen, LLC v. MRSS*, 1:21-cv-00674-WMR (N.D. Ga. 2021); *MRSS v. Morrisette et al.*, No. 5:21-cv-1696-HNJ (N.D. Ala. 2021).
- Lead counsel for defendant in securing full dismissal of product liability claims concerning generic cyclobenzaprine (Amrix®). *Claar v. Wickes et al.*, No. 33C01-1805-CT-000029 (Ind. 2020).
- Lead counsel for multiple defendants in the ranitidine product liability multidistrict litigation winning complete dismissal. *In re Zantac (ranitidine) Products Liability Litigation*, No. 20-MD-2924 (S.D. Fla. 2020).
- Lead counsel for defendant in winning full dismissal of product liability claims concerning generic minocycline. *Johnson v. Novartis Pharms. Corp. et al.*, No. 5:19-cv-01087 (W.D. Tex. 2020), *aff'd*, 20-50462 (5th Cir. 2021), *cert. denied*, 592 U.S. ____ (2021).
- Lead counsel for defendant in patent litigation concerning aluminum alloys. *Rio Tinto Alcan Intl. Ltd et al. v Century Aluminum Co.*, No. 19-829 (D. Del.)
- Represented defendant in connection with the valsartan product liability multidistrict litigation. *In re Valsartan N-Nitrosodimethylamine (NDMA) Contamination Products Liability Litigation*, No. 19-2875 (D.N. J. 2019)
- Lead counsel for defendant in securing full dismissal of product liability claims concerning generic escitalopram (Lexapro®). *Patton v. Forrest Labs. et al.*, No. 5:17-cv-0922 (C.D. Cal. 2018).
- Lead counsel for defendants in a patent infringement litigation concerning robotic gripping fingers. *GMG Gesellschaft Fur Modulare Greifersysteme mbH et al. v. Robotiq, Inc. et al.*, No. 2:16-cv-573 (E.D. Va. 2017).
- Represented appellants in the U.S. Court of Appeals for the Federal Circuit in successfully reversing the district court's summary judgment of no infringement. *01 Communique Laboratory, Inc. v. LogMeln, Inc.*, 687 F. 3d 1292 (Fed. Cir. 2012).
- Lead counsel for the defendant accused of infringing patents relating to visual voicemail. Case settled favorably. *Brandywine Communications Technologies, LLC v. LG Electronics, Inc.*, 6:12-cv-00271 (M.D. Fla. 2012).
- Represented two respondents through trial in defending against allegations of patent infringement relating to three patents covering computer forensic devices. Prevailed on an Initial Determination finding no domestic industry. *In the Matter of Certain Computer Forensic Devices and Products*, 337-TA-799 (2012).

- Represented complainant in a patent infringement action relating to baby strollers and playards. Case settled favorably while summary determination motions were pending. *In the Matter of Certain Strollers and Playards*, Inv. No. 337-TA-762 (2011).
- Represented complainant as lead counsel in a U.S. International Trade Commission patent infringement action relating to hand-held underground cable and pipe locators. The parties reached a global settlement during the investigation. *In the Matter of Certain Underground Cable and Pipe Locators*, 337-TA-727 (2010).
- Argued and won a reversal of the Trademark Trial and Appeal Board's (TTAB) canceling the mark at issue. Precedent-setting case confirmed that a mark's prosecution file history is automatically of record in an *inter partes* board proceeding and clarified the burdens of proof in a validity-based trademark cancellation proceeding. *The Cold War Museum Inc. v. Cold War Air Museum Inc.*, 586 F.3d 1352 (Fed. Cir. 2009).
- Represented appellees in the U.S. Court of Appeals for the Federal Circuit's affirming of the district court ruling on non-infringement and invalidity of patents covering aspects of wrinkle-free shirt seams. *TALtech Ltd. v. Esquel Apparel, Inc.*, 279 Fed. Appx. 974 (Fed. Cir. 2008).
- Represented respondents accused of infringing design patents covering aspects of the Ford F-150. *In the Matter of Certain Automotive Parts*, Inv. No. 337-TA-557 (2008).

Affiliations

- U.S. Council for International Business
 - Former Co-Chair, Patents Working Group
- American Bar Association (ABA), Section of International Law, India Committee
- Indo-American Chamber of Commerce (IACC)
 - Former Chair, Intellectual Property Section, Indo-American Lawyers Council
- North American South Asian Bar Association (NASABA)
 - Former Vice-President, Executive Committee
- South Asian Bar Association of Washington, DC (SABA-DC)
 - Former President

Recognitions

- Named one of *Bisnow's* "Top 40 Lawyers Under 40," which recognizes up-and-coming lawyers from the Washington, DC metro area who have distinguished themselves with exceptional performance and potential (2016)

- Named one of DC's "Super Lawyers" for Intellectual Property Litigation by *Super Lawyers* magazine (2014)