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ERIC J. RAKESTRAW

Husch Blackwell Scores Victory for FlatWing Before the Federal Circuit

Husch Blackwell prevailed before the Federal Circuit on behalf of client Flatwing Pharmaceuticals in connection with an appeal lodged by Anacor Pharmaceuticals, a unit of Pfizer Inc, concerning a series of inter partes reviews (IPRs) that resulted in several Anacor patents being found unpatentable due to obviousness. The patents-in-suit attempt to patent compounds that are useful for the treatment of fungal infections.

In July 2019 the Patent Trial and Appeal Board (PTAB) handed down a series of Final Written Decisions that gave FlatWing a string of victories. FlatWing had filed four IPR petitions for challenging multiple Anacor Pharmaceuticals patents. In each instance, PTAB returned a decision that invalidated the patent-in-suit. In sum, our team demonstrated that 39 separate claims found in four different patents were “unpatentable as obvious over the cited prior art.”

The Federal Circuit affirmed PTAB’s determination, writing that “[w]e have considered Anacor’s further arguments but find them unpersuasive.”

The Husch Blackwell team was led by Marc Wezowski and Philip Segrest and included Eric Rakestraw.