



Richard T. McCaulley

PARTNER

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Rick McCaulley brings to bear more than 20 years of experience handling complex patent, trade secret and antitrust disputes, serving as lead counsel in jury and bench trials in U.S. federal courts and before the PTAB, and advising on substantial matters in international courts.

With a degree and deep background in biomedical engineering, Rick has represented major pharmaceutical and medical device companies, including Bausch & Lomb, Pfizer, AstraZeneca, Biomet, GN Resound and Nevro, on Hatch-Waxman/ANDA litigation and other types of patent disputes.

Recognized for his results in the courtroom on cases involving complex technologies, Rick has also become the go-to litigator for many high-tech companies.

As co-founder of a highly-successful medical device company, Rick understands the strategic value of a company's IP and how to protect it. It's one of the reasons clients call upon Rick to handle matters that are of the highest strategic importance to their business. He brings the perspective of a seasoned trial lawyer and business owner to his client's cases, and has built a world-class reputation for delivering the business results they need.

Rick speaks regularly on patent issues, trial strategies, the effective use of budgeting and legal project management tools, and a variety of other topics. He is recognized for his expertise and results by Chambers USA, Legal 500, Best Lawyers, Managing IP, and Euromoney, among others.

Representative Clients and Matters

REPRESENTATIVE LIFE SCIENCES MATTERS:

AstraZeneca v. Breath, Ltd. et al. (D.N.J.): Represent AstraZeneca in ANDA litigation involving Pulmicort Respules®, a nebulized corticosteroid used to treat asthma.

King Pharmaceuticals et al. v. Teva Parenterals et al. (D. Del.): Represented Pfizer subsidiaries, King Pharmaceuticals and Meridian Medical Technologies, in ANDA litigation involving King's EpiPen® epinephrine auto-injector product.

Baxter, Inc. v. Minrad (D. Del.): Represented Baxter in ANDA litigation involving anesthesia products.

Gian Biologics, LLC v. Biomet, Inc. (D. Del.): Represented Biomet in a patent infringement action involving autologous blood separation technology.

CIBA Vision v. Bausch & Lomb (N.D. Ga.): Represented Bausch & Lomb in a patent infringement action related to polymer compositions and morphology for contact lenses.

SciMed Life Systems, Inc. v. Advanced Cardiovascular Systems, Inc. (N.D. Cal; Fed. Cir.): Represented Advanced

Cardiovascular Systems in a patent infringement action related to rapid exchange catheter systems.

Süd Chemie, Inc. v. CSP Technologies, Inc. (S.D. Ind.): Represent CSP Technologies in a patent infringement action related to desiccant-entrained polymer container systems for storing and dispensing drugs and drug products.

ICU Medical Systems, Inc. v. Alaris (C.D. Cal.): Represented Alaris in a patent infringement action involving valve systems for intravenous drug delivery.

Edwards Lifesciences, LLC v. Cook Incorporated (N.D. Cal.): Represented Edwards Lifesciences in patent litigation involving intraluminal grafts for treating aortic aneurisms.

Edwards Lifesciences, LLC v. Gore (N.D. Cal.): Represented Edwards Lifesciences in patent litigation involving intraluminal grafts for treating aortic aneurisms.

I. duPont v. Cardinal Health(D. Tenn.): Represented Cardinal Health in a patent infringement action involving polymer and fiber compositions for medical products.

REPRESENTATIVE TECHNOLOGY MATTERS:

Activision T.V., Inc. et al. v. Richardson Electronics, Inc. et al. (N.D. Ill.): Represented NEC Display Solutions in a patent infringement case relating to digital display technology.

RR Donnelley & Sons Company v. Xerox Corporation (N.D. Ill.): Represented RR Donnelley in a patent infringement case relating to variable data printing technology.

Linksmart Wireless Tech. v. AT&T Mobility (E.D. Tex.): Represented AT&T in a patent infringement action related to wireless access authentication protocols and rule implementation for roaming internet users.

