

## Technical support for healthcare litigation



We have been instructed by solicitors, patent agents and management consultants as well as senior management in industry.

### Litigation services

Disputes can arise in any business and the threat of prosecution exists particularly in the healthcare industry. It is all too easy for disagreements to arise between companies over commercial matters or for an inadvertent breach of the law to come to the attention of the authorities. Claims for injury can be brought by a patient or the case might involve infringement of a patent or trademark.

Whether the need is to avoid litigation or to take responsive action, it is likely to involve the legal profession, either to bring a case against the offending party or provide a defence. The location might be a court of law, a tribunal or a hearing before the appropriate body.

Cases involving highly scientific disciplines are often won on technical rather than legal issues. Instructed lawyers therefore need rapid access to a team of specialists with knowledge of R&D for pharmaceutical and other healthcare products and who are experienced in providing expert opinions and positive recommendations.

### Healthcare expertise

Technical support can be provided by our team in most of the disciplines relevant to the healthcare industry. A team of specialists with qualifications in pharmacy, medicine, chemistry and biology is always available. With extensive regulatory affairs experience, working with many of the major multinationals worldwide, the team has substantial knowledge of the research and development process and of the commercial issues involved.

We have been instructed by solicitors, patent agents and management consultants as well as senior management in industry. Projects undertaken have involved pharmaceuticals, medical devices, cosmetics, foods and chemicals, including products from biotechnological sources.

Our role can be flexible, from providing a scientific opinion on practices in R&D to a full assessment of technical reports. Locating relevant documentation to form the basis of competent evidence is all part of the service. We are used to writing and swearing affidavits and, if appropriate, attendance in court can be arranged as expert witness.

Our clients have included some of the world's largest multinational healthcare companies as well as start-up and virtual companies.

We enjoy challenges and tackle every project with a determination to win. Through creative teamwork we use both our imaginative and technical skills to offer positive arguments in support of the case.



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#### Case histories

The following are some examples of cases on which our experts have been engaged:

- Addressing a complaint regarding contravention of Code of British Advertising Practice
- Expert witness at an industrial tribunal to save a healthcare company from bankruptcy
- Preparation of an affidavit justifying the rationale for extending the patent life of a drug
- Defence of unsubstantiated claims made on television for an OTC medicine
- Avoidance of prosecution following inadvertent contravention of Medicines Act by a cosmetic company
- Technical input into a VAT tribunal for a herbal medicine imported from USA
- Withdrawal of threatened prosecution regarding a banned ingredient in a toiletry product
- Interpretation of legal definition of a medicine in Ireland to avoid prosecution of a cosmetic company
- Support of a claim for damages following violation of a commercial agreement by a multinational pharmaceutical company
- Creation of a public defence to an exposé of a company threatened by a foreign newspaper

#### Litigation experience

We have experience of healthcare litigation for numerous product types. These include:

- Antismoking products
- Biotechnologically-derived products
- Contact lenses
- Contraceptives
- Cosmetics
- Ethical & generic medicines
- Food additives
- Health foods
- Herbals
- Ophthalmic products
- OTC medicines
- Transdermal patches
- Veterinary medicines

Cases have been successfully fought and won before all the following bodies:

- Arbitrators
- Customs & Excise
- High Court
- Industrial Tribunals
- Patent Offices
- Regulatory Agencies
- Trade Mark Registries
- Trading Standards Organisations

#### Contact us:

For a more detailed discussion on how we can help you, contact us on +44 (0)1628 530554 or email us on [info@wainwrightassociates.co.uk](mailto:info@wainwrightassociates.co.uk)