

Eric J. Marandett

CO-HEAD OF IP LITIGATION

617-248-5287 emarandett@choate.com

Eric Marandett is Co-Head of Choate's Intellectual Property Litigation practice. He represents biotech, pharmaceutical, and technology companies in high stakes patent litigation and other intellectual property and commercial disputes in order to protect their mission-critical intellectual property portfolios. Clients appreciate how Eric combines a keen business savvy that comes from his years of experience in the biopharma space with the courtroom skills of a seasoned trial lawyer. He is a go-to resource for a range of "bet-the-company" disputes, from competitor patent infringement litigation including Hatch-Waxman and biosimilar litigation, to trade secret disputes and licensing/collaboration disputes. Eric also regularly handles IPR trials and other post-grant proceedings before the patent office and provides strategic counseling and diligence advice to clients in connection with their transformative transactions.

Eric's highly collaborative approach instills great confidence among his clients, which include, among others, Takeda, Shire, Alnylam, Biogen, Gilead, Celgene, Wyeth, and Bain Life Sciences.

Focus Areas

Intellectual Property

Post Grant Proceedings

Recognition

- *The Legal 500* "Boston Elite, Intellectual Property" (2026)
- *Who's Who Legal*: Top Patent Attorneys
- *Who's Who Legal*: Boston "Lawyer of the Year" for Intellectual Property Litigation
- *Best Lawyers*: Boston "Lawyer of the Year" for Patent Litigation
- *Patent Expert Guide*: One of "the world's leading practitioners" in patent law
- *Chambers USA* (2012-2026)
- *The Legal 500* "Boston Elite, Commercial Litigation" (2025)
- *IAM 250*: A World's Leading Patent Litigator
- A World's Leading Patent Practitioner by *IAM Patent 1000* (2014-2026)
- "Client Service All-Star" by *BTI* (2026)
- "Patent Star" by *Managing Intellectual Property* (2014-2026)
- "National Practice Area Star" and "Litigation Star" by *Benchmark Litigation*
- *The Legal 500* (2013-2025)
- *Massachusetts Super Lawyers*
- *Best Lawyers in America* (2015-2026)
- *Lawdragon*: 500 Leading Litigators in America (2024)

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- *LMG Life Sciences*: "Life Sciences Star" (2025)

