



JEFF NICHOLS SHAREHOLDER

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EDUCATION

J.D., With Honors
University of Connecticut School of Law, 2000
B.S., Chemistry
Truman State University (formerly Northeast Missouri State University), 1997

BAR ADMISSIONS

U.S. Dist. Court, N.D. Florida
U.S. Patent & Trademark Office
U.S. Dist. Court, N.D. Illinois, Trial Bar
U.S. Dist. Court, E.D. Wisconsin
U.S. Dist. Court, E.D. Michigan
U.S. Court of Appeals, Fed. Cir.
U.S. Court of Appeals, 9th Circuit
U.S. Court of Appeals, 7th Circuit
Illinois Supreme Court
U.S. Dist. Court, S.D. Indiana
Supreme Court of the United States

Jeff Nichols is a trusted advisor, problem solver, and accomplished litigator. He achieves outstanding results for clients in important, high-stakes litigation.

Jeff is a leader. He is co-chair of the firm's BioPharma Practice Group and previously led the firm's Litigation Practice Group.

Jeff has extensive patent litigation experience. He is tenacious about achieving successful results for clients in a timely, efficient manner, while ensuring that these results align with business objectives. Clients seek out Jeff for important litigations due to his strong experience and track record of success.

Jeff also specializes in patent post-grant proceedings, such as *Inter Partes Review* (IPR) proceedings. There, too, Jeff has achieved successful results for clients.

Jeff regularly appears in "Leading Lawyer" publications, and he has written numerous scholarly articles and client alerts throughout his career. Jeff also regularly takes on speaking engagements concerning patent litigation and post-grant proceedings. In addition, Jeff is an adjunct professor at The John Marshall Law School in Chicago where he teaches "IP Litigation."

EXPERIENCE | LEGAL

- **Brinks Gilson & Lione**, Chicago, Illinois
Shareholder, 2007-Present
Associate, 2000-2006

EXPERIENCE | TEACHING

- **The John Marshall Law School**, Chicago, IL
Professor, "Intellectual Property Litigation," Spring 2010-2015

EXPERIENCE | CIVIC ACTIVITIES

- **Lawyers for the Creative Arts**
- **Leukemia and Lymphoma Society**

PRACTICE GROUPS

Patent Prosecution
Appellate
Litigation
Post-Grant Patent
Licensing
Trade Secrets
International Patent
Copyright

AREA OF FOCUS

Chemicals, Energy & Agriculture
Medical Device
Hatch-Waxman
Biosimilars
Biotechnology & Pharmaceutical

FORWARD THINKING

Alerts

- Federal Circuit Interprets Key Provisions Governing Biosimilars, July 21, 2015
- Practical Guidance for Amending Claims in an Inter Partes Review, August 13, 2015
- First-Ever Biosimilar Application Approved by FDA Under BPCIA, March 09, 2015
- Federal Circuit Confirms Patent Agent Privilege, March 08, 2016
- Federal Circuit Addresses PTAB Requirements for IPR Motions to Amend, September 02, 2016
- Federal Circuit Clarifies Standard To Prove Irreparable Harm For Injunctive Relief , July 12, 2017
- Janssen Biotech Unable To Rewrite History and Save Remicade Patent, January 25, 2018

Blog Posts

- Federal Circuit Addresses PTAB Requirements for IPR Motions to Amend, September 02, 2016

Presentations

- "Preparing for Litigation: Getting Battle-Ready," IP Strategy Summit, Silicon Valley, California, June 18, 2015
- "Conduct: Ethical Considerations for Paragraph IV Matters Before the PTO and District Court," ACI's Paragraph IV Disputes Master Symposium, Chicago, IL, October 4, 2013
- "Reassessing Paragraph IV Strategies for Method of Treatment Patents in View of Recent and Pending Decisions Regarding Inducement and Divided Infringement," ACI's Paragraph IV Disputes: Expert Insights on Hatch-Waxman Litigation Strategies for Brand Names and Generics, San Francisco, California, December 4, 2012
- "Carve Outs and Inducement Controversies: Examining the Intersection Between a Drug's Patent and Its Label," ACI's Paragraph IV Disputes: Expert Insights on Hatch-Waxman Litigation Strategies for Brand Names and Generics, San Francisco, California, December 7, 2011
- "Asserting Invalidity Defenses and Advancing Persuasive Infringement Claims," ACI's Medical Device Patent Litigation, New York, New York, January 31, 2011

