



Medical Devices

Medical device companies regularly seek WilmerHale's advice to develop critical strategies that integrate intellectual property into product design and launch efforts. These companies maintain competitiveness by using cutting-edge technology in new ways to improve healthcare delivery and patient outcomes. WilmerHale advises organizations of all sizes—from start-ups to large public companies—on a broad range of matters that drive the successful implementation of such business strategy. Our team routinely helps companies to protect their innovations and position themselves for growth through portfolio development, strategic advising, risk assessment and, if necessary, litigation. We leverage our technical and scientific experience to help clients navigate even the most complex and multifaceted matters.

PRACTICE AT A GLANCE

— Leading intellectual property and intellectual property litigation practices:

Our intellectual property and litigation teams are equipped to help clients navigate the complex legal landscape, including intellectual property prosecution, counseling and opinion work, post-grant proceedings and more. When litigation is necessary, our team has broad experience across venues, including state and appellate courts, through arbitration in the US and coordinating global disputes.

— Experience with a broad range of technologies:

Technology is at the heart of medical devices, and often, clients are using emerging technologies for new and specialized uses in a healthcare setting. Our lawyers are technologically savvy and steeped in the business aspects of product design and development efforts, and we are well-positioned to understand the complexities and intricacies of a wide range of medical devices, including single use devices, implantable devices, medical equipment, surgical instruments and in vitro diagnostics.

— Cross-disciplinary capabilities:

Clients of all sizes rely on WilmerHale for their intellectual property needs and other legal counseling. Companies regularly draw on the firm's sophisticated corporate, litigation, regulatory, crisis management and strategic response and government affairs capabilities for guidance through financings, IPOs and acquisitions, government investigations and bet-the-company litigation.

175+

Inter partes reviews handled by WilmerHale attorneys in the past five years for both petitioners and patent owners

99+

attorneys with technical and scientific backgrounds

450+

patent applications filed for medical device companies in the past five years



**WilmerHale named
Intellectual Property Firm of
the Year**

— *Chambers USA*, 2024

EXPERIENCE

- For a **publicly traded medical device company**, we successfully obtained a patent term extension for a transplant device and have filed requests for patent term extension for two other transplant devices. For the same client, we have served as a key counselor for more than 20 years, including developing a portfolio of more than 100 US patents.
- Represented a **medical device start-up** in the evaluation and licensing of technology to a large hospital system, including alignment of the technology with the IP portfolio and risk assessment of the product under development.
- Provide ongoing IP diligence related to potential acquisitions and investments for **ZOLL Medical Corporation**, a medical device and software company.
- Offer strategic patent advice to **Columbia University** and manage the worldwide prosecution for about 2,300 patent applications for Columbia's Morningside and Medical Center campuses, including prosecuting applications in a wide variety of high-tech, medical device and pharmaceutical areas.
- Obtained a complete victory for **ZOLL Medical Corporation** by securing a voluntary dismissal with prejudice of a patent infringement case seeking damages and injunctive relief involving ZOLL's defibrillators and monitoring devices.
- Ongoing representation of **Medtronic** for over 15 years in various litigation, appellate, transactional, and investigative matters, including winning *Medtronic, Inc. v. Mirowski Family Ventures* in the Supreme Court, obtaining multiple victories before the Federal Circuit, and securing a jury verdict against Globus Medical in the Eastern District of Pennsylvania.
- Obtained a complete victory for a **publicly traded medical technology company** when the court granted summary judgment of non-infringement in one of its most important competitor litigations.
- Prevented institution of three IPRs filed against key patents held by a large **medical device company** directed to endovascular stent grafts.
- Successfully represented **Becton Dickinson** against a key competitor in a global multi-patent litigation, including in the District of Delaware, and in several concurrent IPRs challenging the asserted patents targeting core portfolio products, resulting in a favorable settlement for the client.
- Obtained a reversal of a patent examiner's rejection in an *ex parte* appeal to the Patent Trial and Appeal Board (PTAB) for claims directed to core technology for **Brixton Biosciences**.
- Represented **Smith & Nephew** in IPRs challenging patents relating to knee implants and suture anchors, obtaining a favorable final written decision. Smith & Nephew successfully settled a related district court case after the final written decision.

TECHNOLOGIES WE WORK WITH:

- Defibrillators and monitoring devices
- Insulin delivery and blood glucose measurement systems
- IV catheters
- Minimally invasive surgical platforms
- Neuroscience applications
- Organ care systems
- Pain management systems
- Rehabilitation therapies for various anatomies
- Scleral contact lenses
- Spinal implant systems
- Stent grafts for aneurysms
- Surgical tools
- Telesurgery systems
- Vascular devices

WilmerHale is “outstanding at all levels, combining first-rate technical and legal acumen and great trial skills.”

— *Chambers USA*

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