



Rachel M. Echols

Member

Rachel M. Echols has extensive experience across many different areas of patent and trademark law including litigation, opinions, licensing, and counseling. She has also worked on privacy, trade secret, and unfair competition matters. Ms. Echols has been involved in litigation matters before the U.S. District Courts, the International Trade Commission (ITC), the U.S. Court of Appeals for the Federal Circuit, and the U.S. Supreme Court. In addition, she has experience in Patent Trial and Appeal Board (PTAB) and Trademark Trial and Appeal Board (TTAB) proceedings. While her focus is in the area of life sciences, Ms. Echols' practice involves a broad range of technical fields, and she has worked on matters involving pharmaceuticals, biosimilars, medical devices, nutraceuticals and dietary supplements, chemical coatings, inorganic glasses, mobile phones, and financial products.

Ms. Echols has litigated cases across numerous venues, including:

- District Courts, including the District of Delaware, Eastern District of Texas, Southern District of New York, District of Columbia, Northern and Central Districts of California, District of New Jersey, District of New Mexico, Eastern District of Tennessee, District of Nevada;
- Courts of Appeal, including the Federal Circuit Court of Appeals and the District of Columbia Court of Appeals; and
- Agencies, including the International Trade Commission (Section 337 matters), the Patent Trial and Appeal Board, and the Trademark Trial and Appeal Board.

Ms. Echols also has substantial experience outside of litigation, including:

- Contract and licensing matters;
- Counseling (copyright, trademark, patent, technology, privacy, and cybersecurity); and
- Opinion work (freedom to operate, invalidity, and non-infringement).

Ms. Echols was born in Brunswick, Georgia. She graduated from Auburn University in 2004 with a degree in zoology where she was a Dean's Medalist in Biological Sciences for the College of



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Education

J.D., Tulane University Law School -
2008 (magna cum laude)

B.S., Zoology, Auburn University -
2004 (summa cum laude)

Bar Admissions

District of Columbia
Georgia

**19 Attorneys
Named to 2021
Washington, DC
Super Lawyers and
Rising Stars Lists**



Sciences and Mathematics. She received her J.D. from Tulane University Law School in 2008. While in law school, Ms. Echols was a member and Managing Editor of Tulane Law Review and received the Charles Janvier II Law Review Award for Production Excellence. She was also inducted into Order of the Coif and served as a Senior Fellow for the first-year legal research and writing class.

Ms. Echols was admitted to the State Bar of Georgia in 2008 and the District of Columbia Bar in 2009.

Relevant Experience

Representative matters include:

- PPG Industries, Inc. v. Valspar Sourcing, Inc., Nos. 2016-1406, -1409 (CAFC); Reexamination No. 95/001,950; Reexamination No. 95/001,951 – Represented Petitioner and Appellant PPG Industries in inter partes re-examinations and appeal actions of two patents related to can coatings.
- *Petito v. Nature's Bounty, Inc.*, Nos. 2014-1760, -1761, -1763, -1765 (CAFC); *Petito v. Nature's Bounty, Inc.*, Nos. 13-8040, -8077, -8074, -8128 (SDNY) – Represented Defendants and Appellees Nature's Bounty entities in patent infringement litigation for patents related to nutritional supplements.
- *Cephalon, Inc. v. Mylan Pharmaceuticals Inc.*, No. 2013-1523 (CAFC); *Cephalon, Inc. v. Mylan Pharmaceuticals Inc.*, No. 11-0164 (D. Del.) – Represented Defendant and Appellant Mylan Pharmaceuticals in Hatch-Waxman litigation related to fentanyl buccal tablets.
- *Bayer v. Watson et al.*, Nos. 2012-1397, -1398, -1400 (CAFC) – Represented Appellants on appeal in Hatch-Waxman litigation related to birth control pills.
- *JDS Therapeutics, LLC v. CVS Health Corp.*, No. 15-4365 (SDNY) – Defended CVS in patent infringement action for patents related to nutritional supplements.
- *Cipher Pharmaceuticals, Inc. v. Actavis Laboratories FL, Inc.*, No. 13-6502 (D.N.J.) – Defended Actavis in Hatch-Waxman litigation for patents related to isotretinoin.
- *Certain Lithium Silicate Materials and Products Containing the Same*, 337-TA-911 (ITC) – Represented Dentsply International Inc. Respondents in a Section 337 investigation brought by Ivoclar Vivadent related to glass ceramic blocks for dental restoration.
- *Application of Novartis Pharmaceuticals Canada Inc.*, No. 13-00011 (C.D. Cal.) – Represented Watson Laboratories Inc. in 28 U.S.C. § 1782 action to subpoena pharmaceutical and component parts.
- *Mylan Pharmaceuticals Inc. v. Sebelius*, No. 12-524 (D.D.C.) – Represented Mylan Pharmaceuticals in action regarding Hatch-Waxman marketing exclusivity.
- *Edge Endo LLC v. Scianamblo*, IPR2018-01320, IPR2018-01321, IPR2018-01322 (PTAB) – Defended Patent Owner Dr. Scianamblo against three petitions for inter partes review brought by Edge Endo. PTAB denied institution of all three proceedings.
- *Edge Endo LLC v. Maillefer Instruments Holding*, IPR2018-01349 (PTAB) – Defended Patent Owner Maillefer Instruments Holding against petition for inter partes review brought by Edge Endo. PTAB denied institution.

Areas of Concentration

Litigation

Life Sciences

Biologics and Biosimilars

Hatch-Waxman Litigation

Professional Affiliations, Honors & Recognition

Washington, DC Super Lawyers "Rising Star" (2017-2021)