



SHERRY L. ROLLO PARTNER



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PRIMARY PRACTICES

Intellectual Property

Patents

Patent Litigation

Trade Secrets

Trademark Litigation

Trademarks

Licensing & Technology Transfer

Copyright

Name, Image, and Likeness

Data Privacy and Cybersecurity

Sherry L. Rollo counsels clients in all areas of intellectual property, including the protection, licensing, and enforcement of intellectual property rights, data privacy, and data security both domestically and internationally. Sherry also guides clients with corporate strategies relating to the prosecution, merger, licensing, sale, or acquisition of intellectual property assets, including conducting due diligence, counseling on business strategies, and managing patent, trademark, copyright, and trade secret portfolios.

IP Litigation

An experienced litigator, Sherry has taken a lead role in trials, preliminary injunction proceedings *Markman* Hearings, and arguing dispositive motions. She regularly appears in courts across the country, including popular IP venues such as the Northern District of Illinois, Western District of Texas, District of Delaware, District of New Jersey, and Southern District of New York, as well as the Court of Appeals for the Federal Circuit.

Sherry's practice spans numerous industries, including pharmaceuticals, real estate management, skincare and cosmetics, law enforcement equipment and training, LED lighting, UV water treatment, ethanol processing, music publishing, recycling and industrial resource recovery, camera phones, dental instruments, ultrasonic laser seam welding, precision cutting tools, health care management systems, agricultural machinery, plastic films, aluminum extrusions and electric motors, high fashion, apparel, and jewelry.

Hatch Waxman

Sherry spends a significant amount of her time litigating high-profile pharmaceutical Hatch Waxman Act/Abbreviated New Drug Application (ANDA) litigation at both the trial and appellate levels. Some of her more notable cases involved the pharmaceutical products Actonel[®], Antara[®], Boniva[®], Uroxatral[®], Eloxatin[®], Ultracet[®], Omnaris[®], Benicar[®], Lotrelv, Zometa[®], Reclast[®], Treanda[®], and Plavix[®].

In a recent case involving a liquid dosage form of levothyroxine, Sherry helped her client defeat two separate preliminary injunction motions following hearings before Judge Albright in the U.S. District Court for the Western District of Texas and got the case dismissed from two other jurisdictions, which ultimately resulted in a settlement for the client.

In addition, Sherry regularly advises clients in evaluating new drug product opportunities and formulation strategies, Food and Drug Administration regulatory exclusivities, as well as *Inter Partes Review* ("IPR") and post grant proceedings at the U.S. Patent Office. Sherry also has assisted clients with due diligence related to corporate transactions and counsels clients with respect to prosecution, filing, and licensing strategies.

Patents, Trademarks & Copyrights

Sherry maintains a sophisticated patent, trademark, and copyright practice that includes managing and prosecuting national and international patent,

trademark, and copyright portfolios, as well as contentious actions at the Patent, Trial and Appeal Board, Trademark Trial and Appeal Board, World Intellectual Property Organization, and in Federal Courts. She also counsels clients on brand development and corporate identity strategies, portfolio management, licensing, and recovering brands and domain names from cybersquatters, including through ICANN Uniform Domain-Name Dispute-Resolution Policy (“UDRP”) Actions, as well as U.S. Customs and Border Protection enforcement programs.

Trade Secrets

Having recently been named Chicago Trade Secrets “Lawyer of the Year” by *Best Lawyers*[®], Sherry has extensive experience representing and counseling clients on trade secret and unfair competition matters including litigating Federal and State Court actions for trade secret misappropriation, computer fraud and abuse act, and unfair competition. Sherry’s experience includes guiding clients’ implementation of trade secrets audit and protection programs, as well as strategies for conducting effective exit interviews and recovering computer forensic evidence.

Licensing

Sherry maintains an extensive licensing practice. She regularly negotiates and drafts agreements involving intellectual property rights both in the United States and abroad, including counseling universities and organizations receiving government funding on Bayh-Dole Act, enforcement and other complex licensing issues.

Data Privacy and Cybersecurity

Sherry maintains an active data privacy and cyber security practice, regularly advising Fortune 500 companies on data privacy policies, compliance, and contract review. In this capacity, Sherry also has drafted and negotiated data privacy addendums, assisted clients in drafting internal compliance guidelines, and counseled clients on the ever-changing landscape of data privacy laws and regulations.

Industry Insights and Community Involvement

An in-demand speaker and author, Sherry has lectured at conferences in the Americas, Europe, and Asia, and has written on topics such as global trends in patent dispute resolution, employee inventions and renumeration, brand licensing strategies, the Internet of Things (IoT), telecommunications, licensing strategies, and drafting effective intellectual property agreements.

Sherry serves on the board of trustees for National History Day, is a member of the International Trademark Association’s Data Protection Committee and is a member of the Chicago History Museum’s Exhibits and Education Committee. She is the former chair of the Licensing Executives Society’s Chemical, Energy, Environmental, and Materials and Emerging Industries Committees and a past president of the Chicago Chapter of The University of Texas Exes Alumni Association.

