



Brett A. Postal

MEMBER

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OVERVIEW

Brett Postal has a wide range of experience across intellectual property law with a particular focus on the chemical, pharmaceutical, biological, and life science technologies. His work encompasses a broad spectrum of intellectual property matters, including patent litigation (in both district and appellate court), post-grant proceedings, client counseling, patent prosecution, and opinion work.

Brett has represented clients in patent matters in district courts throughout the country as well as before the U.S. Court of Appeals for the Federal Circuit. One area where Brett has considerable experience is in Hatch-Waxman cases. He has represented a number of pharmaceutical companies in matters involving fentanyl buccal tablets, modafinil, isotretinoin, rivastigmine, levalbuterol tartrate, olopatadine, and glatiramer acetate. His work spans the entire litigation cycle, including pre-litigation, fact discovery, expert discovery, trial, and appeal. He also has experience with post-grant proceedings, including handling parallel proceedings before the Patent Trial and Appeal Board (PTAB) as well as United States federal courts.

Brett also has considerable patent prosecution experience. He has worked with numerous life science companies on patent prosecution matters, including developing and managing patent portfolios for pharmaceutical and biologic products. Brett's patent prosecution experience spans many different technologies, including small and large molecule pharmaceuticals, pharmaceutical formulations,

Practices

Appellate Litigation
Biosimilars Litigation
Due Diligence
Emerging Companies
Ex Parte Reexaminations
FDA Regulatory
Hatch-Waxman Litigation
Inter Partes Review (IPR) and Post Grant Review (PGR)
Interferences
International Filings
Licensing and Transactions
Opinions, Freedom to Operate, and Patentability Analysis
Patent Litigation
Patent Prosecution
Patent Strategy and Counseling
Portfolio Management

Education

J.D., The George Washington University Law School (with honors)
B.S., Chemistry and B.A.,

polymer chemistry, catalytic chemistry, liquid crystal technology, medical devices, organic cleaning products, inorganic glasses, light emitting diodes, photovoltaic devices, semiconductors, computer software, agricultural devices, mechanical devices, and food products.

In addition to his litigation and prosecution work, Brett is also an experienced strategist and highly-regarded client counselor. Brett has extensive experience on due diligence matters, and frequently helps clients evaluate IP assets, assess strengths and weaknesses of positions in ongoing litigations, and assist on other IP issues for transactional matters. Brett's representation spans clients of all shapes and sizes, ranging from working with startups with limited IP portfolios to counseling Fortune 500 clients with extensive global IP portfolios. In each case, he tailors his recommendations to each client's specific business objectives, and operational priorities. With respect to his due diligence work, Brett works with client teams that include businesspeople, scientists, and in-house attorneys. He also assists clients with patentability opinions and freedom-to-operate opinions.

EXPERIENCE

Representative Litigation Matters:

Unverferth Mfg. Co., Inc. v. Norwood Sales Inc.,
Civil Action No. 18-cv-00053 (D.N.D.)

In re Copaxone '775 Patent Litigation,
Civil Action No. 16-cv-01267 (D. Del.)

Valspar Sourcing, Inc. v. PPG Industries, Inc.,
Appeal Nos. 2016-1406, 2016-1409, 2018-1462, 2018-1463

Unverferth Mfg. Co., Inc. v. J&M Mfg. Co., Inc.,
Civil Action No. 16-cv-02282 (N.D. Ohio)

Beckmann (Daimler AG) v. Gandhi (Ford Global Techs., LLC),
Appeal No. 2015-1765 (Fed. Cir.)

In re Copaxone 40 mg Consolidated Cases,
Civil Action No. 14-cv-01171 (D. Del.); and
Appeal No. 2017-1575 (Fed. Cir.)

Philosophy, University of Pittsburgh
(*magna cum laude*)

Bar Admissions

District of Columbia
Virginia

Cipher Pharmaceuticals, Inc. v. Actavis Inc.,
Civil Action No. 13-cv-06502 (D.N.J.)

In re Lithium Silicate Materials and Products Containing the Same,
Investigation No. 337-911 (ITC)

Unverferth Mfg. Co., Inc. v. Par-Kan Co.,
Civil Action No. 13-cv-00097 (N.D. Ind.)

Sunovion Pharmaceuticals, Inc. v. Actavis Inc.,
Civil Action No. 12-cv-993 (D. Del.)

Mylan Pharmaceuticals, Inc. v. Sebelius,
Civil Action No. 12-cv-524 (D.D.C.)

Novartis Pharmaceuticals Corp. v. Actavis Inc.,
Civil Action No. 11-cv-1077 (D. Del.)

HONORS & RECOGNITIONS

Washington, D.C. Super Lawyers "Rising Star" (2014, 2017-2021)

Managing Intellectual Property (MIP) "Rising Star" (2018)