



Intellectual Property Litigation

WilmerHale's globally recognized Intellectual Property Litigation Practice is committed to helping clients achieve their business objectives by providing high-quality, cost-effective legal services and innovative solutions to complex legal and business issues. We advise and represent clients in a wide range of industries in matters relating to all areas of IP law, including patent, copyright, trademark, trade dress, Hatch-Waxman litigation and appeals. Clients ranging from startups to Fortune 500 companies rely on us to protect their most important intellectual property in high-stakes IP disputes.

PRACTICE AT A GLANCE

- Our IP Litigation Practice features a premier litigation team backed by the academic and industry experience of more than 100 lawyers and technology specialists with scientific or technical degrees.
- We have tried both jury and non-jury cases involving a broad range of technologies—from complex mathematical algorithms and devices for manufacturing semiconductor chips to wireless standards.
- We are uniquely positioned to provide counseling, strategic advice and litigation representation to companies confronting issues involving both antitrust and IP law—as well as the intersection of the two.
- Our lawyers are skilled in evaluating issues arising from standards bodies participation, collaborations with competitors, distribution and licensing arrangements, mergers and acquisitions, settlements of disputes and other areas in which such cross-disciplinary experience is required.
- Our IP Litigation Practice is complemented by our full-service IP Department, providing counsel on all core patent issues. Our combined trial, IP core, and appellate strengths allow us to shape litigation strategy from the outset to maximize the likelihood of ultimate success.

520+

IPRs handled by
WilmerHale attorneys

50+

cases won at the Federal
Circuit in the since 2015

25+

ITC cases successfully
litigated since 2010

7

patent cases argued
in the US Supreme Court
since 2015



70% patent cases successfully argued in
federal district courts in the last five years

EXPERIENCE

Becton Dickinson v. Braun Melsungen AG: Achieved a significant victory for BD ending an eight-year multinational patent infringement dispute between the parties in the District of Delaware, the Federal Circuit, the Patent Trial and Appeal Board (PTAB) and numerous jurisdictions across the globe. Eleven patents were asserted against BD in the US, and more than 60 patents in over half a dozen countries were asserted outside the US. Braun ultimately settled the global dispute and gave BD a broad portfolio license following key decisions from the PTAB and arguments at the Federal Circuit.

Molson Coors v. Stone Brewing: Secured a “big win,” per Law360, when the Southern District of California denied Stone Brewing’s motion seeking a preliminary injunction in a highly publicized trademark action against MillerCoors. The plaintiff sought to force MillerCoors to change beer cans and packaging for Keystone Light, which the company redesigned in 2017. The ruling was recognized by Law360 as one of the “Top 7 Trademark Rulings of 2019.”

Roche, Becton Dickinson et al v. Enzo: Earned a critical victory on behalf of Roche and BD, ending a 15-year patent infringement, breach of contract, and unfair competition litigation against Enzo Biochem, Inc. and Enzo Life Sciences, Inc. when Judge Stark in the District of Delaware invalidated the patent at issue and the Federal Circuit affirmed the ruling. Led the joint defense group effort against Enzo, which included nine other major diagnostic complaints.

Swatch Group v. 375 Canal: Prevailed on behalf of Swatch Group Ltd. in a counterfeiting case against a Canal Street landlord after being brought on as counsel days before trial. Following a one-week trial, a jury unanimously found the landlord liable for contributory trademark infringement. The jury further awarded \$1.1 million in damages based on the sale of a single counterfeit Omega watch by a tenant at 375 Canal Street.

X2Y Attenuators, LLC v. Intel Corporation: Prevailed on behalf of Intel, Apple, and Hewlett-Packard in a case before the ITC. X2Y Attenuators LLC claimed that Intel’s microprocessors, and the Apple and HP computers containing them, were being imported into the U.S. and sold in violation of Section 337 of the Tariff Act of 1930. The ALJ found noninfringement of all three asserted patents, and invalidity of two of them. The Commission issued a final determination of no violation and adopted our case-dispositive claim construction, which was applicable to all asserted claims.

PersonalWeb Technologies v. EMC Corporation: Secured a complete victory for clients EMC and VMware after more than eight years of litigation against plaintiff PersonalWeb Technologies—and more than four years after we invalidated six of PersonalWeb’s eight asserted patents in the firm’s first IPRs. The final win came when Judge Davila of the Northern District of California ruled that the only remaining patent was invalid under Section 101 because it did not claim patent-eligible subject matter.

For more information, please contact:

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RECOGNITION

- **Chambers USA:** Band 1, National IP since 2011
- **Law 360:** “Technology Group of the Year” from 2016-2018
- **The Legal 500 United States:** Top Tier for IP in the US since 2011
- **LMG Life Sciences:** “General Patent Litigation Firm of the Year,” 2019
- **Managing IP:** “Patent Contentious Firm of the Year” seven times since 2011, including in 2019
- **The American Lawyer:** “IP Litigation Department of the Year” twice and a finalist six times
- **U.S. News & World Report:** Tier 1, Litigation – Intellectual Property for 10 years running, and the “Patent Law Firm of the Year” for 2021.

Clients note that we are “one of the top IP litigation practices in the country” and that we “are trial ready and able to handle a ‘bet the company’ IP case.”

— *Chambers USA and U.S. News & World Report*