



Jason W. Balich

Associate

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Jason Balich counsels the firm's clients and represents them in patent, trade secret and commercial litigation matters before district courts around the country, the International Trade Commission, and the Patent Trial and Appeal Board (PTAB) in post-grant matters such as inter partes reviews. Jason's counseling and litigation experience spans a diverse set of subject matters including pharmaceuticals, biotechnology, biosimilars, medical devices, data storage media, electro-hydraulic devices and consumer electronics.

Jason was previously at Axinn, Veltrop & Harkrider, where he assisted in the representation of both plaintiffs and defendants in patent litigation, including Hatch-Waxman litigation, before district courts and the PTAB. While at Axinn, Jason performed intellectual property counseling and patent due diligence, particularly in mechanical, chemical, pharmaceutical and biologic industries. Jason also counseled clients on regulatory matters before the Federal Drug Administration (FDA).

Jason also previously worked for General Electric in their Global Patent Operation and is the co-inventor of four US patents, obtained while working at 3M Company.

Experience

- Performed case management and assisted in litigation strategy for two International Trade Commission (ITC) Investigations:
 - Responsible for hearing testimony of an expert witness resulting in a finding of non-infringement for one patent in ITC Inv. 337-TA-1012 on behalf of the firm's Respondent client
 - Coordinated discovery and motion practice in ITC Inv. 337-TA-1076, including oral arguments for a motion *in limine*

Education

Princeton University, BS,
Chemical Engineering

Bentley University, MBA,
high distinction

Quinnipiac University
School of Law, JD, with
Concentrations in
Intellectual Property Law
and Tax Law, *summa
cum laude*

Practice Groups

Litigation

- Performed case management and assisted in litigation strategy for patent, trade secret, and commercial litigation in the Districts of Delaware, Eastern District of Virginia, and Northern District of Illinois:
 - Represented a Massachusetts-based hydraulic actuator company as plaintiff in a trade secret and breach of contract action
 - Represented five generic pharmaceutical companies as defendants in Hatch-Waxman generic drug litigation (PIV / ANDA litigation)
 - Represented a branded pharmaceutical company as a plaintiff/patentee in a patent enforcement action
 - Represented a Massachusetts-based medical device company as defendant in a patent litigation
- Drafted sections of a summary judgment brief, prompting settlement to the satisfaction of the medical device client
- Assisted in drafting two Markman briefs and produced a technology tutorial video on polymorphs as part of a Markman hearing
- Worked with experts in the fields of magnetic tape for data storage, hydraulics, crystallography, biomechanical engineering, pharmaceutical formulations and medical doctors
- Drafted four *inter partes* review (IPR) petitions filed with the USPTO challenging patents on methods of microprocessor manufacturing and monoclonal antibody pharmaceutical formulations
- Drafted patent licensing agreements and settlement agreements
- Drafted an opinion letter regarding noninfringement of clients products and invalidity of competitor's patents in the field of protein antagonists
- Drafted over a dozen notice letters for P-IV certifications in abbreviated new drug applications (ANDAs) in connection with Hatch-Waxman litigations
- Assisted a client with addressing an FDA deficiency regarding

an ANDA for a generic transdermal patch by coordinating magnetic resonance imaging (MRI) testing on the client's proposed patch for submission to FDA

- Performed pre-acquisition due-diligence to determine likely antitrust concerns for four potential mergers and acquisitions
- Performed several patent landscape evaluations for human tissue based products
- Evaluated whether eight different drugs undergoing clinical trial would qualify for "new chemical entity" (NCE) exclusivity upon approval

Interests

- Director, Sandy Point Sailing Association, Beverly, MA
- Private pilot
- Races J/80 sailboats in regional, national and international competitions