Brian C. Trinque, Ph.D.

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PRACTICE AREAS

Intellectual Property

Intellectual Property Diligence

Intellectual Property Litigation

Licensing, Technology Transfer & Commercialization

Patents

Inter Partes Review

INDUSTRIES

Life Sciences

Technology

COURT MEMBERSHIPS

- Massachusetts
- U.S. Patent and Trademark Office

EDUCATION

Suffolk University Law School, J.D.

University of Texas at Austin, Ph.D., Organic Chemistry

Brian leverages his chemistry background and technical skills to help protect advances in the pharmaceutical industry. He loves his work because the patented technologies "help people return to normal life after experiencing illness, increase lifespans, create a better quality of life, and ensure better healthcare." According to one client, "We have gotten some patents granted that have not been straightforward. Chemistry components are important to us. As time goes on, getting patents granted is not trivial. There's been a lot of good thought from Brian and his team."

Brian Trinque has been advising clients in the pharmaceutical industry on patent evaluation and strategy for over 20 years. He works regularly with multinational pharmaceutical corporations, mid-size companies, early-stage operations, and universities to identity patentable subject matter, prepare patent applications covering those developments, and prosecute those applications worldwide to create assets that are critical for protection of commercial efforts. Brian leads Lathrop GPM's Chemical and Pharmaceutical Patent Prosecution Practice, where he plays a vital role in supporting innovation, promoting business growth, and fostering intellectual property protection.

Brian has served on the firm's Executive Committee since 2018 and is Partner in Charge of the Boston office.

Embracing innovation and contributing to thought leadership in his field, Brian works diligently to stay at the forefront of legal developments while becoming integrated into the client's day-to-day operations. He believes in full communication and being proactive to prevent future problems around a client's patent state. He said, "We

University of Rhode Island,
B.A., Biology & English

have built a large bench of successful, experienced chemists who deliver high-quality work products in a timely manner. Time to market is critical and clients need to know we are focused on their best interests, so they maintain the rights to their inventions."

Brian is a trained organic chemist and has extensive experience prosecuting and assessing patent portfolios in all aspects of the chemical arts, including small molecules and biologics. This experience includes developing patent strategies from discovery to commercialization, and includes prosecuting portfolios covering:

- a JAK 1/2 inhibitor approved for the treatment of myelofibrosis, polycythemia vera, and steroid-refractory acute graft-versus-host disease.
- a long-actinginjectable atypical antipsychotic having activity against certain serotonin receptors.
- a c-Met inhibitor approved for the treatment of non-small cell lung cancer.
- a PI3K inhibitor approved for the treatment of PIK3CA-related overgrowth spectrum.
- an antisense therapy for treatment of a particular form of muscular dystrophy.

He has deep familiarity with late-stage and clinical developments that, while a vital part of a robust patent portfolio, require an understanding of Federal Circuit case law history to assure successful coverage. Patents acquired in this space include:

- Administration routes
- Combination therapies
- Dosage forms
- Formulations
- Metabolites
- Medical devices
- Polymorph crystal forms
- Prodrugs
- Salt forms

- Synthesis procedures
- Strategies around patient package inserts

In addition to his pharmaceutical expertise, Brian has experience in non-life science chemistries, including polymers, materials science, process chemistry, electronic displays, fuel cell technology, biofuels, nutraceuticals, and food products. He also represents early-stage companies with their financing needs. Recent successes include:

- Representing a start-up developing a pan-JAK inhibitor for lung-related conditions through a $40M series A financing.
- Representing a start-up developing new cancer treatments through a $175 million series B financing.
- Representing a start-up focusing on inflammation and age-related disorder treatments through a $90 million oversubscribed Series C financing.

WHEN ASKED …

Why did you become a lawyer?

I decided to practice law so I could leverage my chemistry and technical background to help protect advances in the pharmaceutical industry, which makes a difference in so many lives. Being a lawyer also allows me to communicate and work together with people. I am fortunate to interact daily with highly skilled, intelligent scientists, corporate executives, and colleagues. The work I do is intellectually stimulating and meaningful.

What do you do outside of work?

I am an enthusiastic marathon runner and enjoy the training process. I have completed 14 marathons since 2018, and have run each of the Boston, Philadelphia and New York marathons multiple times. It's an honor to run in my home city; Boston hosts the world's oldest marathon, one of the oldest consecutively held sporting events, and allows me to participate in "One Boston Day" in remembrance of the 2013 bombing victims.

Lathrop GPM

REPRESENTATIVE EXPERIENCE

Brian's notable experience includes:

- Acting as intellectual property counsel to one of the largest pharmaceutical companies in the world on patent prosecution, due diligence, licensing, transaction, litigation, and enforcement matters.
- Serving as intellectual property counsel to a global pharmaceutical company handling patent litigation to protect it from an attack on the company's European Patent rights.
- Representing a leading, UK-based biopharmaceutical company focusing on central nervous system diseases including maintaining a patent portfolio that generated $241 million in revenue in one year.
- Prosecuting a number of patent portfolios that cover small molecule drug compounds having worldwide approval in the areas of oncology, neurological diseases, and muscle diseases.
- Prosecuting families of patent applications directed toward various small-molecule drug candidates in clinical development.
- Preparing and managing U.S. and international patent portfolios in a variety of technical areas, including small molecules, biologics, synthetic methods, drug delivery compositions, polymers, materials science, and medical devices.
- Preparing patentability, freedom to operate, and invalidity patent opinions.
- Assisting with due diligence related to acquisitions and licenses on behalf of acquirers.