Biographies | Jeff Nichols

- "E-filing Rules and Requirements in the Federal Courts," Faculty, Practising Law Institute Bridge the Gap Program, June 2007
- "Drafting Complaints and Answers," Lecturer, Chicago-Kent School of Law, Intellectual Property Research and Writing Class, January 2007 and March 2008
- "One-on-One With the Experts," Presenter, U.S. Patent and Trademark Office Chicago Regional Independent Inventor Conference, July 2006
- "Resume and Interview Tips for Jobs in Intellectual Property Law," Presenter, University of Michigan School of Law, Spring 2003
- "Intellectual Property Career Tracks," Panel Speaker, Loyola University Chicago School of Law, Fall 2002

HONORS

- Illinois Super Lawyers, Rising Stars, 2008-2015
- Leading Intellectual Property Lawyer, Leading Lawyers Network, 2012, 2014, 2015

AFFILIATIONS

- American Intellectual Property Law Association
- Intellectual Property Law Association of Chicago
- Intellectual Property Owners Association
- Lawyers for the Creative Arts
- Leukemia and Lymphoma Society
- PTAB Bar Association

TECHNICAL BACKGROUND

- Biopharma

REPRESENTATIVE MATTERS

- *Cook Group Incorporated and Cook Medical LLC v. Boston Scientific Scimed Inc.* (PTAB 2016-present). Mr. Nichols is representing the Cook entities in a series of IPR proceedings challenging Boston Scientific's patents relating to hemostatic clips used to treat internal bleeding in the gastrointestinal tract. The IPRs are ongoing.
- *Boston Scientific Corp. and Boston Scientific Scimed Inc. v. Cook Group Incorporated and Cook Medical LLC* (D. Del. 2015-present). Mr. Nichols is defending the Cook entities in a patent infringement action filed by Boston Scientific concerning hemostatic clips used to treat internal bleeding in the gastrointestinal tract. The case is ongoing.
- *Deere & Co. v. Gramm* (PTAB 2015-present). Mr. Nichols is representing Deere in two IPR proceedings challenging Gramm's patent relating to agricultural equipment. The Patent Trial and Appeal Board held that all of Gramm's patent claims at issue in the IPR proceedings are invalid.
- *Gramm and Headsight, Inc. v. Deere & Co.* (N.D. Ind. 2014-present). Mr. Nichols is defending Deere in a patent infringement action filed by Gramm and Headsight concerning agricultural equipment. The case is ongoing.
- *Endotach LLC v. Cook Medical Inc.* (S.D. Ind. 2013-present). Mr. Nichols is defending Cook Medical in a patent infringement action filed by Endotach concerning endovascular stent-grafts for treating aneurysms. The district court granted summary judgment in Cook Medical's favor. Endotach appealed to the Federal Circuit Court of Appeals, but the district court's decision was affirmed in its entirety. Endotach filed a Petition for Cert. with the Supreme Court, which is pending.
- *Boston Scientific Corp., Boston Scientific Scimed, Inc., Boston Scientific Ltd., and Endovascular Technologies, Inc. v. Cook, Inc., Wilson-Cook Medical, Inc., Cook Medical Inc., Cook Ireland Ltd., Cook Group, Inc., Taewoong Medical Co., Ltd., Standard Sci-Tech Inc., EndoChoice, Inc., and Sewoon Medical Co., Ltd.* (D. Mass. 2010-

present). Mr. Nichols is defending the Cook entities in a patent infringement action filed by Boston Scientific and others concerning esophageal stents for treating blockages, such as cancer, in the esophagus. The case is ongoing.

