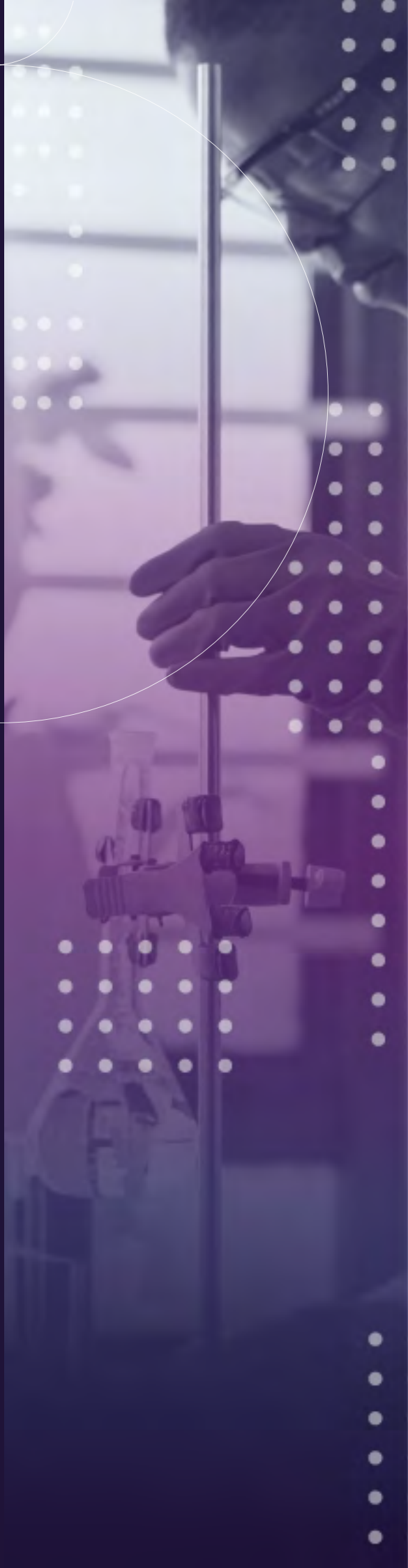
Patexia

August 2021

ANDA Litigation Intelligence Report



July 2017 / June 2021

A comprehensive report on the top 100 best performing and most active Hatch-Waxman attorneys and law firms.

Prepared by
Patexia Data Science Team

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Introduction

COVID-19 and investments in related vaccination and other cure methods for this novel virus once again proved the importance of healthcare innovation for human beings. Companies such as Moderna with almost no recognition two years ago, became world leaders in such a short span of time and grew significantly in terms of size, revenue, investment, etc. While this is open to debate and there have been discussions around the patent waiver program for COVID-19 vaccines and its fairness, there is no doubt that the patent reward system is a key incentive for pharmaceutical companies and is the one that drives and encourages investors to invest heavily in future pharmaceutical products.

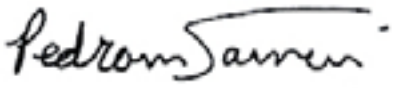
This year, in our second annual ANDA/ Hatch-Waxman report, we continued our tradition and evaluated all stakeholders in Hatch-Waxman cases including ANDA attorneys, local counsel, law firms, pharmaceutical companies and judges. We improved the accuracy of our data by crawling and parsing more legal documents related to Hatch-Waxman cases, which resulted in identifying 1,471 attorneys who were involved in a total of 1,179 ANDA cases, filed in a 4 year period from July 1, 2017 through June 30, 2021. Similar to last year, we did our best to identify those attorneys who mainly acted as local counsel in their states. New Jersey and Delaware accounted for more than 90 percent of all cases. This made some attorneys and law firms in those states very active during this period.

We are continuing to expand our IP Insight Reports. In 2021, we are publishing seven IP reports, covering key areas such as ITC Section 337, Inter-Partes Review, Patent Prosecution, Patent Litigation in District Courts, Trademark Prosecution, Federal Circuit patent related cases (CAFC) and this ANDA Intelligence Report that you are holding digitally. In 2022, we plan to expand this further as we are evaluating ex-parte reexam as a newly popular area and may start covering it.

