

## Dr. Michelle Rhyu

Partner



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Palo Alto

Intellectual Property

Intellectual Property Litigation

Life Sciences IP Litigation

Life Sciences

Medtech

Patent Counseling and Prosecution – Life Sciences

Commercial Litigation

Michelle is a life sciences litigator. She has represented life sciences companies at Cooley for more than 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 Biologics Price Competition and Innovation Act-related matters involving numerous different biologic products, and 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 Life Sciences: IP Star (2019, 2020 and 2022)
- LMG Life Sciences: Shortlisted for General Patent Litigator of the Year – California (2020 and 2022)
- Managing Intellectual Property: IP Star (2021 and 2022)
- IAM Patent 1000: Top Patent Lawyer (2022)
- Euromoney Women in Business Law: Leading Practitioner (2022)
- The Recorder: Women Leaders in Technology Law (2013, 2015 and 2016)
- 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 completed a two-year term as chair of the Council of Korean Americans, and an eight-year term as a board member, promoting leadership in the Asian American community. She also serves on the West Coast Advisory Board of the Carnegie Endowment for International Peace and on its Bio Task Force.

Michelle has a PhD in biochemistry and biophysics from the University of California, San Francisco (UCSF). She served as a law clerk for Judge James Ware of the US District Court for the Northern District of California and as an intern for Judge Paul Michel of the US Court of Appeals for the Federal Circuit.

**Michelle's key public representations include advising:**

- **Sight Sciences** in *Sight Sciences v. Ivantis and Alcon* (US District Court for the District of Delaware), obtaining a jury verdict of willful infringement and validity of Sight's ocular implant patents; the jury awarded \$34 million in lost profits and reasonable royalties for past damages
- **Samsung Bioepis** in *Alexion v. Samsung Bioepis* (D. Del.), in pending Biologics Price Competition and

Innovation Act (BPCIA) litigation, defeating Alexion's preliminary injunction motion and clearing the path for commercialization of Samsung Bioepis' Soliris (eculizumab) biosimilar drug

- **Amgen** in *Genentech v. Amgen* (D. Del.), in BPCIA litigation regarding trastuzumab biosimilar, defeating a temporary restraining order and preliminary injunction, enabling Amgen to launch its biosimilar product Kanjinti; the US Court of Appeals for 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, obtaining a ruling denying breach of contract and trade secret misappropriation claims, and enabling Harpoon to retain rights to its platform technology
- **Celltrion** and **Teva** in *Genentech et al. v. Celltrion et al.* (D. Del.), BPCIA litigation regarding rituximab biosimilar and inter partes review proceedings, obtaining a Patent Trial and Appeal Board ruling invalidating the method of treatment patent prior to settlement
- **Protagonist** in *Medical Diagnostics Labs v. Protagonist* (US District Court for the Northern District of California), obtaining an early case dismissal ruling based on 271(e)(1) safe harbor grounds
- **Gevo** in *Butamax Advanced Biofuels v. Gevo* (D. Del.), in multiple cases involving numerous patents related to production of isobutanol in microorganisms, resulting in a global settlement and cross-license
- **Gilead** in *Hoffmann-La Roche v. Gilead Sciences* (arbitration at the American Arbitration Association and the International Centre for Dispute Resolution), achieving a complete win for Gilead in a contract dispute, determining it was sole owner of Sovaldi, a groundbreaking hepatitis C treatment
- **Onyx** in *Onyx Pharmaceuticals v. Bayer* (NDCA), obtaining a favorable settlement for Onyx in a collaboration agreement dispute relating to regorafenib (Stivarga), after the plaintiff's case was presented at trial
- **Zenith** in *Zenith Electronics v. Westinghouse Digital Electronics* (US District Court for the Eastern District of Texas), in a patent dispute relating to digital television standards technology, obtaining 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 Supreme Court

US Court of Appeals for the Ninth Circuit

US Court of Appeals for the Federal Circuit

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

## 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