- *AutoForm Engineering, GmbH v. Engineering Technology Associates, Inc.* (E.D. Mich. 2010-2014). Mr. Nichols represented AutoForm Engineering in a patent infringement action against Engineering Technology Associates concerning software used for sheet-metal forming in the auto industry. The case settled on terms favorable to AutoForm Engineering.
- *AstraZeneca Pharmaceuticals LP, IPR Pharmaceuticals, Inc., AstraZeneca AB, and The Brigham and Women's Hospital, Inc. v. Teva Pharmaceuticals USA, Inc.* (D. Del. 2010-2012). Mr. Nichols defended Teva Pharmaceuticals USA in a second Hatch-Waxman action concerning the cholesterol-lowering drug, Crestor®, and its active ingredient, rosuvastatin calcium. The district court granted Teva's motion to dismiss this action. On appeal, the Federal Circuit Court of Appeals affirmed the dismissal.
- *Millennium Pharmaceuticals, Inc. and Schering Corp. v. Teva Parenteral Medicines, Inc., Teva Pharmaceuticals USA, Inc., and Teva Pharmaceutical Industries Ltd.* (D. Del. 2009-2011). Mr. Nichols defended Teva Parenteral Medicines, Teva Pharmaceuticals USA, and Teva Pharmaceutical Industries in a Hatch-Waxman action concerning the anti-coagulant drug, Integrilin®, and its active ingredient, eptifibatide. The case settled on terms favorable to the Teva entities.
- *AstraZeneca Pharmaceuticals LP, AstraZeneca UK Limited, IPR Pharmaceuticals Inc., and Shionogi Seiyaku Kabushiki Kaisha v. Teva Pharmaceuticals USA, Inc.* (D. Del. 2008-2013). Mr. Nichols defended Teva Pharmaceuticals USA in a Hatch-Waxman action concerning the cholesterol-lowering drug, Crestor®, and its active ingredient, rosuvastatin calcium.
- *Foboha GmbH and Foboha US, Inc. v. Gram Technology, Inc. and Jes Gram* (N.D. Ill. 2008-2009). Mr. Nichols represented Foboha GmbH and Foboha US in an unfair competition action against Gram Technology and Jes Gram concerning injection molds. The case settled on terms favorable to Foboha GmbH and Foboha US.
- *ArrivalStar S.A. and Melvino Technologies Ltd. v. Continental Automotive Systems US, Inc., et al.* (N.D. Ill. 2008-2009). Mr. Nichols defended Continental Automotive Systems in a patent infringement action filed by ArrivalStar and Melvino Technologies concerning an internet-based system for transportation management. The case settled on terms favorable to Continental Automotive Systems.
- *Trumpf Laser GmbH + Co. KG v. Amglo Kemlite Laboratories, Inc.* (N.D. Ill. 2008). Mr. Nichols defended Amglo Kemlite Laboratories in a patent infringement action filed by Trumpf Laser concerning laser pumping lamps. The case settled on terms favorable to Amglo Kemlite Laboratories.
- *Malessa Partners, L.L.C. v. Express Scripts, Inc. and PrintGraphics Inc.* (N.D. Ill. 2007). Mr. Nichols defended Express Scripts and PrintGraphics in a patent infringement action filed by Malessa Partners concerning integrated forms. The case settled on terms favorable to Express Scripts and PrintGraphics.
- *Cook Incorporated v. Medtronic, Inc. and Medtronic Vascular, Inc.* (N.D. California 2006-2008). Mr. Nichols represented Cook in an action for declaratory relief concerning a patent license agreement between Cook, Medtronic, and Medtronic Vascular. The case was appealed to the Ninth Circuit Court of Appeals. Following appeal, the case settled on terms favorable to Cook.
- *Edwards Lifesciences, LLC and EndoGAD Pty, Ltd. v. Cook Incorporated, Medtronic, Inc., Medtronic AVE, Inc., and W.L. Gore & Associates, Inc.* (N.D. California 2003-2010). Mr. Nichols defended Cook in a patent infringement action filed by Edwards Lifesciences and EndoGAD concerning endovascular stent-grafts for treating aneurysms. Cook won a summary judgment of noninfringement and the district court entered judgment in Cook's favor. The Federal Circuit Court of Appeals affirmed the decision.
- *Hi-Tech Beds Systems, Corp. and Michelle Connell v. KLN Steel Products Company, Ltd. and Clark/Blinderman/Knight, LLC* (N.D. Illinois 2004-2006). Mr. Nichols defended KLN Steel Products Co. and Clark/Blinderman/Knight in a patent infringement and trade secret action filed by Hi-Tech Beds Systems and

Ms. Connell concerning military bunk-beds. The case was dismissed-in-part on summary judgment and the remaining part was stayed.

