



Ralph J. Gabric

Partner

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PRACTICES Intellectual Property Litigation, Intellectual Property, Litigation, Patents, Patent Litigation, Hatch-Waxman/ANDA, Biosimilars, Life Sciences, Healthcare and Life Sciences, Precision Medicine and Digital Health, Chemical, Technology, Medical Device and Technology

Ralph Gabric is a trial lawyer with more than 30 years of experience handling patent matters in cases around the country, including in the Northern District of Illinois, the District of Delaware, the Northern and Central Districts of California, the Eastern District of Texas, and the District of New Jersey. He has successfully represented clients as lead counsel in both jury and bench trials, appeals to the U.S. Court of Appeals for the Federal Circuit, as well as in post-grant review proceedings before the Patent Trial and Appeal Board.

Clients appreciate that, from the outset of a case, Ralph focuses on potential business resolutions while simultaneously preparing the case for trial should a business resolution not be achievable. He is especially adept at developing persuasive trial themes and presenting technical subject matter in a jury-friendly manner. His skills were praised by *Intellectual Asset Management (IAM)* magazine (Law Business Research) which described Ralph as “incredibly client-oriented” and “an awesome orator who instantly connects with juries.”

Clients rely on Ralph’s extensive experience handling matters that involve a variety of technologies, including software, medical devices, communications networks, cellular telephony, automotive, infrared cameras, and various internet-based technologies. Ralph also has substantial experience in Hatch-Waxman pharmaceutical litigation, having served as lead counsel in cases involving numerous drug products.

Ralph is actively involved in CARPLS (previously called Coordinated Advice & Referral Program for Legal Services), the largest provider of free legal services to the community of Cook County, which includes Chicago. He is a previous board member and past president of the organization and currently serves on its advisory board.

QUALIFICATIONS

EDUCATION

- B.S., Chemistry, Boston College, 1985
- J.D., DePaul University College of Law, 1988, *DePaul Law Review*

ADMISSIONS

- Illinois
- Arizona
- U.S. Patent and Trademark Office

COURT ADMISSIONS

- United States Supreme Court
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the District of Colorado
- U.S. District Court for the District of Delaware
- U.S. District Court for the District of Maryland
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Northern District of California
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Southern District of Illinois
- U.S. District Court for the Southern District of Indiana
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of Michigan

PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "Filing Considerations for PTAB Petitions on Biologic Patents Relating to COVID-19," co-author, *Life Science Leader*, March 1, 2021.
- "Defensive Litigation Strategy in a Changing Landscape," speaker, CenterForce USA IP Strategy Summit, New York, NY, November 20, 2019.
- "PTAB Live: Thoughts on Practice, Procedure, IPRs and More in the World of Pharmaceutical Patent Validity Challenges," speaker, ACI Paragraph IV Disputes, New York, NY, April 2017.
- "Generic Drug Litigation in the U.S.," speaker, 7th Annual Generic International Summit, Shanghai, China, April 2017.
- "Parallel Proceedings Moot Court: District Court and PTAB Mock Pharmaceutical Patent Invalidation Hearing," speaker, ACI Paragraph IV Disputes, New York, NY, April 2016.
- "The PTAB Live," speaker, ACI's Paragraph IV Disputes Conference, New York, NY, April 2016.
- "A View from the Bench: The Federal Judges Speak," speaker, ACI's Paragraph IV Disputes Conference, New York, NY, April 2015.
- "Working with Local Counsel and Within Local Rules: Magistrate and Local Counsel Roundtable," speaker, ACI's Paragraph IV Disputes Master Symposium, New York, NY, April 2014.
- "Damages in a Post-Uniloc World-Expert Tools for Determining Reasonable Damages and Obtaining Further Relief from Infringement," speaker, ACI's Advanced Forum on Patent Litigation, New York, NY, December 2013.
- "Enforcement's Role in Your IP Strategy: A Balanced Approach," speaker, IP Strategy Summit (TIPSS), November 2013.
- "Managing Risks of U.S. IP Litigation," speaker, International IP Rights Convention, Global IP Conference, Bangalore, India, January 2013.
- "Markman Hearings-Claim Construction," speaker, International Intellectual Property Rights Conference, Global IP Convention, New Delhi, India, January 2012.
- "The Post-Therasense World: Pleading and Defending Against Inequitable Conduct Allegations Under the Heightened Standard for Materiality and Intent," Speaker, ACI's Paragraph IV Disputes:

