

Rising Star: Winston & Strawn's Kurt Mathas

Law360 (August 16, 2018, 2:54 PM EDT) -- [Winston & Strawn LLP](#) partner Kurt Mathas helped Teva get a generic version of the testosterone replacement therapy drug Axiron on the market by getting the Federal Circuit to invalidate a key patent claim, marking one of the victories that earned him a spot as a Law360 life sciences Rising Star.



Kurt Mathas
Winston & Strawn

Age: 39

Home base: Chicago

Position: Partner in litigation group

Law school: University of Notre Dame, the Law School

First job after law school: Associate at Winston & Strawn

HOW HE BECAME A LIFE SCIENCES PATENT LITIGATOR:

Coming out of law school, Mathas thought he was going to be an antitrust litigator. But when he started at Winston & Strawn as a litigation associate, he got asked by a

colleague to help represent [Verizon Communications Inc.](#) in a patent suit over wireless telephone technology.

“I told him I wasn’t interested, [but] after a bit of encouraging I agreed to do it on the condition that I only dealt with damages, not the science,” he said. “I think that lasted for about two weeks before I was about knee-deep in how a packet of information traverses a packet network, and ever since then I’ve been doing a lot of IP work and have gotten over my initial hesitation.”

While he still does some antitrust work, including in life sciences, he’s largely been pulled into Winston & Strawn’s life sciences IP work. He says he started to find the science interesting and appreciates how things are ever-changing.

“The other things I really like about it is they still go to trial,” Mathas added. “The pharmaceutical cases anecdotally have a higher rate of actually going to trial than a lot of other areas of civil litigation right now, and at the end of the day that’s the thing I’m the most interested in.”

THE BIGGEST CASE OF HIS CAREER:

Mathas says the Verizon case he was first called onto as a junior associate stands out strongly to him. In that case, he was helping Verizon assert patents against [Vonage Holdings Corp.](#) The patents covered the technology to switch from landline phones hooked up to roadside wires to voice-over technology that broke up a voice, sent it over a network and reconfigured it on the other end of the call, he said.

“It was in the Eastern District of Virginia, which is notorious for being a rocket docket, and it was the first patent case I’d ever worked on,” Mathas said. “The whole case took about 15 months from filing a complaint all the way up through appeal in the Federal Circuit. It was a real indoctrination into patent law and high-stakes litigation. ... It was a great case to kick off my patent career.”

HIS NOTABLE LIFE SCIENCES CASES:

When the Federal Circuit in November found that an Indiana federal judge rightly **invalidated** a key claim in [Eli Lilly & Co.](#)’s testosterone replacement therapy drug Axiron, Mathas was representing one of the generic-drug companies, which was then

able to bring its version onto the market. Mathas, on behalf of [Actavis Laboratories](#) — which is now [Teva Pharmaceuticals](#) — claimed they were able to get around claims from multiple patent families to clear the generics for Teva.

“That the judge agreed with us on several distinct arguments was a real credit to our team and the case we were able to put on at trial,” he said. “[The case] ended up with a 210-page opinion out of the district court in our favor and affirmance by the Federal Circuit, allowing us to get our generic product.”

In February, Mathas took on a less conventional life sciences case in Delaware federal court involving patents covering phytase, an enzyme that helps animals break down phosphate in their feed. He’s defending [Associated British Foods PLC](#) against Huvepharma EOOD’s claims that it infringed six patents covering the enzyme.

“The case is off and running,” Mathas said. “It’s an interesting technology area — it’s a bit different than the typical pharma drug cases that we’re doing and it’s relatively early stages, but it looks like it’s going to be an interesting case.”

HIS PROUDEST MOMENT:

Mathas said he’s most proud of a pro bono case he worked on through the firm, getting asylum for an Eritrean immigrant who had come to the U.S. after being “subjected to brutal persecution in her home country.”

“When the judge granted her asylum to stay in the U.S., it was just — it was a legal victory, sure, but it was a humanitarian win, and the sense of the relief and appreciation from the client was just really, really meaningful,” he said.

— *As told to Dani Kass*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2018 Rising Stars winners after reviewing more than 1,200 submissions. This interview has been edited and condensed.