

Brian Sodikoff

Partner and Co-Chair, Patent Litigation

Intellectual Property

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Brian Sodikoff is the co-chair of Katten's Patent Litigation practice. He helps pharmaceutical companies and other clients use patent law to promote the growth of their businesses. He devotes a significant part of his practice to Hatch-Waxman litigation and other complex patent disputes. Beyond pharmaceuticals and medical devices, his matters have involved technologies such as thermoplastic air bag covers, automated truck transmissions, DVD technology and hard disk drives.

Hatch-Waxman litigation and beyond

Brian has particular experience with the interplay between patent, FDA and competition law, and how it impacts a company's ability to enter the market. He has represented numerous leading pharmaceutical companies in Hatch-Waxman patent litigation, with significant pre-trial, trial and appellate success. With his knowledge of the pharmaceutical industry, Brian also is routinely tapped for guidance on activities from internal product selection to crafting settlement agreements to diligence on acquisitions of select drugs or companies.

A registered patent attorney, Brian prosecutes and secures patents, partnering with clients to design strategies to create patent protection that transforms ideas into durable business advantages. He particularly enjoys working with entrepreneurial companies and start-ups, and has worked with several local incubators and universities on IP issues for young companies.

Representative Experience

- Represented Apotex in patent litigation surrounding a proposed generic version of Provigil® (modafinil). At trial, proved the relevant patent unenforceable in one of the first cases applying the Federal Circuit's heightened *Therasense* standard. Also proved the patent invalid on multiple grounds, and not infringed. Defended the district court judgments at the Federal Circuit, which affirmed *per curiam*.

Practices

- Antitrust and Competition
- Hatch-Waxman Litigation
- Intellectual Property
- Intellectual Property Litigation
- Patent Litigation and Patents
- Pharmaceutical and Life Sciences Litigation

Industries

- Entrepreneurial Ventures
- Life Sciences
- Technology

Education

- JD, DePaul University College of Law, *summa cum laude*
- BS, Vanderbilt University

Bar Admissions

- Illinois

Court Admissions

- US District Court, Northern District of Illinois
- US Court of Appeals, Federal Circuit

Professional & Community Involvement

- American Bar Association
- The Chicago Bar Association

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Currently representing Apotex in antitrust claims for being improperly held out of the market for several years.

- Represented MedTorque in patent litigation surrounding a medical device. Secured dismissal of one of three asserted patents in a motion to dismiss. Convinced plaintiff to voluntarily drop a second patent. Secured recommendation of summary judgment of non-infringement from magistrate before settling entire matter on favorable terms.
- Represented Apotex in patent litigation surrounding a generic version of Floxin Otic® (ofloxacin). Handled trial and appeal for client, and successfully invalidated all asserted claims on appeal. In addition, was able to recover several million dollars from a posted bond for an improvidently issued injunction. *Daiichi v. Apotex, Inc.*, 501 F.3d 1254 (Fed. Cir. 2007).
- Represented Apotex in patent litigation surrounding a proposed generic version of Norvasc® (amlodipine besylate). Invalidated the patent in a widely cited Federal Circuit opinion.
- Represented Apotex in patent litigation surrounding a generic version of Prilosec® (omeprazole). Retained after a finding of validity and infringement to handle damages portion of the case. Successfully dismissed claims for willful infringement, enhanced damages and anything other than a reasonable royalty.
- Represented Apotex in patent litigation surrounding a proposed generic version of Azilect® (rasagiline mesylate). Favorable confidential settlement reached just before trial.
- Represented Apotex in patent litigation surrounding a proposed generic version of Zyvox® (linezolid). Favorable confidential settlement reached after summary judgment motions were filed.
- Represented Apotex in patent litigation surrounding a generic version of Alphagan® (brimonidine tartrate). Represented Apotex at trial and on appeal, invalidating a number of patent claims.
- Represented Apotex in patent litigation surrounding a generic version of Patanol® (olopatadine). At trial and on appeal, invalidated most of the asserted claims as obvious.
- Represent Sagent Pharmaceuticals, a leading provider of affordable pharmaceuticals to hospital market, in its $40 million acquisition of a portfolio of five ANDAs in the United States from Teva Pharmaceutical Industries and Actavis (Allergan Generics) as a result of the largest merger of generic pharmaceutical companies in history.

> ***"[A] master at securing patents that transform ideas into business triumphs, [with a] remarkable track record advising major pharmaceutical players in Hatch-Waxman litigation ... [marked by] significant victories."***

***IAM Patent* 1000 2024 (Patent Litigation) survey response**

- Represent Sawai in patent litigation over a proposed generic version of Myrbetriq® (mirabegron). Currently litigating.
- Represented Strides in patent litigation surrounding proposed generic versions of Zometa® and Reclast® (zoledronic acid). Representation ended after Strides was purchased by Mylan.
- Represented Qilu in patent litigation surrounding a proposed generic version of Aloxi® (palonosetron). Favorable confidential settlement reached.
- Represented Sun in patent litigation surrounding a generic version of Protonix® (pantoprazole). Retained by Sun after an earlier launch at-risk. Negotiated settlement during jury trial on damages.
- Represent Apotex in patent litigation surrounding a proposed generic version of Aricept® (donepezil). Favorable confidential settlement reached.

