

Sectors

Related Practices

Breach of Contract
Business Divorce – Shareholder & Partnership Disputes
Complex Commercial Litigation
Corporate Asset Affirmative Recovery Practice
Directors and Officers Liability Litigation
Environmental Litigation
Fiduciary Litigation
Financial Institution Litigation
Professional Liability Litigation

Initial Contacts

Garrett S. Anderson
Associate
garrett.anderson@diamondmccarthy.com
D: (713) 333-5128
David W. Reynolds
Partner
david.reynolds@diamondmccarthy.com
D: 214.389.5331

Healthcare & Life Sciences

Diamond McCarthy's capabilities in the tremendously nuanced and specialized area of healthcare and life sciences have developed over decades of representing and advising clients in various disputes across practice areas, from Intellectual Property litigation and complex healthcare commercial disputes to bankruptcy and insolvency related issues where breach of fiduciary duty and professional malpractice take center stage.

Diamond McCarthy's cross-practice team has diverse experience that works efficiently to tackle the technical and legal aspects of a case. We have represented and brought claims against a myriad of companies in the healthcare and life sciences industry, including: (i) small bio-tech start-ups, (ii) healthcare providers and payers, (iii) large pharma, (iv) medical device companies, and (v) large investment management firms like Private Equity and Hedge funds.

Our clients trust us to handle crucial matters and help advise in issues that capture the attention of global media and regulatory agencies like the US Department of Justice. As an example, we are currently involved in a high-stakes dispute that involves damages of \$100+ million and focuses on fraud, directors and officer liability, insurance, and other issues centered around healthcare regulations and compliance.

Below is a list of some of the types of legal issues and matters the Diamond McCarthy team has or is currently handling:

Type of Disputes:

- Patent Infringement Litigation
- Breach of Contract
- Patent License Agreements
- Fraudulent Litigation
- Breach of Fiduciary Duty
- Shareholder Disputes
- Patent Inventorship Claims
- Hatch-Waxman Litigation

Sub-Sector Experience

- Provider vs. Payer

- Biotechnology and Large Pharm
- Reimbursement
- Clinical Diagnostics
- Immunotherapy & NK92 Cell
- Genetic Screening
- Endoscopy Centers
- Hospital and Medical Center

Representative Experience

Commercial and Intellectual Property Disputes

- **Breach of Contract and Unpaid Fees**
 - Acting on behalf of a healthcare services provider against a medical center for a sizable amount of invoices owed pursuant the parties' agreement and the withholding of physicians without client approval, which is against the terms of the contract.
- **Breach of Pharma License Agreement Litigation**
 - Acting on behalf of a client in a breach of contract lawsuit against two companies including a global Fortune 500 pharmaceutical company for improper termination of a patent license agreement, unjust enrichment and other commercial litigation claims. The technology relates to the modification of NK92 cell lines, and the legal claims represent sizable damages. This is being handling by the Diamond McCarthy Intellectual Property litigation team.
- **Breach of Biotech License – Immunotherapy Technology**
 - Acting on behalf of biotech company on a licensing agreement with claims of unjust enrichment and breach of contract for improper modification and publication of a patent application
- **Breach of Patent Licensing Litigation – Biotech**
 - Acting on behalf of a biotech company in state court for declaratory judgment related to alleged breach of a patent license agreement. This matter is being handled by the the Diamond McCarthy Intellectual Property team.
- **Medical Procedure – Patent Infringement Litigation**
 - Acted on behalf of a cardio-thoracic surgery group at NYU University for patent infringement litigation relating to procedures of the heart, lungs, esophagus and other organs. The Diamond McCarthy Intellectual Property and commercial litigation team achieved a favorable outcome.
- **Genetic Screening Lab**
 - A Diamond McCarthy Intellectual Property team member represented a large genetic screening lab on a digital PCR patent.
- **Clinical Diagnostics Client – Patent Infringement**
 - A Diamond McCarthy Intellectual Property team member defended a major provider of research and clinical diagnostic products in the International Trade Commission from patent infringement concerning a genetic screening product.
- **Generic Product Litigation**
 - A Diamond McCarthy Intellectual Property team represented a brand name innovator in a bet-the-company case against six generic producers in litigation directed to a patented drug release platform. The patent was successfully enforced and preserved the innovator's market opportunity.
- **Hatch Waxman Patent Litigation**
 - A Diamond McCarthy Intellectual Property team represented a brand name innovator in a bet-the-company case against six generic producers in litigation directed to a patented drug release platform. The patent was successfully enforced and preserved the innovator's market opportunity.
- **Hatch Waxman Litigation**

- A Diamond McCarthy Intellectual Property team litigated a Hatch Waxman case directed to patent infringement of liquid capsule pain medicine to successfully delay commercial launch of a generic drug

Financial Distress and Bankruptcy Related Litigation

- **Home Healthcare Business Fraud and Ponzi-Scheme**

- Acting on behalf of lender in a lawsuit against numerous physicians (over a dozen), as well as another lender. While framed as a breach of contract case against the physicians and a fraud case against the other lender, the case focuses heavily on analyzing the business practices, and the ultimate collapse, of a potential home health care business. The home healthcare business was a ponzi-scheme that, in concert with the lender, our client was duped into funding anticipated home health care practices that were to be started on behalf of the individual physicians, but which ultimately never got off the ground. The case is in the discovery phase, with depositions ongoing and seeking over \$10m on behalf of our client.

- **Endoscopy Centers Bankruptcy and Litigation**

- Acted as lead trial counsel for the chapter 7 bankruptcy trustee for Endoscopy Centers of Nevada in connection with the prosecution and defense of various claims arising out of this high media profile bankruptcy and its related litigation proceedings in which hundreds of lawsuits are pending involving the hepatitis C infections of patients treated by the Debtor. These matters involve hundreds of millions of dollars in claims pending in the courts of Las Vegas, Nevada.