Expert Insights on Hatch-Waxman Litigation Strategies for Brand Names and Generics, San Francisco, CA, December 2011.

- “Developing Proactive Procedures and Strategies Today for the Flood of Biosimilar Litigation Tomorrow: From the Exchange of Patents to be Litigated to Product Launch,” speaker, ACI’s 2nd Annual Conference on Biosimilars, New York, NY, June 2011.
 - “Patent Litigation Issues on Chemical, Drug & the Pharmaceutical Industries,” speaker, 3rd International Intellectual Property Rights Conference, Global IP Conference, Bangalore, India, April 2011.
 - “Ethical Issues in Patent Litigation,” speaker, PLI Patent Litigation Seminar, Chicago, IL, October 2010.
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SELECTED CLIENT REPRESENTATIONS

- Won jury verdict of non-infringement and invalidity after 4-week jury trial, affirmed on appeal.
 - Won bench verdict of inequitable conduct after 1-week bench trial.
 - Won summary judgment in Hatch-Waxman case that the claimed transitional language “consisting essentially of” was indefinite, believed to be a case of first impression.
 - Won summary judgment of non-infringement in Hatch-Waxman case involving topical drug formulation.
 - Won consolidated *inter partes* review proceedings involving infrared camera technology where all challenged claims held unpatentable, affirmed on appeal.
 - Won partial summary judgment of non-infringement and invalidity in Hatch-Waxman case involving a transdermal patch leading to favorable settlement and early launch date.
 - Won motion for clarification of earlier Markman ruling on eve of trial leading to favorable claim construction ruling and favorable settlement.
 - Won key claim construction rulings leading to multimillion dollar settlement in client’s favor.
 - Successfully defeated defendants’ motion for summary judgment of non-infringement, invalidity and no unfair competition leading to favorable settlement for client.
 - Won temporary restraining order and preliminary injunction after favorable claim construction ruling on the eve of a trade show leading to favorable settlement for client.
 - Won temporary restraining order that prevented the shut-down of client’s email-based advertising system leading to favorable settlement for client.
 - Won summary judgment of no anti-trust conspiracy in client’s favor, affirmed on appeal.
 - Won summary judgment of no tortious interference, fraud or RICO violations in client’s favor, affirmed on appeal.
 - Won summary judgement of no infringement, affirmed on appeal.
 - Won summary judgment based on fact findings in collateral ITC proceedings that were held binding in the district court proceeding.
 - Won favorable settlement on client’s behalf after retained document examiner opined that the signatures on the contracts at issue were not genuine.
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AWARDS AND RECOGNITION

- *The Best Lawyers in America*, Woodward/White, Inc., Intellectual Property, 2009-2022
- Leading Patent Practitioner, *Intellectual Asset Management (IAM) Patent 1000: The World’s Leading Patent Practitioners*, Globe White Page Ltd, 2013-2021
- *Illinois Super Lawyers*, Thomson Reuters, Intellectual Property Litigation, 2006-2019
- Named in Euromoney’s *Expert Guide to the World’s Leading Patent Law Practitioners*, Euromoney Institutional Investor Plc, 2017
- *Chambers USA*, Chambers and Partners, 2004-2013

HAYNES BOONE

- Leading Intellectual Property Lawyer, Leading Lawyers Network, Law Bulletin Publishing Company, 2004-2016