

# STEVEN E. FELDMAN

## PARTNER-IN-CHARGE



### Hahn Loeser & Parks LLP

200 West Madison Street  
Suite 2700  
Chicago, Illinois 60606

**phone:** 312.637.3010

**email:** sfeldman@hahnlaw.com

### PRIMARY PRACTICES

Intellectual Property

Patents

Trade Secrets

Trademarks

Trademark Litigation

Copyright

Patent Litigation

Licensing & Technology Transfer

Name, Image, and Likeness

Data Privacy and Cybersecurity

**Steve Feldman** is the head of Hahn Loeser's Intellectual Property Practice Area, the Partner-in-Charge of the firm's Chicago office and a member of the firm's Board of Directors. His practice encompasses complex intellectual property litigation, prosecution, licensing, and counseling involving patents, trade secrets, trademarks and unfair competition, copyrights, data privacy and security, and NIL (Name, Image, and Likeness) compliance, policies, and rights. Steve also regularly supports clients on corporate transactions and due diligence.

A seasoned trial lawyer and patent attorney, Steve often takes a lead role in trials, Markman hearings, and appeals. Steve helps clients to build and manage strategic intellectual property portfolios domestically and internationally. He assists clients with IPRs and appeals before the Patent Trial and Appeal Board at the USPTO, and in European Patent Opposition proceedings.

As a licensed patent attorney with a background in materials science and engineering, Steve's experience stretches across a wide variety of technical areas, including:

- Pharmaceuticals and biotechnology, including bioassays; biosimilars and bio-betters, cell and antibody-based diagnostics and therapies, 3D printing technologies for tissue and organ regeneration, medical implants, surgical tools, dialysis machines, radio frequency (RF) steering mechanisms and locating systems, surgical robots, MRI, CAT scan and PET imaging devices, ultrasonic imaging systems, dental implants and devices, and healthcare management tools.
- Automotive and aerospace materials, parts and systems, including innovative steel, and casting technologies, aluminum alloys, nanomaterials, coatings and heat treatments, rare earth magnets, polymeric materials and additives, materials handling equipment, construction and building materials.
- Water and resource management technologies including UV wastewater treatment systems and desalination systems.
- Alternative energy technologies including clean coal, biofuels, ethanol processing and solar cells.
- Color management equipment and materials, including printing and color pigments, color management software, and hardware.
- Lighting and photonic materials and technologies including high brightness LEDs; semiconductor lasers; receivers and transmission devices; cellular and satellite equipment.
- Law enforcement and personal protection equipment.
- Computers, Internet of Things, Digital Control Systems, Software, Electronic Commerce.

Steve brings two decades of experience litigating and providing strategic counseling to clients in the area of competitive pharmaceutical products, including Hatch-Waxman Act related patent litigation arising of ANDAs, 505(b)(2) NDAs and skinny labels. Most recently he assisted a client in defeating not one, but two preliminary injunction motions following two

separate hearings before Judge Albright in the Western District of Texas in a case involving a levothyroxine liquid formulation. Other cases of note involve drugs such as Norvasc<sup>®</sup>, Boniva<sup>®</sup>, Actonel<sup>®</sup>, Fosrenol<sup>®</sup>, Antara<sup>®</sup>, Aripiprazole<sup>®</sup> OLSO, Uroxatral<sup>®</sup>, Eloxatin<sup>®</sup>, Ultracet<sup>®</sup>, Omnisar<sup>®</sup>, Benicar<sup>®</sup>, Benicar<sup>®</sup> HCT, Lotrel<sup>®</sup>, Zometa<sup>®</sup>, Reclast<sup>®</sup>, Treanda<sup>®</sup>, Plavix<sup>®</sup>, Xiidra<sup>®</sup> and Oxtellar<sup>®</sup>.

In addition, Steve advises clients on Food and Drug Administration marketing exclusivities and strategies and has litigated such matters in the U.S. District Court, District of Columbia, and the U.S. Court of Appeals, District of Columbia Circuit. He also assists clients on mergers, acquisitions, sourcing licensing and distribution agreements in the pharmaceutical and biotechnology areas and has experience with related FTC and antitrust issues arising out of pharmaceutical settlements.

Steve also represents clients in matters involving the protection and enforcement of trade secrets. He guides clients in implementing trade secrets audit and protection programs, negotiating joint venture agreements, and preparing effective confidentiality/nondisclosure arrangements.

Steve earned his J.D., *with honors*, from George Washington University Law School in 1995. A nationally recognized leader in intellectual property matters, Steve is a frequent lecturer and a member of the George Washington University Intellectual Property Advisory Board. He also serves on the Executive Counsel for Northwestern University's Institute for Sustainability and Energy.