Related Practice Areas

- [Due Diligence](#)
- [Opinions](#)
- [Freedom to Operate/ Third Party Risk Assessment](#)
- [Competitive Landscape Analysis](#)
- [Patent Utilization](#)
- [Contested Proceedings](#)
- [USPTO Post-Grant Proceedings](#)
- [European Oppositions](#)
- [Litigation and Litigation Support](#)
- [Alternative Dispute Resolution](#)
- [Trademarks](#)

Related Industries

- [Computer Technology and Software](#)
- [FinTech and Blockchain](#)
- [Telecommunications](#)
- [Mechanical and Industrial Devices](#)
- [Electronic Hardware](#)
- [Semiconductor Devices and Materials](#)
- [Consumer Products](#)

- Medical Devices
- Pharmaceuticals and Chemicals
- Biotechnology

Bar Admissions

- Illinois
- Court of Appeals for the Federal Circuit
- Court of Appeals for the 7th Circuit
- *Not admitted in California, but being supervised by a licensed California Bar member*

Publications

- Speaker, “The Future of Trade Secrets and the DTSA,” MIP Trade Secrets Forum (September 27, 2016)
- Speaker, “The Defend Trade Secrets Act of 2016 – What You Need to Know,” Association of Corporate Counsel (June 15-16, 2016)
- Speaker, “Critical Issues in Trade Secrets & Economic Espionage,” Ropes & Gray’s West Cost Lunchtime Legal Briefing (March 31, 2016)
- Speaker, “Winning on Either Side of the “v.”: How to Succeed as a Patent Challenger or Defender,” Ropes & Gray and the ACC on Post-Grant Patent Challenges at the Patent Trial and Appeal Board Conference (January 13, 2016)
- Speaker, “Evaluating the Merits of Bringing A Declaratory Judgment Action,” ACI Paragraph IV Conference (October 1, 2015)
- Speaker, “Exploring the Parallel World of IPR Proceedings,” ACI Medical Device Patents Conference (March 4, 2015)
- Speaker, “Litigation Issues,” PLI: Fundamentals of Patent Prosecution 2015: A Boot Camp for Claim Drafting & Amendment Writing (May 14, 2015)
- Speaker, “New System Challenges: The European Unitary Patent System and PTAB,” FCBA International Series (October 21, 2014)
- “Perspectives for European Lawyers on the New U.S. Patent Trial and Appeals Board as a Forum for Resolving Hi-Tech Patent Validity,” C5 Hi-Tech Patents: IPR Strategies & Litigation Conference (July 1, 2014)
- “Hot Venues: Delaware, Texas, Chicago & California,” Ropes & Gray IPMC Financial Services Roundtable (April 7, 2014)
- Speaker, “Evaluating the Merits of Bringing A Declaratory Judgment Action,” ACI Paragraph IV Conference (October 1, 2015)
- Speaker, “Exploring the Parallel World of IPR Proceedings,” ACI Medical Device Patents Conference (March 4, 2015)
- Speaker, “Litigation Issues,” PLI: Fundamentals of Patent Prosecution 2015: A Boot Camp for Claim Drafting & Amendment Writing (May 14, 2015)
- Speaker, “New System Challenges: The European Unitary Patent System and PTAB,” FCBA International Series (October 21, 2014)
- Speaker, “Europe’s Unitary Patent System: What’s Next for U.S. Medical Device Companies?” BAIMA Luncheon Seminar, Silicon Valley (March 13, 2013)

Memberships

- Intellectual Property Owners Association (IPO)

Honors & Awards

- *World IP Review Leaders* (2017)
- *Legal 500* (2015, 2017)
- *Chambers USA: America's Leading Lawyers for Business* (2014-2019)
- *The Best Lawyers in America* (2012-2019)
- *IAM Patent 1000 – The World's Leading Patent Practitioners* (2013-2019)
- *Managing IP – “IP Star”* (2013-2014)
- *Euromoney’s Guide to the World’s Leading Patent Law Practitioners* (2008-2013)

Education

- JD, 1994, University of Notre Dame, magna cum laude
- BS, 1987, Biomedical Engineering, Trinity College (CT)