The goal of these reports is to help corporations make more data-driven decisions, when it comes to their most important legal matters. Decision making is not easy and often is driven by feelings in the end. Therefore, having more data and insights extracted from data, will potentially make these decisions easier. Once you have all the information you need, it will no longer be a decision but a pure conclusion. That is what we are aiming for in the long run.

On the other hand, law firms have been using our scoring system, rankings and data-driven approach in their presentations to potential clients and to market their IP-related services.

Our reports have become the standard in different areas of IP and we are excited to see our corporate and law firm clients find these useful. Their positive feedback is the constant driver behind our efforts and we certainly hope to cover many new areas in the future.



Pedram Sameni
Founder and CEO

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What's in This Report?

The report content has been divided into the following sections:

1. **Ranking Methodology:** We explain our performance model and how we calculated the Activity, Success, and Performance scores and rankings for plaintiffs, defendants, their representatives, and ANDA judges.

2. **ANDA Statistics:** We provide a 360-degree overview of ANDA from 10,000 feet. We cover high-level statistics about ANDA, including all parties, judges and cases, covering July 1, 2017 through June 30, 2021.

3. **Plaintiffs and Defendants:** We identify the most active and the best-performing *Plaintiffs and Defendants* over the period of our study.

4. **ANDA Firms:** We analyze the performance and activity of law firms, comparing and providing rankings for the top firms representing *Plaintiffs and Defendants.*

5. **ANDA Attorneys:** We review the performance and activity of ANDA attorneys, representing *Plaintiffs and Defendants*, comparing and providing rankings for top attorneys on each side.

6. **Local Counsel:** We review and identify the *most active local counsel*, representing *Plaintiffs and Defendants*, comparing and providing rankings for top attorneys on each side.

7. **ANDA Judges:** We look at the judges assigned to all ANDA cases for the period of this study and calculate their performance based on the outcome of their judgments.

As per our tradition for this and our other intelligence reports, and to have a meaningful comparison, as well as compensating for the time required for each case from filing to completion (e.g., 6 to 36+ months), we covered a period of four years, July 1, 2017 through June 30, 2021. Appendix A lists all sources of data used for this report.

Disclaimer: *The data for this report was obtained from public sources including USPTO, PTAB, and PACER, as well as self-reported by attorneys on the Patexia website. Patexia has gone to great lengths to provide valid and accurate analysis based on this data. However, Patexia does not guarantee 100 percent accuracy nor take any responsibility for possible losses caused by the use of any information provided in this report.*

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Appendices

Appendix A: Sources of Data

Data is the foundation and building block of any data-driven analysis. Therefore, collecting that data from quality sources, and taking extra care in maintaining the data's integrity, is something that we, at Patexia, take very seriously. We have collected our raw data from many sources including:

- Public Access to Court Electronic Records (PACER)
- Patent Trial and Appeal Board (PTAB) Database
- United States Patent and Trademark (USPTO) Patent Database
- US Patent Classification Database
- Self-reported by attorneys named on the case

For this release, we limited the date range of our analysis to the last four years (July 1, 2017 through June 30, 2021).

While the possibility of errors such as typos in legal documents are inevitable, cleaning and organizing the attorney data is even more challenging as attorneys change firms, may not update their information, and often use different variations of their names.

Our engineering team has implemented sophisticated machine learning and natural language processing techniques to find the correct matches for various occurrences of the same name. To further minimize the errors, we not only review suspicious matches manually, but also host profile pages for more than 100,000 attorneys and agents who can directly review and add missing cases to our database.

We contacted approximately 1,200 ANDA attorneys and requested that they review their cases for accuracy. All the user-added data was again verified by Patexia's internal data team for accuracy.

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Appendix B: All ANDA Cases

See the attached Excel file for the list of all 1,179 ANDA cases filed from July 1, 2017 through June 30, 2021. The spreadsheet covers the following information for each case:

- Case Number with a link to the case page on Patexia site
- Case Filing Date
- Case Decision Date (if terminated)
- Conclusion (if terminated)
- Judge(s)
- Court
- Case Title

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Appendix C: Brand and Generic Pharmaceuticals

See the attached Excel file for the stats related to all 364 companies involved in one or more ANDA/Hatch-Waxman cases, filed during the period of our study. The spreadsheet covers the following information for each of the companies:

