

## Herbert Thomas Anderton

### Partner

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Thomas (Tom) Anderton leverages his significant experiences as a general counsel and chief patent counsel in the life sciences sector to serve the unique business and intellectual property needs of both emerging and institutional companies in the space.

Tom has a deep understanding of the intricacies involved in technology transactions and intellectual property matters within the biopharmaceutical and medical devices industries, including in complex cross-border work in China and Europe. His transactional skillset encompasses licensing, research and development, manufacturing, distribution, service, financing, and partnering agreements, in addition to M&A and integration.

Tom drafts and prosecutes patent applications for his clients and advises on freedom to operate matters, infringement avoidance, strategic planning, and the development, structure, and monetization of both U.S. and international patent portfolios. His patent portfolios are routinely ranked among the leaders in the industry.

Prior to Foley, Tom was a partner in the San Francisco office of an international law firm, before which he led a 15-year career as an executive in the life sciences sector.

### Representative Experience

- Represented Tizona Therapeutics, Inc. in a double merger with Gilead for cancer antibody assets, including an HLAG monoclonal antibody for the treatment of cancer. Tizona received over US\$300mn in upfront payments and substantial milestones and revenues with a total deal value over US\$1bn. The merger agreement included a spin-out of assets with a product candidate that included an antibody directed against an immune checkpoint inhibitor which was previously partnered with a major pharmaceutical company.\*
- Represented an epigenomic company focused on using cell-free DNA to develop diagnostics for cancer and other conditions, in a merger with a biotechnology company.\*

- Represented an antibody company in negotiation of an MSA related to production of product candidate antibodies.\*
- Represented Presidio Pharmaceuticals in its proposed all-stock acquisition by BioCryst Pharmaceuticals, a transaction that valued Presidio at over US\$100mn and aimed to combine Presidio's Phase 2 HCV NS5A inhibitor with BioCryst's HCV compounds. Also advised Presidio in the subsequent termination of the merger agreement following a material adverse change in BioCryst stock price triggered by negative data announced on several BioCryst compounds.
- Represented immunotherapy company in a global strategic collaboration with a major pharmaceutical company to develop a first-in-class immune checkpoint inhibitor monoclonal antibody for the treatment of cancer. The immunotherapy company received over US\$100mn in upfront payments, an investment, and substantial milestones and revenues with a total deal value over US\$1bn. Under the terms of agreement, the immunotherapy company will lead clinical development through the completion of phase 1b, after which the major pharmaceutical company may exercise an exclusive option to lead global development and commercialization activities with the immunotherapy company retaining co-development and co-promotion rights in the United States.\*
- Represented Zonare Medical Systems in in-license of over 600 ultrasound patents from Philips Healthcare. License provided Zonare Medical Systems with nonexclusive license to make, use, sell, and offer for sale ultrasound machines worldwide. Financial terms included a substantial upfront payment and substantial milestones and royalties.\*
- Represented Monogram Biosciences, Inc. in exclusive out-license of its microfluidic patent portfolio to Caliper Life Sciences. The exclusive license included more than 300 patents. Financial terms included a substantial upfront payment, and substantial milestones and royalties.\*
- Represented an induced pluripotent stem cell (iPSC) company in collaboration with RNA translation company related to high efficiency induction of iPSCs from blood with specifically modified mRNAs. The agreement provided for co-development rights of the resulting technology.\*
- Represented a neuroscience company in a collaboration agreement with a synthetic biology company that developed proprietary antibody phage display libraries, where the synthetic biology company was to screen antibody libraries for the neuroscience company to look for potential therapeutic "hits" against a target of choice. The agreement provided for joint research and exclusive ownership of rights assigned to the neuroscience company for any hits. Financials included technology access fees, project fees, and substantial milestones and royalties based upon sales of any product candidate derived from the hits.\*
- Represented Epalex Corp., an epilepsy company, in worldwide in-license of patent estate drawn to buccal and intranasal delivery of fospropofol from Johns Hopkins University for all neuropathic uses. Financials included patent costs, option and license fees, royalties and milestones, and sublicensing fees.\*
- Represented a neuroscience company in fee-for-service agreement with a university development consortium.\*

*\*Matters handled prior to joining Foley.*



FOLEY & LARDNER LLP

## Awards and Recognition

- *Chambers USA: America's Leading Lawyers for Business*, Intellectual Property: Patent Prosecution – California (2022-2024)

## Practice Areas

- [Intellectual Property](#)

## Education

- Vermont Law School (J.D., 1994)
- Stanford University (M.S., 2006)
  - Biological sciences
- University of California, San Diego (B.S., 1996)
  - Molecular biology
- California State University, Fullerton (B.S., 1991)

## Admissions

- California
- U.S. Patent and Trademark Office