

KELLY FREY

NELSON MULLINS RILEY & SCARBOROUGH LLP



PIONEER SPIRIT Kelly Frey programmed mainframe computers in high school and completed a graduate degree in medical pathology prior to law school. "It was natural that I would integrate my experiences and interest in science and technology into my legal practice." He has led teams that developed one of the first IBM PC clones, the first digital rights management system, the first digital download company and one of the first social networking companies. He has also assisted Fortune 100 clients, as both an attorney and co-inventor, in developing patented technology in the internet of things space.

TRAILS BLAZED Frey, who focuses on corporate transactions, considers himself an ardent futurist. "My practice tends to be at the cutting edge of law and technology, sometimes in areas where the buzzwords to describe the work have yet to be adopted." Along with serving as part of client teams, Frey is also concerned with the ethical dilemmas that companies face, especially those creating new technology. Among his roles, he has served as general counsel to the Ethics and Compliance Association. A prolific writer, Frey authored "Frey on Technology Transactions." "It is one of the definitive legal treatises in the area." He is one of fewer than 10 practicing attorneys selected as a Fellow of the World Technology Network.

FUTURE EXPLORATIONS Frey's clients are generally interested in human-technology interactions and artificial intelligence. "They are working on immersive technologies that create a seamless consumer experience in environments ranging from retail shopping to technologically assisted transportation." His clients are also involved in "sense of self" technologies in IoT environments and projects which integrate AI into command and control systems. "It is to both help parse the next generation zettabyte data torrent and integrate ethics into technology-assisted decision-making."

JOHN LABBÉ

MARSHALL, GERSTEIN & BORUN LLP



PIONEER SPIRIT John Labbé majored in biology, but "I was also always interested in the law and possibly becoming a lawyer. So, when I finished college, I decided to go to law school so that I could combine my love of science with my love of advocacy. I was drawn to being a trial lawyer, and with my science background, I focused on patent litigation."

TRAILS BLAZED In a recent case, Labbé won a \$70 million jury verdict for Amgen against Hospira. "It was a biosimilar case, which is cutting-edge work involving what are basically generic versions of biologic medicines. The Biologics Price Competition and Innovation Act provides for information exchanges before patent litigation and a process for patent litigation before a biologic medicine is marketed. There have been some disputes around the requirements for this information exchange. *Amgen v. Hospira* was the first jury trial involving a biosimilar and the only case to date where there is a damages award. I've done work around this on the reference product sponsor's side, mostly for my biggest client, Amgen, but I've also handled cases where Amgen is the biosimilar applicant."

FUTURE EXPLORATIONS IP work around biosimilars is just beginning. Since *Amgen v. Hospira*, Labbé has been engaged in other cases which look as if they may be heading to trial. "There will be a lot more of these cases and a lot more litigation surrounding biosimilars. The rules for biosimilar litigation are still developing, so there will be room for more clarification going forward. And I'll continue to represent and advocate for clients in protecting and defending them and their IP—both in trials and other proceedings."