Recognitions

Recognized or listed in the following:

- *ANDA Litigation Intelligence Report*
  - Best Performing ANDA Attorneys Representing Defendants, 2021, Top 100 2023-2024
  - Most Active ANDA Attorneys Representing Defendants, Top 100, 2021–2023, 2024-2025
  - Best Performing ANDA Attorneys Overall (Representing Plaintiffs or Defendants), 2024
  - Most Active ANDA Attorneys Overall (Representing Plaintiffs and Defendants), 2024
- *Best Lawyers in America*
  - Patent Law, 2021–2027
- *DePaul 14 Under 40*
  - 2013
- *IAM Patent 1000*
  - Silver – Individual: Litigation, Illinois, 2022–2026
  - Patent Litigation, 2017
- *Managing Intellectual Property*
  - IP Star – Patent, 2025–2026
- *Super Lawyers*

- Illinois, 2014–2024, 2026

- *Super Lawyers Rising Stars*
  - Illinois, 2012–2013
- *The Legal 500 United States*
  - Recommended Attorney, 2020–2021, 2025-2026

News

- Katten Attorneys Recognized in 2027 *Best Lawyers* Guide (August 20, 2026)
- *Managing Intellectual Property* Honors Katten and Multiple IP Stars in 2026 Rankings (July 30, 2026)
- Katten Earns Top Rankings in the Legal 500 US 2026 Guide (June 10, 2026)
- Katten and Its Patent Attorneys Earn Top Rankings in *IAM Patent 1000* 2026 (May 29, 2026)
- Katten Attorneys Named to 2026 Illinois Super Lawyers, Rising Stars Lists (January 21, 2026)
- Katten Earns Repeat Recognition as a Top Three ANDA Litigation Firm (September 2, 2025)
- Katten Celebrates 101 Attorneys Honored by *Best Lawyers*® (August 21, 2025)
- Katten Receives High Marks in the Legal 500 US 2025 Guide (June 11, 2025)
- *Managing Intellectual Property* Honors Katten and Multiple IP Stars in 2025 Rankings (June 5, 2025)
- Katten Recognized as Global Patent Leader in *IAM Patent 1000* (May 29, 2025)
- Katten Ranked Top Three Firm in ANDA Litigation (September 3, 2024)
- Katten Attorneys Recognized as *Best Lawyers*® and *Best Lawyers: Ones to Watch*® Award Recipients (August 15, 2024)
- Katten Named Intellectual Property Leader in *IAM Patent 1000* (June 5, 2024)
- Katten Attorneys Named to 2024 Illinois Super Lawyers, Rising Stars Lists (January 25, 2024)

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- Katten Represented Sawai Group in its Sale of Upsher-Smith to Bora Pharmaceutical Holdings (January 23, 2024)
- Katten Ranked Top Three Firm in Hatch-Waxman Litigation (September 5, 2023)
- Katten Attorneys Distinguished by *Best Lawyers*® (August 17, 2023)
- Katten IP Practice Lauded in *IAM Patent 1000* (June 29, 2023)
- Katten Attorneys Selected to 2023 Illinois Super Lawyers, Rising Stars Lists (January 24, 2023)
- Katten Ranks Among Top Three Most Active Law Firms in ANDA Litigation (August 22, 2022)
- Katten Attorneys Recognized by *Best Lawyers*® (August 18, 2022)
- Katten Lauded in *IAM Patent 1000* 2022 (June 29, 2022)
- Katten Attorneys Named to 2022 Illinois Super Lawyers, Rising Stars Lists (January 28, 2022)
- Report: The Best Hatch-Waxman Law Firms of 2021 | *IP Watchdog* (October 18, 2021)
- Katten Ranked in Top Five Most Active Law Firms for ANDA Litigation (August 23, 2021)
- Katten Attorneys Listed in *The Best Lawyers in America*® (August 19, 2021)
- Katten Receives High Marks in Derivatives, M&A and Securitization in The Legal 500 United States 2021 Guide (June 10, 2021)
- Katten Attorneys Distinguished as Top Legal Talent in the 2021 *Best Lawyers in America* and *Best Lawyers: Ones to Watch* Lists (August 20, 2020)
- Katten Attorneys Selected to 2020 Illinois Super Lawyers, Rising Stars Lists (January 29, 2020)
- Katten's Insolvency and Restructuring Team Wins Two Turnaround Awards (December 12, 2019)
- Super Lawyers Lists Honor More Than 50 Katten Attorneys in Illinois (January 24, 2019)
- Katten Draws Top IP Litigation Talent with Broad Pharma Experience (May 7, 2018)
- Katten Attorneys Recognized in 2018 Illinois Super Lawyers, Rising Stars Lists (January 25, 2018)
- Katten Patent Litigation Team Recognized by *IAM Patent 1000 2017* (July 2017)

