

PANITCH Intellectual Property Law SCHWARZE

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Philip L. Hirschhorn Partner

Philadelphia: 215.965.1257 **F:** 215.965.1331 **E:** phirschhorn@panitchlaw.com Philip L. Hirschhorn focuses his practice on patent litigation and counseling. He prides himself on working with clients to understand their business thoroughly, including the ways in which intellectual property litigation affects their business objectives. Clients can rest assured that Phil will go the extra mile, both on his own and as part of a team, to help clients solve their legal challenges.

Phil's extensive experience, spanning more than 30 years, includes bench trials, jury trials, and arbitrations. He has represented clients in traditional infringement/validity litigations as well as Hatch-Waxman (Paragraph IV) litigations. Phil also has experience handling copyright, trademark/trade dress, and trade secret litigation. Phil advises clients on commercial patent licensing agreements. The subject matter of these engagements is diverse, including chemical, pharmaceutical, consumer products, medical devices, graphics, visualization technologies, apparel, and radiotherapy software and devices.

Phil counsels clients on the interplay between the U.S. Patent and Trademark Office's Patent Trial and Appeal Board (PTAB) and district court actions. He has extensive experience PTAB litigation experience, having assisted both patent owners and petitioners.

Phil's prowess in intellectual property law has earned him many accolades over the years. Managing Intellectual Property has named him an IP Star nearly every year since 2013, and he has been named among IAM's Patent 1000 list several times. He also has been named a New York Super Lawyer in the practice area of patent litigation.

Phil earned a bachelor's degree from Columbia College and his law degree from Fordham University School of Law, where he also served as Associate Editor of the Fordham Law Review and Editor of the Fordham Environmental Law Report.

Phil is a frequent speaker on IP litigation topics such as recent developments in Paragraph IV litigation, patent damages, and trade secret litigation. He is a current Vice Chair of the PTAB/TTAB committee of the Federal Circuit Bar Association and the immediate past chair of the Patents Committee of the New York City Bar Association.

Practice Areas

- Patents
- IP Litigation
- IP Protection

Education

- Fordham University, J.D., 1988, Associate Editor of the Fordham Law Review, Editor of the Fordham Environmental Law Report
- Columbia College, B.A., 1984

Bar Admissions

- New Jersey
- New York
- Supreme Court of the United States (SCOTUS)
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Ninth Circuit

Memberships

The Federal Circuit Bar Association, PTAB/TTAB Committee, Vice Chair

- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of New York
- U.S. District Court for the Western District of Wisconsin

- New York City Bar Association, Former Chair, Patents Committee
- New York Intellectual Property Law Association

Representative Matters

Phil's representative litigation experience includes:

- Best Medical International, Inc. v. Elekta AB et al., Civil Action No. 1-19-cv-03409 (District of Georgia) - (enforcing patents on radiation therapy for the treatment of tumors)
- Best Medical International, Inc. v. Varian Medical Systems, Inc. et al., Civil Action No. 1-18-cv-01599 (District of Delaware) - (enforcing patents on radiation therapy for the treatment of tumors)
- H. Lundbeck A/S et al. v. MSN Laboratories Private Limited et al. Civil Action No.: 1-18-cv-00114 (District of Delaware) – (challenging patents on vortioxetine)
- Forest Laboratories, LLC f/k/a Forest Laboratories, Inc. et al v. MSN Laboratories Private Limited et al. Civil Action No.: 2-17-cv-10140 (District of New Jersey) – (challenging patents on levomilnacipran)
- Align Technology, Inc. v. 3Shape A/S and 3Shape Inc., 17-1646 (LPS) (District of Delaware) – (defense of patent infringement claims regarding intraoral scanners and software for the use of intraoral scanners)
- Merck Sharp & Dohme Corp. v. MSN Laboratories Private Limited et al. Civil Action No.: 3-18-cv-00675 (District of New Jersey) – (challenging patent on fosaprepitant)
- Tianhai Lace USA, Inc., v. Lord & Taylor LLC, et al., Civil Action No. 1:17-cv-01328 (S.D.N.Y) (defend apparel manufacturer and customer in actions regarding alleged copyright infringement)
- Tianhai Lace USA, Inc., v. Lord & Taylor LLC, et al., Civil Action No. 1:18-cv-06616 (S.D.N.Y) (defend apparel manufacturer and customer in actions regarding alleged copyright infringement)
- Respire Medical Holdings LLC v. Oravanosa, LLC, 1:16-cv-05880 (KPF) (Southern District of New York) – (defend patent infringement claims regarding oral devices for the treatment of obstructive sleep apnea)
- Zoetis, LLC v. Roadrunner Pharmacy, Inc., Civil Action No. 15-3193 NLH/AMD (D.N.J.) (patent and trademark infringement action involving FDA-approved canine anti-itch remedy, Apoquel®)
- Zoetis, LLC v. AX Pharm. Corp., Civil Action No. 16-02642-PHX-GMS (D. Ariz.) (patent infringement action involving FDA-approved canine anti-itch remedy, Apoquel®)
- Zoetis, LLC v. Attix Pharms. Inc., Civil Action No. 16-02640-PHX-DJH (D. Ariz.) (patent infringement action involving FDA-approved canine anti-itch remedy, Apoquel®)
- In re Application of Akebia Therapeutics, Inc. for an Order Granting Leave to Issue Subpoena for the Taking of Discovery Pursuant to 28 U.S.C. 1782, 3:14-mc-80294-JD (Northern District of California) – (defend against discovery of confidential material in response to subpoenas issued pursuant to § 1782)
- Olaf Sööt Design, LLC v. Stage Technologies Inc. and Metropolitan Opera Association, inc., 13-cv-7326 (Southern District of New York) – (defend patent infringement regarding stage winch systems)
- Ethox Chemicals LLC and James Tanner v. The Coca-Cola Company, United States

