

MVP: Gibson Dunn's Jane Love

Law360, New York (December 18, 2017, 5:32 PM EST) – Gibson, Dunn & Crutcher LLP partner Jane Love found herself dealing with Japanese law in a U.S. court this year, but that didn't stop her and her team from successfully defending a Novartis multiple sclerosis treatment from a multi-front attack by challengers seeking to invalidate the company's patent, earning her a spot among Law360's 2017 Life Sciences MVPs.

HER BIGGEST RECENT ACCOMPLISHMENT:

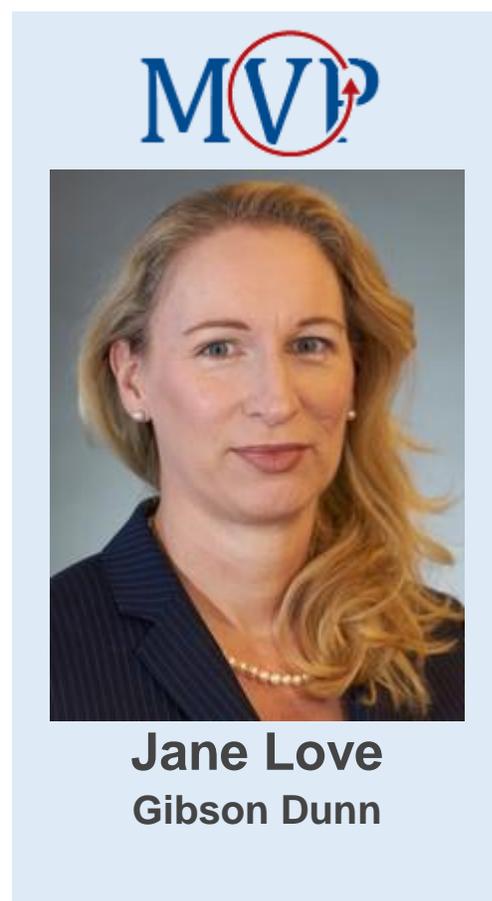
Defending Novartis' patent for Gilenya — the first oral treatment for multiple sclerosis — wasn't easy from the get-go, Love said. Four generic pharmaceutical companies, Actavis, Apotex, Ezra Ventures and HEC Pharma, all challenged the patent's validity as they sought to make and sell their own generic versions of the drug. Such a multi-faceted assault is difficult to defend, because arguments made against one opponent can undercut arguments made against the others, she said.

Novartis filed four separate lawsuits to defend its patent — one against each generic — and during discovery, Love and her team managed to turn their opponents' experts against one another.

“We were converting the defendants’ experts into our own experts, theoretically, because we were getting good testimony for our case,” she said.

Possibly seeking to recover from the theoretical conversion of their own experts, the four companies decided to target Novartis' standing to defend the patent, invoking Japanese law over the fact that Novartis licensed the patent from a Japanese pharmaceutical company, Love said.

That move created the most significant challenge Love would face in 2017, as several weeks of interpreter-aided depositions were held in Japan, but Love credited Japanese law firm Anderson Mori & Tomotsune with helping the Gibson Dunn team navigate the foreign law. She said Anderson Mori



brought in "the best expert we could hope for" — a preeminent retired Japanese patent judge — and Novartis won the standing issue on summary judgment.

The cases moved toward a trial on scientific issues, but after more than two years of aggressive litigation, all four challengers gave up days before the trial was set to begin. Love said she isn't sure why they threw in the towel, but she was glad to have prevailed on behalf of her client.

THE FUTURE LIFE SCIENCES TECHNOLOGY SHE'S MOST EXCITED TO LEARN ABOUT:

During her career, Love has worked with a wide array of technologies, including pharmaceuticals, biologics, gene editing, vaccines, medical devices and nanotechnology. As science progresses, there's always something new, and Love said she's most excited to see how people will combine artificial intelligence and biology, though she said she's not sure how soon such technology will be available.

Love said the idea of a computerized aspect that works in conjunction with a living system is likely going to create helpful treatments and interesting possibilities for individualized medicine.

HOW SHE BECAME A LIFE SCIENCES LAWYER:

Love, a Fordham University School of Law graduate, also has a doctorate in molecular biology from the University of Pennsylvania and spent more than half a decade as a captain and company commander in the U.S. Army Reserve Medical Service Corp., so she hasn't always been all about the law, all the time, she said.

For a time, Love said, she struggled with how to satisfy her interest in language — she has an English minor — because there aren't many opportunities to practice persuasive writing in a laboratory.

In the practice of law, however, she found a place where many of her interests converge.

"The cases that we work on are constantly interesting, and we delve into facts that are about some of the most extraordinary discoveries," Love said. "The ability to put to work my interest in the creative way of looking at a problem or articulating persuasively why a particular outcome should be the answer really helps."

OTHER NOTABLE CASES SHE'S WORKED ON:

Gibson Dunn is still defending Gilenya, and Love is currently lead trial counsel in an inter partes review proceeding before the U.S. Patent Trial and Appeal Board. In that matter, she and her team successfully argued for more time, in light of an October en banc Federal Circuit decision in *In re: Aqua Products*. Previously, a patent owner seeking to amend a patent claim had to prove why the amendment would result in a patentable claim, but Aqua changed the standard so the petitioner in an IPR must now prove that the patented claim is unpatentable, Love said.

Love is also defending Merck Sharp & Dohme in litigation at the Delaware federal district court and before the U.S. Patent and Trademark Office. In those proceedings, Mayne Pharma International Pty Ltd. claims Merck's anti-fungal medicine Noxafil infringes its patent. The district court case has been stayed

pending the outcome of the related IPR, and Love said she expects a decision in the matter by Dec. 19.

HER ADVICE FOR YOUNGER ATTORNEYS:

Love's primary piece of advice for anyone seeking success in her practice area is to keep an open mind when untangling messy issues.

“Often these life sciences cases can have knotty problems,” Love said. “An open mind and a willingness to spend some time learning what the technology is and learning the background can go a very long way in litigating a case.”

— *As told to John Kennedy*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2017 MVP winners after reviewing more than 1,000 submissions.

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