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- Katten Attorneys Recognized in 2017 Illinois *Super Lawyers*, Rising Stars Lists (January 13, 2017)
- Brian Sodikoff Featured in Law Day Edition of the *Chicago Daily Law Bulletin* (May 1, 2016)
- Forty-Seven Katten Attorneys Recognized in 2016 Illinois *Super Lawyers* List (January 8, 2016)
- Fifty-Three Katten Attorneys Recognized in 2015 Illinois *Super Lawyers* List (January 12, 2015)
- Partner Brian Sodikoff Profiled in DePaul *Journal of Health Care Law* (June 24, 2014)
- Fifty-Four Katten Attorneys Recognized in 2014 Illinois *Super Lawyers* List (January 13, 2014)
- Partner Brian Sodikoff Included in DePaul University's 14 Under 40 (November 20, 2013)
- Sixty-Nine Katten Attorneys Included on 2013 Illinois *Super Lawyers* List (January 4, 2013)
- Partner Brian Sodikoff Featured in Law360 Q&A (June 13, 2012)
- Eighty-Six Katten Attorneys Named 2012 Illinois Super Lawyers (February 28, 2012)
- Katten Elects 14 New Partners (July 5, 2011)

Publications

- Patent Suits Highlight Risks Across Data Center Supply Chain (November 3, 2026)
- Data Center Growth Fuels AI-Related Patent Disputes (September 2026)
- $885M IBS Drug Verdict Tests Pay-For-Delay Limits (June 30, 2026)
- Lessons From Landmark Jury Verdict in *Amitiza* Reverse Payment Antitrust Case (May 21, 2026)
- Increased Scrutiny by Federal Trade Commission of Orange Book Listings (October 2024)
- Whether Obviousness Type Double Patenting Can Be Used to Invalidate Patents That Expire Later Because of Patent Term Adjustment (July 12, 2021)
- Don't Fear IP-Antitrust 'Turducken' in Reverse-Payment Cases (November 24, 2020)

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- The Balance Between Obviousness and Written Description — Lessons Learned from Recent Decisions (August 5, 2020)
- California Enacts "Reverse-Payment" Law Aimed at Patent Settlements — An Initial Look … Assuming It Is Upheld (May 19, 2020)
- FDA Reduces Regulatory Uncertainty with New Finalized Rule Defining "Biological Product" under BPCIA to Include Insulin and Other "Protein"-Based Products (February 28, 2020)
- Federal Circuit Issues Opinion on "Inherent Obviousness" in Patent Claim, Invalidating Orange Book Listed Pharma Patent (January 23, 2020)
- Supreme Court Declines To Disturb Pre-AIA Interpretation of "On Sale" Bar (January 25, 2019)
- Courts' Findings of No Invalidity Are Not Binding on the Patent Office in *Inter Partes* Reviews (April 10, 2017)
- Reverse Payments After *Actavis* (March 24, 2017)
- Federal Circuit Recognizes an Exception to Inter Partes Review Estoppel Provisions (April 6, 2016)
- *Katten Patent Review* (Spring 2015)
- What Form Is It? Lessons From 13 Polymorph Pharmaceutical Cases (April 17, 2015)
- Patent Trial and Appeal Board Issues First IPR Decisions on Orange Book-Listed Patents (December 12, 2014)
- Comments Sought by December 19th on the FDA's Proposed Criteria for "First Generic" Applications (November 19, 2014)
- Reverse Payments After *Actavis*: Fifteen Cases to Follow (July 11, 2014)
- Supreme Court Unanimously Rejects Federal Circuit Standards for Indefiniteness and Induced Infringement (June 6, 2014)
- Enantiomer Patents: Innovative or Obvious? (February 7, 2014)
- 2009 Year-End Intellectual Property Issues Advisory (December 2009)

Presentations and Events

- Strategies for Female Entrepreneurs To Secure Funding and Protect Their Company's IP (May 26, 2016) | *Panelist*

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- What Form Is It? Lessons From 13 Polymorph Pharmaceutical Cases (August 20, 2015) | *Presenter*
- The Second Paragraph IV Litigation Strategy Congress (October 29–30, 2014) | *Panelist* | *Key Takeaways for Brand and Generic Drug Manufacturers From Recent Case Law*
- DePaul University College of Law's Annual Health Law Symposium – The Changing Landscape of Pharmaceutical Law & Business (March 4, 2014) | *Moderator*
- The Road Forward: Hatch-Waxman Litigation Settlements in the Wake of *FTC v. Actavis* (October 10, 2013) | *Speaker*
- Globalization of Innovation: China, India, & US Pharmaceutical Markets Symposium (October 3, 2012) | *Panelist* | *Research & Development*