District Court for the District of South Carolina. Omitted inventor action under 35 U.S.C. § 256 concerning gas barrier technology.

- Cheese Systems, Inc. v. Tetra Pak Cheese and Powder Systems, Inc., 11-cv-21-C (Western District of Wisconsin) – (guided patent owners in successful infringement action through summary judgment, appeal and trial)
- Eagle v. Edcomm, Inc., 11-4303(RB) (Eastern District of Pennsylvania) – (trial counsel in defense of suit involving alleged theft of LinkedIn account resulting in no damages and no equitable relief)
- Glaxo Wellcome, Inc. v. Eon Labs Manufacturing, Inc., United States District Court for the Southern District of New York. Trial counsel for branded pharmaceutical company in Hatch-Waxman litigation against generic drug company regarding anti-depressant.
- Wm. Wrigley Jr. Company v. Cadbury Adams USA LLC, United States District Court for the Northern District of Illinois. Defense of leading confectionery company against charges of patent infringement related to use of physiological cooling agents in chewing gums.
- Silicon Graphics, Inc. v. ATI Technologies, et al., United States District Court for the Western District of Wisconsin. Representation of patent holder at trial in action for patent infringement resulting in jury verdict in defense of computer graphics technology.
- S.C. Johnson & Sons, Inc., et al. v. The Dial Corporation, United States District Court for the Western District of Wisconsin. Defense of a leading consumer goods company against charges of patent infringement related to heating technology for plug-in air fresheners.
- Glaxo Wellcome, Inc. v. Andrx, United States District Court for the Middle District of Florida. Representation of branded pharmaceutical company in Hatch-Waxman litigation against ANDA filer regarding anti-depressant.
- Glaxo Group Ltd. v. Amneal Pharm., United States District Court for the District of New Jersey. Represent branded pharmaceutical company in Hatch-Waxman litigation regarding aqueous ranitidine.
- Metrologic Instruments, Inc. v. Symbol Technologies, United States District Court for the District of New Jersey. Represent patent owner in patent infringement lawsuit directed to bar code scanning technologies.
- PSC Scanning, Inc. v. Metrologic Instruments, Inc., United States District Court for the District of Oregon. Defense of bar code scanner manufacturer against claims of patent infringement.
- Powers Fasteners, Inc. v. Illinois Tool Works, United States District Court for the Southern District of New York. Represent patent owner in patent infringement action against competitor for novel screw fastener technology.
- Financial Technologies International Inc. v. DataSmith LLC, et al., United States District Court for the Southern District of New York. Represent plaintiff in trade secret misappropriation case against former consultant.
- Novamedix Ltd. v. Kinetic Concepts, Inc., United States District Court for the Western District of Texas. Represent medical device manufacturer in action for patent infringement and trade secret misappropriation against competitor in deep vein thrombosis prevention device.
- M.J. Woods Inc. v. Unilever, et al., United States District Court for the Southern District of New York and American Arbitration Association. Defense of a leading consumer goods company in successful trial defense of trade secret misappropriation and patent licensing issues.
- Ortho Pharmaceutical Corp. v. Amgen, Endispute Arbitration. Represent claimant at trial in patent licensing dispute related to multi-billion dollar biologic.