- *Halkey-Roberts Corp. v. Filtertek, Inc.* (M.D. Florida 2004-2005). Mr. Nichols represented Filtertek in a declaratory judgment action filed by Halkey-Roberts concerning Filtertek's patents for medical valves. The case settled on terms favorable to Filtertek.
- *Dionex Corp. v. Alltech Associates, Inc.* (N.D. California 2003-2005). Mr. Nichols defended Alltech Associates in a patent infringement action filed by Dionex concerning chemical chromatography systems. The case settled on terms favorable to Alltech Associates following the court's claim construction ruling.
- *A.L. Hansen Manufacturing Co. v. Bauer Products, Inc.* (N.D. Illinois 2003-2004). Mr. Nichols represented A.L. Hansen Manufacturing in a patent infringement action against Bauer Products concerning automobile support arms. The case settled on terms favorable to A.L. Hansen.
- *MTD Products, Inc. v. Frederick Manufacturing Corp.* (N.D. Ohio 2003-2004). Mr. Nichols defended Frederick Manufacturing in a patent infringement action filed by MTD Products concerning lawn mower blades. The case settled on terms favorable to Frederick.
- *Zila, Inc. and Zila Swab Technologies, Inc. v. Beutlich Pharmaceuticals, L.P. and Beutlich, L.P.* (N.D. Illinois 2003). Mr. Nichols represented Zila and Zila Swab Technologies in a patent infringement action against Beutlich Pharmaceuticals and Beutlich concerning medicinal swab applicators. The case settled on terms favorable to Zila and Zila Swab.
- *Viridian Packaging Solutions, LLC v. Zila, Inc. and Zila Swab Technologies, Inc.* (N.D. Illinois 2003). Mr. Nichols represented Zila and Zila Swab Technologies in a declaratory judgment action filed by Viridian Packaging Solutions concerning Zila's patents for medicinal swab applicators. The case settled on terms favorable to Zila and Zila Swab.
- *Daimler-Chrysler Corp. and New Venture Gear, Inc. v. BorgWarner Inc. and BorgWarner TorqTransfer Systems Inc.* (E.D. Michigan 2001-2003). Mr. Nichols defended BorgWarner and BorgWarner TorqTransfer Systems in a patent infringement action filed by Daimler-Chrysler and New Venture Gear concerning 4WD automobile transfer cases. The case settled on terms favorable to BorgWarner and BorgWarner TorqTransfer Systems.
- *BorgWarner Inc. and BorgWarner TorqTransfer Systems Inc. v. New Venture Gear, Inc.* (N.D. Illinois 2000-2003). Mr. Nichols represented BorgWarner and BorgWarner TorqTransfer Systems in a patent infringement action against New Venture Gear concerning 4WD automobile transfer cases. The case settled on terms favorable to BorgWarner and BorgWarner TorqTransfer Systems following the court's claim construction ruling.
- *The Coca-Cola Company v. Liqui-Box Corp.* (N.D. Georgia 2000-2001). Mr. Nichols represented The Coca-Cola Company in a patent infringement action against Liqui-Box concerning collapsible syrup containers. Liqui-Box was permanently enjoined from making and selling the accused product after the patent was found valid and infringed by a special master.
- *Manitowoc Foodservice Group, Inc. and Manitowoc Ice, Inc. v. Whirlpool Corp., IMI Cornelius, Inc., Scotsman Industries, Inc., Scotsman Group, Inc., Booth, Inc., Sub-zero Freezer Company, Inc., and Mile High Equipment Co.* (E.D. Wisconsin 2000-2001). Mr. Nichols represented Manitowoc Foodservice Group and Manitowoc Ice in a patent infringement action against various defendants concerning commercial ice machines. The case settled on terms favorable to Manitowoc Foodservice Group and Manitowoc Ice.
- *Ffrench Emergency Pocket Airway, Inc. and Dr. Ronald French v. Cook Critical Care, Inc.* (E.D. Louisiana 2000-2001). Mr. Nichols defended Cook in a patent infringement action filed by Ffrench Emergency Pocket Airway and Dr. French concerning medical devices for emergency tracheotomies. The case settled on terms favorable to Cook.

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- *Prototype Equipment Co. v. Fallas Automation, Inc., et al.* (N.D. Illinois 2000). Mr. Nichols represented Prototype Equipment in a patent infringement action against Fallas Automation concerning large-scale packaging equipment. Prototype Equipment won a temporary restraining order and the case was settled on terms favorable to Prototype Equipment.