

Bryana T. McGillycuddy

PARTNER

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Intellectual property litigator Bryana McGillycuddy helps biotech, pharmaceutical, life sciences, and technology companies to successfully and efficiently resolve intellectual property-related disputes, including complex patent and trade secrets litigation. Her clients appreciate Bryana's practical, thorough, and effective counsel, which ensures that her litigation strategies fit their larger business goals. Bryana's work includes Hatch-Waxman and biosimilars litigation as well as post grant reviews before the USPTO. Bryana also advises clients through intellectual property counseling and conducting due diligence generally. In addition, Bryana has extensive experience representing clients in complex commercial disputes, including licensing disputes.

Bryana has served a wide variety of clients, including Takeda Pharmaceutical Company, Momenta Pharmaceuticals, Akamai Technologies, Chiesi USA, Alnylam Pharmaceuticals, Shire, Progenics Pharmaceuticals, General Electric, Radius, Bain Capital, and Kronos. Bryana has significant civil and criminal jury trial experience. She also served as a Special Assistant District Attorney in Suffolk County, where she tried numerous cases to verdict in both jury and bench trials.

Focus Areas

- Finance and Restructuring
  - Independent Directors & Special Committees
- Intellectual Property
  - IP Litigation
  - Post Grant Proceedings
- Litigation and Investigations
  - Business and Financial Litigation

Recognition

- *The Legal 500* "Boston Elite, Intellectual Property" (2026)
- 40 & Under List by *Benchmark Litigation*
- *Managing Intellectual Property* Rising IP Star (2024-2026)

Representative Engagements

- Represented **Watchmaker Genomics, Inc.** in obtaining a recommendation by U.S. Magistrate Judge Kathryn Starnells for a full dismissal of a patent infringement complaint filed against the company by biomodal Limited and Children's Medical Center Corporation in the U.S. District Court for the District of Colorado.
- **Radius Health, Inc. and Ipsen Pharma S.A.S. v. Orbicular Pharmaceutical Technologies Private Limited (D. Mass.):** Represent Radius and Ipsen in Hatch-Waxman litigation involving Tymlos® (abaloparatide), a treatment for postmenopausal osteoporosis.
- **biomodal Limited et al v. New England Biolabs, Inc. (D. Mass.):** Represent New England Biolabs in patent infringement lawsuit alleging infringement of 8 patents directed to DNA methylation. Defeated preliminary injunction request and won early motion to dismiss resulting in dismissal of several patents from the litigation pursuant to 35 USC § 101.
- **Chiesi USA, Inc. and Chiesi Farmaceutici S.p.A. v. Hikma Pharmaceuticals USA, Inc. (D. Del.):** Represented Chiesi in Hatch-Waxman litigation involving Ferriprox® (deferiprone).

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- **Amgen, Inc. et al v. Kashiv Biosciences, LLC (D. NJ):** Represented Adello in biosimilar litigation involving 17 patents.
- **Shire Viropharma, Inc. v. CSL Behring LLC (D. Del.):** Represented Shire (later Takeda) in patent infringement action relating to the treatment of hereditary angioedema.
- **Momenta Pharm., Inc. and Sandoz, Inc. v. Amphastar Pharm., Inc. (D. Mass.):** Represented Momenta in patent infringement action relating to innovative methods of processing therapeutic polysaccharides.
- **United States v. Arthrex, Inc., et al.; Smith & Nephew, Inc., et al. v. Arthrex, Inc., et al.; Arthrex, Inc. v. Smith & Nephew, Inc., et al. (U.S. Supreme Court):** Counsel for the American Intellectual Property Law Association in filing amicus brief in support of reversal on the merits.
- **Limelight Networks, Inc. v. Akamai Technologies, Inc. (E.D. VA):** Counsel for Akamai in patent infringement litigation relating to novel content delivery methods.
- Represented pharmaceutical company in license agreement dispute related to RNAi therapeutics.
- Represented LED lighting company in patent infringement dispute relating to the design of LED light sources usable as high-output general illumination with improved heat dissipation.

Publications and Presentations

- "The CDMO Surge and Potential IP Landmines in Outsourcing," panelist, IPWatchdog Life Sciences Masters, October 2024
- "ANDA Litigation: Current Trends and Best Practices," *panelist,* IPWatchDog Life Sciences Masters, October 2023.
- "Intellectual Property in Life Sciences," speaker, Boston Bar Association's 23rd Annual IP Year in Review Conference, March 2023
- "IP Licensing: Tips for Preventing and Handling IP Disputes," panelist, Boston Bar Association, December 2019
- "The IP Decisions From the Supreme Court This Term: What You Need to Know," panelist, Boston Bar Association, May 2019
- "A New Framework For 'Blocking Patents' And Obviousness?" co-author, *IP Law360,* October 2018
- "FTC v. Actavis: The Supreme Court Decision and Going-Forward Scrutiny of Reverse Payment Settlement Agreements," co-author, *Metropolitan Corporate Counsel*

Professional & Community Involvement

- Co-Chair, IP Litigation Section of the Boston Bar Association
- Member, Boston Bar Association
- Member, Women's Bar Association
- Member, Boston Patent Law Association

Education & Credentials

- Boston College Law School, JD (2012)
- Boston College, BA (2009) *Economics and History*

Admissions

- Massachusetts
- New York
- U.S. District Court,
- Massachusetts
- U.S. Court of Appeals,

- Federal Circuit
- U.S. Supreme Court