



Cross-Border Intellectual Property Litigation

Global businesses demand global representation. WilmerHale's leading cross-border IP litigation team meets this demand with our award-winning team of lawyers who have decades of unparalleled experience successfully litigating and coordinating IP disputes in courts around the world. We manage some of the most complex and high value cases from our offices in the United States, United Kingdom, Germany and China. Working as a cohesive "one-team" unit, we develop and execute winning cross-border litigation and commercial strategies for our clients leveraging our local IP trial expertise and global perspective.

PRACTICE AT A GLANCE

- Clients depend on WilmerHale's cohesive transatlantic team to oversee and coordinate local proceedings with their overall strategic objectives in international tribunals across Europe, the United States, South America and Asia.
- WilmerHale's strategic guidance, leading political and cultural insight, local litigation experience and strong relationships with local counsel enable our team to identify game-changing opportunities in local jurisdictions that can then be leveraged in other jurisdictions to reach a successful outcome in global litigation.
- Alongside our US team, our UK and German IP litigators bring over 200 years of combined experience of European national litigation and global coordination to help solve the cross-border litigation challenges faced by our clients. They represent clients in cross-border IP disputes at every level of the courts in the UK, Germany and Europe, including the UK's Supreme Court and before the Court of Justice of the European Union.
- Our team's collaborative approach is recognized by clients and outside coordinating counsel who know our sole focus is to craft trial-winning strategies that further our client's goals and to support local counsel in achieving this goal.

"Some of the most high-profile clients in the life sciences, high-technology and consumer goods spheres now flock to the firm for representation in many of the hottest UK and international disputes out there."

— *IAM Patent 1000, 2023*

Shift in International IP Rights

65%

share of worldwide patent grants in Asia

60%

of all European patent cases are filed in Germany

2x

number of patent applications filed in China as compared to the United States in 2019

50%

of the US Gross Private Product (GPP) is currently covered by the jurisdiction of the new Unified Patent Court

EXPERIENCE

Apple Inc. v. Samsung Electronics Co. Ltd. et al.: 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.

Insulet Corporation v. Roche Diabetes Care Ltd.: Successfully helped its longstanding client Roche Diabetes Care Ltd. (Roche) achieve a two-part win in a global dispute brought by a rival insulin pump maker. The judge of the England & Wales High Court ruled that not only did Roche's Accu-Chek Solo micropump not infringe on Insulet's patent but that the patent had also been invalidated for being divulged by an earlier invention.

Bristol-Myers Squibb v. Sandoz Inc.: In the US, won a major, complete victory for Bristol-Myers Squibb and Pfizer in one of the largest Hatch-Waxman cases ever filed covering 25 generic companies. A district judge found the patents covering our clients' blockbuster drug Eliquis were valid and infringed likely protects Eliquis until at least 2031. This matter involves global litigation in over 25 jurisdictions outside of the US, including Canada, China, Europe, India and Korea.

Optis Wireless Technology et al. v. Apple Inc.: In one of the highest profile standard essential patent (SEP) disputes in the world, WilmerHale acts for Apple in a global dispute spanning to the US, UK and China brought by Optis and Unwired Planet in relation to alleged SEPs. Arguing cutting edge legal issues relating to the nature of a FRAND license, the WilmerHale team achieved a significant win for Apple in the UK by beating down Optis' claims from \$10 billion to approximately \$55 million for a global FRAND license.

Segimerus Ltd. v. Medtronic GmbH: Successfully defended Medtronic against a pan European injunction sought by a well-known non-practicing entity. The Düsseldorf court rejected the troll's application for an injunction on the grounds that the applicant was acting in abuse of rights, as there was no concrete concept for the use of the trademark, beyond an abusive use to harm the interests of third parties. We also represented Medtronic in the nullity proceedings before the European Union Intellectual Property Office (EUIPO).

Breguet et al. v. Samsung: Achieved a major victory for Swatch Group in United Kingdom litigation against Samsung. In a milestone judgment, the Court held that an online app store was responsible for trademark infringement arising from apps uploaded by third party developers, and that "mere hosting" under the E-Commerce Directive did not provide a defense.

For more information, please contact:

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RECOGNITION

— **Chambers USA** has ranked our intellectual property practice in band one since 2011, noting that "it is a very collegial and collaborative group that shares the same common goal - to achieve the best results for their clients."

— **IAM Patent 1000** recognized WilmerHale and 25 of its lawyers in the US and UK as among the top patent firms and lawyers in its 2023 rankings.

— **Chambers UK** recognized our London office in the Intellectual Property: Patent Litigation category, describing us as "formidable" and noting that the team "is particularly adept at handling patent infringement disputes concerning standard-essential patents and FRAND licensing."

— **Legal 500 UK** recognized our London office in the TMT (technology, media and telecoms) – Intellectual Property category, in which we are highlighted for our "amazing and dedicated pool of talent who are able to provide the very best service in all aspects of complex technical patent litigation."

— **The Times of London** named WilmerHale to its 2023 list of Best Law Firms.

— **Managing IP** ranked WilmerHale among the top firms in the UK and US for patent contentious work in 2023. In addition, 28 of our lawyers from the UK and US were recognized as leaders in their field.