



Eric W Dittmann

Partner, Litigation Department
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Eric W. Dittmann is Global Vice Chair of the Intellectual Property Practice, overseeing the firm's 100-plus lawyer IP practice, and is based in the firm's New York office. Mr. Dittmann focuses his practice on life sciences patent litigation and post-grant proceedings, and has significant experience with a broad range of technologies in the pharmaceutical, biotechnological, and medical device fields. He has been recognized as a leading patent litigator by numerous publications, including *The Legal 500*, *IAM Patent 1000*, *Benchmark Litigation*, *LMG Life Sciences*, and *Managing Intellectual Property*.

Recent Representations

- Prevailed in two separate trials relating to challenges to patents protecting Helsinn Healthcare's Aloxi® antiemetic drug franchise brought by more than 20 generics in multiple courts, the last of which ultimately settled on unfavorable terms to our client.
- Successfully briefed and argued two IPR petitions resulting in rulings that method-of-treatment claims covering the drug product Humira® were obvious; both of which were affirmed on appeal.
- Obtained a precedent-setting judgment of infringement and dismissal of all inequitable-conduct defenses in one of the largest-ever Hatch-Waxman cases relating to client Sunovion's Lunesta® sleep medication.
- Obtained walk-aways from six separate generics for Boehringer Ingelheim in Hatch-Waxman litigation involving its blockbuster Pradaxa® stroke medication.
- Served as lead counsel for Mitsubishi Tanabe in defeating challenges brought by multiple generics to Mitsubishi Tanabe's patent covering Gilenya®, the first-ever oral multiple sclerosis

New York

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Practice Areas

Intellectual Property
Litigation
Patent Litigation
Life Sciences and
Healthcare
Patent Office
Appellate Litigation

Admissions

United States Patent &
Trademark Office
New York Bar
New Jersey Bar

Education

Rutgers, The State
University of New Jersey,
B.S. 1997
Seton Hall University
School of Law, J.D. 2000

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treatment, which established new law relating to the obviousness-type double patenting doctrine.

- Served as co-lead counsel for Boehringer Ingelheim in connection with BPCIA litigation relating to its biosimilar version of Humira®, which ultimately settled on favorable terms to our client.
- Served as lead counsel for BioMarin Pharmaceutical in three appeals stemming from interference rulings relating to antisense oligonucleotides used to treat Duchenne muscular dystrophy, which ultimately resulted in a settlement including a \$35 million up-front payment and ongoing royalties.
- Served as Helsinn Healthcare's lead counsel in defeating two PGR petitions relating to Helsinn's Aloxi® drug franchise.
- Serving as lead counsel for Mitsubishi Tanabe Pharma Corporation in Hatch-Waxman litigation involving challenges to its first-in-class Invokana® diabetes medication.
- Serving as lead counsel for L'Oréal USA in defending against claims of infringement relating to patents covering methods of using adenosine.
- Serving as lead counsel in confidential international arbitration concerning disputed royalty payments under a worldwide IP license.
- Advising numerous companies regarding anticipated challenges to their small-molecule and biological drug products.
- Served as lead counsel for DARA BioSciences and Helsinn Healthcare against claims that their Gelclair® oral mucositis treatment infringes a polymer-matrix patent; ultimately securing a favorable settlement.
- Obtained a reversal of a judgment of patent invalidity concerning Boehringer Ingelheim's Mirapex® drug product for treating Parkinson's disease after our team was hired to handle the appeal.
- Served as trial counsel for Pfizer (Wyeth) and Takeda (Nycomed) in a successful jury trial concerning a validity challenge to the patent covering the companies' \$2 billion-dollar-per-year Protonix® acid-reflux medication.

Accolades and Recognitions

- Recognized in The Legal 500 as a "pharmaceuticals expert" that "has a great knowledge of both legal and scientific issues, and has a great ability to maintain full control over complex and diversified

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cases.”

