

INSIGHT

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Q&As with today's leading Marquis luminaries and influencers

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WILLIAM C. BATON

*Partner, Co-Chair of the Intellectual Property Group
Saul Ewing LLP*

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**Partner, Co-Chair of the
Intellectual Property Group**

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Hailing from a career spanning over two decades, William C. Baton has established himself as a distinguished figure in the field of legal service. Currently serving as the co-chair of the Intellectual Property Group at Saul Ewing LLP, a full-service national law firm, he has demonstrated his expertise and leadership by representing pharmaceutical companies in high-profile patent litigation cases. Additionally, he is a member of the Saul Ewing patent litigation team, which was lauded among the top five "go-to" law firms in the field by Lex Machina in 2018.

Mr. Baton's legal journey initially commenced at LeBoeuf, Lamb, Greene & MacRae LLP, where he practiced from 2002 to 2007. Since embarking upon his career path, he has achieved several significant milestones, including a featured appearance in the "Decisions of Interest" by the New York Law Journal for pro bono service during a precedent-setting case, *Hancock Associates v. Gomez*. Additionally, he has been included on the list of America's Leading Lawyers in Intellectual Property by Chambers USA since 2019, on New Jersey Super Lawyers' Top Intellectual Property Litigation Attorneys in 2018, and in the Rising Stars list of New Jersey Super Lawyers from 2011 to 2012.

Building upon his professional achievements, Mr. Baton's educational background laid the foundation for his success. Though he initially sought a career in acting at the American Academy of Dramatic Arts, he later received a Bachelor of Arts in English, summa cum laude, at Kean University. After composing the music for an Off-Broadway musical, he found himself drawn to the field of law, where he thought his innate sense of tenacity would make him an excellent litigator. Following this pivot, he earned a Doctor of Jurisprudence from the Seton Hall University School of Law with a concentration in intellectual property, where he was recognized as a Dean Scholar and served as an associate editor for what is now the Seton Hall Journal of Sports and Entertainment Law, as well as president of the Entertainment and Sports Law Society.

Outside of his demanding career, Mr. Baton dedicates time to philanthropic efforts and personal interests



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that enrich his life and community. As founder and president of Stad's Crabfest Inc., he leads efforts to support those affected by cancer. His passion for music is also evident, as he serves as a lead vocalist at his church. Furthermore, he is an avid supporter of local sports programs, as evidenced by his past role as president of the Westfield School Boosters Association.

How do you feel your industry has changed/evolved?

I'm mostly involved in litigating pharmaceutical patent cases. It's changed in that there have been some venue issues due to a case in the United States Supreme Court, *TC Heartland v. Kraft Food Brands Group*. That changed the landscape for venues where patent cases are being brought. That case was in 2017, and there has been a lot of fallout from that. Another change has been the difficulty in being able to settle patent cases because of Federal Trade Commission (FTC) decisions. Because of this, some cases go to trial even when they really shouldn't. When it comes to pharmaceutical patent cases, because the brand companies that I represent have a legal monopoly by virtue of their patents, when they try to settle cases with generic pharmaceutical companies whom they sue for challenging their patents, the question becomes, "What terms can you offer in settlement?" The landscape has evolved to avoid even the appearance of a reverse payment situation, and settlements can be challenged if the FTC thinks it

looks like a conspiracy to control the market, even if it isn't the settling parties' intent; it makes it difficult to settle those cases because of the antitrust scrutiny. The other thing is, most recently, I'm seeing a little bit of a shift with companies trying to determine whether they still want to protect their intellectual property (IP) through patents, as opposed to treating all or some of the IP as a trade secret. There's a host of things that have to be considered when choosing one over the other.

What innovations or technologies do you feel will shape the future of your industry?

Certainly, artificial intelligence (AI) is going to change the world. We're still grappling with that even in the legal industry, not just the pharmaceutical patent area. I am working with some of my partners at the firm who have a real interest in understanding and navigating AI issues. I try to stay involved because it affects every aspect of our lives. Of course, it's going to affect the legal industry.

What excites you the most about your industry?

I like being in the trenches of litigation; I like trying cases because it's both an intellectual and performative exercise. If I were to say my acting ability helps me there, it may be seen as a negative thing about one's character. However, I don't view it that way. My acting experience is part of my toolbox - it helps me to be comfortable speaking in public and think on my feet. I'm very cognizant of how I appear and sound in front of the court.

