



SHERRY L. ROLLO

PARTNER



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Sherry L. Rollo has handled several high-profile cases as an experienced litigator and licensed patent attorney. Sherry represents clients in domestic and international matters involving patents, trade secrets, trademarks, unfair competition, copyrights and associated licensing issues. In addition, Sherry assists clients in implementing trade secrets audit programs, strategies for conducting effective exit interviews and recovering computer forensic evidence.

She counsels clients in a variety of industries, including cases related to ethanol processing, 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.

Sherry regularly appears in courts across the country, including popular patent venues such as the Northern District of Illinois, District of Delaware, District of New Jersey and Southern District of New York, as well as the Court of Appeals for the Federal Circuit.

Further, Sherry has significant experience counseling clients in transactional matters, including patent protection, portfolio management and licensing. She represents clients large and small in technical areas spanning pharmaceuticals, ethanol processing, recycling and industrial resource recovery, camera phones, dental instruments, ultrasonic laser seam welding, medical devices, precision cutting tools, healthcare management systems, agricultural machinery, plastic films, aluminum extrusions and electric motors. In a recent success, she obtained a permanent injunction on behalf of a company using a catalytic activated vacuum distillation process for extracting by-products, such as carbon, diesel fuel and energy-rich gasses, from recycled tires.

She has been involved in numerous 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®, Lotrel®, Zometa®, Reclast®, Treanda®, and Plavix®. In addition, Sherry advises clients on Food and Drug Administration marketing exclusivities arising out of ANDA patent litigation, as well as IPRs and post grant proceedings at the U.S. Patent Office.



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Sherry's trademark and copyright experience includes litigating in district court and arguing before the Trademark Trial and Appeal Board on behalf of several major healthcare providers and healthcare insurance providers. She also has written several articles relating to the protection of trademarks in the healthcare industry and related data protection and issues relating to the Health Insurance Portability and Accountability Act.

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), Omnisar (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 Omnisar® (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).

Publications & Speaking Engagements

- Speaker, "Best Practices in the Protection and Management of Trade Secrets," Licensing Executives Society International Pan-European, *EU Directive on Trade Secrets: Challenges and Perspectives*, November 2016.
- Speaker, "Keeping your Company off Thin Ice and Out of the Penalty Box: What you Need to Know About the Defend Trade Secrets Act," Client Seminar, November 2016.
- Speaker, "How to Succeed as an IP Associate," Intellectual Property Association of Chicago, September 2016.
- Speaker, "Best Practices: US/Canadian/Mexican/European IP Litigation Strategies Tips and Pitfalls, Ethical Considerations," LESI Pan-America Conference, June 2016.
- Co-Author, "How to Keep your Patent Portfolio off Life Support and Out of the Morgue in View of Bilski, Mayo, Myriad, Alice, and Other Recent Court Decisions," Intellectual Property Licensing Strategies, Inside the Minds, 2015.
- Speaker, "Through the Looking Glass or Down the Rabbit Hole? Where is Alice and Other Supreme Court Decisions Taking Patentable Subject Matter in the U.S.?", AIPPI Canadian Annual General Meeting, November 2015.
- Speaker, "License Negotiations," Licensing Executives Society International Pan-America Conference, November 2015.
- Speaker, "Negotiating Patent License Agreements," LESI International Pan American Meeting, September 2015.
- Speaker, "Licensing Compliance – Best Practices: Competing Interests and How to Ensure Licensing Compliance," Annual LESI YMC Pan-European Conference, July 2015.
- Speaker, "Oyez, Oyez, Oyez!: Analyzing the Impact of the Supreme Court's Decisions in AliceCorp. And Nautilus on AIA Post-Grant Proceedings," American Conference Institute, March 2015.



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- Speaker, “The Proposed EU Directive on Trade Secrets,” Intellectual Property Law Association of Chicago, 25th Annual Trade Secrets and Unfair Competition Seminar, March 2015.
- Moderator, “2015 Judicial Panel,” Intellectual Property Law Association of Chicago, January 2015.
- Panelist, “Dispute Resolution Strategies of Universities,” Licensing Executive Society International, Industry-University-Government-Interface Sector Webinar, May 2014.
- Speaker, “Prior User Rights and Licensing in a Post AIA World,” Licensing Executives Society Spring Meeting, New York, NY, March 2014.
- Speaker, “Getting Your Products to Market and Protecting Your Innovations in the United States,” Guerra IP Protection of IP Rights and Innovation in Foreign Markets Seminar, Porte Alegre, Brazil, March 2014.
- Contributing Author, Intellectual Property, Illinois Institute for Continuing Education, 2005-2013.
- Co-Author, “A Fresh Look at Nondisclosure Agreements: Think Before You Boilerplate,” ExecSense, 2013.
- Speaker, “New U.S. Patent Laws, America Invents Act and Post Grant Reviews? Oh, My! Licensing Strategies for Dealing with the Changing U.S. Patent Landscape,” Licensing Executives Society, Vienna, Austria, November 2013.
- Speaker, “IP Litigation in Brazil” Webinar, October 2013.
- Co-author, “Don’t Tell Mom, My Patent Portfolio Might Be Dead,” LES Insights, October 2013.
- Speaker, “Preparing Your Client For Patent Litigation,” AIPLA Chemical Patent Practice Road Show: Prosecution and Litigation Strategies, Wilmington, DE, June 2013.
- Co-Author, “Emerging Energy and Intellectual Property: The Often Unappreciated Risks and Hurdles of Government Regulations and Standard Setting Organizations,” The National Law Review, May 2012.
- Speaker, “Ethics and Licensing of Trade Secrets and Other Intellectual Property Assets,” Intellectual Property Law Association of Chicago Trade Secrets Seminar, May 2012.
- Speaker, “Intellectual Property Issues with Emerging Technology,” Young Professionals in Energy International, Las Vegas, NV, April 2012.
- Speaker, “Extraterritorial Protection of Trade Secret Rights in China: Do Section 337 Actions at the ITC Really Prevent Trade Secret Theft Abroad?” John Marshall Review of Intellectual Property Law Symposium: Applications of Intellectual Property Law in China, Chicago, IL, April 2012.
- Co-Author, “Extraterritorial Protection of Trade Secret Rights in China: Do Section 337 Actions at the ITC Really Prevent Trade Secret Theft Abroad?” The John Marshall Review of Intellectual Property Law, January 2012.

- Moderator, IPLAC Trade Secrets Seminar, December 2010.
- Speaker, “Enforcing Trade Secrets and Restrictive Covenants in a Down Economy – Strategies for Avoiding Pratfalls and Pitfalls While Downsizing,” IPLAC Trade Secrets Seminar, December 2009.
- Co-Author, “Agreements Not to Compete: A State-by-State Compendium,” Illinois chapter, Defense Library Series, 2009.
- Speaker, “Tips and Traps in Trade Secret Litigation,” DRI Annual Intellectual Property Seminar, September 2008.
- Speaker, “Legal Issues in Licensing Trade Secrets,” Licensing Executive Society Spring Meeting, May 2008.
- Speaker, “Electronic Evidence Discovery Issues in Trade Secret Misappropriation Cases,” Lorman Education Services Document Retention and Destruction, September 2006 & July 2008.

Professional History

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

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.

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.



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Awards & Distinctions

- *The Best Lawyers in America*®, Litigation – Intellectual Property, 2021-22; Trade Secrets Law, 2021-22.
- *Illinois Super Lawyers*®, Intellectual Property, 2018-21.
- Rising Star, *Illinois Super Lawyers*®, Intellectual Property, 2011-17.

Community Involvement

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