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TOP INTELLECTUAL PROPERTY LAWYERS



Wilson Sonsini Goodrich & Rosati SAN FRANCISCO

Wendy L. Devine

With 18 years of experience in IP law, Wendy L. Devine's career was inspired by her father, a former engineer turned patent lawyer, who encouraged her to pursue law after obtaining her undergraduate and graduate degrees in science.

She's also co-chair of Wilson Sonsini's 40-lawyer patent litigation group and handles mostly life sciences and Hatch-Waxman litigation matters.

"Patent litigation often lasts for several years, and a client's idea of a 'win' may not

be the same when the complaint was filed and long after," Devine said. "Ongoing, open communication about strategy and evolving goals is key to my relationships with my clients."

Currently, she is representing Impossible Foods in a groundbreaking patent litigation concerning their innovative plant-based food products containing heme, a molecule found in every living animal that helps give meat its taste. Devine's client is suing Motif Foodworks relating to the production of heme, a technology that differentiates Impossible Foods' plant-based products from its competitors. *Impossible Foods Inc. v. Motif Foodworks, Inc.*, 1:22-cv-00311 (D. Del., filed March 9, 2022).

"The case is the first patent litigation in this new industry, and I am excited to be leading the team as it has given me a unique opportunity to apply my pre-law school education in genetics and agriculture," Devine said.

She successfully represented Impossible Foods before the Patent Trial and Appeal Board in October 2022 and June 2023, when the PTAB denied Motif's petition to challenge the validity of six Impossible Foods patents. She also defeated Motif's motion to dismiss and motion to stay in the district court litigation. A trial awaits in the District of Delaware.

Over the past decade, Devine has also represented Viatris (formerly Mylan), in several patent litigations, playing a pivotal role in enabling the marketing of more affordable generic drugs.

Her recent work includes representing Viatris in litigation related to their generic rivaroxaban product, where her team successfully invalidated the asserted patent in *inter partes* review, with district court litigation currently on hold pending appeal.

"Particularly in the cases that I litigate -- which are life science patent cases full of complex, scientific detail that is key to resolution of disputes -- a significant obstacle is translating that information in a clear and persuasive way," Devine said. "Not only does the judge or jury have to understand the substance, but they also have to believe that what I am advocating for is the correct interpretation and application of that information. That challenge underlies much of my strategic decision-making including arguments to advance, selection of experts, and overall case themes."

Lastly, she shared a recent observation within her realm of litigation.

"In Hatch-Waxman litigation, there remains uncertainty about the viability of section viii carve-out non-infringement arguments in view of recent Federal Circuit case law," Devine said.