

# Michael Johnson

Partner  
Gemini Law LLP



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## LANGUAGE

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- English

## ADMISSIONS

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- New York
- U.S. District Court for the Southern District of New York
- U.S. Court of Appeals for the Federal Circuit
- U.S. Patent & Trademark Office

## EXPERIENCE

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- Confidential Vaccine and Biosimilar Matters – Evaluate patents for companies developing vaccines and biosimilars, including patents directed to proteins, cell culture media, polynucleotides, vectors, host cells, and production methods.
- *Amgen v. Celltrion (denosumab)* – Represented Celltrion in district court litigation involving numerous patents asserted by Amgen regarding its Prolia/Xgeva product. The case settled favorably after expedited discovery.
- *La Jolla v. Gland and Fresenius (angiotensin II)* – Represented La Jolla in Hatch-Waxman litigation related to its Giapreza product, which resulted in a favorable settlement.
- *Regeneron v. Celltrion (afibercept)* – Represented Celltrion in BPCIA litigation concerning the Elyea product.
- *Alnylam v. Pfizer; Arbutus v. Pfizer; GSK v. Pfizer* – Represented Pfizer in multiple litigations related to its COVID-19 vaccine.
- *Roche v. Insulet (Omnipod)* – Represented Insulet in litigation regarding its on-body insulin pump, which resulted in a favorable settlement.

## EXPERIENCE - Continued

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- *Pfizer v. Novo Nordisk* (liraglutide) – Represented Hospira in an IPR challenge to Novo’s patent on its Victova product. Argued the matter before the PTAB resulting in a favorable settlement days after the PTAB trial.
- *Hospira v. Eagle* (bendamustine) – Represented Hospira in Hatch-Waxman litigation concerning Eagle’s Bendeka product which resulted in a settlement.
- *Lupin v. Amgen* (pegfilgrastim) – Represented Lupin in IPR proceeding challenging Amgen’s method of refolding proteins patent that ultimately resulted in a favorable settlement.
- *Genentech v. Pfizer* (bevacizumab) – Represented Pfizer in BPCIA litigation concerning its biosimilar to Avastin, which resulted in a settlement.
- *Pfizer v. Genentech* – Represented Pfizer in an IPR Proceeding challenging Genentech’s patent on recombinant antibody technology.
- *Genentech v. Pfizer* (trastuzumab) – Represented Pfizer in BPCIA litigation concerning its biosimilar to Herceptin, which resulted in a settlement.
- *Amgen v. Hospira* (erythropoietin) – Represented Hospira in one of the first litigations under the BPCIA regarding its biosimilar to Epogen. Obtained appellate victory for Hospira in a case of first impression before the Federal Circuit involving the statutory framework for biologic drug products.
- *Hospira v. Genentech* (bevacizumab) – Represented Hospira in successful IPR proceeding relating to a method of treatment using bevacizumab as well as the subsequent appeal, which resulted in an affirmation of the PTAB’s decision that all of the challenged claims were unpatentable.
- *Hospira v. Genentech* – Represented Hospira in successful IPR proceeding related to a patent on Protein A affinity chromatography, which resulted in a decision that all of the challenged claims were unpatentable.
- *Takeda v. Array Biopharma* – Represented Array in an IPR proceeding on Takeda’s compound patent as well as a subsequent appeal, which ultimately resulted in a favorable decision.
- *Merck v. Hospira* (ertapenem) – Second-chair trial counsel representing Hospira in this patent litigation concerning Invanz. Court found Merck’s patent on the process for making ertapenem invalid as obvious.
- *Purdue v. Amneal* (oxycontin) – Represented Amneal in the successful appeal of Hatch-Waxman action relating to obviousness of anti-abuse features of reformulated oxycontin.
- *Sanofi v. Actavis* (cabazitaxel) – Represented Actavis in this patent litigation concerning Jevtana.
- *AbbVie v. Hospira* (paricalcitol) – Second-chair trial counsel representing Hospira in this patent litigation concerning patents related to Zemplar. Court ruled that Hospira’s generic paricalcitol product does not infringe AbbVie’s U.S. patent.
- *Nautilus v. Wockhardt & Edict* (diclofenac) – Represented a branded pharmaceutical company against two generic challengers on four patents related to novel formulations and methods of treatment for diclofenac.
- *Arkema v. Honeywell* – Represented a chemical company in a declaratory judgment action seeking to invalidate patents directed to 1234yf, a hydrofluorocarbon used in automobile refrigeration.
- *Bloomberg v. Swatch* – Represented Bloomberg L.P. in its fair use defense to claims brought by Swatch for copyright infringement.
- *Takeda v. Teva* (lansoprazole) – Successfully represented Teva in the Federal Circuit on an appeal from a district court decision of non-infringement. The Federal Circuit affirmed the district court’s decision one day after oral argument.
- *Abbott Labs. v. Teva* (cefdinir) – Successfully defended Teva from a preliminary injunction motion. Successfully represented Teva in the appeal from the denial of the preliminary injunction motion.
- *Pfizer v. Synthon BV* (amlodipine) – Successfully represented Synthon in a Federal Circuit appeal resulting in the patent being held invalid as obvious.
- *OSI Pharma., Pfizer & Genentech v. Teva* (erlotinib) – Represented Teva in a patent litigation concerning three patents.
- *Boston Scientific v. Cordis and Johnson & Johnson* (drug-eluting stents) – Represented Boston Scientific in a patent litigation concerning several patents on drug-eluting stents.