REPRESENTATIVE EXPERIENCE

- Litigated ANDA disputes at both the trial and appellate level, including Plavix (clopidogrel bisulfate), Actonel (risedronate), Boniva (ibandronate), Antara (fenofibrate) Uroxatral (alfuzosin), Ultracet (tramadol/ acetaminophen), Omnaris (ciclesonide nasal spray), Benicar (olmesartan medoxomil), Lotrel (amlodipine and benazepril), and Eloxatin (Oxaliplatin).
- Obtained favorable settlement for an alternative fuel company in its claim for misappropriation of trade secrets involving catalytic process for refining renewable feedstocks into a variety of products including fuel, oleochemicals and biodegradable lubricants.
- Counseled Apotex in a significant jurisdictional case where the Court of Appeals for the Federal Circuit held that Apotex has standing as a subsequent ANDA filer to challenge one of Daiichi's Orange Book listed patents for the drug Omnaris[®] (olmesartan medoxomil), despite the patent having been disclaimed by Daiichi.
- Obtained dismissal of a trade secret misappropriation claim for lack of standing brought against a national manufacturer of aluminum cans. *Williamson v. Rexam Beverage Can Co.*, 497 F. Supp.2d 900 (S.D. Ohio 2007).
- Counseled Illinois Tool Works in patent infringement litigation involving enforcement of company patent on innovative polyester/polyolefin packaging technology. *Illinois Tool Works Inc. v. Samuel Son & Co. Ltd. and Samuel Strapping Systems Inc.* (N.D. Ill. 2012).
- Argued before the Trademark Trial and Appeal Board and obtained reversal of the trademark examiner's refusal to register under Section 2(d) *In re Capital Blue Cross*, Serial No. 78869843.
- Counseled Horizon Healthcare Services Inc. in obtaining summary judgment on the issue of invalidity of federal service mark registration due to application defects and on the issue of priority. *Horizon Healthcare Services Inc. v. Allied National Inc.*, 2006 WL344277 (D.N.J. 2006).
- Advised Apotex Inc. and obtained favorable results for client defending a motion for preliminary injunction by Hoffmann-LaRoche Inc. to prevent the launch of a generic version of the osteoporosis drug Boniva (ibandronate), which enabled client to launch as a first filer. Additionally, the court granted defendant's motion for summary judgment finding that plaintiff's patents were invalid for obviousness. *Hoffman-La Roche Inc. v. Apotex Inc.*, et al. (D.N.J. 2012).
- Counseled Apotex and obtained summary judgment of noninfringement on Lupin's Orange Book listed patents on behalf of client. Avoided prolonged discovery for this case and prevented Lupin's counsel from engaging in a fishing expedition, while limiting client's overall expenses in demonstrating that client's formulation did not infringe. *In re Fenofibrate Patent Litigation* (S.D.N.Y. 2012).

BAR ADMISSIONS

- State of Illinois, 2004
- U.S. Supreme Court, 2008; U.S. Patent and Trademark Office, 2007; U.S. Court of Appeals for the Federal Circuit, 2007; the U.S. District Courts for the Northern District of Illinois (2005) and the Central District of Illinois (2015)

EDUCATION

- John Marshall Law School-Chicago, J.D., 2004
- The University of Texas at Austin, B.S., Physics, 2001

AWARDS & HONORS

- The Best Lawyers in America®, Litigation – Intellectual Property, 2021-25; Trade Secrets Law, 2021-25, Chicago Lawyer of the Year, Trade Secrets, 2023
- Illinois Super Lawyers®, Intellectual Property, 2018-25
- Rising Star, Illinois Super Lawyers®, Intellectual Property, 2011-17

PUBLICATIONS & SPEAKING ENGAGEMENTS

- Brand Licensing Strategies During Turbulent Times
- The COVID Effect: The Impact a Global Pandemic Has on Brand Protection
- The Current State of the Skinny Label (Life Sciences Patent Network North America 2023)
- Artificial Intelligence and Data Privacy Best Practices (Alliott Global Alliance)

MEMBERSHIPS & AFFILIATIONS

- International Association for the Protection of Intellectual Property (AIPPI), Member
- Intellectual Property Law Association of Chicago (IPLAC), Board of Managers, 2014-present; Chair, 2010-present; Trade Secrets and Unfair Competition Committee
- Licensing Executives Society International, YMC Vice-Chair Communications, 2014-present; YMC Chair Elect, 2015; Chemical, Energy, Environmental and Materials Sector, Past Chair
- International Trademark Association, Pro Bono Committee, Member, 2014- present
- American Bar Association, Member
- Chicago Bar Association, Member
- Women in BIO, Member

COMMUNITY INVOLVEMENT

- Chicago Metro History Education Center, Board Member, 2015-present
- University of Texas Alumni Association, Chicago Chapter, President, 2011-present

PROFESSIONAL HISTORY

- Partner, Hahn Loeser & Parks LLP, 2015-present
- Partner, Husch Blackwell LLP, 2008-15
- Attorney, Welsh & Katz, Ltd., 2004-08