

Bryana T. McGillicuddy

Partner



T (617) 248-4077

bmcgillicuddy@choate.com

Practice Areas

Intellectual Property Litigation

Education

Boston College Law School
JD (2012)

Boston College
BA (2009) Economics and History

Admissions

Massachusetts
New York

U.S. District Court, Massachusetts
U.S. Court of Appeals, Federal Circuit
U.S. Supreme Court

Intellectual property litigator Bryana McGillicuddy helps biotech, pharmaceutical, life sciences, and technology companies to successfully and efficiently resolve intellectual property-related disputes, including complex patent and trade secrets litigation. Her clients appreciate Bryana's practical, thorough, and effective counsel, which ensures that her litigation strategies fit their larger business goals. Bryana's work includes Hatch-Waxman and biosimilars litigation as well as post grant reviews before the USPTO. She also advises clients through intellectual property counseling and conducting due diligence generally. In addition, Bryana has extensive experience representing clients in complex commercial disputes, including licensing disputes.

Bryana has served a wide variety of clients, including Takeda Pharmaceutical Company, Momenta Pharmaceuticals, Akamai Technologies, Chiesi USA, Alnylam Pharmaceuticals, Shire, Progenics Pharmaceuticals, General Electric, Radius, Bain Capital, and Kronos. Bryana has significant civil and criminal jury trial experience. She also served as a Special Assistant District Attorney in Suffolk County, where she tried numerous cases to verdict in both jury and bench trials.

Representative Engagements

- Represent Defendant New England BioLabs in patent infringement lawsuit alleging infringement of 8 patents directed to DNA methylation. Successfully defeated patent holders attempt to obtain a preliminary injunction blocking the sale of accused products. Won Motion to Dismiss based on 35 USC Section 101 dismissing several patents from the litigation.
- Counsel for the American Intellectual Property Law Association in filing amicus brief in support of reversal on the merits in *United States v. Arthrex, Inc., et al.; Smith & Nephew, Inc., et al. v. Arthrex, Inc., et al.; Arthrex, Inc. v. Smith & Nephew, Inc., et al., U.S. Supreme Court*.
- Major pharmaceutical company in patent infringement action relating to compositions and methods for treating hereditary angioedema.
- Pharmaceutical company in Hatch-Waxman litigation relating to methods for treatment of patients with transfusional iron overload.
- Pharmaceutical company in license agreement dispute related to RNAi therapeutics.
- Trial counsel in patent infringement action relating to methods of processing therapeutic polysaccharides.
- Biopharmaceutical company in patent infringement litigation arising under the Biologics Price Competition and Innovation Act of 2009 ("BPCIA").

- LED lighting company in patent infringement case relating to the design of LED light sources usable as high-output general illumination with improved heat dissipation.
- Content delivery company in patent infringement litigation.
- Camera and lighting support equipment manufacturer in patent infringement litigation.
- Technology company related to call processing, direct carrier billing, and GPS technologies in patent infringement litigation.
- Drilling systems manufacturer related to complex contract dispute.
- ITC complainant in Section 337 investigation related to optical disc drives.
- Various technology companies in negotiation and drafting of settlement and licensing agreements.

Publications and Presentations

- “The CDMO Surge and Potential IP Landmines in Outsourcing,” panelist, IPWatchdog Life Sciences Masters, October 2024
- “ANDA Litigation: Current Trends and Best Practices,” panelist, IPWatchDog Life Sciences Masters, October 2023
- “Intellectual Property in Life Sciences,” speaker, Boston Bar Association’s 23rd Annual IP Year in Review Conference, March 2023
- “IP Licensing: Tips for Preventing and Handling IP Disputes,” panelist, Boston Bar Association, December 2019
- “The IP Decisions From the Supreme Court This Term: What You Need to Know,” panelist, Boston Bar Association, May 2019
- “A New Framework For ‘Blocking Patents’ And Obviousness?” co-author, *IP Law360*, October 2018
- “FTC v. Actavis: The Supreme Court Decision and Going-Forward Scrutiny of Reverse Payment Settlement Agreements,” co-author, *Metropolitan Corporate Counsel*

Professional and Community Involvement

- Co-Chair, IP Litigation Section of the Boston Bar Association
- Member, Boston Bar Association
- Member, Women’s Bar Association
- Member, Boston Patent Law Association

Recognition

- *Managing Intellectual Property: Rising IP Star*