



Charles B. Klein

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Chuck Klein 主席帶領本公司經國際認可的大型商務訴訟業務，旗下有超過 200 位律師。Chuck 經 2014 年版《IAM Patent 1000》認證為「ace 製造專利與商務訴訟律師」，並獲得「此人對數十億元的案件不陌生」之讚賞，此外，其廣泛的訴訟經驗亦涵蓋許多其他領域，例如智慧財產、反托拉斯、證券、商業侵權及不公平競爭。

Klein 先生在製藥及生物科技產業方面的經驗豐富，包括為品牌製藥廠進行數十億元的反托拉斯及專利問題訴訟，且曾代表學名藥廠在 FDA（美國食品藥物管理局），根據 Hatch-Waxman 法及相關法規程序進行高風險的專利訴訟，例如，最近說服三間不同的法院允許客戶在 6 億／年的市場中推出第一款學名藥。此外，亦根據 Hatch-Waxman 法的反訴條款取得第一張禁止令，此項裁定對學名藥界而言是極具爭議性與重要性的判決，而最高法院亦於 9-0 判決中維持此判決。請參閱 *Caraco Pharm. Labs. v. Novo Nordisk*, 566 U.S. ___, 132 S. Ct. 1670 (2012)。

Klein 先生在審判及法庭方面亦有廣泛經驗，例如，在 17 億元藥廠反托拉斯案例中取得辯護陪審團裁決，《The Daily Journal》將此案稱為「2011 年最重要的裁

決」，《The American Lawyer》則將此陪審團裁決形容為財星 100 公司在此「歷史性」案件中贏得「大勝利」。他也曾在Hatch-Waxman案子中以明顯易知的基本理由，成功地使糖尿病藥物的專利無效，且曾成功避免 FTC（美國聯邦交易委員會）的後完成反托拉斯挑戰執行Evanston Northwestern Healthcare與Highland Park Hospital合併案的政府徵收命令。

Klein 先生為傑出的上訴律師，長期累積許多成功的上訴成果，包括多次逆轉。他曾在多個聯邦與州立上訴法院提出上訴，包括聯邦巡迴法院、華盛頓特區巡迴法院、第三巡迴法院、第七巡迴法院等，並曾準備許多向美國最高法院提起訴訟的訴書，包括在前述的Caraco案件以及解釋賄賂／餽贈法的重要案件中，提出成功的法律依據訴書，United States v. Sun-Diamond Growers, 526 U.S. 398 (1999)。

Klein 先生也曾參加過多項內部調查，包括代表紐約證券交易所，針對前 NYSE 主席暨執行長Richard A. Grasso進行備受矚目的內部調查與相關訴訟，促使美國政治與商業中某些最精明的證人宣誓作證，包括Leon Panetta與大型華爾街公司的執行長。

Klein 先生在 1992 年獲得維吉尼亞大學的哲學學士學位，在 1995 年時獲得加州大學－哈斯汀法學院的法學博士，當時亦擔任 < Hastings Law Journal > 的文字副主編。

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.

关键事项

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.”

表彰

Klein 先生為本公司管理、職場騷擾、資訊服務與創辦委員會的成員，並曾擔任本公司合夥評估與聘用委員會的成員。

活动

- 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

资格认证

学历

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.

执业资格

- District of Columbia
- Virginia

相关见解和新闻

- “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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能力

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