WINSTON & STRAWN LLP

Charles B. Klein

Partner

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Chuck is the litigation office head in Washington, D.C., is the former co-chair of the firm's Intellectual Property Practice, and is the former chair of the firm's Commercial Litigation Practice. He is a first-chair trial lawyer who litigates significant patent, antitrust, and commercial disputes. *Managing Intellectual Property* recently recognized him as an "IP Star," and *IAM* described him as a "talisman for major pharmaceutical and biotechnology businesses" who is "no stranger to billion-dollar cases." Six 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, as well as representing biosimilar and generic drug manufacturers as lead counsel in high-stakes patent proceedings related to 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 many 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

Serving as lead trial and appellate counsel, Chuck obtained a trial judgment, affirmed on appeal, of noninfringement related to a stress-test agent. Serving as lead trial and appellate counsel, he obtained a trial judgment, affirmed on appeal, invalidating six patents related to a drug used to treat very high triglyceride levels. Serving as lead trial and appellate counsel, he obtained a trial judgment, affirmed on appeal, invalidating four patents related to a multiple sclerosis drug. Also serving as lead trial and appellate counsel, he convinced the Federal and D.C. Circuits to deny requests for injunctive relief related to a drug that treats gout. Serving as lead trial counsel, he obtained a trial judgment of non-infringement and invalidity regarding an insomnia drug. He 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. He also 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 recognized by *Managing Intellectual Property as a* "Patent Star." He has been recognized in *The Legal 500 US* since 2019 and is 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). Chuck was recognized by *LMG Life Sciences* in its 2021 and 2022 editions for patent litigation. He was nominated as an *IAM Global Leader* in the 2021 edition. 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.

> "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 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

RECOGNITIONS

Winston & Strawn Recognized in 2025 *Benchmark Litigation*

OCTOBER 3, 2024

RECOGNITIONS

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

OCTOBER 2, 2024

RECOGNITIONS

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

SEPTEMBER 6, 2024

RECOGNITIONS

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

JUNE 12, 2024

RECOGNITIONS

Winston Recognized in 2024 *IAM Patent 1000* Rankings

JUNE 5, 2024

RECOGNITIONS

Winston & Strawn Attorneys Named as 2024 IP Stars

MAY 31, 2024

SPEAKING ENGAGEMENT

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

OCTOBER 19, 2023

RECOGNITIONS

Winston & Strawn Recognized in 2024 *Benchmark Litigation*

OCTOBER 6, 2023

RECOGNITIONS

Three Winston Teams Featured in Litigator of the Week Column

SEPTEMBER 29, 2023

RECOGNITIONS

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

SEPTEMBER 8, 2023

RECOGNITIONS

Winston Recognized in 2023 *IAM Patent 1000* Rankings

JUNE 26, 2023

CLIENT ALERT

Clarifying the Enabling Obligation of the Patent Act: *Amgen Inc. v. Sanofi*

JUNE 21, 2023

Capabilities

- 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

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