

Chemical

Practices and Industries

PRIMARY CONTACTS

Randall C. Brown

+1 214.651.5242

Evert Uy Tu

+1 949.202.3043

The Chemical Practice Group at Haynes Boone comprising lawyers with pertinent educational and technical backgrounds and experience, helps clients that employ chemicals and chemical technology in their business operations. The cross-sectional Chemical Industry Practice Group represents clients at the interface of chemistry and the law, and includes lawyers from our environmental, intellectual property transaction and litigation, OSHA, food and drug, and insurance recovery practice groups, as well as other legal disciplines. We help clients develop and implement a comprehensive approach to managing legal risks and addressing issues affecting the chemical industry.

For more than 30 years, our lawyers have counseled clients on chemical industry matters. Our team of lawyers, patent agents, and scientific advisors holds degrees in various scientific disciplines, including organic chemistry, biochemistry, physical chemistry, chemical engineering, material science, physics, and biology. Several of our team members have advanced scientific degrees. In addition, many members of the Chemical Industry Practice Group have industry and academic experience. This combination of legal and technical capabilities translates into a full-service practice that assists chemical industry clients with their legal needs across a wide range of chemical-related technologies and issues.

Representative chemical technologies where we have helped clients succeed include petrochemicals, polymers, plastics, pigments, lubricants, concrete compositions, glass compositions, downhole oilfield fluids, catalysts, carbon nanotubes, electroplating, organic and inorganic materials, semiconductors, agricultural products, food and flavor products, cosmetics, pharmaceuticals, nutraceuticals, medical devices, bioactive coatings, per and polyfluoroalkyl substance manufacture and use, and more.

Environmental

Our environmental lawyers are familiar with all aspects of environmental law, including those programs that directly affect the chemical industry and industries using chemicals--not only TSCA, FIFRA, and EPCRA, but also the Clean Water Act, the Clean Air Act, RCRA, and Superfund. They advise clients on pertinent regulatory requirements, assist them in permitting and registration and in defending enforcement actions, help them manage environmental risks associated with business

transactions, and represent them in administrative and judicial proceedings, including claims associated with chemical contamination arising under Superfund and its state analogs and the common law, such as toxic tort disputes.

Patent Prosecution and PTO Representation

The Chemical Industry Practice Group has prosecuted and obtained hundreds of chemical-related patents, and regularly manages complex portfolios covering key product lines and R&D work leading to next-generation products. These include patents related to:

- new compositions of matter
- articles of manufacture
- chemical processes for making and using such materials
- routes of synthesis
- processing equipment
- diagnostic methods and equipment

Our patent practitioners regularly work with foreign counsel across the globe to prosecute and manage foreign patent applications based on each client's geographic footprint and budget.

Our IP lawyers routinely represent clients in post-issuance proceedings before the United States Patent and Trademark Office, including *inter partes* review proceedings, reissue proceedings, post-grant review proceedings, and derivation proceedings.

IP Counseling and Opinions

We assist our clients in building and managing complex portfolios of patent rights, both domestically and internationally, to protect key and potential commercial technologies. Our team regularly provides clients with analyses of complex scientific and legal issues, including freedom-to-operate, non-infringement, and invalidity opinions. We also provide landscape analyses and consult with and advise clients on design-around alternatives.

Transactions

We advise clients with respect to a full range of transactional issues, including patent and related IP-diligence and the negotiation and drafting of various agreements in connection with mergers, acquisitions, divestitures, secure financings, and partnering arrangements such as joint venture and distribution arrangements. The Chemical Industry Practice Group is familiar with trade secret, patent, copyright, and software issues that arise in the chemical industry.

Litigation

The Chemical Industry Practice Group is adept at litigating for our clients in state and federal courts across the country, including the International Trade Commission. Our litigation team works closely with our chemical practitioners and scientific advisors to counsel clients from discovery to trial. Our chemical litigation experience ranges from trade secret matters involving technologies such as semiconductors and activated carbon, patent infringement cases involving technologies such as high-strength plastics and retroreflective backings.

Insurance Recovery

Our insurance lawyers actively represent chemical industry clients in connection with obtaining insurance recoveries for a variety of issues. Most significantly, Haynes Boone represents corporations seeking insurance coverage for both state and federal allegations of environmental contamination and demands for remediation, including polyfluoroalkyl compounds (PFAS), perchloroethylene (PCE), trichloroethylene (TCE), and methyl-tertiary-butyl-ether (MTBE). Our practitioners have successfully obtained millions of dollars from historic commercial-general liability insurance policies for such environmental contamination allegations brought by the United States Environmental Protection Agency and its state counterparts. Further, the Insurance Recovery Group actively represents corporations seeking insurance coverage for asbestos liabilities. Members of the group have obtained insurance coverage for hundreds of millions of dollars in both defense and indemnity costs associated with asbestos claims.

International Trade

Our International Trade Practice Group obtains relief for U.S. industries injured by dumped or subsidized imports. Our work has included victories for US producers of several chemicals, including industrial nitrocellulose, carboxymethyl cellulose and polyvinyl alcohol. We have successfully defended foreign companies against trade restrictions. We are especially adept in advising clients on how to comply with U.S. trade laws and avoid costly legal proceedings. Our Trade Group regularly deals with OFAC sanctions, export controls, NAFTA, anti-bribery issues under the Foreign Corrupt Practices Act (FCPA), and customs matters. We have guided both foreign buyers and domestic sellers of companies with sensitive technologies through the inter-agency Committee on Foreign Investment in the United States (CFIUS). Our Trade Group has also represented both U.S. and foreign clients before Congress.