

Nimalka Wickramasekera Named to *Daily Journal* 2020 Top IP Lawyers

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The Daily Journal named Winston & Strawn Partner Nimalka Wickramasekera to its 2020 list of “Top Intellectual Property Lawyers.” Lawyers were chosen based on their work on recent significant cases that had an impact on the larger world of intellectual property or the development of law.

Nimalka was recognized for her work with Carlsbad-based Aphatec, a spinal surgery device make, defending claims by competitor NuVasive Inc. of San Diego who alleged it created the so-called XLIF method for fusing vertebral disks to reduce nerve damage during surgery and that Alphatec’s device, the Battalion lateral system, infringed NuVasive’s patents.

In addition, her work with generic drug maker, Teva was highlighted as she defended against claims by Swedish pharmacological company Orexo that two of a Teva subsidiary’s generics used to treat opioid addiction were based on essentially the same formula patented by Orexo. Orexo sought \$41 million in damages, but Nimalka persuaded a Delaware federal jury that the claims were invalid.

“Typically, that doesn’t happen for generic drug defendants,” she said. “After we’d launched our product, the plaintiff’s patents issued. That made it no longer a Waxman Act suit; we were in actual infringement territory.”

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