- Company name with a link to Patexia page
- All Cases: Total number of ANDA cases for the period
- Defendant Cases
- Plaintiff Cases
- Overall Activity Rank
- Overall Performance Rank
- Defendant Activity Rank
- Defendant Performance Rank
- Plaintiff Activity Rank
- Plaintiff Performance Rank
- Overall Success Score
- Defendant Success Score
- Plaintiff Success Score
- Overall Performance Score
- Defendant Performance Score
- Plaintiff Performance Score
- Top 3 law firms and the volume of cases for each

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Appendix D: ANDA Firms

See the attached Excel file for the stats related to all 154 law firms, involved in one or more ANDA cases. The list does not include firms that we identified as local counsel. The spreadsheet covers the following information for each of the law firms:

- Law firm name with a link to Patexia page
- All Cases: Total number of ANDA cases for the period
- Defendant Cases
- Plaintiff Cases
- Overall Activity Rank
- Overall Performance Rank
- Defendant Activity Rank
- Defendant Performance Rank
- Plaintiff Activity Rank
- Plaintiff Performance Rank
- Overall Success Score
- Defendant Success Score
- Plaintiff Success Score
- Overall Performance Score
- Defendant Performance Score
- Plaintiff Performance Score
- Top 3 clients and the volume of cases for each

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Appendix E: ANDA Attorneys

See the attached Excel file for the stats related to the 1,189 ANDA attorneys. The spreadsheet covers the following information for each of the attorneys:

- Attorney name with a link to Patexia page
- Attorney's Title
- Law firm with a link to Patexia page
- All Cases: Total number of ANDA cases for the period
- Defendant Cases
- Plaintiff Cases
- Overall Activity Rank
- Overall Performance Rank
- Defendant Activity Rank
- Defendant Performance Rank
- Plaintiff Activity Rank
- Plaintiff Performance Rank
- Overall Success Score
- Defendant Success Score
- Plaintiff Success Score
- Overall Performance Score
- Defendant Performance Score
- Plaintiff Performance Score
- Top 3 clients and the volume of cases for each

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Appendix F: ANDA Local Counsel

See the attached Excel file for the stats related to the 289 ANDA local counsel. The spreadsheet covers the following information for each of the attorneys:

- Attorney name with a link to Patexia page
- Law firm with a link to Patexia page
- Attorney's current city
- Attorney's current state
- Overall Activity Rank
- Defendant Activity Rank
- Plaintiff Activity Rank
- All Cases
- Defendant Cases
- Plaintiff Cases

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Appendix G: ANDA Judges

See the attached Excel file for the stats related to the 116 ANDA judges. The spreadsheet covers the following information for each of the attorneys:

- Judge's name
- Total cases
- Total patents in all cases
- Judge's score
- Plaintiff score
- Defendant score

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Appendix H: Best Performing and Most Active Badges

As per our tradition, every year Patexia designs two categories of badges for Best Performing and Most Active Law Firms / Attorneys (Defendant, Plaintiff and overall). The badges are only provided to those firms and attorneys who are ranked in the top 100 and choose to purchase the report (Concierge Members will automatically receive the badges if they are ranked among the top 100).

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Contact Us

Founded in 2010 to bring efficiency and transparency to intellectual property by leveraging the power of data, technology, and experts, Patexia is the largest network for IP professionals with over 100,000 IP attorney profiles. We offer IP services under four distinct arms: Patexia Expert, Patexia Crowd Search (crowdsourcing), Patexia Insights, and Patexia Recruiting. Contact us today to learn more.

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Thank you for your purchase of the 2021 ANDA Intelligence Report. It is your support that enables us to spend the time, money, and precious thousands of hours needed to compile an annual report of this magnitude. We at Patexia sincerely hope this report brings value to your organization, and we welcome any thoughts or feedback you may have.

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Insights

Use data-driven rankings to choose your next IP counsel. Leverage IP analytics for business development and competitive intelligence. Join the growing list of law firms and corporate clients who trust our research and reporting (learn more).

IP Jobs

Discover the right lateral opportunity and make your next move by getting help from our professional recruiters with unparalleled access to insights about various practice groups, their growth or decline, active cases, and clients all over the country and globally. Can't find the right expert? Give us a call (learn more).

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Take advantage of our global network to crowd search the validity of patents and perform your IP due diligence. Enjoy robust crowdsourced prior art and evidence of use searches using our content platform.

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