



LAW360

2014 Rising Star

F. Christopher Mizzo

Kirkland & Ellis LLP attorney F. Christopher Mizzo has represented heavyweights including GlaxoSmithKline PLC and Apple Inc. in complex patent disputes before district court and the U.S. International Trade Commission, earning him a spot on *Law360's* list of top intellectual property attorneys under 40.

Having studied engineering before entering the legal field, Mizzo brings a strong scientific background to his cases, which have covered everything from smartphones to anti-HIV drugs. Mizzo cut his teeth on intellectual property matters as an associate at Fitzpatrick Cella Harper & Scinto, where he worked on pharmaceutical suits for clients such as Bristol-Myers Squibb Co. and Pfizer Inc.

After four years with the intellectual property boutique, Mizzo decided to clerk for Judge William Martini in New Jersey, where he handled complex patent cases and first saw attorneys from Kirkland & Ellis in action. "Hands down, they were the best firm

to argue intellectual property," Mizzo told *Law360*. "After my clerkship ended, I decided that I wanted to go with the people who I thought were the best, which is how I ended up at Kirkland."

Although he initially handled exclusively technology-related suits for Kirkland at its Washington, D.C. office, Mizzo soon stepped back into the pharmaceutical realm, serving as lead counsel for GSK in its successful infringement suit against Teva Pharmaceuticals USA Inc. over the blockbuster anti-HIV drug Combivir, which has raked in sales of more than \$6 billion.

Mizzo is also lead counsel in suits brought by Viiv Healthcare, a GSK joint venture, against Teva and Lupin Ltd. for alleged infringement of a patent covering anti-HIV medications Epizcom and Trizivir, which was upheld as valid in December. Additionally, he is representing GSK in its suit with Mylan Inc. over a Paxil licensing dispute, and is currently contesting a jury verdict granted to the generic producer.

Notably, Mizzo was also part of the team that spurred the U.S. Patent and Trademark Office to drop controversial new rules that would have set limits on certain patent applications. On behalf of GSK, Kirkland sued the patent office over the rules in 2007, eventually convincing the Federal Circuit to invalidate one of the rules. Facing an en banc review of the court's order, USPTO withdrew the proposed rules in 2009.

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“It was a landmark case in protecting inventors rights and applicants,” Mizzo told *Law360*. “These were broad, sweeping rules that were going to impact every applicant to the patent office ... so we were able to, in a very novel and unique case, prevent that from taking place and make sure that inventors could protect their inventions.”

When he’s not litigating pharmaceutical suits, Mizzo often represents clients such as Apple and Samsung Electronics America Inc. in cases over high tech devices, particularly before the ITC. Recently, he helped Apple settle a smartphone infringement spat with HTC, resulting in a deal that analysts estimated will require HTC to pay \$180 million to \$280 million in licensing fees per year.

As for advice for younger attorneys seeking to establish themselves in the intellectual property field, Mizzo said that working hard and doing more than is expected is key.

“Excellence matters in everything you do. Show that you deserve greater

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responsibility and seize opportunities when they come,” Mizzo told *Law360*. “There is no fixed path to becoming a trial lawyer; it’s a culmination of different factors like experience and luck, but luck favors those who are prepared.”

Mizzo also said that associates should find mentors to work with, follow the golden rule (“you can still be an advocate and treat people with respect”), strengthen relationships with clients by inquiring about their everyday business and to “pay it forward” when they have the opportunity.

Additionally, Mizzo encouraged aspiring trial lawyers to have fun, and appreciate the opportunities that come their way. In fact, although Mizzo handles very technical suits, he said that the “human element” of cases, such as getting to work with

inventors and experts and understanding what clients went through to develop their products, is often what motivates him the most.

“When you understand the struggles that people went through to try and treat HIV, the obstacles that they faced, the hurdles that they had to try and overcome ... you have a greater appreciation [for the product],” Mizzo told *Law360*. “And then I think you can become really proud of the work you do in that field.”

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