

## Life Sciences Group Of The Year: Covington

By Adam Lidgett

*Law360 (February 11, 2022, 2:01 PM EST)* -- Covington & Burling LLP spent the past year helping clients navigate the changing COVID-19 landscape, notably assisting Moderna in obtaining emergency use authorization for its vaccine while also racking up wins in litigation, earning the firm a spot among Law360's 2021 Life Sciences Groups of the Year.

Denise Esposito, a Covington partner who co-chairs its food, drug and device regulatory practice, said a lot of the work her team has done over the past year was responding to the COVID-19 pandemic, which included helping clients develop pandemic-related medical products as well as assisting clients on other drug development programs and affected businesses.

"The pandemic-related work has been a substantial portion of work our group has done in the past year in addition to the normal coursework," Esposito said.

The firm has worked with virtually all drug manufacturers in one way or another during the pandemic, Esposito said, including helping Moderna receive emergency use authorization for its COVID-19 vaccine.

The firm also worked with Amazon on its diagnostic products, according to Esposito. In addition, Covington worked with companies like Genentech, Johnson & Johnson and Merck in relation to their therapeutic products.

"We brought expertise that I'd like to think they respected and knew that we had," Esposito said, adding that the firm "had a team that worked easily with [the U.S. Food and Drug Administration] and ... had experience on medical countermeasures."

The firm also earned wins in the trial sphere, according to Paul Schmidt, a Covington partner and a co-chair of the firm's product liability practice.

For example, the firm represented Monsanto in litigation over its weedkiller Roundup. A Los Angeles County jury in early October handed Monsanto its first win in a trial over allegations that Roundup causes cancer, returning a verdict in which jurors found that a child's exposure to the weedkiller wasn't a "substantial factor" that led to his lymphoma.



"It was a really significant win in terms of securing the company's first win after prior challenging outcomes, and it was particularly notable in an unfavorable jurisdiction," Schmidt said.

On the deals side, Covington also had a number of accomplishments over the past year, said Catherine Dargan, a partner who leads the firm's corporate practice and mergers and acquisitions practice.

Merck & Co., advised by Covington, decided to buy the publicly traded cancer and rare disease biotech company Acceleron Pharma Inc. for \$11.5 billion. Dargan said "there were some existing license agreements that were involved that required some pretty careful review and analysis."

"We were able to get it done I think earlier than a lot of people anticipated on the terms that were negotiated," Dargan added.

Merck also bought clinical-stage autoimmune and inflammatory disease biotechnology group Pandion Therapeutics Inc., in a \$1.85 billion deal guided by Covington.

The firm's reach is global, and it has attorneys in places like Washington, D.C., New York City and San Francisco, according to Esposito.

Esposito said that Covington has a very large life sciences group generally and that attorneys in the group work across various practice areas. For example, Esposito's practice is regulatory, but the way the firm is structured, that means she works with various other practices, like corporate litigation.

Esposito took over as co-chair of the group in 2015, and it has grown significantly in recent years, she said.

"We'll continue to grow to meet client demand and meet demands of the larger life sciences industry group at the firm," Esposito said.

Covington added that the firm has more than a hundred lawyers who devote nearly all of their time to working on behalf of clients in the biotechnology, pharmaceutical and medical device spaces.

--Editing by Steven Edelstone.