
Patents

Perfect pivots? How firms manage life sciences workflow

Rani Mehta July 11, 2024



Firms discuss the ebb and flow of life sciences IP work and explain how they help professionals pivot between specialities

There's a lot of opportunity in life sciences, but firms have to figure out how to structure their practices to be best positioned to handle the intellectual property work that comes in.

For some firms, this is important because life sciences work can be sporadic.

Jonathan Roses, shareholder at **Wolf Greenfield** in Boston, says that because of the economic situation over the last few years, there's been a fluctuation and downturn in work.

"That probably impacts all industries but definitely seems pronounced in the life sciences," he says.

Though not all firms would agree with this classification, they still strive to make sure they're prepared to tackle the work that comes in.

Amy Baker Mandragouras, partner at **Foley Hoag** in Boston, says she wouldn't classify the work as sporadic but notes that new opportunities regularly arise.

"I see it as incredibly innovative and we follow it very closely, anticipating where new opportunities will be."

Katherine A. Helm, partner at **Dechert** in New York, adds that litigation in general can be up and down.

But she says patent litigation, including in life sciences, tends to be less cyclical than other dispute areas. "It's generally pretty steady," she says.

Client diversity

Whether firms have seen a fluctuation in life sciences IP work or not, there are a few things they can do to manage workflow.

Roses at Wolf Greenfield notes that his firm works with clients of varying sizes.

"The funding environment was tough on start-ups. If we had only start-ups [as clients], the last few years would have been really tough," he notes. "We were lucky to have companies of various sizes."

He adds that economic downturns can still affect larger pharma clients and they might take some work in-house. But his firm still has portfolios from these companies that it has continued to manage.

Mandragouras at Foley Hoag says working with a diverse client base that includes research institutions and start-ups has also been important for keeping on top of the innovation in the industry.

"That helps us identify emerging trends and be prepared for where the industry is going," she says.

Pondering pivots

Firms also stay busy by getting life sciences IP professionals to pivot to different technologies, such as from medical devices to antibodies.

Roses says having lawyers on board who can pivot is "really important".

"That's not just because of economics and workflow but because our clients are interested in multiple areas and questions are going to come up," he says.

"So knowing multiple fields is important and something I try to instill in our junior folks," he says.

Mentorship from senior attorneys can help younger lawyers and professionals become more adept at pivoting.

Roses adds that early in his career he worked in protein engineering for one client even though his background was in small molecules. That was because a senior partner was willing to invest time in mentoring and training him.

He adds that this experience also helped him realise that he could learn new things, which has been important for him as a professional.

Other sources agree that being able to pivot matters.

Salima Merani, chair of the medical device group at **Knobbe Martens** in California, says the firm encourages professionals early on to not only excel in their particular technical area but obtain diverse experience.

This can happen organically, she says.

"For example, a single client's technology can involve medtech, plus biomarkers, plus drug delivery plus artificial intelligence," she says.

"So, our professionals quickly adapt and excel in all of those areas. This, in turn, leads to them building a diverse skillset that allows them to excel in multiple fields."

Pivoting can happen not just between technologies, but also between practice areas.

Merani notes that Knobbe Martens doesn't limit professionals to certain groups or legal areas, allowing them to contribute to the firm's ability to stay busy in the life sciences.

"I have seen some wonderful prosecutors perform incredibly well on venture capital diligence and transactions. Additionally, the firm's robust life sciences litigation and transactional practices help even out any ebbs and flows in prosecution, and vice versa," she says.

It can also be helpful for litigators to pivot between different areas of law.

Helm at Dechert says life sciences patent litigation typically involves global assets.

"Any heavily regulated industry has legal problems aplenty. But it's very important for US life sciences litigators to start thinking about patent-adjacent matters, as well as strict patent litigation matters," she says.

"Our in-house attorneys do not live in the silo of exclusive patent litigation matters all the time. They are constantly confronted with other issues from the business."

She says these matters include regulatory and contractual issues, as well as other concerns that come with global pharmaceutical assets.

That said, some firms can structure their practices in ways that their staff don't have to pivot.

Mandragouras at Foley Hoag says that because the firm's patent group is so large, it has people with expertise in small molecules, biologics, and medical devices.

"I don't need to learn small molecules because we have partners who specialise in that," she adds.

Finding talent

Hiring the right talent is, of course, also crucial to managing the ebb and flow of life sciences work.

Roses at Wolf Greenfield says one way his firm gets the right people is by being flexible.

"If we find someone with the talent and we don't have a specific opening for this person, but they're too good to pass up, we go and find the work for them," he says. "I think that's pretty critical."

Mandragouras at Foley Hoag adds that the firm is continuing to invest in new talent by hiring scientists from academia and the industry to join its practice. That can include scientists who have used CRISPR in the lab, for example.

These scientists often go on to be patent agents and lawyers at the firm.

Foley Hoag also recruits laterals to make sure it has a deep bench of talent, she adds.

Firms may have different views on whether life sciences workflow has been sporadic or if it has remained consistently strong.

But those that can pivot between technology areas, or structure their practices so that they don't have to, will be prepared to change tack should they need to.

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Rani Mehta

SENIOR REPORTER Managing IP

Rani reports on all aspects of IP in the US and the Americas, particularly trademarks and copyright. Based in New York, she covers in-house and private practice lawyers' concerns and insights into the market.