

Keith Zullo

Counsel, Gemini Law LLP



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Keith Zullo joined Gemini Law as Of Counsel in 2024. Keith has almost 30 years of experience handling IP litigation and strategy with a focus on the pharmaceutical and biotech sectors.

Keith brings extensive experience representing large and small clients in high stakes litigation. For the 20 years before joining Gemini Law, Keith was a partner in Goodwin Procter LLP's Intellectual Property Litigation practice and a member of the firm's Life Sciences Disputes group. He is a US registered patent attorney with significant trial experience in chemical and pharmaceutical patent litigation and extensive experience litigating patents on consumer products, including batteries, razors and razor blades, cell-phones and sneakers, and has litigated cases on software and digital outdoor electronic displays. He is also experienced in interference practice and trade secret litigation. Keith has worked on cases in various federal district courts throughout the United States, on appeals before the U.S. Court of Appeals for the Federal Circuit and other circuit courts, and has been lead counsel on proceedings before the Patent Trial and Appeal Board.

CREDENTIALS

Bar admissions and qualifications

- **QUALIFICATIONS**

- New York State Bar Association
- New York Intellectual Property Law Association
- American Bar Association

- **BAR**

Keith is admitted to practice in New York, as well as before the U.S. District Courts for the Southern and Eastern Districts of New York, the U.S. Court of Appeals for the Federal Circuit, and the United States Patent & Trademark Office.

Education

- J.D., New York University School of Law, 1994
- B.S., Chemical Engineering, Cornell University, 1987

Recognition

Keith has been recognized by The Best Lawyers in America Best Lawyers for his work in Litigation – Patent for 2021-2024.

EXPERIENCE

Keith has served as trial counsel in pharmaceutical patent litigation for companies including Roxane Laboratories, West-Ward Pharmaceuticals and Teva Pharmaceuticals USA and was lead counsel in a damages hearing regarding pesticides. Highlights include the following:

- Lead counsel in damages hearing on behalf of Makhteshim-Agan of North America and Control Solutions Inc.
- Lead trial counsel for Roxane and West-Ward in a series of ANDA litigations and IPRs leading to invalidation of Novartis compound patent at trial (reversed on appeal)
- Co-Lead counsel for Teva in ANDA litigation in which Teva defeated a motion for a temporary restraining order and successfully settled before trial

Other recent engagements include the following:

- Represented biologics manufacturer in patent strategy and FTO related to innovative biologics products
- Represented biosimilars manufacturer during prelitigation and patent-dance, leading to a favorable settlement
- Represented biosimilars manufacturer in prelitigation and patent-dance preparations
- Advised pharmaceutical manufacturer on IP due diligence relating to multiple rounds of financing and regarding patent strategy
- Defended a glass finisher in district court patent litigation leading to a favorable settlement during discovery
- Defended a biologics manufacturer in an ITC action that lead to a favorable settlement before institution
- Defended IBM in a patent infringement suit involving a system for providing public warnings over a cellular telephone network.
- Represented Civiq in patent litigation relating to digital outdoor electronic displays
- Represented Gillette in a suit involving patents on razor blade edge coatings; the case settled favorably for Gillette on the eve of trial
- Represented Gillette in an arbitration regarding a patent on a razor cartridge connector
- Advised biosimilars manufacturer regarding patents related to bevacizumab
- Lead trial counsel for Roxane in an ANDA litigation with a finding of invalidity after a bench trial, affirmed on appeal
- Co-lead counsel for Teva in ANDA litigation regarding CELEBREX® leading to a district court summary judgment of invalidity, affirmed on appeal.
- Co-Lead trial counsel for Roxane in an ANDA litigation that successfully settled after trial
- Co-Lead trial counsel for Teva in ANDA litigation regarding VIAGRA® with a favorable settlement after trial
- Co-Lead counsel for Teva in an ANDA relating to PULMICORT RESPULES® with a favorable settlement before trial
- Pro bono representation of the Joyful Heart Foundation in connection with its end-the-rape-kit-backlog initiative

Professional Experiences

Before joining Gemini, Keith was an associate and partner at Goodwin Procter LLP in New York City. Before joining Goodwin in 2001, Keith was an associate at Fish & Neave in New York City, where his work focused on intellectual property litigation, trade secret litigation, interference practice and patent prosecution for clients including ExxonMobil Chemical Company, Hoechst Celanese, Aventis Pharmaceuticals, The Gillette Company, and Phelps Dodge.

PUBLICATIONS

Keith was an editor and contributor to Goodwin Procter LLP's biosimilars blog, Big Molecule Watch. His publications include:

- Contributor, "Guide to Biosimilars Litigation and Regulation in the U.S., 2022-2023 ed.," Thomson Reuters, December 2022
- Co-Author, "S. Legislative Update: Takeaways for European Pharma," European Pharmaceutical Review, November 2022
- Co-Author, "*Idenix v. Gilead*: The enablement and written description limits of a genus claim," Journal of Generic Medicines, June 2021
- Contributor, "Guide to Biosimilars Litigation and Regulation in the U.S., 2019-2020 ed.," Thomson Reuters, November 2019
- Author, "INSIGHT: The Ongoing Debate About Disclosing Manufacturing Process Information in the Patent Dance," BNA Patent, Trademark & Copyright Journal, June 2018
- Author, "Turning tide on diagnostic method claims," Intellectual Property Magazine, May 2018

Keith published a series of articles examining patent issues related to plants and seeds in Cereal Foods World, which included:

- "Protecting Intellectual Property in Plants and Seeds," Cereal Foods World, November 2008
- "Enforcing Patents," Cereal Foods World, October 2008
- "The Anatomy of a Patent," Cereal Foods World, August 2008
- "Obtaining a Patent," Cereal Foods World, June 2008
- "The Interplay Between Patents and Other Forms of Intellectual Property," Cereal Foods World, March 2008
- "Introduction to the United States Patent Systems," Cereal Foods World, January 2008

Keith's speaking engagements include:

- Presenter, "So You Want To Make A Biosimilar: Top Considerations Before BLA Submission," Big Molecule Watch Webinar, 2023
- Presenter, "So You Want To Make A Biosimilar: Top Patent Considerations Before You Start," Big Molecule Watch Webinar, 2020