Patexia

August 2022

ANDA Litigation
Intelligence Report

July 2017 / June 2022

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

Prepared by
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Introduction

Life science litigation remains to be one of the most profitable types of patent litigation. Despite its lower volume compared to other types of patent litigation, the profit per case for law firms is often much higher than other types. This creates competition between law firms to attract top litigation talent for this kind of litigation, especially ANDA and biosimilar. Most law firms choose to be on one side to avoid conflicts. Thus, they either represent brand or generic pharmaceutical companies. Although it is not a strict rule, between the two, representing brand pharma tends to be more profitable. Our data shows that the number of firms on the brand side (representing plaintiffs)

is smaller than firms on the generic side. This creates even more competition to acquire top litigation talent on the brand side. For example, since our last publication in August 2021, Allen & Overy expanded into life science patent litigation by bringing a top life science litigation group from Goodwin Procter.

This marks the third year that we release our popular ANDA Litigation Intelligence Report. The report has evolved and our ranking methodology has also improved. We are excited to share the updates here.

What is new in ANDA Litigation Intelligence Report 2022?

This year, we expanded the program beyond this report. We are aiming to directly help pharmaceutical companies using our vast data in life science patent prosecution and litigation. We conducted a number of surveys to understand the needs and challenges pharmaceutical in-house counsel are facing. We also plan to provide a free copy of this report to those pharma companies that are collaborating with us and sharing their insights and challenges when it comes to their legal needs. Our goal is to take this one step further and directly connect the in-house counsel to qualified legal counsel who have the right expertise to help with the legal challenges companies are facing.

Our coverage of pharmaceutical companies is not only limited to those that have been in ANDA litigation in the past. Using our patent prosecution data, we have identified biotech companies that have a portfolio of products protected by patents that are about to expire. We work with these companies to help them decide their path forward when it comes

to choosing their next legal counsel.

In our third annual ANDA report, we continued our tradition of evaluating all stakeholders in Hatch-Waxman cases including ANDA attorneys, local counsel, law firms, pharmaceutical companies, and judges. The accuracy of our data has been enhanced further by crawling and parsing more legal documents related to Hatch-Waxman cases, which resulted in identifying 1,857 attorneys who were involved in a total of 1,439 ANDA cases, filed in a five year period from July 1, 2017 through June 30, 2022. While we cannot claim to have achieved 100% accuracy, we believe this year we have raised the bar when it comes to data quality. We have gone further to gather the raw data from multiple sources from the PACER website. This includes docket reports, attorney summary pages and countless PDF documents (e.g., notice of appearance, certification, declaration, etc.) We trained our algorithms to read and parse the necessary information from each of these documents. When-

ever the machine failed to find the right information, our team of data analysts reviewed the related documents to identify the correct information.

We improved our ranking methodology to better highlight the best performing attorneys and law firms as we further fine-tuned our algorithm to properly combine the success and activity for measuring the performance of attorneys or law firms.

We continued to track the movements of partners and groups between the firms. Our recruiting division is also collaborating with law firms seeking expansion in this area. We have also dedicated a section to important lateral moves since the publication of our last ANDA report in August of 2021. Our engineering team is working on a new product that can help our recruiting division identify the most similar attorneys by taking into account many variables such as their activity,

performance, type of the client (generic vs. brand), size of the client, experience of the attorneys, and many other factors. This will enable us to pinpoint the right talent for our law firm clients.

We continue to expand our *IP Insight Reports*. In 2022, we are publishing a total of eight IP reports, covering key areas such as ITC Section 337, Inter-Partes Review, Patent Prosecution, Patent Litigation, Trademark Prosecution, Trademark Litigation, Federal Circuit patent-related cases (CAFC) and the ANDA Litigation Intelligence Report that you are currently reading.

Our reports have become the standard in different areas of IP and we are excited to see our corporate and law firm clients find them useful. Your 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

What's in This Report?

The report content has been divided into the following sections:

1. **ANDA Statistics:** We provide a 360-degree overview of ANDA from all angles. We cover high-level statistics about ANDA, including all parties, judges and cases, covering July 1, 2017 through June 30, 2022.

2. **Plaintiffs and Defendants:** We identify the most active and the best performing *brand and generic pharma companies* over the period of our study.

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

4. **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.

5. **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.

6. **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.

7. **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.

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 five years, from July 1, 2017 through June 30, 2022. Appendix A lists all sources of data used for this report.

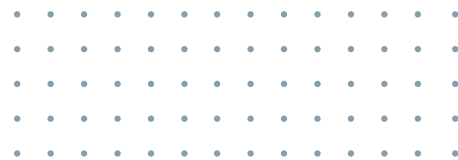*Disclaimer: The data for this report was obtained from public sources including USPTO, PTAB, and PACER, as well as self-reported by attorneys on the Patexia website. Patexia has gone to great lengths to provide valid and accurate analysis based on this data. However, Patexia does not guarantee 100%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

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 five years (July 1, 2017 through June 30, 2022).

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 1,500 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.
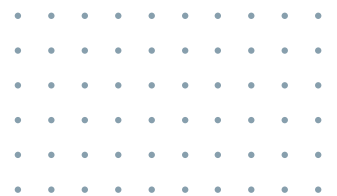
Appendix B:
All ANDA Cases

See the attached Excel file for the list of all 1,439 ANDA cases filed from July 1, 2017 through June 30, 2022. 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

Appendix C: Brand and Generic Pharmaceuticals

See the attached Excel file for the stats related to all 415 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

- Overall Activity Rank 2021

- Overall Performance Rank 2021

- Defendant Activity Rank 2021

- Defendant Performance Rank 2021

- Plaintiff Activity Rank 2021

- Plaintiff Performance Rank 2021

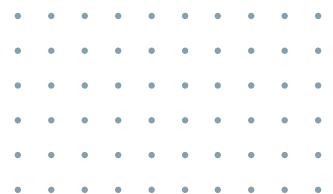- Top 3 law firms and the volume of cases for each

Appendix D: ANDA Firms

See the attached Excel file for the stats related to all 177 law firms that were 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 2021

- Defendant Performance Score 2021

- Plaintiff Performance Score 2021

- Overall Activity Rank 2021

- Overall Performance Rank 2021

- Defendant Activity Rank 2021

- Defendant Performance Rank 2021

- Plaintiff Activity Rank 2021

- Plaintiff Performance Rank 2021

- Top 3 clients and the volume of cases for each

Appendix E: ANDA Attorneys

See the attached Excel file for the stats related to the 1,540 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 2021

- Defendant Performance Score 2021

- Plaintiff Performance Score 2021

- Overall Activity Rank 2021

- Overall Performance Rank 2021

- Defendant Activity Rank 2021

- Defendant Performance Rank 2021

- Plaintiff Activity Rank 2021

- Plaintiff Performance Rank 2021

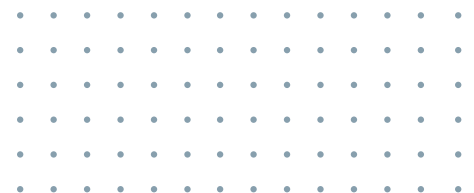- Top 3 clients and the volume of cases for each

Appendix F: ANDA Local Counsel

See the attached Excel file for the stats related to the 317 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

Appendix G: ANDA Judges

See the attached Excel file for the stats related to the 133 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

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).

Law Firm's Badges

Attorney's Badges

Contact Us

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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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