- Takeda Pharm. et al. v. Aurobindo Pharm., United States District Court for the Southern District of New York. Defense of ANDA filer in Hatch-Waxman litigations regarding pharmaceuticals for the treatment of diabetes.
- Internet Machines LLC v. Inventure, Inc., et al., United States District Court for the Eastern District of Texas. Defense of alleged infringer from claims of patent infringement related to peripheral component interface switching technology.

Phil's representative International Trade Commission experience includes:

- *In re Certain Color Intraoral Scanners and Related Hardware and Software*, Investigation No. 337-TA-1091 (defense of respondent in multi-patent proceeding)

Phil's representative PTAB experience includes:

- *Varian Medical Systems, Inc. v. Best Medical International, Inc.*, IPR2020-00053
- *Varian Medical Systems, Inc. v. Best Medical International, Inc.*, IPR2020-00071
- *Varian Medical Systems, Inc. v. Best Medical International, Inc.*, IPR2020-00072
- *Varian Medical Systems, Inc. v. Best Medical International, Inc.*, IPR2020-00075
- *Varian Medical Systems, Inc. v. Best Medical International, Inc.*, IPR2020-00076
- *Varian Medical Systems, Inc. v. Best Medical International, Inc.*, IPR2020-00077
- *Elekta Inc. v. Best Medical International, Inc.*, IPR2020-00067
- *Elekta Inc. v. Best Medical International, Inc.*, IPR2020-00070
- *Elekta Inc. v. Best Medical International, Inc.*, IPR2020-00073
- *Elekta Inc. v. Best Medical International, Inc.*, IPR2020-00074
- *3Shape Medical A/S v. Sirona Dental Systems GmbH*, IPR2016-00481
- *Stage Technologies, Inc. v. Olaf Sööt Design, LLC*, IPR2015-00116
- *Stage Technologies, Inc. v. Olaf Sööt Design, LLC*, IPR2015-00117

Articles & Presentations

Panitch Schwarze Partners Named Among 2020 'IP Stars' and IAM Patent 1000 //
July 9, 2020

Panitch Schwarze Belisario & Nadel LLP is pleased to announce that *Managing Intellectual Property* has named intellectual property attorneys Erin M. Dunston and Philip L. Hirschhorn 2020 IP Stars. Dunston and Hirschhorn were also recently named part of the IAM Patent 1000 for litigation – Dunston for the D.C. Metro Area and Hirschhorn for New York. Dunston was also ranked nationally for post-grant proceedings. [Read more](#)

Panitch Schwarze Team to Discuss Hatch-Waxman Disputes in District Court and at the PTAB // June 29, 2020

Panitch Schwarze partners Travis W. Bliss, Erin M. Dunston, and Philip L. Hirschhorn and Panitch Schwarze counsel Aaron Pereira are teaming up to present a webinar for Lawline on the interplay between district court and PTAB practice, including strategic considerations and recent developments. [Read more](#)

Panitch Schwarze Partner to Discuss Global IP Issues at Federal Circuit Bar Association Bench & Bar // May 14, 2020

Panitch Schwarze partner, Philip L. Hirschhorn, joins a panel of fellow thought leaders at the Innovation and Incentive Systems webinar to discuss the types of incentives (and disincentives) that exist in the Global IP community and their impact on innovation.

[Read more](#)

Panitch Schwarze Lands Powerhouse IP Litigation and Life Sciences Group // April 10, 2020

Panitch Schwarze Belisario & Nadel has expanded its IP life sciences and litigation practices by adding a formidable group of patent litigators and prosecutors. [Read more](#)

Honors & Awards

- IP Star, Managing Intellectual Property, 2013-2016, 2018-2020
- Patent 1000, IAM, 2014-2016, 2018-2020
- Super Lawyer, New York Metro area, 2017-2019

Get To Know

When not in the office, Phil enjoys spending time traveling and actively exploring new places, like a hike in the Rockies, skiing in Utah, walking on the Great Wall of China, or riding a bike through Paris.