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## *Intellectual Property Litigation*

Clients trust us to protect their most important intellectual property matters.

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Clients rely on our globally recognized Intellectual Property Litigation Practice to provide high-quality and innovative solutions to the most complex legal and business issues. We have helped companies defend their interests in jurisdictions across the United States and internationally. Our lawyers have tried cases in federal district courts throughout the United States, and we appear frequently in the top jurisdictions for patent cases, including the District of Delaware, the Central, Northern, and Southern Districts of California, the Eastern and Western Districts of Texas, as well as in the International Trade Commission.

We also have substantial appellate experience and have been recognized for our strong track record in the Federal Circuit and for our involvement in important patent cases decided by the US Supreme Court. Additionally, we represent patent owners and challengers in *inter partes* review (IPR) proceedings before the Patent Trial and Appeal Board (PTAB) and have a keen understanding of how those proceedings can impact pending litigation matters. Our lawyers in the United States, the United Kingdom and Germany also regularly work together to manage our clients' global IP disputes.

Our clients—which range from Fortune 500 companies with large IP portfolios and in-house legal staff to startups with small legal departments—rely on our litigation team for its unique multidisciplinary approach. We staff cases with skilled litigators and lawyers with deep technical knowledge, who also work efficiently with colleagues across practices to achieve remarkable results. Because we have more than 100 lawyers with scientific and technical backgrounds, clients also trust us to truly understand their innovations and the business concerns related to their patents.

With more than 200 general IP, IP litigation and appellate lawyers, we offer clients a deep pool of experience across all issues related to their intellectual property. Our lawyers have prevailed in notable disputes for many of today's most significant companies in technology, pharmaceuticals and other industries. This breadth of experience and the outstanding ability of our practitioners has garnered regular and noteworthy accolades from across the spectrum of legal-industry publications including *Chambers USA*, *Managing IP* and *The American Lawyer*.

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## Key Contacts



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## Related Solutions

Appellate and Supreme Court  
Litigation

Intellectual Property  
Counseling and Prosecution

Media and Entertainment

Energy, Environment and  
Natural Resources

International Arbitration

Technology

FinTech

Life Sciences

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## Areas of Focus

Patent Litigation

Hatch-Waxman and Biologics  
Litigation

Trade Secrets

Western District of Texas, IP  
Litigation

Intellectual Property Appeals

International Trade Commission

Copyright, Trademark and  
Trade Secrets Litigation

Post-Grant Proceedings

Intersection of Antitrust and  
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Protecting Intellectual  
Property in International  
Markets

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## Experience

Defeated a \$3 billion damages claim on behalf of **Intel** in a hedge fund-backed patent challenge in the second installment of “The Waco Trilogy”—a series of three trials in the Western District of Texas that are part of a larger global war between technology leader Intel and VLSI.

Achieved a trial victory for **Apple** marking a significant milestone in the company’s seven-year fight to hold Samsung Electronics accountable for copying the original iPhone and applying patented Apple designs and features to numerous Samsung phones. After four days of deliberation, a jury awarded \$539 million in damages to Apple. Apple and Samsung later announced a settlement of all remaining patent litigation between them.

Prevailed at the ITC, the U.S. district court, and then twice before the Federal Circuit on behalf of **Intel**, **Apple**, and **Hewlett-Packard** after X2Y Attenuators LLC claimed that Intel’s microprocessors, and the Apple and HP computers containing them, infringed multiple X2Y patents.

Won a major, complete victory for **Bristol-Myers Squibb** and **Pfizer** in one of the largest Hatch-Waxman cases ever filed. A district judge found the patents covering our clients’ blockbuster drug Eliquis® were valid and infringed by all generics challenging them. This case covered 25 generic companies and likely protects Eliquis® until at least 2031.

Earned a milestone victory for **Becton Dickinson (BD)** that ended an eight-year multinational patent infringement dispute with Braun Melsungen in US district court, the Federal Circuit, the PTAB and numerous jurisdictions across the globe. Eleven patents were asserted against BD in the US, and more than 60 patents in a half dozen countries were asserted outside the US. Braun ultimately settled the global dispute and gave BD a broad portfolio license.

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.

Obtained a full defense verdict for **Bombardier Recreational Products (BRP)** defeating a \$130 million trademark infringement claim brought by Jaguar Land Rover. Following an eight-day trial with 19 witnesses, the jury rendered a 7-1 verdict in BRP’s favor, finding that BRP’s Can-Am Defender off-road vehicle did not infringe Land Rover’s trademark for DEFENDER.

Achieved a noteworthy victory for **Takeda’s** wholly owned subsidiary, **Millennium Pharmaceuticals**, at the Federal Circuit when the appeals court reversed a district court finding of patent invalidity based on obviousness and remanded the case with instructions to enter judgment in favor of Takeda. This Hatch-Waxman matter involved a patent owned by the US government and exclusively licensed to Takeda covering the latter’s blockbuster oncology drug Velcade® which has annual US sales in excess of \$1 billion.

Earned a major win for **Ancestry** when a district court judge granted our motion to dismiss finding that all patent claims asserted by 23andMe were invalid because they were directed to patent ineligible subject matter. This case was the first major legal clash between the two top genetic testing companies in the country, and upon appeal to the Federal Circuit, the panel unanimously affirmed the district court’s decision.