Representative Engagements

Patent Litigation

- **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.
- **Biogen, Inc. and Biogen MA, Inc. v. Sandoz, Inc. et al. (D. Del.):** Represent Biogen in biosimilar patent litigation under the Biologics Price Competition and Innovation Act (BPCIA) concerning TYSABRI® (natalizumab).
- **Chiesi USA, Inc. and Chiesi Farmaceutici S.p.A. v. Hikma Pharmaceuticals USA, Inc. (D. Del.):** Represen t Chiesi in Hatch-Waxman litigation involving generic versions of Ferriprox®.
- **Foundation Medicine, Inc. v. Guardant Health, Inc.:** Represent Foundation Medicine in a patent infringement lawsuit related to methods of analyzing cell-free DNA for purpose of detecting genetic mutations related to cancer.
- **Amgen Inc. et al. v. Adello Biologics, LLC/Kashiv Biosciences (D. NJ):** Counsel to Kashiv Biosciences in patent litigation related to Kashiv's application to the FDA seeking approval of its filgrastim product as a biosimilar to Amgen's filgrastim product sold under the brand name Neupogen®.
- **Guardant Health, Inc. v. Foundation Medicine, Inc.:** Counsel to Foundation Medicine in patent infringement case relating to methods for detecting genetic mutations, challenging that Foundation has engaged in false advertising and unfair competition practices.
- **Shire LLC v. Abhai LLC (D. Mass.):** Counsel to Shire in Hatch-Waxman litigation involving generic versions of ADDERALL XR®.
- **Momenta v. Amphastar et al.:** Co-Lead Counsel to Momenta in patent infringement action relating to innovative methods of processing therapeutic polysaccharides. Obtained preliminary injunction precluding sales of generic enoxaparin by Amphastar Pharmaceuticals.
- **Shire v. CSL Behring LLC (D. Del.):** Lead counsel to Shire (now Takeda) in patent infringement action relating to the treatment of hereditary angioedema.
- **Wyeth v. Intervet, Inc. and Boehringer Ingelheim Vetmedica, Inc. (D. Del.):** Lead counsel for Wyeth (now Pfizer) in patent infringement litigation involving industry leading genetically engineered porcine circovirus vaccines.
- **Pieczenik v. Abbott Laboratories, et al. (D. NJ):** Lead counsel for Millennium in patent infringement action relating to combinatorial phage display libraries.
- **King Pharmaceuticals and Wyeth v. Teva Pharmaceuticals, Ltd. (D. NJ):** Lead counsel for Wyeth in Hatch – Waxman patent action brought against Teva relating to prescription sleep aid marketed by King.
- **Momenta Pharmaceuticals, Inc. and Sandoz, Inc. v. Teva Pharmaceuticals, Ltd, et al (D. Mass.):** Counsel to Momenta in patent infringement action relating to innovative methods of processing therapeutic polysaccharides.
- **Iovate Health Sciences v. Allmax Nutrition (D. Mass.):** Lead counsel for Iovate in patent infringement action relating to novel nutritional supplements.
- **Tiber Laboratories, LLC v. Hawthorn Pharmaceuticals, Inc., D Northern District of Georgia & Tiber Labor atories, LLC v. Cypress Pharmaceuticals, Inc., Southern District of Mississippi Jackson Division:** Lead counsel for Cypress and Hawthorn in patent infringement relating to cough and cold medicine.
- **Housey Pharmaceuticals, Inc. v. Abbott Pharmaceutical Corp et.al. (D. Del.):** Counsel for Eisai Co, Ltd: Counsel to Eisai, Inc. and Eisai Research Institute of Boston, Inc. (collectively "Eisai"), one of 11 major pharmaceutical companies sued for infringement of four patents to certain cell-based screening assays.

- **The Read Corporation, et al v. Powerscreen International, PLC, et al. (D. Mass.):** Obtained judgment on appeal reversing $34 million verdict against Powerscreen.
- **Sapidyne Instruments, Inc. v. Gyros US, Inc. (D. Mass.):** Lead counsel for Sapidyne in patent infringement action involving antibody affinity assays.
- **Genetics Institute v. Baxter International, Inc. (D. Mass.):** Counsel for Genetics Institute in patent infringement and breach of contract litigation relating to development of recombinant Factor VIII.
- **Amgen, Inc. v. Hoechst Marion Roussel, Inc. and Transkaryotic Therapies, Inc. (D. Mass.):** Along with co-counsel, represented defendants TKT and HMR in patent infringement litigation brought by Amgen to prevent TKT from commercializing its patented gene-activated erythropoietin product.
- **Biogen v. Berlex Laboratories (D. Mass.):** Along with co-counsel, represented Berlex Laboratories in patent infringement litigation involving recombinant beta interferon for treatment of multiple sclerosis.

