



Derek J. Fahnestock

Special Counsel

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Derek is an IP litigator. His practice focuses on patent and other intellectual property cases across a variety of technologies, with an emphasis on the life sciences.

Derek's practice encompasses all areas of litigation through trial and appeal, working as lead and Delaware counsel.

Derek has extensive experience with pharmaceutical cases, representing innovator companies in Abbreviated New Drug Application (ANDA) litigation under the Hatch-Waxman Act. Drawing upon his academic background in biochemistry and molecular biology, he also frequently represents companies in litigation involving biotechnologies such as nucleic acid sequencing and analysis platforms.

EXPERIENCE

Represented UCB at trials in Hatch-Waxman cases concerning UCB's Vimpat[®] epilepsy drug and Neupro[®] rotigotine transdermal system.

Represented Shire and Sanofi-Aventis at trial in Hatch-Waxman litigation related to Firazyr[®], Shire's treatment for hereditary angioedema ("HAE").

Represented Sanofi at trials involving Multaq[®], Sanofi's treatment for atrial fibrillation among certain patients.

Represented Agilent Technologies Inc. in a patent case involving nucleic acid array genotyping technology.

PRACTICE AREAS

Intellectual Property Litigation

EDUCATION

Harvard Law School, JD, 2005,
Ethics, Law and Biotechnology
(ELAB), president

Stanford University, MS,
Biochemistry, 2001

Johns Hopkins University, B.A.,
Biology, 1997

ADMISSIONS

Delaware, 2005

District of Columbia, 2008

US District Court for the District
of Delaware, 2006

US Court of Appeals for the
Federal Circuit, 2007

Derek J. Fahnestock

Represented VANDA Pharmaceuticals in Delaware actions involving the drug Fanapt[®] for treatment of schizophrenia and Hetlioz[®] for the treatment of non-24-Hour Sleep Wake Disorder.

Represented Bayer in Delaware actions involving its medications Nexavar[®], Stivarga[®], and Xarelto[®].

NEWS & INSIGHTS

Morris Nichols Team Successful in LadaTech v Illumina Patent Infringement Dispute
03.01.2012

PROFESSIONAL & CIVIC

American Bar Association (Litigation and Intellectual Property Law Sections)

Federal Bar Association

Federal Circuit Bar Association

Delaware State Bar Association

