

Press Coverage | October 14, 2025

Skinny Labels, Orange Book Take Center Stage in IP Talks

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[Andrew P. Zappia](#)

Andrew Zappia, a partner in Troutman Pepper Locke's Intellectual Property Practice Group, was quoted in the October 14, 2025 *Law360* article, "[Skinny Labels, Orange Book Take Center Stage in IP Talks](#)."

In a later panel, Andrew Zappia of Troutman Pepper Locke LLP walked through why inter partes reviews have never taken off in the pharmaceutical industry the way they have elsewhere. That includes pharma companies often relying on arguments that a patent isn't enabled or doesn't meet written description requirements, which isn't something a challenger can raise in IPRs.

Those arguments can be raised in post-grant reviews, but Zappia said those are unattractive to many pharmaceutical companies because the requirement to challenge a patent within nine months of issuance is often too fast for the industry, the estoppel effect is much broader and there's limited precedent.

One place there has been growth for life sciences patent challenges is through ex parte reexaminations, where a party can ask the USPTO to take a new look at the patents, he said. The review is then handled by patent examiners, and the requesting party — which can be anonymous — doesn't participate.

The benefit there, Zappia said, is parties can file serial requests to challenge the same patents, adding that he's filed three or four requests for some clients.

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