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BEAU JACKSON
KANSAS CITY:
816.983.8202
WASHINGTON:
202.378.2406
BEAU.JACKSON@
HUSCHBLACKWELL.COM

THOMAS P. HENEGHAN
MADISON:
608.234.6032
MINNEAPOLIS:
612.852.2700
TOM.HENEGHAN@

Husch Blackwell Earns Appellate Win for Ventria Bioscience at the Federal Circuit

Husch Blackwell prevailed at the U.S. Court of Appeals for the Federal Circuit on behalf of Kansas-based client Ventria Bioscience (d/b/a InVitria and ExpressTec), when a three-judge panel affirmed a U.S. International Trade Commission's 2022 decision that found Wuhan Healthgen Biotechnology Corp. and its distributors in violation of U.S. trade law. The Federal Circuit affirmed both the finding of infringement and Ventria's satisfaction of the ITC's "domestic industry" requirement.

Ventria filed its ITC complaint against Wuhan Healthgen in December 2020, alleging the imports of recombinant human serum albumin (rHSA) manufactured using plant biotechnology infringed a Ventria patent. Plant-derived rHSA is a protein with a variety of important applications, including for the production of immunotherapy and gene therapy drugs, vaccines, medical devices, and in cell culture media.

Wuhan Healthgen was founded by a former Ventria scientist, who returned to China after his tenure at Ventria. The ITC initiated the investigation against Healthgen and its distributors in January 2021, with the litigation then lasting approximately 20 months. In September 2022, the ITC ruled in favor of Ventria and issued exclusion orders and cease-and-desist orders, which prohibit the importation, sale, and distribution of Wuhan Healthgen's rHSA products that infringe Ventria's patent and/or fail to conspicuously designate China as the country of origin. Wuhan Healthgen appealed that decision, and Ventria intervened in the appeal in support of the ITC.

"We are very happy with the Federal Circuit's complete affirmation of the ITC," said partner Beau Jackson, the leader of Husch Blackwell's Section 337 ITC practice. "This victory is significant. First, it means Wuhan Healthgen's

infringing rHSA products will remain excluded from the U.S. market. Second, it provides momentum to Ventria in litigation pending in the U.S. District Court for the District of Kansas.”

In addition to Jackson, the Husch Blackwell team included Tom Heneghan, Matt Kamps, Jennifer Hoekel, Stephen Howe, Lauren Hitchens, and Abi Goodrich.