

Life Sciences Group Of The Year: Covington

By Adam Lidgett

Law360 (February 7, 2020, 2:22 PM EST) -- Covington & Burling LLP has defended Boehringer Ingelheim Pharmaceuticals in various lawsuits over its blood thinner Pradaxa and helped Eli Lilly & Co. get a massive win in arbitration, landing the firm among Law360's 2019 **Life Sciences Groups of the Year**.

Boehringer Ingelheim has faced many lawsuits claiming Pradaxa caused internal bleeding in patients, and Covington has helped defend them along the way.

In October 2018, the company won a bellwether trial over Pradaxa's alleged risks after a Connecticut state jury rejected plaintiff William Bedsole's claims that the drug caused a life-threatening bout of internal bleeding.

And while a Connecticut judge in September rejected Boehringer Ingelheim's bid to escape its first loss in several bellwether trials over Pradaxa, the judge ruled that plaintiff Eugene Roberto's claim that the company should have warned doctors to monitor the level of Pradaxa in their patients' blood is preempted by federal labeling law.

Paul Schmidt, co-chair of Covington's product liability and mass tort group, told Law360 that the September ruling could end thousands of similar cases against Boehringer Ingelheim.

"Preemption is one of the most critical legal issues pharmaceutical companies have been litigating over the past 10 years," Schmidt, a partner in the firm's New York City outpost, said. "It's a really important issue for them to get a win on what could dispose of thousands of cases. Being able to get trial wins and legal wins on critical issues is pretty unique."

In August, an American Arbitration Association tribunal tossed French biopharmaceutical company Adocia SA's arbitral claim that sought \$1.8 billion in damages against Covington client Eli Lilly over the U.S. drugmaker's alleged misappropriation of confidential information.

"It's a critical issue for the client both in terms of the allegations and the money being sought, and so getting a complete win on that basis is notable," Schmidt said of the Eli Lilly matter. "The manner of the



win, where the arbitration panel went out of their way to rely on the testimony we put forward, speaks to the advocacy involved in getting that win."

On top of litigation and arbitration, Covington has also worked on numerous deals in the life sciences space.

For example, Merck & Co. Inc. said in December 2018 that it had agreed to buy all outstanding shares of privately held animal intelligence technology group Antelliq Group for €2.1 billion (\$2.4 billion) and assume its debt in a deal guided by Covington.

"It was a cross-border — complicated transaction. It wasn't just a U.K.-U.S. deal, it was wide-ranging," Catherine Dargan, co-chair of Covington's mergers and acquisitions practice, said. "The target had subsidiaries all over the world and the deal involved a number of cutting-edge issues for diligence given the focus on AI and animal health."

Dargan, a partner at the firm's Washington, D.C., office, said that life sciences mergers and acquisitions are definitely a focus for the firm. She said what differentiates Covington's practice from other firms is that it combines strong corporate expertise with strong experience in other key substantive areas, like data privacy and intellectual property.

"Our goal is to continue to grow the practice," Dargan said. "We have a very strong reputation in this area and we represent a lot of the largest pharmaceutical companies and cutting-edge biotechnology and medical device companies, and we plan to grow the practice and do more for them."

Denise Esposito, co-chair of Covington's food, drug and device regulatory practice, said the firm has a strong focus on the regulatory component of life sciences as well.

Esposito said her practice covers the industry overseen by the U.S. Food and Drug Administration, and that it focuses on things like regulatory strategy, resolving disputes with regulators and enforcement and compliance matters.

"The FDA regulatory practice goes back to the firm's inception 100 years ago," Esposito said.

According to the firm, it has over 500 attorneys who deal with life sciences. In the U.S., those attorneys are in Los Angeles, San Francisco, Washington, D.C., and Palo Alto, California, but the firm said it has attorneys all over the globe, including in Beijing, London and Frankfurt.

"I would say that life sciences overall is close to half of the firm's business," Esposito said. "The firm has branched out to a lot of other areas, including high-tech and other regulated industry, but life sciences is a crown jewel of the firm."

--Additional reporting by Kevin Stawicki and Daniel Siegal. Editing by Orlando Lorenzo.