

JOHN HUGHES AND BARTLIT BECK TEAM WIN \$20MM PLAINTIFF'S VERDICT AGAINST ELI LILLY



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Bartlit Beck partners John Hughes and J. Scott McBride led a trial team that won a \$20 million patent infringement verdict for client UroPep against drug giant Eli Lilly on April 21.

The UroPep inventors discovered in the mid-1990s that the enzyme PDE5 was present and played a functional role in the human prostate, and that PDE5 inhibitors, such as Lilly's Cialis, could be used to treat benign prostatic hyperplasia. After Lilly refused to engage in licensing negotiations, UroPep sued for patent infringement in Marshall, Texas.

The case was handled by Federal Circuit judge William Bryson, sitting by designation as a district court judge in the Eastern District of Texas. When Judge Bryson invited early summary judgment briefing from Lilly last summer after claim construction, UroPep brought in Bartlit Beck as lead counsel. The firm not only defeated those summary judgment motions but three additional dispositive motions Lilly brought on the way to trial.

Hughes' opening included references to his childhood in Montana, invoking the simple rule that "you do not go on someone's else's property without permission." He closed on the same note, adding that Lilly's refusal to respond to UroPep's request to enter into licensing negotiations violated a second rule, that "when someone says you have wronged them you sit down to work it out." The jury deliberated for five hours before returning a complete verdict for UroPep, finding the patent valid and infringed, and awarding \$20 million, to which prejudgment interest and forward royalties will be added.

In addition to Hughes and McBride local counsel Mellisa Smith of Gillam Smith LLP handled witnesses at the trial. Nosson Knobloch, Benjamin Whiting, and Alex Groden rounded out the trial team.

ATTORNEYS

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