

Greenbaum Partner, Marc Gross, Wins Patent Infringement Decision in Federal Court

July 21, 2009

Marc J. Gross, a partner in the Roseland office of Greenbaum, Rowe, Smith & Davis LLP, together with co-counsel at Winston & Strawn, LLP, recently won a key federal court ruling for Hospira Inc., of Lake Forest, IL, on a patent infringement claim. The ruling obtained by Mr. Gross and his team, and issued by a federal judge in New Jersey, found that Hospira did not infringe on a patent of Sanofi Aventis, S.A. As a direct result, Hospira is now able to market its generic form of a chemotherapy treatment, saving U.S. consumers hundreds of millions of dollars. Hospira has tentative approval from the U.S. Food & Drug Administration to sell its generic version of Eloxatin, which last year had global sales of \$1.4 billion. The drug is used to treat people with stage III colon cancer.

Recently, Mr. Gross has won other significant decisions, including a landmark decision from the New Jersey Supreme Court in *Township of West Orange v. 769 Associates, LLC, et al.* The Supreme Court's unanimous decision in *769 Associates* has important implications for property owners -- like Mr. Gross' client, 769 Associates, LLC -- whose real estate was targeted for condemnation. As a result of Mr. Gross' efforts, the Supreme Court decided that when a condemnation action is abandoned, fees and expenses start to accrue and should be reimbursed to the real estate owner from the time the property is initially targeted for condemnation, even if that time predates the filing of the condemnation complaint. The Supreme Court's ruling will benefit property owners throughout New Jersey who, in reality, often incur legal and other expenses from the time a public entity targets a property for condemnation.

Mr. Gross, a member of Greenbaum's Litigation Department, concentrates his practice in all facets of business litigation. Mr. Gross has significant experience successfully resolving a broad range of commercial disputes and has litigated countless cases, including suits alleging the theft of trade secrets, violation of non-competition clauses, environmental contamination, franchise disputes and breach of real estate and other business contracts. Mr. Gross has successfully litigated cases in the Chancery and Law Divisions of the state courts in nearly every county, as well as in the federal courts in New Jersey and the Southern and Eastern Districts of New York and he has been retained as lead counsel for cases in the Northern District of California. His diversified clientele, for which he provides ongoing business counseling, include licensed professionals, closely held and publicly traded corporations and automotive, real estate and technology ventures. Mr. Gross was president of the Essex County Bar Association during the 2007-2008 term, has been selected as an N.J. Super Lawyer since 2006, and is included among the "Super Lawyers" list for the top attorneys in the country for business litigation.

In 2009 Greenbaum, Rowe, Smith & Davis LLP celebrates its 95th year of building business in New Jersey. The firm has over 100 attorneys in four main practice departments: Litigation; Real Estate; Corporate; and Tax, Trusts and Estates. The firm has offices located in Woodbridge and Roseland, New Jersey. For more

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