Events

- Developments in Pharmaceutical Patent Law Seminar
  August 24, 2016

Presentations

- Speaker, "Update: Comparative Overview of U.S. Practice" and "Case Study Based Panel Discussion on Differences Between Canadian, U.S. and European Patent Law," Intellectual Property Institute of Canada, McGill University, 2017
- Panelist, "Claim Breadth, Support, Sufficiency - World-Wide Perspective," IPTA Annual Conference, Crown Perth, Western Australia, April 26-29, 2017

- Panelist, "Patent Infringement in China, USA and UK - Comparing Costs, Procedures and Outcomes," IPTA Annual Conference, Crown Perth, Western Australia, April 26-29, 2017
- Speaker, "Comparative Overview of U.S. Practice" and "Case Study Based Panel Discussion on Differences Between Canadian, U.S. and European Patent Law," Intellectual Property Institute of Canada, McGill University, July 19, 2016
- Speaker, "Pharmaceutical Patent Prosecution Primer and Small Molecule Obviousness," The 35th National Medicinal Chemistry Symposium, Chicago, IL, June 29, 2016
- Speaker, "Obviousness, the CAFC, and Second Generation Filing Strategies," Practising Law Institute, April 1, 2016
- Speaker, "Pharmaceutical Patent Prosecution Primer," American Chemical Society National Meeting, August 18, 2015
- Speaker, "The Small-Molecule Legal Landscape: A Path to a Successful Patent Strategy," CoSMoS 2015 Technical Program and Conference Agenda, August 17, 2015
- Speaker, "Comparative Overview of U.S. Practice," IPIC/McGill Patent Course, July 21, 2015
- "Combination Therapies, Pharma Claiming Strategies, and the CAFC," Practising Law Institute, October 16, 2013
- Panelist, "Technology and Processes to Support In-House Prosecution Practice," BPLA Corporate (In-House) Committee, June 12, 2013
- "Chemical Practitioners' Guide to Small Molecule Federal Circuit Case Law," Practising Law Institute, March 2012
- "Small Molecules, Second Generation Patents, and the CAFC," Memphis Section of the American Chemical Society, October 2011
- "An Introduction to Pharmaceutical Patent Law," Ole Miss Local Section of the American Chemical Society, October 2011
- "A Survey of Recent Federal Circuit Pharma Decisions," Suffolk University Law School, April 2011
- "Nonobviousness of Chemical Inventions," 240th American Chemical Society National Meeting & Exposition, August 2010
- "The Patenting Process: From Invention Disclosure to Patent," April 2010
- "Finite Numbers: Identifying Trends in Recent CAFC Pharma Decisions," February 2010

- "Small Molecule Obviousness: Pre-KSR, Post-KSR, and Looking Ahead," January 2010 and November 2009

Publications

- Co-author, "A Definiteness Reminder for Pharmaceutical Patent Drafters," *Law360*, January 16, 2018
- Co-author, "2013 Provided Few Small-Molecule Decisions," *Law360*, January 7, 2014
- Co-author, "What Every General Counsel Needs to Know About the America Invents Act," *BPLA Newsletter,* Fall 2012
- Co-author, "*Game Changer: The America Invents Act*," ACC Docket, September 2012
- Co-author, "An 'Obvious' Ruling in Abilify Composition Patent Case, " *Law360*, May 22, 2012
- Co-author, *Pharmaceutical Innovation and the Use of the Lead Compound Analysis*, Intellectual Property Today, Dec. 2011
- Co-author, "Standing Up to Scrutiny: Federal Circuit decisions show 2nd generation drug patents can withstand allegations of non-obviousness," *InsideCounsel*, September 29, 2011
- Contributor to numerous research articles, including articles published in *Science, Macromolecules,* and the *Journal of Fluorine Chemistry*

Client Alerts And Blog Posts

- Intellectual Property Alert - Federal Circuit Upholds Abilify® (Aripiprazole) Composition Patent
  May 9, 2012
- Supreme Court Denies Review of Daiichi v. Mylan (Benicar®)
  March 23, 2011

In The News

- IP Partners Write Law360 Article: "A Definiteness Reminder for Pharmaceutical Patent Drafters"
  January 19, 2018

News Releases

- Lathrop GPM Boston Office to Relocate to the 28th Floor of 28 State Street
  April 15, 2024

- Lathrop GPM Named Top Patent Firm by Juristat
  March 20, 2023
- Lathrop GPM Attorneys Earn IP Stars Recognition
  August 1, 2022
- Lathrop GPM Named Top Patent Firm by Juristat
  March 17, 2022
- Lathrop GPM Partner Receives Massachusetts Lawyers Weekly Go To Intellectual Property Lawyer Recognition
  September 27, 2021
- Three Lathrop Gage Attorneys Recognized by Massachusetts Super Lawyers
  October 17, 2019
- Lathrop Gage Announces 2018 Executive Committee Members
  July 23, 2018
- Eight Lathrop Gage Attorneys Obtain National IP Recognition
  July 9, 2015
- Super Lawyers Recognizes Giulio DeConti and Brian Trinque
  October 26, 2012
- Giulio DeConti and Brian Trinque Recognized by Massachusetts Super Lawyers
  October 25, 2011
- Lathrop Gage Continues Aggressive Growth of IP Practice with New Boston Office
  January 24, 2011

Honors

- Selected among *Managing Intellectual Property* Magazine's "IP Stars," for United States (National) Patent Law, 2015, 2019, 2022
  - Shortlist, "Practitioner of the Year (Patent Prosecution)," 2023
- Selected among *Massachusetts Lawyers Weekly's* "Go To Lawyers" for Intellectual Property, 2021
- Selected for Massachusetts *Super Lawyers,* "Rising Stars," - 2011, 2012, 2016-2019
- Selected among *National Law Journal* and *Connecticut Law Tribune's* "Rising Stars" in Boston, 2015