- Ranked as one of the world’s leading patent practitioners by IAM Patent 1000, and noted for “performing at a championship level for Boehringer Ingelheim.”
- Recognized as a Life Sciences Star by LMG Life Sciences.
- Recognized as a Global IP Star by Managing Intellectual Property.
- Named a Rising Star in Life Sciences by Law360 in 2015 for “securing several high-stakes and precedent-setting victories in intellectual property battles over blockbuster pharmaceuticals,” including the Lunesta® litigation.
- Included in the inaugural edition of Benchmark Litigation’s Under 40 Hot List.
- Received a 2019 Trailblazers award from New York Law Journal.
- Two-time Legal Lion, Law360.

Professional and Community Involvement

- Served as a judicial law clerk to the Honorable Alan D. Lourie of the United States Court of Appeals for the Federal Circuit.
- Member of the State Bars of New York and New Jersey and admitted to practice before the Federal Circuit, the District of New Jersey, the Southern and Eastern Districts of New York, and the United States Patent and Trademark Office.

Education

- Seton Hall Law School, J.D., 2000 (summa cum laude, Associate Editor of the Seton Hall Law Review)
- Rutgers University College of Engineering, B.S. in Mechanical Engineering, 1997 (with High Honors)

News

October 14, 2020

Benchmark Litigation Distinguishes Paul Hastings’ IP Practice with Top-Tier National Ranking

October 01, 2020

On the Heels of an IP Practice Group of the Year Award, Paul Hastings’ IP Attorneys Earn Top Rankings by LMG Life Sciences

Eric W Dittmann (Continued)

September 24, 2020

Paul Hastings' IP Practice Wins Hatch-Waxman Litigation Firm of the Year at LMG Life Sciences Awards

August 04, 2020

Paul Hastings' IP Practice Receives Four LMG Life Sciences Awards Nominations

June 26, 2020

Recognition of Paul Hastings' Top IP Litigation Practice Continues with Managing IP's Firm Rankings

June 12, 2020

Paul Hastings' IP Litigation Practice Recognized as an IP Powerhouse with 25 Rankings by IAM Patent 1000 and Legal 500 US

May 29, 2020

Asia-Pacific Stronghold of Paul Hastings' IP Practice Recognized with "Foreign Firm of the Year" Nomination by *Managing IP Asia-Pacific Awards 2020*

May 03, 2020

Paul Hastings' Intellectual Property Practice Shines Bright with 13 Star Litigators in Managing IP's Ranking of IP Stars

October 21, 2019

Merri Moken, Trial Lawyer and IP Strategist, Joins Paul Hastings' Powerhouse Intellectual Property Practice

October 10, 2019

Paul Hastings Scores Top Rankings in 2019 LMG Life Sciences

September 19, 2019

Paul Hastings Wins at LMG Life Sciences Awards

July 26, 2019

Paul Hastings Nominated for Four LMG Life Sciences Awards

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June 24, 2019

Paul Hastings Recognized in 2019 Managing Intellectual Property's IP Stars

June 07, 2019

Paul Hastings Recognized in 2019 IAM Patent 1000 as One of the Most Sophisticated Patent Litigation Practices

May 20, 2019

New York Law Journal Recognizes Paul Hastings Life Sciences IP Litigators as New York Trailblazers

April 08, 2019

Paul Hastings Wins Top Honors at 2019 Managing IP Americas Awards

October 11, 2018

Paul Hastings Scores Top Rankings in LMG Life Sciences for 2018

September 13, 2018

Paul Hastings Wins Hatch-Waxman Litigation Firm of the Year at LMG Life Sciences Awards

June 18, 2018

Paul Hastings Recognized in 2018 Managing Intellectual Property IP Stars

June 15, 2018

Paul Hastings Named Transatlantic IP Team of the Year by The American Lawyer

June 15, 2018

Paul Hastings Recognized in 2018 IAM Patent 1000 For Superb Track Record in Patent Litigation

