



J.R. McNair

Of Counsel

Chicago
+1 312-558-3225

John (J.R.) McNair's patent litigation practice covers a broad range of technologies, including pharmaceuticals, veterinary products, chemicals, electronics, and computer software. He has extensive experience litigating pharmaceutical patent cases arising under the Hatch-Waxman Act, including particular specialty in cases involving New Chemical Entities. J.R.'s strong background in technology includes a technical degree in chemical engineering.

J.R. has extensive experience litigating pharmaceutical patent cases arising under the Hatch-Waxman Act, including particular expertise in cases involving New Chemical Entities. Recently, he achieved a first of its kind victory for his client successfully invalidating a patent to a new pharmaceutical compound as obvious under a "lead compound" theory. On the strength of J.R.'s development of the evidence, which the district court found "multi-faceted and compelling," the Court concluded that his client "made out a strong *prima facie* case of obviousness." That ruling was affirmed on appeal by the Federal Circuit and Plaintiffs' motion for review *en banc* was denied.

J.R. is committed to providing legal representation to those who need help in pro bono matters. He currently volunteers to assist individuals to expunge and seal their criminal record, thereby removing impediments to obtaining employment and housing assistance. J.R. briefed and argued the appeal of a Fourth Amendment issue before the Seventh Circuit on behalf of a pro bono client. He also has participated in the firm's partnership with The

Innocence Project to create a database collecting and collating information concerning the nearly 300 persons wrongfully convicted who were later exonerated through DNA evidence.

Key Matters

J.R.'s pharmaceutical patent litigation experience includes the following representative matters:

- *BMS v. Teva*, No. 10-805 (D. Del.) – Represent Teva in successfully invalidating patent covering the Hepatitis B drug Baraclude® (entecavir) following trial and appeal.
- *Endo v. Watson Laboratories*, No. 2:13-cv-192 (E.D. Tex.) – Represent Watson in dispute involving patents covering Fortesta® testosterone gel.
- *UCB v. Accord*, No. 13-1206 (D. Del.) – Represent several Defendants in dispute involving patent covering epilepsy drug Vimpat® (lacosamide).
- *Cephalon v. Celgene*, No. 2011-cv-12226 (D. Mass.) – Represent Cephalon in enforcement of patent involving Abraxane®, a formulation of the breast cancer drug paclitaxel.
- *Southern Research Institute v. Abon*, No. 12-4709 (D.N.J.) – Represent Abon in dispute involving patent covering Clolar® (clofarabine), a drug used to treat leukemia.
- *Mallinckrodt v. Watson Laboratories*, 2:10-cv-06424 (D.N.J.) – Represent Watson in dispute involving extended release pain medication Exalgo® (hydromorphone hydrochloride).
- *AstraZeneca v. Teva*, No. 1:10-cv-00018 (D. Del.) – Represent Teva in patent dispute involving Faslodex® (fulvestrant) Injection used to treat breast cancer.
- *GlaxoSmithKline v. Barr Laboratories*, No. 1:08-cv-00112 (D. Del.) – Represent Barr/Teva in dispute involving patents covering the BPH drug Avodart® (dutasteride).
- *Cancer Research Technology v. Barr Laboratories*, No. 1:07-cv-00457 (D. Del.) – Represent Barr/Teva in patent dispute involving brain cancer drug Temodar® (temozolomide). After a bench trial, the district court ruled in favor of Mr. McNair's client.

J.R.'s patent litigation experience outside the pharmaceutical arena includes the following representative matters:

- *Camelbak v. Ignite*, No. 4:13-cv-04940 (N.D. Cal.) – Represent Ignite in patent dispute involving water bottles.
- *Merial v. Velcera* (M.D. Ga.; D. Del.) – Represent Velcera in patent dispute involving generic flea and tick veterinary products.
- *Chamberlain v. Lear*, No. 1:05-cv-03449 (N.D. Ill.) – Represent Lear in patent dispute involving “rolling code” garage door openers.

J.R. also has experience with the U.S. Patent and Trademark Office (PTO). During law school, he interned for two administrative patent judges on the Board of Patent Appeals and Interferences where he drafted opinions evaluating ex parte patent appeals.

Recent Experience

Rare Noninfringement Jury Verdict for Teva N.A. in Patent Infringement Case for Suboxone® Tablets

Recognitions

J.R. was named one of the Top ANDA Litigators in 2020 by Patexia. In 2015, Winston & Strawn was named the “Chicago Litigation Department of the Year” for general litigation by *The National Law Journal*.

Activities

J.R. is a member of the Food and Drug Law Institute’s *Food and Drug Law Journal* Editorial Advisory Board, which provides peer review of manuscript submissions, advises on content, and serves as a resource for our student editors at Georgetown University Law Center.

Credentials

EDUCATION

J.R. received a B.S. in chemical engineering, *cum laude*, in 2003 from the University of Michigan. He received a J.D., *magna cum laude*, in 2007 from the University of Illinois, where he was elected to the Order of the Coif. During law school, J.R. was also a member of the *Journal of Law, Technology and Policy*, serving as a production editor.

ADMISSIONS

- U.S. Patent & Trademark Office
- Michigan
- Illinois

Related Insights & News

- [“If Hatch Wins, Make Waxman Pay: One-Way Fee Shifting as a Substitute Incentive to Resolve Abuse of the Hatch-Waxman Act,”](#) 2007 *U. Ill. J.L. Tech. & Pol’y* 119, 2007

SPEAKING ENGAGEMENT

A Test of the Emergency (Use Authorization) System: Challenges in FDA Regulation of COVID-19 Diagnostics
NOVEMBER 12, 2020

RECOGNITIONS

Winston Named as IAM Patent Litigation Firm of the Year
JANUARY 30, 2020

RECOGNITIONS

Winston & Strawn Wins Two *Managing IP* Americas Awards 2019
APRIL 9, 2019

PRO BONO IN ACTION

Pro Bono Reporter – Fall 2018

FALL 2018

SPEAKING ENGAGEMENT

J.R. McNair Speaks at FCBA's Bench and Bar in Dialogue Event

OCTOBER 3, 2018

NEWS

Winston Elevates Attorneys to Partner

DECEMBER 21, 2016

NEWS

Winston & Strawn Achieves Victory on Behalf of Teva Pharmaceuticals

FEBRUARY 12, 2013

Capabilities

Intellectual Property

Litigation/Trials

Patent Litigation

Public Companies