

US LUMBER DUTIES AGAINST CANADA CUT DOWN IN ARBITRATION
Law360 (September 5, 2019, 8:05 PM EDT) -- The U.S. International Trade Commission failed to consider all relevant evidence when it determined that U.S. producers were being harmed by Canadian softwood lumber imports, a binational arbitration panel concluded Wednesday, ordering the agency to reconsider certain external factors.

Amgen Bid to Block Generic of Calcium Reducer Sensipar Denied
Amgen Inc.'s bid to stop Cipla Ltd. from selling a generic version of calcium-reducer Sensipar was denied by the Third Circuit July 16.
An agreement with Amgen allowed Cipla to launch its generic version to infringe Amgen's patent. Teva Pharmaceutical Industries Ltd. was also found to infringe in the U.S. District Court for the District of Columbia.

Fukushima plant operator liable but escapes bulk of damages
An ICC tribunal has found a Japanese state-owned nuclear power plant operator liable for terminating a contract in the wake of the Fukushima disaster. The tribunal found the operator liable for the Fukushima disaster, but it also found that the operator was not liable for the bulk of the damages.

GIR Awards 2019
GIR will hold its fifth annual awards ceremony on 24 October in Washington, DC, at the Four Seasons Hotel.
Read on for the nominees in the categories of Most Impressive Investigations Practice of the Year and Most Important Development in the Practice of International Investigations.



**Litigation
Wrap**
Third Quarter 2019



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3Q2019 Developments

HHR Wins Appeal for Cipla

HHR scored another victory for Cipla Ltd. when the Third Circuit unanimously affirmed a lower court's rejection of Amgen Inc.'s request to halt Cipla's sales of a generic version of calcium-reducing drug Sensipar. On July 16, the Third Circuit found that the district court correctly interpreted a litigation settlement agreement that barred Amgen's claim. Sensipar generated more than \$1.3 billion in sales in 2018. **Jim Dabney** leads the team, which includes **Patrice Jean, Richard Koehl** and **Dina Hoffer**.

Tepco's Arbitration Success

HHR led Tokyo Electric Power (Tepco) to success in a uranium supply contract dispute on July 9 when an International Chamber of Commerce tribunal of arbitrators rejected the bulk of a \$700 million claim brought by Canadian uranium mining company Cameco. The tribunal found Tepco liable for terminating Cameco's agreement to supply uranium for use in its nuclear plants, which were shut down after the 2011 Fukushima earthquake triggered a tsunami and nuclear disaster. But the tribunal slashed Cameco's damages claim, awarding only \$40.3 million to Cameco, 95 percent less than what Cameco sought. In a statement, Cameco said it was "disappointed with the amount of damages awarded." **Hagit Elul** and **John Fellas** led the

team, which also included **Meaghan Gragg** and **Fara Tabatabai**.

Firm Wins Softwood Lumber Ruling

The firm scored an important victory for the Government of Canada when a binational panel convened under NAFTA ruled that the U.S. International Trade Commission (ITC) erred in how it determined that the U.S. lumber industry was "injured" by imports of softwood lumber from Canada. On Sept. 4, the panel ruled that the ITC failed to meet its obligations under U.S. law when it concluded that imports of softwood lumber from Canada were injuring the U.S. softwood lumber industry. The panel remanded the case to the ITC, giving the agency 90 days to issue a new determination consistent with the panel's opinion. **Eric Parnes** and **Matt Nicely** led the team before the ITC and in front of the NAFTA panel. The team also includes **Dean Pinkert, Elizabeth Solander** and **Lynn Kamarck. Joanne Osendarp** leads the broader defense of the Government of Canada.

HHR Patent Win Unsealed

HHR won summary judgment dismissing all claims for alleged patent infringement in BASF Corp. v. SNF Holding Co., No. 4:17-cv-00251 (S.D. Ga.). In a decision unsealed on July 3, U.S. District Judge R. Stan Baker concluded that all claims of

asserted U.S. Patent No. 5,633,329 were invalid in view of a pre-existing process and the level of skill in the art. BASF Corp. is appealing the decision. **Jim Dabney** leads the HHR team, which includes **Bill Maguire, Patrice Jean, John Duffy, Richard Koehl** and **Jim Klaiber**.

Beauty Brand Founder Obtains Settlement With Former Company

Katie Coleman assisted the founder and former CEO of a beauty supply startup in resolving claims against the brand's bankrupt parent company. Coleman negotiated an eight-figure deal for the client as part of the liquidation plan for the parent company. On Aug. 2, a federal bankruptcy judge approved the Chapter 11 plan.

Sanction Release for Sinohydro

Michael DeBernardis and **Michael Silverman** assisted Sinohydro Corp. in obtaining a release from sanction by the African Development Bank (AfDB). They assisted Sinohydro in designing, adopting and implementing a compliance program and coordinating with the appointed compliance monitor. Over the summer, the AfDB formally released Sinohydro from its conditional non-debarment and terms of its settlement.

Saud Advogados Shortlisted

Saud Advogados, which works in cooperation with Hughes Hubbard, has been shortlisted for two Global Investigations Review (GIR) awards for its representation of global oil services provider TechnipFMC in a \$301.3 million foreign bribery settlement. The Brazilian law firm was nominated for "Boutique or Regional Investigations Practice of the Year" and "Most Important Development in the Practice or Law of International Investigations of the Past Year." GIR's fifth annual awards ceremony will be held on Oct. 24 in Washington, D.C. **Salim Saud** led the team in Brazil. **Kevin Abikoff** and **Bryan Sillaman** led the engagement for HHR.

HHR Again Named to 'A-List'

Hughes Hubbard has been named to The American Lawyer's A-List, the legal magazine's list of the nation's 20 most elite law firms. In a feature story published in the magazine's August issue, AmLaw noted that the A-List doesn't simply measure size or profits. "Rather, it highlights the best of the best law firms for their commitment to a variety of financial and cultural markers: revenue per lawyer, pro bono work, associate satisfaction, racial diversity and gender diversity among the partnership."