

Rosalynd Upton

Associate



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Intellectual Property
Intellectual Property Litigation
Patent Office Litigation
Hatch-Waxman Litigation
Life Sciences IP Litigation
Life Sciences

Rosalynd is a cancer immunologist-turned-lawyer whose practice centers on life sciences patent litigation. She routinely handles Hatch-Waxman cases, biologics litigation under the Biologics Price Competition and Innovation Act (BPCIA), competitor pharmaceutical and biotechnology cases, post-grant proceedings at the Patent Trial and Appeal Board (PTAB), and appeals at the US Court of Appeals for the Federal Circuit. Rosalynd also excels in pre-suit diligence, where she helps branded pharmaceutical and biotech companies strengthen their patent portfolios in anticipation of litigation. Rosalynd is known for distilling complex life sciences topics into digestible concepts that judges and juries can understand.

Rosalynd received her JD and PhD from Stanford University. She completed her doctoral thesis under the supervision of Dr. Irving Weissman, with research focused on combining monoclonal antibodies against human epidermal growth factor 2 (HER2) and Cluster of Differentiation 47 (CD47) to overcome Herceptin resistance in HER2-positive (HER2+) breast cancer.

After receiving her graduate degrees, Rosalynd clerked for Chief Judge Colm F. Connolly at the US District Court for the District of Delaware and Judge Kathleen M. O'Malley (now retired) at the Federal Circuit.

Rosalynd's recent representative experience

- Defended Moderna in litigation brought by Alnylam over Moderna's COVID-19 vaccine, Spikevax. The first of two cases was dismissed after a favorable *Markman* ruling in *Moderna v. Alnylam* (D. Del.)*
- Represented a global food corporation in district court litigation and post-grant PTAB proceedings*
- Counseled several branded pharmaceutical companies on how to strategically strengthen their patent portfolios in anticipation of Hatch-Waxman litigation*
- Represented several branded pharmaceutical companies in Hatch-Waxman litigation*
- Represented Defendant Formycon AG in BPCIA litigation brought by Regeneron over Eylea*
- Represented appellants and appellees at the Federal Circuit*

**Representation handled before joining Cooley*

Education

Stanford University
JD, PhD

Princeton University

BA, Molecular Biology

Admissions & Credentials

District of Columbia

California

Court Admissions

US Court of Appeals for the Federal Circuit