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| Ben Bourke Headshot | Ben Bourke\*AssociateSan Francisco, CA, USt: 857.287.3128e: ben.bourke@wbd-us.com |

\**Ben Bourke is licensed to practice law in Delaware and Massachusetts. He is not licensed to practice law in California. He is supervised by attorneys licensed to practice in California.*

Ben Bourke is a registered patent attorney in the Delaware office of Womble Bond Dickinson. Ben primarily represents life sciences patent holders in Abbreviated New Drug Application (ANDA) and related patent litigation. Ben has represented various clients in patent litigation in front of district courts, the Federal Circuit, and the International Trade Commission. Ben has supported efforts to assess the merits of litigation before filing suit, assisted in the management of large scale e-discovery both in the United States and abroad, and participated in fact and expert discovery, as well as trial work. Ben has interviewed inventors to formulate invention stories, as well as prepared potential corporate designees and experts for depositions and trial testimony. Ben is regularly called upon to draft pleadings, discovery requests, infringement and invalidity contentions, and expert reports, as well as assist with depositions, direct and cross-examinations, among other litigation duties.

Representative Experience

* Part of the litigation team for an international pharmaceutical client in multiple ANDA litigations involving the company’s peptide drug for treating prostate cancer.
* Represented a large brand-name pharmaceutical company in an ANDA litigation involving a bowel cleansing drug used to prepare for colonoscopies.
* Part of the trial team representing an international pharmaceutical client in litigation involving declaratory judgment claims of non-infringement and invalidity. Successfully argued that the patents at issue were invalid under §§ 112 and 102(f). The trial, held in July 2020, was one of the first virtual trials in the nation and the first virtual trial in the SDNY.
* Part of the litigation team for an international pharmaceutical client in litigation in SDNY involving claims for correction of inventorship. At trial in July 2019, the team successfully proved that the opposing party’s alleged inventor did not invent any of the subject matter claimed in two of our client’s patents.
* Researched relevant case law and assisted with the drafting of briefs to be filed with the Federal Circuit.
* Managed and reviewed documents material to discovery disputes in district court litigation concerning trade secret misappropriation and patent infringement claims.
* Drafted opinion for a multinational pharmaceutical company.
* Assisted with the preparation and prosecution of patents in the biologics field.

Thought Leadership

* Author, "Relaxing Patent Rights in a Pandemic is a Win for Innovators and the Public," *IAM Media*, April 2021
* Author, "Amici Views On Big Pharma ‘Renting’ Sovereign Immunity," *Law360*, January 2018
* Co-author, "Courts Answer Key Questions Over the Reach of the BPCIA," *IP Watchdog*, July 2016

Education

J.D., Temple University Beasley School of Law

* Dean’s List
* Member, IP Moot Court

B.A., Williams College

Admitted to Practice

Delaware

Massachusetts

United States Patent and Trademark Office

Related Services & Sectors

IP, Technology and Data; Intellectual Property Disputes and Litigation