



## Charles B. Klein

Partner

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Chuck is a first-chair trial lawyer with almost 30 years of experience who litigates significant patent, antitrust, and commercial disputes. He is the litigation office head in Washington, D.C. and was a longtime member of the firm's Executive Committee, co-chaired the firm's Intellectual Property Practice, and chaired the firm's Commercial Litigation Practice. *IAM*, which ranks him in the Gold tier, described him as a "talisman for major pharmaceutical and biotechnology businesses" who is "no stranger to billion-dollar cases." *Managing Intellectual Property* likewise recognized him as an "IP Star." Seven of Chuck's first-chair victories (including three trial wins) have been mentioned in the "Litigator of the Week" column published by *The American Lawyer*.

Chuck has extensive experience representing clients in the pharmaceutical and biotechnology industries. This includes litigating billion-dollar patent and antitrust issues, such as representing drug manufacturers as lead counsel

in high-stakes patent proceedings related to mRNA technology, the Biologics Price Competition and Innovation Act (BPCIA), and the Hatch-Waxman Act.

Chuck also is an accomplished appellate lawyer with a long history of achieving successful appellate outcomes, including multiple reversals. He has argued more than 15 appeals before various federal and state appellate courts, including the Federal Circuit, D.C. Circuit, Third Circuit, and Seventh Circuit, among others. He also has prepared successful merits and amicus briefs filed in the U.S. Supreme Court.

Chuck's commercial litigation experience also is extensive, and he has participated in several internal investigations, including the high-profile internal investigation and related litigation concerning the compensation of former NYSE Chairman and CEO Richard A. Grasso. In connection with that matter, he deposed some of the most sophisticated witnesses in American politics and business, including Leon Panetta and the CEOs of major Wall Street firms.

## Key Matters

Select examples of Chuck's representative experience include:

- As lead trial and appellate counsel, obtained a trial judgment, affirmed on appeal, of noninfringement related to a stress-test agent.
- As lead trial and appellate counsel, obtained a trial judgment, affirmed on appeal, invalidating six patents related to a drug used to treat very high triglyceride levels.
- As lead trial and appellate counsel, obtained a trial judgment, affirmed on appeal, invalidating four patents related to a multiple sclerosis drug.
- As lead trial and appellate counsel, convinced the Federal and D.C. Circuits to deny requests for injunctive relief related to a drug that treats gout.
- As lead trial counsel, obtained a trial judgment of non-infringement and invalidity regarding an insomnia drug.
- Obtained the first injunction under the Hatch-Waxman counterclaim provision—a significant ruling for the generic-drug industry that the Supreme Court ultimately upheld in a 9–0 decision.
- Obtained a defense jury verdict in a US\$1.7B pharmaceutical antitrust case identified by *The Daily Journal* as one of the “Top Verdicts of 2011.”

## Recognitions

Chuck is ranked in the Gold tier by *IAM Patent 1000* and is recognized as an *IAM Global Leader* (2021–2025). He is recognized by *Managing Intellectual Property* as a “Patent Star” and in *The Legal 500 US* since 2019 as a “Key Lawyer” for Patents Litigation. He was recognized by *Benchmark Litigation US* as a “Litigation Star” (2023–2025) and on the *Lawdragon 500* Leading Litigators in America list for IP, especially patent; antitrust; and commercial litigation (2023–2025). He was recognized by *LMG Life Sciences* in its 2021 and 2022 editions for patent litigation. Chuck has been recognized in Am Law's “Litigator of the Week” column six times in connection with his significant trial and appellate wins, including for Hikma Pharmaceuticals and Pfizer subsidiary Hospira, Inc.

# Activities

- Chuck is a former member of the firm's Executive, Associate Evaluation, Hiring, and Workplace Harassment Committees.
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“ A biotechnology and pharmaceutical ace who continues to achieve excellent results... ”

*IAM Patent 1000*

## Credentials

### EDUCATION

Chuck received his J.D. from the University of California, Hastings College of the Law (now known as U.C. Law San Francisco) in 1995, where he was an associate articles editor for the *Hastings Law Journal*. He received a B.A. in philosophy from the University of Virginia in 1992.

### ADMISSIONS

- District of Columbia
- Virginia

## Related Insights & News

- “The BPCIA ‘Patent Dance,’” American Conference Institute’s 9th Annual Summit on Biosimilars, Jun. 2018
  - “Biosimilar Litigation in the United States,” G-CEIP’s Intellectual Property for Industry and Academia Professionals: Training the Trainers Program in Panaji Goa, India, 2016
  - “Pharmaceutical Patent Litigation,” National Chiao Tung University School of Law, Taiwan, 2015
  - “Label ‘Carve-Outs’ and Listing Strategies Under the Hatch-Waxman Act,” The International Congress on Paragraph IV Litigation, 2013
  - “Hatch-Waxman Local Rules & Pharmaceutical Litigation in E.D. Tex.,” Eastern District of Texas Bench Bar Conference, 2011
  - “Pre-ANDA Litigation: Strategies and Tactics for Developing a Drug Product and Patent Portfolio,” Co-author, 2014
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### RECOGNITIONS

Winston Team Receives Shout Out in *Am Law Litigation Daily*’s Litigator of the Week Column  
FEBRUARY 7, 2025

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### RECOGNITIONS

Winston & Strawn Partners Recognized as 2025 *IAM* Global Leaders

OCTOBER 23, 2024

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## RECOGNITIONS

Winston & Strawn Recognized in 2025 *Benchmark Litigation*

OCTOBER 3, 2024

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## RECOGNITIONS

Chuck Klein and Jovial Wong Named Among Top Attorneys in ANDA Litigation for 2024

OCTOBER 2, 2024

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## RECOGNITIONS

Winston Attorneys Featured on the 2025 *Lawdragon 500* Leading Litigators in America List

SEPTEMBER 6, 2024

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## RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2024

JUNE 12, 2024

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## RECOGNITIONS

Winston Recognized in 2024 *IAM Patent 1000* Rankings

JUNE 5, 2024

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## RECOGNITIONS

Winston & Strawn Attorneys Named as 2024 IP Stars

MAY 31, 2024

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## SPEAKING ENGAGEMENT

Chuck Klein Discusses the Purple Book at Hatch-Waxman and BPCIA Proficiency Series

OCTOBER 19, 2023

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## RECOGNITIONS

Winston & Strawn Recognized in 2024 *Benchmark Litigation*

OCTOBER 6, 2023

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## RECOGNITIONS

Three Winston Teams Featured in Litigator of the Week Column

SEPTEMBER 29, 2023

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## RECOGNITIONS

Winston & Strawn Partners Recognized in 2024 *Lawdragon 500* Leading Litigators in America

SEPTEMBER 8, 2023

# Capabilities

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Patent Litigation

Intellectual Property

Litigation/Trials

Commercial Litigation & Disputes

Antitrust/Competition

Technology Antitrust

Appellate & Critical Motions

Government Investigations, Enforcement & Compliance

Class Actions & Group Litigation

Securities, M&A & Corporate Governance Litigation

Public Companies

Medical Devices

Financial Services

Technology, Media & Telecommunications

Life Sciences