

Brian J. Larivee

SHAREHOLDER

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Brian Larivee is a trial lawyer with more than 15 years of experience co-leading bet-the-company patent and intellectual property litigation, particularly for biotechnology, pharmaceutical and medical device companies. He brings a global perspective to patent litigation strategy, shaped by his work navigating complex cross-border disputes both as outside and in-house counsel for multinational biotech companies.

He advises C-suite executives and boards on how patent litigation intersects with business imperatives in the life sciences sector. In the U.S., Brian has led high-profile litigation campaigns — including Hatch-Waxman and BPCIA matters — before federal district courts, the International Trade Commission, U.S. Patent and Trademark Office, the Federal Circuit and the U.S. Supreme Court. His international patent litigation experience spans European Patent Office oppositions and enforcement of biopharmaceutical patents in dozens of foreign jurisdictions, from Estonia to Australia.

Earlier in his career, Brian spent five years leading in-house litigation for both emerging companies and Fortune 500 biotechnology companies. He developed global litigation, licensing and freedom-to-operate strategies involving gene sequencing, computational biology and diagnostic software, small molecule pharmaceuticals, biologics and biosimilars.

Beyond the life sciences industry, Brian has also litigated complex IP disputes involving smartphones, semiconductors and software.

Education

- Boston University (J.D., *cum laude*, 2008)
- Amherst College (B.A., *magna cum laude*, 2001)

Bar Admissions

- Massachusetts

Court Admissions

Capabilities

- Hatch-Waxman & Biologics
- Intellectual Property Litigation
- Intellectual Property

- U.S. District Court, District of Massachusetts
- U.S. Court of Appeals, Federal Circuit

Memberships

- Boston Bar Association

Matters

- Served as co-lead trial counsel in an International Trade Commission patent investigation related to combination therapies (pharmaceutical and medical device) for dermatology.
- Developed and oversaw Biologics Price Competition and Innovation Act (BPCIA) patent dance and preliminary injunction strategy for originator product.
- Oversaw Hatch-Waxman litigation and litigation preparation for Fortune 500 originator company.
- Represented gene editing company in jury patent infringement trial, resulting winning verdicts on noninfringement and invalidity.
- Directed European counsel in pan-European patent enforcement campaign on an originator's leading small molecule drug, resulting in multiple injunctions.
- Led and oversaw patent defense strategy for biosimilar products in European patent litigation.
- Advised board of directors of molecular diagnostics company on litigation and licensing strategy.
- Developed and oversaw BPCIA patent dance strategy for biosimilar.
- Oversaw Supreme Court writ of certiorari application in Hatch-Waxman dispute.

Publications

January 9, 2026

Could European Courts Soon Be Litigating and Enforcing U.S. Patents?

October 31, 2025

New FDA Guidance Could Speed Biosimilar Approvals and Cut Costs

September 11, 2025

Polsinelli Life Sciences Spotlight - Volume 2 - Adapting by Design: Navigating Complex Times in Life Sciences

May 15, 2025

Trump Administration Announces New Executive Order to Promote Domestic Production of Biopharmaceuticals

March 14, 2025

Judge Connolly (D. Del.) Overturns \$96 Million Molecular Diagnostics Jury Verdict,

Finds Patents Invalid Under § 112

July 2, 2024

Federal Circuit Clarifies Rules for Skinny Labeling for Generics and Biosimilar Companies

May 2024

Patent Basics for Biotech Counsel

Co-Contributor, Bloomberg Law

March 26, 2024

Regeneron v Novartis and Vetter: Walker Process Client Update