

Dr. Michelle Rhyu

Partner



rhyums@cooley.com

+1 650 843 5505

Palo Alto

Intellectual Property

Life Sciences IP Litigation

Commercial Litigation

Patent Counseling and Prosecution – Life Sciences

Life Sciences

Medtech

Intellectual Property Litigation

Michelle Rhyu is a life sciences litigator. She has represented life sciences companies at Cooley for over 25 years, litigating high-impact patent, contract, and trade secrets disputes. She advises biotechnology, pharmaceutical, and medical devices clients as they navigate complex patent landscapes and competitor incursions. She has litigated and advised companies in BPCIA-related matters involving seven different biologic products. She has achieved significant wins in trade secret misappropriation and breach of contract cases.

Michelle's leadership in life sciences litigation has been recognized by a variety of publications including:

- *Best Lawyers in America* (2023)
- *LMG IP Star* (2022, 2020, and 2019)
- *LMG shortlist for General Patent Litigator of the Year – California* (2022, 2020)
- *Managing Intellectual Property IP Star* (2022 and 2021)
- *IAM Patent 1000 Top Patent Lawyer* (2022)
- *Euromoney Women in Business Law, leading practitioner* (2022)
- *The Recorder, Women Leaders in Technology Law* (2016, 2015, 2013)
- *The University of California, San Francisco, Graduate Division Distinguished Alumna of the Year* (2017)
- *The Financial Times - Top 10 Most Innovative Lawyers of North America* (2015)

Michelle has a PhD in Biochemistry & Biophysics from UCSF. She served as a law clerk for Judge James Ware in the US District Court for the Northern District of California and as an intern for Judge Paul Michel at the US Court of Appeals for the Federal Circuit.

Key public representations:

- Sight Sciences in *Sight Sciences v. Ivantis, et al.* (US District Court for the District of Delaware), ongoing patent litigation involving intraocular implant device
- Amgen in *Genentech v. Amgen* (US District Court for the District of Delaware), BPCIA litigation regarding trastuzumab biosimilar, defeating a temporary restraining order and preliminary injunction, enabling Amgen to launch its biosimilar product Kanjinti; the Federal Circuit affirmed, resulting in a global settlement
- Harpoon in *Maverick Therapeutics, Inc. and Millennium Pharmaceuticals, Inc. v. Harpoon Therapeutics,*

Inc. (Delaware Court of Chancery), a case related to inducible T-cell engaging therapies, resulting in a ruling denying breach of contract and trade secret misappropriation claims, enabling Harpoon to retain rights to its platform technology

- Celltrion and Teva in *Genentech et al. v. Celltrion et al.* (US District Court for the District of Delaware), BPCIA litigation regarding rituximab biosimilar, and in *Inter Partes Review* proceedings resulting in an invalidated method of treatment patent prior to settlement
- Protagonist in *Medical Diagnostics Labs v. Protagonist* (US District Court for the Northern District of California), resulting in an early case dismissal based on 271(e)(1) safe harbor grounds
- Gevo in *Butamax Advanced Biofuels v. Gevo* (US District Court for the District of Delaware), multiple cases involving numerous patents related to production of isobutanol in microorganisms, resulting in a global settlement
- Gilead in *Hoffmann-La Roche v. Gilead Sciences* (American Arbitration Association arbitration and the International Centre for Dispute Resolution), contract dispute, achieving complete win for Gilead determining it was sole owner of Sovaldi, a groundbreaking Hepatitis C treatment
- Onyx in *Onyx Pharmaceuticals v. Bayer* (US District Court for the Northern District of California), a collaboration agreement dispute relating to regorafenib (Stivarga), obtaining a favorable settlement for Onyx after plaintiff's case was presented at trial
- Zenith in *Zenith Electronics v. Westinghouse Digital Electronics* (US District Court for the Eastern District of Texas), a patent dispute relating to digital television standards technology, resulting in a summary judgment of infringement and a damages award of \$70 million for Zenith

Education

Stanford Law School

JD,

University of California, San Francisco

PhD,

University of California, Berkeley

BA,

Admissions & Credentials

California

US Patent and Trademark Office

Court Admissions

US District Court for the Central District of California

US District Court for the Northern District of California

US District Court for the Southern District of California

Supreme Court of the United States

US Court of Appeals for the Ninth Circuit

US Court of Appeals for the Federal Circuit

Rankings & Accolades

Financial Times: Top 10 Innovative Lawyers of North America

IAM Patent 1000: Top Patent Lawyer

LMG Life Sciences "General Patent Litigator of the Year – California" Finalist

LMG Life Sciences: IP Star

Managing Intellectual Property: IP Star

Managing Intellectual Property: Top 250 Women in IP

The Recorder: Women Leaders in Technology Law

UCSF: 150th Anniversary Alumni Excellence Award

Legal 500: Intellectual Property: Patents - Litigation; Trade Secrets (Litigation & Non-Contentious Matters);
Healthcare: Life Sciences

Memberships & Affiliations

American Bar Association

California Bar Association

Asian Pacific Bar Association

Council of Korean Americans