February 05, 2018

Paul Hastings Wins Law360 Life Sciences Practice Group of the Year

Eric W Dittmann (Continued)

November 30, 2016

Paul Hastings Scores Top Rankings in LMG Life Sciences for 2016

Insights

October 07, 2020

Takeaways from Paul Hastings' Completion of the First Hatch-Waxman Act Trial in DNJ

April 27, 2020

Extension of Regulatory Approval Stay Helps Relieve Hatch-Waxman Time Pressure Caused by COVID-19

July 03, 2019

Senate Judiciary Committee Passes Bill Limiting the Number of Patents for BPCIA Litigation

February 21, 2017

Generic Found to Infringe Valid Patent Claims Covering Helsinn's Aloxi® Product

July 11, 2016

Federal Circuit Rejects Application of the On-Sale Bar to Contract Manufacturers

March 18, 2016

Federal Circuit Issues Expansive Ruling in Upholding Jurisdiction over Mylan in Delaware

June 19, 2014

Supreme Court Ruling in *Alice v. CLS Bank* Continues Framework for Patent Eligibility Set Forth in *Mayo v. Prometheus*

April 22, 2014

Today's Gilead Federal Circuit Decision Is a Significant Change to Double-Patenting Law

Eric W Dittmann (Continued)

February 20, 2014

Federal Circuit Clarifies That Foreseeability Does Not Preclude the Application of the Doctrine of Equivalents

October 29, 2013

How Will H.R. 3309 (the Innovation Act) Impact Pharmaceutical and Biotechnology Patent Cases?

September 26, 2013

In an Issue of First Impression, the Federal Circuit Finds Infringement as a Matter of Law Despite a Sworn Certification Promising No Infringement

August 27, 2012

The Federal Circuit Further Clarifies The Obviousness-Type Double Patenting Doctrine For Composition Claims

August 17, 2012

Federal Circuit Reaffirms Patentability of Isolated DNA Molecules in View of Supreme Courts Mayo v. Prometheus Decision

August 01, 2011

Federal Circuit Signals Reigning in of Janssen and Rasmusson on Enablement/Utility

April 07, 2011

Failure to Launch

May 03, 2010

Second Circuit Cipro Decision Affirms No Per Se Antitrust Violation for Reverse-Payment Settlements, but Invites Petition for Rehearing En Banc

January 27, 2010

Patent Owner Protected by Safe Harbor Provision

Rankings & Awards

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October 01, 2020

Recognized as LMG Life Sciences Stars for 2020

June 11, 2020

Recognized in the IAM Patent 1000

May 01, 2020

Ranked among Managing IP's 2020 IP Stars

September 30, 2019

Recognized as LMG Life Sciences Stars for 2019

June 07, 2019

Recognized by IAM Patent 1000 for 2019

April 05, 2019

Recognized by Managing IP as the Life Sciences IP Litigation Firm of the Year

January 30, 2019

Recognized as Post-Grant Firm of the Year by IAM Magazine

October 12, 2018

Recognized as LMG Life Sciences Stars for 2018

September 13, 2018

Recognized as the Hatch-Waxman Litigation Firm of the Year by LMG Life Sciences

June 15, 2018

Recognized as the Transatlantic IP Team of the Year by The American Lawyer

June 15, 2018

Recognized by IAM Patent 1000 for 2018

February 01, 2018

Recognized as Law360 Practice Group of the Year in Life Sciences

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October 06, 2017

Recognized as LMG Life Sciences Stars for 2017

November 30, 2016

Recognized as LMG Life Sciences Stars for 2016

September 16, 2016

Recognized at the 2016 LMG Life Sciences Awards

July 27, 2016

Shortlisted for four LMG Life Sciences Awards for 2016

March 30, 2015

Recognized as a Law360 Rising Star in Life Sciences

August 12, 2013

Nominated for the Legal Media Group's LMG Life Science Awards

November 30, 2010

Recognized as IP Pharma Team of the Year by Intellectual Property Magazine