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# *Protecting Intellectual Property in International Markets*

## Intellectual Property Litigation



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Companies can face enormous negative consequences by inadequately protecting and enforcing their intellectual property. WilmerHale is well-positioned to help with these challenges, bringing to the table specialized lawyers from the patent and trademark bar who rank among the best in the world. Our team has key strengths in IP litigation and international trade, with global experience in navigating the complex legal, business and public policy aspects of complex international IP matters.

In the last two years, our patent prosecution team filed more than 2,000 US and foreign patent applications, including 140 design patent applications, and obtained more than 1,500 US and foreign patents for clients. Our IP attorneys are currently responsible for more than 6,900 active patent assets worldwide.

We help companies and industries:

- **secure protection** for their IP in jurisdictions around the world—for instance, preparing and prosecuting patents under the Patent Cooperative Treaty, and working with seasoned patent lawyers in multiple jurisdictions;
- **resolve protection and enforcement disputes** before administrative agencies and courts around the world—either directly (in those jurisdictions where we can appear) or in coordination with local counsel;
- **improve foreign government enforcement** of IP—including by devising legal and public policy strategies, working directly with foreign governments (including in difficult developing markets like China and India) and enlisting US and EU government support and action; and
- **contain the damage from infringement**—including ensuring that infringing products

do not enter the United States (through section 337 litigation before the US International Trade Commission).

Our lawyers help shape the rules of international IP, working alongside companies, industries and governments to:

- ***influence the formulation and implementation of government policies, national legislation and international rules regarding IP***—including counseling on implementation of the WTO Agreement on Trade-Related Intellectual Property Rights (TRIPS) and development of relevant national legislation; and
- ***ensure enforcement of governments' international IP commitments***—including under TRIPS.

In all of these areas, WilmerHale utilizes its substantial capabilities and experience to effectively implement a cross-cutting, multi-disciplinary approach to tackling a client's most complex problems. Our core IP, IP litigation and international trade practices are regularly ranked among the best in class. With former senior policy makers from the United States and European Union governments, we have broad experience in negotiating practical solutions with governments, businesses and other stakeholders. Our German and UK-based lawyers have represented clients before their respective countries' Supreme Courts, at the House of Lords and in the Court of Justice of the European Union. When the stakes are high, WilmerHale delivers a team of lawyers who work as a cohesive unit: in the United States, United Kingdom, Germany, China and other courts. Our premier practice has no borders.

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## ***Key Contacts***



### **Justin Watts PhD**

**PARTNER**

✉ [justin.watts@wilmerhale.com](mailto:justin.watts@wilmerhale.com)

📍 LONDON

☎ + 44 (0)20 7872 1083



### **Matthew Shade, PhD**

**PARTNER**

✉ [matthew.shade@wilmerhale.com](mailto:matthew.shade@wilmerhale.com)

📍 LONDON

☎ + 44 (0)20 7872 1079



## Anthony Trenton

PARTNER

✉ [anthony.trenton@wilmerhale.com](mailto:anthony.trenton@wilmerhale.com)

📍 LONDON

☎ + 44 (0)20 7872 1005



## Mark D. Selwyn

PARTNER

✉ [mark.selwyn@wilmerhale.com](mailto:mark.selwyn@wilmerhale.com)

📍 PALO ALTO

☎ + 1 650 858 6031



## Trevor Cook

RETIRED SENIOR COUNSEL

✉ [trevor.cook@wilmerhale.com](mailto:trevor.cook@wilmerhale.com)

📍 NEW YORK

☎ + 1 212 230 8826

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## Experience

Represented **Apple** in its seven-year global patent war with Samsung that spanned across jurisdictions in Asia, Australia, Europe and the United States. The firm played a critical role in coordinating and executing Apple's global litigation and regulatory strategy against Samsung. The "Patent Trial of the Century" ended after a jury awarded over \$539 million to Apple, who agreed to settle the matter on undisclosed terms and to dismiss all remaining claims.

Prevailed on behalf of **GlaxoSmithKline (GSK)**, when we obtained a favorable result resolving global litigation with Pfizer, Inc. related to the companies' competing meningitis B vaccines. We worked closely with GSK's UK counsel to develop and implement case strategy across multiple jurisdictions so that we took consistent positions in both offensive and defensive actions. We also helped to prepare experts for a UK trial and assisted with European Patent office actions. An undisclosed settlement resolved proceedings in Australia, Austria, Ireland, Italy, the UK, the US, the European Patent Office and the USPTO.

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. This matter involves numerous jurisdictions outside of the US, including Canada,

China, Europe, India and Korea.

Representing **Genentech** in biosimilar patent litigation and related IPRs involving its \$7 billion-a-year drug, Herceptin. We have represented Genentech in four district courts and 30 IPR proceedings before the PTAB and have assisted in jurisdictions in the EU, Japan, South Korea and Brazil.

Manage the worldwide IP portfolio of **Crocs** and its subsidiaries, including patent, design, trademark, opposition and support of enforcement actions. Dating back to before its IPO, the firm has routinely advised the company on new product IP clearance matters, IP risk assessment and the ongoing core protection strategy for its most iconic Classic Clog footwear style in jurisdictions around the world.