#### REPRESENTATIVE EXPERIENCE

- Lead counsel for 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 Omnisar<sup>®</sup> (olmesartan medoxomil), despite the patent having been disclaimed by Daiichi.
- Lead counsel for Apotex in successfully obtaining summary judgment of patent invalidity in the U.S. District Court for the District of Delaware in a case involving a generic version of Warner Chilcott's osteoporosis drug Actonel (risedronate). The decision was affirmed on appeal by the Court of Appeals for the Federal Circuit.
- Lead counsel for Apotex in defeating Hoffman Roche's motion for preliminary injunction to prevent the launch by Apotex of a generic version of the osteoporosis drug, Boniva (ibandronate), which enabled client to launch as a first filer. Subsequently, the district court granted motion for summary judgment finding that Hoffman La Roche's patents were invalid for obviousness. *Hoffmann-La Roche Inc. v. Apotex Inc., et al.* (D.N.J. 2012). The decision was affirmed on appeal by the Court of Appeals for the Federal Circuit.
- Lead counsel for Apotex, which obtained summary judgment of noninfringement on patents relating to the drug Antara, and avoided prolonged discovery while demonstrating that client's formulation did not infringe. *In re Fenofibrate Patent Litigation* (S.D.N.Y. 2012).
- Extensive experience at both the trial and appellate level litigating Hatch-Waxman/abbreviated new drug application (ANDA) disputes. Pharmaceutical litigations of note include Norvasc

- (amlodipine) – *Pfizer Inc. v. Apotex Inc.*, 480 F.3d 1348 (Fed. Cir. 2007); Floxin Otic (ofloxacin) (*Daiichi Sankyo Co. Ltd. v. Apotex Inc., et al.*, 501 F.3d 1254 (Fed. Cir. 2007); Actonel (risedronate), Uroxatral (alfuzosin), Eloxatin (oxaliplatin), Ultracet (tramadol and acetaminophen), Omnaris (ciclesonide nasal spray), Benicar (olmesartan medoxomil), Lotrel (amlodipine and benazepril) and Plavix (clopidogrel).
- Lead counsel for Illinois Tool Works in patent infringement case involving enforcement of company patent on its innovative polyester/polyolefin packaging technology. Case ultimately settled. *Illinois Tool Works Inc. v. Samuel Son & Co. Ltd. and Samuel Strapping Systems Inc.* (N.D. Illinois 2012).
  - Secured favorable outcome in defending against \$500 million claim involving issues of patent misuse, patent exhaustion, implied license, breach of license agreement, and unjust enrichment. *Minebea Co. v. Papst Licensing*, 444 F.Supp.2d 68 (D.D.C. 2006).
  - Counsel for Rockwell International Corp. in numerous patent infringement lawsuits and in worldwide licensing programs involving metalorganic chemical vapour deposition (MOCVD) semiconductor processing technology pertaining to high brightness LEDs, semiconductor lasers, solar cells and other semiconductor devices.
  - Counsel for Rockwell Electronic Commerce Corp. in action for trade secret misappropriation relating to technologies involved in call center solutions.
  - Counsel for Heico Corp. in obtaining summary judgments dismissing patent infringement and trade secret claims in a case involving jet engine parts in litigation with United Technologies Corp.

#### BAR ADMISSIONS

- U.S. Supreme Court
- Illinois Supreme Court
- U.S. Courts of Appeals for the Federal Circuit, District of Columbia Circuit and Seventh Circuit
- U.S. District Courts for the Northern District of Illinois (Trial Bar), Eastern District of Wisconsin, District of Colorado
- U.S. Patent and Trademark Office

#### EDUCATION

- George Washington University Law School, J.D., *with honors*, 1995
- Northwestern University, B.S., Materials Science and Engineering, 1992

#### AWARDS & HONORS

- Illinois Super Lawyers, Intellectual Property, 2020-25
- The Best Lawyers in America®, Litigation – Intellectual Property, 2023-25; Trade Secrets Law, 2023-24, Patent Law, 2023-25
- IP Star, Managing IP, 2014

#### PUBLICATIONS & SPEAKING ENGAGEMENTS

- The Current State of the Skinny Label (Life Sciences Patent Network North America 2023)

#### MEMBERSHIPS & AFFILIATIONS

- George Washington University Law School Intellectual Property,



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*STEVEN E. FELDMAN*  
*PARTNER-IN-CHARGE*

- Member, Advisory Board
- Northwestern University Institute for Sustainability and Energy, Member, Executive Counsel
  - Federal Circuit Bar Association
  - Licensing Executives Society