## PUBLICATIONS

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- *U.S. Supreme Court Highlights Enablement and the Full Scope of Invention in Amgen Inc. v. Sanofi*, Client Alert with H. Schneider (May 19, 2023)
- *U.S. Supreme Court Rules Patent Office Judge Oversight Unconstitutional but Offers New Fix to System*, Client Alert with H. Schneider (June 23, 2021).
- *Trade Secret Updates: Litigation Developments and IP Waivers*, Biosimilar Webinar Series with H. Schneider (June 9, 2021)
- *The Bio-Quarterly: Willkie's Biologics and Biosimilars Newsletter*, February 2021
- *The Bio-Quarterly: Willkie's Biologics and Biosimilars Newsletter*, November 2020
- *The Bio-Quarterly: Willkie's Biologics and Biosimilars Newsletter*, July 2020
- *IP COVID-19 Update: Government Activities Impacting Pricing, Supply, and Research and Development in the Pharmaceutical and Medical Supply Industries*, with H. Schneider (April 28, 2020).
- *U.S. Supreme Court Rules that Time-Bar Decisions Are Not Appealable in Patent Office Inter Partes Review Proceedings*, Client Alert (April 23, 2020).
- *The Bio-Quarterly: Willkie's Biologics and Biosimilars Newsletter*, April 2020
- *IP COVID-19 Update: Procedural Restrictions at the Patent Office, PTAB, and Courts with Significant Patent Dockets*, with H. Schneider (March 30, 2020).
- *The Bio-Quarterly: Willkie's Biologics and Biosimilars Newsletter*, January 2020
- *The Bio-Quarterly: Willkie's Biologics and Biosimilars Newsletter*, October 2019
- *The Bio-Quarterly: Willkie's Biologics and Biosimilars Newsletter*, July 2019
- *The Bio-Quarterly: Willkie's Biologics and Biosimilars Newsletter*, April 2019
- *The Bio-Quarterly: Willkie's Biologics and Biosimilars Newsletter*, October 2018
- *The Bio-Quarterly: Willkie's Biologics and Biosimilars Newsletter*, July 2018
- *The Bio-Quarterly: Willkie's Biologics and Biosimilars Newsletter*, January 2018
- *The Bio-Quarterly: Willkie's Biologics and Biosimilars Newsletter*, October 2017
- *PTAB Developments Involving CRISPR-Cas9 Gene Editing Technology*, with H. Schneider, NYIPLA, The Report (April/May 2017).
- *Litigation Discovery Considerations from an In-house Counsel Perspective: Litigation Hold Memos, Spoliation and ESI*, Moderator, NYIPLA One Day Patent CLE Seminar (Nov. 2016)
- *The Rapidly Changing Patent Law Landscape: What Entrepreneurs, Investors, Inventors, Lawyers and Judges Need To Know*, Speaker, NYIPLA and Rensselaer Polytechnic Institute (April 2015).
- Federal Circuit Review, Editor, monthly volumes from September 2008 to December 2012.
- *Drug Approval Pathway Established for Biosimilar Drugs*, Client Memorandum (April 1, 2010).

## CREDENTIALS

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### Education

- J.D., University of Notre Dame Law School, 2001
- B.S., Rensselaer Polytechnic Institute, 1998

### Bar admissions and qualifications

- New York
- U.S. Patent & Trademark

### Admissions

Mr. Johnson is admitted to practice in New York, as well as before the U.S. District Court for the Southern District of New York and the U.S. Court of Appeals for the Federal Circuit.

### Recognition

- Recognized as a top patent litigator in the IAM Patent 1000 – The World's Leading Patent Professionals as one of the world's leading patent litigators (2023 and 2024).
- Among leading practitioners in New York in Chambers USA 2024 in its Intellectual Property: Patent category.