Robert W. Trenchard

Partner

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New York



Robert Trenchard is a litigation partner in the New York office of Gibson, Dunn & Crutcher. He is a member of Gibson Dunn's Intellectual Property, Antitrust and Competition, and Trials Practice Groups. He has maintained a diverse litigation practice in New York for 20 years. He represents corporate and individual clients in complex civil and regulatory matters in federal and state courts through and including trial, and before governmental bodies. Robert is recognized in *IAM Patent 1000*, *LMG Life Sciences*, *Managing IP*, and has been named a New York "*Super Lawyer*" since 2011. In 2023, *Patexia* recognized Robert as among the top 100 out of 1,800 practitioners in the Hatch-Waxman litigation space.

Robert has extensive first-chair experience in life-science patent litigation, including in U.S. district court and before the U.S. Patent Trial and Appeal Board. He has litigated cases involving pharmaceuticals, biologics, genetics, mRNA vaccines, polymorphs, siRNA and medical devices.

Robert has also represented clients as first- or second-chair in domestic and international market manipulation and antitrust matters, securities cases and many others. He has represented clients in individual and class actions in multiple courts around the country, and before the US Commodity Futures Trading Commission (CFTC), Securities and Exchange Commission (SEC), State AG offices and other governmental bodies.

Representative non-confidential matters include the following:

Life-Science Patent Disputes:

- Novartis: Robert has represented Novartis as the Patent Owner in various matters related to the first-ever oral multiple sclerosis drug Gilenya®, Novartis's best-selling drug in 2018 with almost $1.8 billion in sales. These matters have included a successful inter partes review trial before the PTAB on a dosing method-of-use patent, and litigation following that victory in Delaware District Court against 23 ANDA filers. In the Delaware District Court, Robert co-led the team with partner Dr. Jane Love that secured a preliminary injunction preventing a launch-at-risk by multiple generics, a ruling handed down from the bench after a one-day evidentiary hearing. In addition to that matter, Robert has co-led teams with Jane in PTAB proceedings regarding a formulation patent for Gilenya; in district court litigation regarding formulation and compound patents for Gilenya; in district court and PTAB litigation regarding polymorph patents related to Gilenya; and in district court litigation for patents covering Novartis's Reclast and Zometa zoledronic acid products.
- Merck Sharp & Dohme: Robert co-led the successful district court defense and related IPR against a formulation patent asserted by Mayne Pharmaceuticals based on sales of Merck's Noxafil anti-fungal product. Robert and Jane persuaded the PTAB to institute and IPR, then succeeded in having the district court action

Capabilities

Intellectual Property
Antitrust and Competition
Life Sciences
Litigation
Trials

Credentials

Education

Harvard University - 1994 Juris Doctor
Hamilton College - 1991 Bachelor of Arts

Admissions

New York Bar

Clerkships

USDC, Southern District of New York, Hon. Lewis A. Kaplan, 1994 - 1995

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stayed, and then successfully persuaded the PTAB to invalidate the patent.

- Moderna: Robert co-led the defense of claims in Delaware District Court related to Moderna's COVID-19 vaccine.
- Japanese Foundation for Cancer Research: Robert and Jane successfully represented the JFCR in a patent interference trial before the PTAB concerning the invention of interferon-beta, one of the first human proteins ever cloned.
- Alnylam: Robert and Jane represented Alnylam in a patent interference trial before the PTAB concerning siRNAfor the treatment of cancer.
- Hologic: Robert and Jane successfully represented Hologic in a patent interference trial concerning a breast biopsy device.

Antitrust and Market Manipulation Disputes:

- Statoil: Robert represented Statoil in multi-district class action litigation concerning the alleged manipulation of Brent North Sea oil prices.
- Sumitomo: Robert represented Sumitomo Corporation in multiple criminal, civil and regulatory disputes in Japan, the U.K. and the U.S. arising from rogue trading by a prominent copper trader.
- The Hartford: Robert represented The Hartford insurance company in State AG investigations and multi-district class actions in the District of New Jersey involving allegedly anticompetitive conduct in the market for insurance broker services.
- Tower Resarch LLC: Robert represented Tower in class action litigation concerning alleged market manipulation in high- frequency securities trading.

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