



Emily H. Miller

PRINCIPAL

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Emily Miller represents biotech, pharmaceutical, and technology companies in complex and high stakes intellectual property and commercial disputes across the country. She represents clients in patent litigation (including Hatch-Waxman and biosimilar litigation), post-grant review (PGR) and inter partes review (IPR) proceedings before the United States Patent Trial and Appeal Board (PTAB), trade secrets litigation, internal investigations, and other contract and commercial disputes. Her clients value her practical insight, meticulous attention to detail, and strategic leadership, which consistently drive high-performing teams and deliver exceptional results.

Emily has extensive civil and criminal jury (and bench) trial experience, including direct and cross-examination of witnesses in a confidential arbitration. She also previously served as a Special Assistant District Attorney in Suffolk County, where she tried numerous cases to verdict.

Prior to joining Choate, Emily also served as a Judicial Intern to Retired Associate Justice Margot Botsford, Massachusetts Supreme Judicial Court and to Judge Allison D. Burroughs, U.S. District Court for the District of Massachusetts.

Focus Areas

Intellectual Property

IP Litigation
Post Grant
Proceedings

Litigation and
Investigations

Representative Engagements

- *Biogen Inc. and Biogen MA Inc. v. Sandoz Inc. et al. (D. Del.)*: Counsel for Biogen in biosimilar patent litigation under the Biologics Price Competition and Innovation Act (BPCIA) concerning TYSABRI® (natalizumab).
- *Guardant Health, Inc. v. Foundation Medicine, Inc. (D. Del.)*: Counsel for Foundation Medicine in patent infringement litigations relating to next generation sequencing analysis.
- *Foundation Medicine, Inc. v. Guardant Health, Inc. (PTAB)*: In conjunction with litigation, counsel to Foundation Medicine in IPR proceedings challenging patents directed to methods for detecting genetic mutations.
- Counsel to commercial-stage biopharmaceutical company leading development of novel neuroscience therapies in future Hatch-Waxman litigation.
- Represent and advise private equity firms and their portfolio companies in a range of disputes, including commercial and licensing matters, vendor disputes, and contract interpretation.
- Represented Bank of America in connection with debtor-in-possession financings for Rite Aid Corporation and its subsidiaries.
- Represented Suffolk Construction Company and private investors in an action alleging bad faith, intentional misconduct, and violations of an operating agreement that scuttled the billion dollar development of 1000 Boylston Street in Boston, MA.

- Represented private equity firm and its portfolio company in employment litigation in North Carolina state court, successfully obtaining a preliminary injunction to protect the client's interests.
- Defended pharmaceutical company in federal investigation.
- Assisted in obtaining a seven figure award for investment banking firm following a trial conducted pursuant to the UNCITRAL arbitration rules.
- Conducted interviews of women incarcerated in Massachusetts in connection with the Women's Incarceration Conditions and Reentry Project (Women's Project) at Prisoners' Legal Services. The goal of the Women's Project is to better understand and serve the unique needs of incarcerated women and improve the legal services provided.
- Represented individuals through the Lawyers Clearinghouse's Legal Clinics for the Homeless in a landlord-tenant dispute relating to claims to compensation under a number of Massachusetts statutes, including the security deposit statute and the quiet enjoyment statute. Through negotiations, the matter resulted in a successful settlement of an amount equal to three-times the original security deposit plus additional compensation.

Publications and Presentations

- "Patent Perspectives: AI, Litigation Trends & Key Insights from the Past Year," moderator, Boston Bar Association IP 2024 Year in Review Conference, March 2025
- "IP in Life Sciences: Developments and Notable Topics from 2023," moderator, Boston Bar Association IP 2023 Year in Review Conference, March 2024
- "Transition Into Practice: Practical Tips for New Lawyers," panelist, Massachusetts Bar Association, June 2023
- "What's Next? With PISA: Building A Career With Your Political Science Or Int'l Affairs Degree," panelist, Northeastern University, November 2018

Professional & Community Involvement

- Advisory Committee Member, Boston Bar Association IP Law Steering Committee (2023-present)
- Member, Boston Bar Association
- Member, Choate's Associates' Committee

Education & Credentials

- Northeastern University School of Law, JD (2018) Managing Editor, *Northeastern University Law Review*
- Clemson University, BA (2015) *cum laude*

Admissions

- Massachusetts
- U.S. District Court, Massachusetts