



Bob Brazier

Senior Counsel

Atlanta | 404.221.6506 | rbrazier@bakerdonelson.com

Bob Brazier has litigated commercial and intellectual property matters for more than 35 years.

As senior counsel in the Firm's Atlanta office, Mr. Brazier represents generic pharmaceutical clients, medical device manufacturers and an array of other product manufacturers and corporate businesses across the country. He also litigates tax disputes in state and federal courts.

Mr. Brazier regularly litigates Lanham Act matters in federal courts, and he has a deep understanding of the different FDA regulatory requirements for drugs and devices. His work often includes cases alleging patent and trademark infringement, as well as partner and shareholder disputes, and covenants not to compete. Mr. Brazier was the attorney in Georgia's landmark 1991 restrictive covenant case *Jackson and Coker vs. Hart and Lindsay*, in which the Georgia Supreme Court held that the Georgia legislature's attempts to modify laws relating to covenants not to compete were unenforceable under Georgia's constitution. This case, and Mr. Brazier's win of it, has been regularly cited ever since. In 2010, Georgia amended their constitution.

Mr. Brazier holds an LL.M. in taxation. This combination of litigation and tax strength gives his clients the unique advantage of having an attorney who can weigh the value of litigation against its potential pitfalls, as well as transition cases out of litigation and into a business deal.

Representative Matters

- Obtained full dismissal of complaint against client for Lanham Act violations, defamation and tortious interference with contractual and business relationships by the District Court for the Northern District of Georgia. This was a case involving consumer lottery gaming systems and the ability of mobile devices to scan the barcodes on lottery tickets to determine if the ticket was a winner, get a winning number, find lottery retailer and view the lottery's promotion.
- Protected client's intellectual property of 26 generic pharmaceuticals and four medical devices with a mandatory preliminary injunction in Winston Salem, North Carolina Federal District Court. A manufacturer was paid to formulate the drugs and devices and to file Abbreviated New Drug Applications (ANDA) and Premarket Notifications (510k) with the FDA on the client's behalf, then claimed ownership of all the non-patent intellectual property created in the process of developing these drugs and devices, and refused to give the client the information it was paid to create.
- Overturned a preliminary injunction that prohibited client from selling a generic version of a branded pharmaceutical product. The judge ruled that the patent did not adequately describe the process by which the active ingredient was released into the blood stream.
- Prevailed in a tax case of first impression in the Supreme Court of Georgia. The family-owned, Florida-based client, having done business in Georgia, agreed to sell stock to a Texas-based Delaware company as part of a merger transaction but elected to treat the transaction as a deemed sale of assets under IRC Sec 338 (h)(10) rather than a stock sale. When the State of Georgia also attempted to treat the stock sale and merger as a sale of assets and tax a portion of the gain on that sale, we successfully argued that the stock was sold by Florida residents and Georgia had no jurisdiction to tax any part of the gain.
- Successfully represented a pharmaceutical distributor in several federal district court proceedings involving Lanham Act and patent infringement litigation.

- Represented real estate developer, obtaining a successful resolution in both trial and appellate courts for a real estate developer in a dispute with its former partner.



Professional Honors & Activities

- Member – American Bar Association, Business Law, Intellectual Property, Litigation, Taxation, Tort Trial and Insurance Practice (Professionalism and Vice Chair of Economic Committees) Sections
- Fellow – American Bar Foundation
- Member – State Bar of Georgia, Bankruptcy, Legal Economic, Taxation, Intellectual Property Sections; General Practice and Trials, Business Law Section; Chairman, Legal Economics Committee
- Member – Atlanta Bar Association, Bankruptcy Law, Litigation, Taxation, Estate Planning and Probate Sections
- Member – Lawyers Foundation of Georgia
- Member – Georgia Legal Services
- Delegate – Mackrell International
- Selected as one of "Georgia's Legal Elite," by *Georgia Trend* Magazine (2007, 2010, 2011, 2013, 2014)
- Listed in *Georgia Super Lawyers* since 2009



Publications

- "Federal Circuit Reverses District Court Holding in Generics Case," *IAM Weekly International Reports* (April 2017)
- "ANDA Defendant Mylan Pharmaceuticals Seeks Rehearing En Banc," *IAM Weekly International Reports* (June 2016)



Education

- Emory University, LL.M. in Taxation, 1985
- Emory University, J.D., 1975
- Clemson University, B.A., 1972



Admissions

- U.S. Supreme Court
- U.S. Tax Court
- U.S. District Court for the Northern District of Georgia, including Bankruptcy
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the Ninth Circuit
- Georgia Supreme Court
- Georgia Court of Appeals
- South Carolina, 1990
- Georgia, 1975