Other Intellectual Property and Commercial Litigation

- **Adimab, LLC v. LinkedUp Bioscience, Inc. and Tao Wang, No. (Mass. Super. Ct):** Counsel to Adimab in trade secret misappropriation and breach of contract dispute brought against LinkedUp related to highly engineered yeast strains, and technologies for cultivating and utilizing those strains to express and screen antibodies that bind to target antigens.
- **Alnylam Pharmaceuticals, Inc. vs. Dicerna Pharmaceuticals, Inc.:** Counsel to Alnylam Pharmaceuticals in trade secret misappropriation lawsuit brought against Dicerna Pharmaceuticals.
- **Children's Medical Center Corporation v. Celgene Corporation (D. Mass.):** Lead counsel to Celgene in breach of contract litigation regarding exclusive license agreement related to Revlimid and Pomalyst.
- **HCRP v. Shionogi Pharmaceuticals (NY CT)**: Lead counsel to Shionogi Pharmaceuticals in contract action related to manufacturing and marketing of Fenoglide.
- **Adimab, LLC v. Dyax Corp.:** Counsel to Adimab in patent interference dispute with Dyax Corp. relating to antibody display.
- **Tekmira v. Alnylam & AlCana:** Lead counsel to AlCana in trade secret litigation brought against AlCana and its research collaboration partner Alnylam Pharmaceuticals by Tekmira Pharmaceuticals Corp. Technology at issue involves novel lipid nanoparticles used as drug delivery vehicle for Alnylam's short interfering RNA therapeutics.
- **Applera Corp., d/b/a Celera Genomics Group v. Wyeth, Montgomery County Maryland Circuit Court:** Lead counsel for Wyeth in breach of contract dispute relating to Celera's genomics database products.
- **Alamo Pharmaceuticals v. Astellas Pharma Inc. (Central D. of CA):** Lead counsel to Astellas Pharma in breach of contract and unfair competition litigation relating to drug formulation collaboration.
- **Baxter HealthCare, Inc. v. Genetics Institute, Inc. (Del. Ch.):** One of three partners representing Genetics Institute in contract dispute relating to the manufacture of recombinant Factor VIII for treatment of hemophilia A.
- **KiOR, Inc. v. George Huber, et al. (D. Mass.):** Counsel to KiOR in breach of contract and misappropriation of trade secrets litigation involving biomass catalytic conversion technology.

Patent Trial and Appeal Board and Appellate Proceedings

- **Triplet Therapeutics, Inc. v. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College (PTAB):** Counsel to Patent Owner Louisiana State University and interested party Takeda Pharmaceuticals U.S.A., Inc. in defense of Louisiana State University's patent directed to oligonucleotide compositions targeting the DNA mismatch repair system for the treatment of associated DNA repeat expansion diseases.
- **Daiichi Sankyo Company Limited v. Alethia Biotherapeutics, Inc. (PTAB):** Counsel to Alethia Biotherapeutics in IPR proceeding challenging patent directed to methods of impairing osteoclast differentiation.

- **Foundation Medicine, Inc. v. Guardant Health, Inc. (PTAB):** Counsel to Foundation Medicine in IPR proceedings challenging patents directed to methods for detecting genetic mutations.
- **Saudi Arabian Oil Co. v. SK Innovation Co. Ltd. (PTAB):** Counsel to Saudi Arabian Oil Co. in an IPR proceeding challenging a patent directed to polycarbonates.
- **CSL Behring LLCv. Shire ViroPharma Inc. (PTAB):** In conjunction with litigation, advised Patent Owner Shire in defense of its patent directed to methods of treating hereditary angioedema by subcutaneous administration of a C1 esterase inhibitor.
- **Guardant Health, Inc. v. Foundation Medicine, Inc. (PTAB):** In conjunction with litigation, representing Patent Owner Foundation Medicine in three IPRs in defense of its patent on genomic cancer assays using next generation sequencing.
- **Green Cross Corp. v. Shire Human Genetic Therapies, Inc. (PTAB):** Counsel for Shire in defending patents relating to novel methods for purifying recombinantly produced proteins for enzyme replacement therapy.
- **Kashiv BioSciences, LLC v. Amgen Inc. (PTAB):** Counsel for Kashiv in IPR proceedings challenging patents related to methods of protein refolding and purification.

