



## Matthew B. Weiss

Associate

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Matthew B. Weiss is an Associate in the Firm's Litigation department. He has experience in patent, trade secret, and contract disputes. Mr. Weiss has represented clients in numerous federal district courts, the International Trade Commission (ITC), and the Patent Trial and Appeal Board (PTAB). His experience covers an array of technologies including medical devices, biological products, adhesives, polymeric materials, manufacturing and mining processes, telecommunications, electrical cables, radar, hospital sterilization systems, and light-emitting diodes.

### Education

- Columbia Law School (J.D., 2015)
  - Harlan Fiske Stone Scholar
  - Managing Editor, Columbia Science and Technology Law Review
- Cornell University (B.A., *cum laude*, 2011)
  - Chemistry and Chemical Biology
  - English Literature

### Admissions

- New York

## Biologics Blog

Biologics Blog is a source of insights, information and analysis related to biologics, including the legal developments, trends and changing regulation that impact the biotechnology industry. Patterson Belknap represents biotechnology, pharmaceutical and healthcare companies in a broad range of patent litigation matters, including patent infringement cases, PTO trial proceedings, patent licensing and other contractual disputes. Our team includes highly experienced trial attorneys with extensive technical knowledge, many of whom have advanced scientific degrees and industry experience in fields such as molecular biology, biochemistry, chemistry, statistics and nuclear engineering.

### **Federal Circuit Upholds Jury Award, Weighs in on Willfulness Standard, in Adynovate® Dispute**

March 30, 2021

According to the Federal Circuit, \$173 million was the right damages award for almost three years of patent infringement resulting from Baxalta's sale of its biologic product Adynovate® (Antihemophilic Factor (Recombinant), PEGylated). In Bayer Healthcare LLC v. Baxalta Inc., et...

## **Sandoz Petitions the Supreme Court for Review of Enbrel® Patent License**

March 8, 2021

The fight over proposed Enbrel® (etanercept) biosimilar Erelzi® continues. Sandoz Inc., Sandoz International GmbH and Sandoz GmbH ("Sandoz") recently filed a petition for certiorari requesting review of the judgement of the Federal Circuit on whether:[a] patent owner [may] avoid the...

## **Federal Circuit Axes Amgen Antibody Patents, Finding Lack of Enablement**

February 18, 2021

The Federal Circuit considered its 35 U.S.C. § 112 enablement case law and found that "the enablement inquiry for claims that include functional requirements"—in this case, claims to antibodies defined by their function—"can be particularly focused on the breadth of...

## **FDA Approves Breyanzi®—A New Biologic for Treating Large B-Cell Lymphoma**

February 9, 2021

On February 5, 2021, the FDA approved Juno Therapeutics, Inc.'s Breyanzi® (lisocabtagene maraleucel) for "treatment of adult patients with relapsed or refractory large B-cell lymphoma." Juno, a Bristol-Myers Squibb Company, was authorized to manufacture Breyanzi at its Bothell, Washington facility and...

## **2021 Biosimilar Approval and Litigation Update**

February 1, 2021

The last two years saw the launch of several biosimilars. Looking ahead to 2021, several others may be on the horizon. In 2019-2020, the FDA approved thirteen biosimilars directed to seven reference products. Eight of the approved biosimilars have launched,...

## **Rehearing Denied in Federal Circuit Hatch-Waxman Venue Case**

January 28, 2021

The Federal Circuit has spoken. In a per curiam opinion, it denied Valeant's petition for rehearing by the panel and rehearing en banc. A case watched closely by the biotechnology and pharmaceutical industries, the Federal Circuit held in Valeant Pharms. N....

## **Opposition to Rehearing Filed in Major Federal Circuit Case Narrowing Hatch-Waxman Venue**

January 11, 2021

Last week, Mylan filed a brief in opposition to Valeant's petition for rehearing en banc in Valeant Pharms. N. Am. LLC v. Mylan Pharms. Inc., No. 2019-2402. In November, a Federal Circuit panel held that venue in Hatch-Waxman cases brought under 35...

## **Rehearing Requested in Major Federal Circuit Case Narrowing Venue in Hatch-Waxman Cases**

December 14, 2020

Earlier this month, Valeant Pharmaceuticals North America LLC ("Valeant") filed a petition for rehearing en banc in Valeant Pharms. N. Am. LLC v. Mylan Pharms. Inc., No. 2019-2402, arguing that the Federal Circuit panel's decision limiting venue in Hatch-Waxman cases conflicts...

## **For the First Time Since *TC Heartland*, the Federal Circuit Addresses Venue in an ANDA Case – the Holding May Also Impact BPCIA Litigation**

November 18, 2020

On November 5, 2020, in *Valeant Pharms. N. Am. LLC v. Mylan Pharms. Inc.*, No. 2019-2402, the Federal Circuit held that venue in Hatch-Waxman cases brought under 35 U.S.C. § 271(e)(2)(A) is proper “only in districts where actions related to...

## **FDA Issues Updated Guidance on Emergency Use Authorization for COVID-19 Vaccines**

October 14, 2020

On October 6, FDA issued updated guidance for industry concerning “Emergency Use Authorization for Vaccines to Prevent COVID-19,” updating the previous guidance issued in June. The updated guidance, which is being “implemented immediately” and “without prior public comment,” is intended...

## **USPTO’s Revised Patent Eligibility Guidance Aims for Greater Clarity and Consistency**

January 10, 2019

On January 7, 2019, the United States Patent and Trademark Office (USPTO) published new guidance for patent examiners intended to address concerns expressed by Federal Circuit judges, industry stakeholders, and others about the perceived lack of predictability and clarity in...

## **The Patent-Eligibility Question: *Aatrix*, *Berkheimer* and Beyond**

December 20, 2018

Two cases decided by the Federal Circuit in 2018, *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, en banc rehearing denied, 890 F.3d 1354 and *Berkheimer v. HP Inc.*, 881 F.3d 1360, en banc rehearing denied, 890...

## **Publications**

May 3, 2021

### **Federal Circuit: The Doctrine of Equivalents is Not a Binary Choice**

*The Intellectual Property Strategist*

November 19, 2020

## **For the First Time Since *TC Heartland*, the Federal Circuit Addresses Venue in an ANDA Case – the Holding May Also Impact BPCIA Litigation**