

HEALTHCARE ROYALTY SALES

AT A GLANCE

McDermott Will & Emery is a global leader in healthcare royalty sales. We represent pharmaceutical and medical device companies, university medical centers and inventors in raising capital, as well as private equity and hedge funds investing in royalty streams in the United States, Europe and Asia.

Experience

Structuring transactions. Our international corporate transactional team has been at the forefront of the development over the past 10 years of the market for buying and selling pharmaceutical royalty streams. As highly skilled business lawyers focused on solving complex business problems, we act as strategic partners in the execution of our clients' capital raising and corporate development plans. The breadth of our experience enables us to synthesize the disparate transactional disciplines—finance, M&A and insolvency protection—at the core of royalty sales transactions. In turn, our transactional lawyers lead an integrated team—corporate, intellectual property (IP), tax and health regulatory—in providing innovative commercial and structural solutions to the unique challenges presented in royalty sales transactions.

Intellectual property assessment. McDermott has more than 200 IP lawyers and patent agents working in all of our offices throughout the world. We are ranked as one of the strongest IP firms in the world. Our practice in procurement and licensing in the patent, trademark and copyright areas is recognized for its depth and breadth. Our approach to client counseling combines our technical backgrounds and practical experience with our legal knowledge and business acumen. More than 135 members of our team hold Ph.D.s, M.D.s or advanced technical degrees, with knowledge in virtually all fields of life sciences and particular strengths in biology, biotechnology, biochemistry, cellular and molecular biology, medicinal chemistry, chemical and mechanical engineering for medical devices, genomics and bioinformatics. As such, we are able to provide properly tailored analysis and advice regarding identification of IP risk and issues of appropriate risk allocation that form the core of much of the negotiation in royalty sales transactions. In this regard, we have reviewed wide-ranging patent portfolios covering drug treatments and their delivery systems in order to advise clients regarding the enforcement of those patents, as well as any vulnerability of product revenue streams from market entry of competing products, including generic products and any potential antitrust issues.

Regulatory evaluation. McDermott has one of the largest and most prestigious health law departments in the world. Our lawyers have significant experience representing companies before the U.S. Food and Drug Administration (FDA). We provide legal guidance in business planning, product development, product testing and clinical trials, submissions to the FDA, marketing, compliance and enforcement matters, and congressional activities. Our clients include medical product manufacturers, public and private institutions, institutional review boards, academic medical centers, clinical laboratories, clinical research organizations and principal investigators in various matters pertaining to clinical research. Members of the group have served at the FDA, on Capitol Hill, in the U.S. Department of Health and Human Services, on presidential commissions, in trade associations and in private companies. The breadth and depth of our regulatory acumen has enabled us to integrate our understanding of the IP landscape in royalty sales transactions with a clear explanation of the impediments to commercial success and competition that regulatory issues can present in such transactions.

Tax structuring. As one of the largest law firm tax practices in the world, we possess the unique ability to offer a broad range of tax services by drawing on our global presence and unparalleled diversity of experience. With a team of more than 100 lawyers—including a presiding officer of the International Fiscal Association, an appointed member of the Tax Reform Commission and numerous former U.S. Internal Revenue Service (IRS) officials—our tax group is especially distinguished by its sophisticated international approach and skill in formulating creative solutions to the most complex tax matters. Combining talent and innovation with our extensive contacts at the IRS, U.S. Treasury Department, UK Inland Revenue and the Ministry of Economy and Finance, our lawyers handle a broad spectrum of tax matters. The importance of this multi-disciplinary approach has grown substantially as royalty sales transactions have expanded beyond nation-specific transactions to multinational and global sales and revenue structures.

Clients

Inventors

- Pharmaceutical companies
- University medical centers, including faculty
- Medical device companies

Investors

- Hedge funds
- Private equity funds

Contact

Jeffrey A. Jung

+1 312 984 6919
jjung@mwe.com

John P. Tamisiea

+1 312 984 6957
jtamisiea@mwe.com

Awards & Recognitions

Our Healthcare Royalty Sales Practice Group is globally recognized.

- *PLC Which Lawyer?* Global 50 recognized that McDermott “provides ‘practical, first-class service’ and stands out for its ‘one-stop-shop’ capability – few firms are so well known for their strength in corporate support areas.”
- *Managing Intellectual Property’s* World IP Survey ranked McDermott among the world’s top patent firms in its annual leading patent firms survey.
- *Chambers USA* recognized McDermott as “the best healthcare firm in the country. They have areas of expertise that other firms can never touch them on.”
- *Chambers Global* noted that McDermott “possesses one of the largest tax groups in the USA and has built up a significant presence in Europe. It mines a rich vein of transactional and controversy work at home, and has a similar workload in Germany and the UK.”

Our Firm

McDermott Will & Emery is a leading international law firm with a diversified business practice. We represent a wide range of commercial, industrial and financial enterprises, both publicly and privately held. Our clientele include some of the world’s largest corporations, small and medium-sized businesses, and individuals.

Currently numbering 1,100 lawyers, we have offices in Boston, Brussels, Chicago, Düsseldorf, Houston, London, Los Angeles, Miami, Milan, Munich, New York, Orange County, Rome, San Diego, Silicon Valley and Washington, D.C. McDermott Will & Emery has a strategic alliance with MWE China Law Offices (Shanghai).