Publications and Presentations

- "Strategies for Handling Virtual Depositions," panelist, Practicing Law Institute's Fundamentals of Taking and Defending Depositions," March 2018 – March 2026
- "Keeping Litigation and Prosecution Aligned," moderator, Consero IP Life Sciences Forum, December 2025
- "If I Were a Judge… : Case Law Updates," panelist, BIO IPCC, November 2024
- "Patent Implications of the Inflation Reduction Act," *moderator*, BIO IPCC, November 2023
- "Strategies for Handling Virtual Depositions," *moderator,* Practicing Law Institute Fundamentals of Taking and Defending Depositions, March 2023
- "Patent Litigation: Essential Strategic and Practical Considerations to Align Litigation With Business Objectives," *moderator*, Consero IP Life Sciences Forum, December 2022
- "What Keeps Corporate Counsel Up at Night?" *moderator,* IP Law & Management Institute, November 2022
- "Strategies for Handling Virtual Depositions," *webinar panelist*, Practicing Law Institute Fundamentals of Taking and Defending Depositions, March 2022
- "Impact of Secondary Patents in Biologics and Pharmaceutical Patent Litigation," *speaker,* Consero IP Forum for Life Sciences, December 2021
- "Strategies for Handling Virtual Depositions," *webinar panelist*, Practicing Law Institute Fundamentals of Taking and Defending Depositions, March 2021
- "BPCIA Info Exchange Is Failing To Streamline Patent Litigation," co-author, Law360, January 2021
- "In the Hot Seat – Case Law Update and Trends," *moderator*, BIO IPCC Fall Conference, November 2019
- "Accomplishing Your Deposition Goals," *webinar panelist*, Practicing Law Institute, March 2019
- "Protecting Your Trade Secrets: From HQ To Across The Globe," *moderator*, Consero IP Forum for Life Sciences, December 2018
- "IP Litigation Trends," *panelist*, Boston Bar Association Life Sciences Conference, September 2018
- "Fundamentals of Taking and Defending Depositions 2018," *speaker,* Practicing Law Institute, March 2018
- "In the Hot Seat – Upcoming Cases in the Supreme Court and Federal Circuit," *moderator,* BIO IPCC Fall Conference, November 2017
- "Licensing and Collaboration Agreements: Traps for the Unwary," *moderator,* BIO IPCC Fall Conference, November 2016
- "The Supreme Court Speaks…Again," *moderator,* BIO IPCC Fall Conference

- "Ariosa V. Sequenon Signals Trouble Ahead For Life Sciences," *co author, IP Law360*
- "Will The Pendulum Swing Back In IPR Proceedings?", *co-author, IP Law360*
- "Building & Improving a Biotech & Life Sciences Practice," *speaker,* Massachusetts Continuing Legal Education
- "Safe Harbor Provisions Broadly Construed, Due for High Court Review, Panelists Say," *moderator*, BIO IPCC Fall Conference
- "Actionable Insights: Taking A Deeper Dive Into Your IP Litigation Strategy," *moderator,* Consero's IP Forum for Pharmaceuticals & Biotechnology, Palm Beach Gardens, FL
- "Secondary Consideration for Pharma Patents get 2nd Look," *co-author, IP Law360*
- "How Federal Circuit's Commil Ruling Could Affect Drug Patents," *co-author, IP Law360*
- "Trade Secrets in Life Sciences: Challenges and Opportunities in a Collaborative and Mobile Environment," *co-author, Bloomberg BNA*
- "Is There a New Paradigm for Indirect Infringement?" *moderator,* BIO IP Counsels Committee Fall Conference and Meeting
- "Adopt IP Protections to Ensure Regulatory Exclusivity for Orphan Drugs," *co-author, ACC Docket*
- "Q&A with Choate's Eric Marandett," *featured, IP Law360*
- "Managing Outside Counsel Efficiently and Effectively," *panelist,* The Consero Group's Pharmaceuticals & Biotechnology IP Forum
- "The Trade Secret Minefield," *moderator,* BIO IP Counsels Fall Conference and Meeting
- "Avoiding Trade Secret Litigation in the Life Sciences," *co-author, IP Law360*
- "Finance & BD: Strategies for Building & Realizing Value in the Evolving Biotech Landscape," *panelist,* MassBio
- "Preempting Patent Litigation With 3rd-Party Submissions," *co-author, IP Law360*

Professional & Community Involvement

- Member of the American Bar Association Intellectual Property and Litigation sections
- Member of the American Intellectual Property Law Association
- Member of the Boston Bar Association
- Member of the Massachusetts Bar Association
- Member of the Board of Lawyers Committee for Civil Rights
- Member of the Executive Leadership Team for American Heart Association's Lawyers Have Heart
- Member of the Board of the Boston IP Inn of Courts
- Former Member of the Dana Farber Leadership Council

Education & Credentials

- University of Pennsylvania Law School, JD (1992)
- Tufts University, BA (1988) *magna cum laude*

Admissions

- Massachusetts
- U.S. District Court, Massachusetts
- U.S. Courts of Appeals, First & Federal Circuits
- U.S. Supreme Court