



Brian O'Reilly

Partner

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Brian O'Reilly helps innovators protect their most important intellectual property in courts throughout the United States.

Brian's experience includes representing innovators in intellectual property disputes concerning Hatch-Waxman, patent, inventorship, royalty allocation, trademark, trade secret and copyright.

His experience leading disputes through all phases includes first chair trial work, bench and jury trials, preliminary injunction hearings, extensive motion practice, complicated and contentious discovery proceedings, appeals, presuit investigation and resolution, and settlement.

Businesses embroiled in intellectual property disputes turn to him for his extensive general litigation skill set, honed at a preeminent general litigation firm; far-reaching work representing branded pharmaceutical companies, tech companies and leading consumer brands; a deep understanding of patent law; a chemist's understanding of science; and insight into federal courts gained while clerking in Delaware.

Because of his skills and track record, Super Lawyers has repeatedly recognized Brian as a leading lawyer in intellectual property litigation.

Some of the anonymous quotes collected from select lawyers by Super Lawyers include: "Brian is the most creative attorney I've known. He thinks outside the box"; "Brian O'Reilly is a trial lawyer through and through. He is quick-thinking, with a sharp intellect and a keen understanding of litigation strategy"; "Brian O'Reilly is an excellent lawyer and really sharp. He thinks of theories and strategies that are novel."

EXPERIENCE

REPRESENTATIVE ENGAGEMENTS:

Brian has represented:

- An inventor in a first of its kind pharmaceutical patent royalty dispute against a leading university; settled after favorable rulings allowing the case to proceed on a novel contractual and unfair trade practices theories
- Genzyme in a patent litigation concerning a renal drug product; tried successfully to verdict in federal district court in Chicago

RELATED SERVICES

- Patent Litigation
- Intellectual Property and Technology

- Genzyme in a patent litigation concerning a renal drug product; tried successfully to verdict in federal district court in Maryland
- An individual in an inventorship dispute against a leading university; settled
- Cycle Pharmaceuticals in a patent dispute regarding its lead drug candidate; resolved with opposing party dropping its demands
- Genzyme in fourteen related patent litigations concerning Renagel and Renvela products; settled favorably on the eve of trial
- Genzyme in three related patent litigations concerning Welchol product; settled
- Edison Learning, Inc. a trade secret and contract litigation concerning an educational partnership; settled
- Dooney & Bourke in trademark litigation concerning Louis Vuitton's Multicolor Monogram mark; prevailed in summary judgment and appeal
- Dooney & Bourke in a trademark litigation concerning Louis Vuitton's S-Lock mark; settled
- A major pharmaceutical company in an anti-trust patent misuse litigation involving a statin; prevailed on summary judgment
- A major pharmaceutical company in an at-risk preliminary injunction hearing; settled after a week-long hearing without launch of the product
- Sepracor in eight patent litigations concerning Clarinex product; settled
- A nutraceutical company in a trademark and unfair trade practice litigation over the company's name and business; settled
- Target and WowWee Toys in a patent litigation in the Eastern District of Texas; settled after a change of venue motion that raised a novel manufacturer/retailer defense for the first time in transfer motion
- Consumer product companies in numerous patent, trademark, unfair competition and copyright cases in courts throughout the United States

CREDENTIALS

Admissions

- Massachusetts
- New York
- United States Patent and Trademark Office

Clerk Experience

- The Honorable Kent A. Jordan, United States District Court for the District of Delaware

Recognitions

- Selected as a Super Lawyer (2016-2019) and as a Rising Star (2013-2015) in the area of Intellectual Property Litigation by Super Lawyers (Thomson Reuters)
- Pro Bono Award from The Legal Aid Society for successfully representing and preventing the eviction of several tenants of the New York City Housing Authority

Education

- J.D., New York University School of Law 2002
magna cum laude
Order of the Coif
- B.S., Chemistry, University of Massachusetts 1999

Courts

- United States District Court for the District of Massachusetts

- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York

INSIGHTS

Publications

PUBLICATIONS

- "Hatch-Waxman cases in the Wild West," *IPPro Life Sciences*, March, 20, 2014
- "High Court Changed Hatch-Waxman Cases – Nobody Noticed," *Law360*, March 26, 2014
- "Costly Deals, New FTC rules on patent licenses in M&As have caused a storm. Two experts discuss why they could be bad for the pharma business," *IPPro Life Sciences*, February 20, 2014
- "How Safe is the Harbor?" *IPPro Life Sciences*, October 3, 2013

NEWS

Michael Furrow and Brian O'Reilly join DLA Piper's Intellectual Property and Technology practice in New York

20 FEB 2019

DLA Piper announced today that Michael Enzo Furrow, Ph.D., and Brian David O'Reilly have joined the firm's Intellectual Property and Technology practice as partners in New York.

MEDIA MENTIONS

- "Patent Pending," *Harvard Crimson*, October 20, 2016
- "Who counts as an inventor? The answer could be worth millions," *Science*, August 2, 2017
- "Harvard settles lawsuit over royalty payments," *Boston Globe*, June 23, 2016
- "Lawsuit against Harvard raises questions about split of biotech royalties," *Boston Globe*, March, 18, 2016