## Recognition



### ***IP Litigation Department of the Year    Law Firm of the Year in Patent Law***

*The American Lawyer*

CONSISTENTLY RECOGNIZED AS A TOP FIRM



*U.S. News - Best Lawyers® Best Law Firms List*

2021, 2022



### ***Hatch-Waxman Litigation Firm of the Year***

*LMG Life Sciences*

2022

- *The American Lawyer* – Named WilmerHale the Law Firm of the Year (2020), was honored as a finalist in the Litigation Department of the Year contest (2021, 2018) and as the IP Litigation Department of the Year (2023, 2014, 2008), and named a finalist in the IP category six times since the publication first awarded it in 2004.
- BTI Consulting Group – Named as an IP Litigation Powerhouse in the 2019 *BTI Litigation Outlook* (2019) and an IP Litigation Standout (2017, 2018). Recognized as the Most-Favored IP Department in the nation, as one of two firms Best at Complex IP Litigation, one of six Go To IP Litigation Firms, and one of five Go To IP Firms for non-litigation IP work in the *BTI Intellectual Property Outlook* (2015).
- *Chambers Global: The World's Leading Lawyers* – Recognized as a leading law firm in the area of intellectual property in the US (2012–2021) and in Germany (2017) and praised as “an absolutely outstanding team that gives everything you want from a law firm.”
- *Chambers UK: A Client's Guide to the UK Legal Profession* – Ranked among leading firms in the UK in the intellectual property category (2021–2024) where it is noted that the firm has a “formidable IP practice focusing on patent litigation,” and is “particularly adept at handling patent infringement disputes concerning standard-essential patents and FRAND licensing.”
- *Chambers USA: America's Leading Lawyers for Business* – Ranked nationally in band one (2011–2022); noted as “outstanding at all levels, combining first-rate technical and legal acumen and great trial skills.” Consistently recognized in the national International Trade: IP (section 337) category (2013–2021) and in regional IP tables for Massachusetts (2003–2022), California (2012–2021), Colorado (2016–2022), New York (2012–2022) and Washington DC (2012–2022).
- *IAM Patent 1000* – Ranked as a leading firm for litigation in the US and UK, and in regional US rankings in California, Colorado, the DC Metro area, Massachusetts and New York (2018–2022).
- *JUVE Patent UK 2021* – Ranked as a Tier 3 firm in litigation where it is noted that the firm remains one of the most developed of any transatlantic practice.

- Lake Whillans' The Life Sciences Law Firm Index – Included among top three best life sciences law firms (2016, 2017), as the top firm for startup work (2017), among the top 10 deal firms (2017), the top two patent law firms (2016) and top 10 firms for thought leadership (2016).
- *Law360* – Listed among the top “go-to” firms for PTAB litigation (2012–2020) and among *Law360*'s IP Groups of the Year (2010–2011, 2013–2014) and Technology Groups of the Year (2016–2018, 2022).
- *The Legal 500 United States* – Named among the top law firms for intellectual property (2011–2023) and as the Best Law Firm in the IP: Patent Litigation category (2014).
- *Benchmark Litigation* – Ranked WilmerHale among the top firms in the nation across 7 practices, including intellectual property and recognized a number of WilmerHale lawyers as Litigation Stars and Future Stars in 2022 and 2023.
- *LMG Life Sciences* – Recognized in the areas of patent strategy and management, general patent litigation, Hatch-Waxman patent litigation, corporate, licensing and collaboration, M&A, venture capital and white collar/government investigations (2012–2023).
- *LMG Life Sciences Awards* – Named the Hatch-Waxman Litigation Firm of the Year (2022); shortlisted for Life Cycle Firm of the Year – General Patent Litigation Firm of the Year and Firm of the Year – Intellectual Property (2021 and 2023); received the Impact Case of the Year Award for our work on *Enzo Life Sciences v. Roche Molecular Systems* (2020); named the General Patent Litigation Firm of the Year and Intellectual Property Firm of the Year (2019); won the Hatch-Waxman Impact Case of the Year Award for our role in *Millennium Pharmaceuticals v. Sandoz* (2018).
- *Managing IP EMEA Awards* – Shortlisted for Patent Contentious Firm of the Year and Law Firm Practitioner of the Year (2022).
- *Managing IP North America Awards* – Named 2023 Patent Disputes Firm of the Year and Appellate Firm of the Year, and recognized with the Impact Case of the Year Award for our role in *Centripetal Networks v Cisco Systems* and *Open Sky Industries v VLSI Technology*; previously named as the winner or shortlisted as the US Patent Contentious Firm of the Year all but once since the contest began in 2011; also awarded the Impact Case of the Year Award for our role in *Intel v Qualcomm* (2022), *Mission Products Holdings Inc v. Tempnology LLC* (2020), *PNC Bank National Association v. Secure Access* (2019).
- *Managing IP, IP Stars* – Named among the top US firms for intellectual property (2011–2021) with 25 partners individually recognized in the 2021 edition.
- *New York Law Journal* – Recognized as Intellectual Property Litigation Department of the Year (2018).
- *National Law Journal* – Recognized as the Washington DC Litigation Department of the Year in the General Litigation category (2017) and IP category (2014); and among the IP Hot List each of the five years the contest was held (2012–2016).
- *The Business Journals* – Consistently featured on the Largest IP Law Firms Lists in Boston, Denver and Silicon Valley.
- *U.S. News - Best Lawyers®* – Named Patent Firm of the Year (2021, 2022), Biotechnology Law Firm of the Year (2020, 2024) and IP Litigation Law Firm of the Year (2018). Honored with first-tier national “Best Law Firm” rankings in Patent Law, Biotechnology Law, IP Litigation and Patent Litigation; and first-tier metropolitan rankings in Washington DC and San Jose for IP Litigation; in Boston for Copyright Law, Patent Law, Patent Litigation, IP Litigation and Trademark Law; in Colorado for Patent Law; and in New York for Biotechnology Law (2013–2024).