



Patent Litigation

Protecting valuable inventions in a highly competitive global environment has become increasingly challenging for multinational businesses. With the significant rise in patent litigation and with damages exceeding the billion-dollar mark in the US, the risks and opportunities facing companies are higher than ever. Whether enforcing your patents against others or defending you against claims of patent infringement, DLA Piper has the experience to help you succeed.

With over 130 patent litigators on the ground in key jurisdictions worldwide, DLA Piper is uniquely positioned to help companies successfully navigate their patent matters around the globe. Our team of over 70 patent litigators located in the major US cities alone, plus an additional 60 patent litigators in other key jurisdictions worldwide, know the laws, the courts and the judges in the jurisdictions where most patent disputes occur.

We often manage related patent matters in multiple US jurisdictions simultaneously, including the ITC. With our global reach, we are also accustomed to acting for clients in resolving multi-jurisdictional patent disputes in the US, Canada, Europe and Asia Pac. In particular, we have significant experience with cross-border patent litigation involving the US, Canada, France, Germany, Italy, the Netherlands, Poland, Turkey, UK, China and Australia, as well as other countries worldwide. We are highly adept at developing and implementing global patent enforcement strategies for our clients and strategically selecting venues to increase their probability of success.

Our deep technical bench includes lawyers with advanced degrees and/or experience in most technical areas, especially electronics, computer science, telecommunications and wireless, pharma and biotech, medical devices, chemical engineering, materials and automotive – so we can quickly understand your technology and industry.

We try cases – and we win them. Since we are trial lawyers, we develop potential trial themes early and use them to evaluate the evidence by both parties. We are known for our ability to explain complex technologies to judges and juries. Since our opponents know we are not afraid to go to trial, we are very often able to reach a favorable settlement. We also have a leading appellate practice, and have helped clients hold on to their victory or reverse any adverse result. Additionally, we have extensive experience handling inter partes reviews (IPRs) and post-grant reviews (PGRs) in the US, as well as supporting clients in opposition proceedings before the European Patent Office.

We do not represent patent assertion entities ('patent trolls'). We have deep experience opposing such entities and have developed successful, cost-effective litigation strategies

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RELATED SERVICES

- Antitrust and

against them.

EXPERIENCE

- Advising a global tech giant in relation to a high profile, multijurisdictional patent litigation case, our global team successfully represented our client in a 27-patent case in the Northern District of Texas and three High Court trials in the UK, resulting in a confidential worldwide settlement. This was the biggest patent case before the UK Courts in 2009 and 2010. This matter involved strategic, cross-border coordination of complex patent litigation among the US, the UK, and other jurisdictions. It also involved complex issues relating to antitrust and anti-competition claims, standard-setting claims and defences and issues concerning what constitutes a fair, reasonable and non-discriminatory (FRAND) licensing commitment in the standard-setting context.
- Representing a data protection software client in a patent trial in the popular US District of Delaware, we won a full defense jury verdict. Our client's rival asserted that our client and the other defendants infringed two patents relating to fundamental technology for anti-virus software. Their rival had previously won a jury verdict and a permanent injunction against another anti-virus software company. However, at trial our client demonstrated that it invented the same technology years before their rival filed for its patents, and following a three-week trial before Chief Judge Gregory Sleet, the jury unanimously agreed, finding both asserted patents invalid and not infringed. In addition, the jury found all asserted claims were invalid and rendered obvious over several prior art references, including our client's own products developed years before their rival filed the claim. The lawsuit was unique in part because it involved global discovery efforts (US, UK, Israel, Czech Republic and France) and several interrelated lawsuits spanning multiple years.
- Representing a US-based technology company as lead counsel in an ITC investigation, we helped our client prevail in an important case in which their competitor alleged that our client's SRAM chips infringed four patents. The Administrative Law Judge's Initial Determination found no violation of Section 337, finding that none of the four patents was infringed and that the Complainant had failed to establish a domestic industry as to any of the four patents. The Commission subsequently affirmed the finding of no violation on each of these grounds and additionally found the asserted claims of one of the patents invalid.
- Representing a worldwide airline in a high profile, cross-border patent litigation matter regarding three patents and design rights protecting its innovative seating system, we secured our client's success. In a complex web of cases involving the seat manufacturer and several airlines centred around the UK, we successfully halted sales of a rival seating system which took advantage of our client's innovation. Involving legally complex issues, these cases established legal precedent on a number of matters, going all the way to the UK Supreme Court. This matter demonstrated the value of our strong global patent team, as we were able to quickly (sometimes mid-hearing) and cost effectively investigate the legal position in other countries on issues where there was no settled position in the UK, including in France, Germany, The Netherlands, Spain, Italy, Australia and the US. Our comprehensive coverage enabled us to obtain foreign case law and commentary which supported our client's position and refute mischaracterisations of the foreign law position raised against our client.
- We successfully protected the exclusivity in Australia of one of the key products of a leading global pharmaceutical company, including obtaining an interlocutory injunction against a competitor preventing it from launching its generic products. The matter will proceed over the next year to final resolution of the infringement and patent validity issues
- Advising a global, NYSE-listed medical technology manufacturer of a drug delivery system in patent infringement proceedings in the UK, France and Germany, relating to patents for syringe pump drivers.

- Competition
- International Trade, Regulatory and Government Affairs
- Litigation, Arbitration and Investigations

RELATED SECTORS

- Financial Services
- Energy and Natural Resources
- Life Sciences
- Mining
- Technology

INSIGHTS

Publications

The CARES Act and USPTO patent practitioner deadlines

6 April 2020

While the USPTO remains open for filing of documents and fees, Director Iancu announced that parties may be eligible for extensions of certain deadlines if their inability to meet a current deadline is due to the COVID-19 pandemic.

Supreme Court Corner

30 March 2020

Notable cases involve trademark protectability and federal preclusion principles.

Top franchise developments of 2019

30 March 2020

Two top franchise developments in 2019 stand out from the rest.

Are you ready for CCPA class action litigation?

30 March 2020

Many businesses may not have fully contemplated the major data breach class action litigation risk created by the California Consumer Privacy Act.

Top of Mind: Life Sciences

16 January 2020

Eight big topics that life sciences businesses have been thinking about and how DLA Piper has been covering those stories.

CCPA Rescue Kit arrives amid new privacy law change

19 December 2019

A series of integrated compliance offerings to help businesses begin the journey of compliance with this important new privacy bill.

Street art raises novel copyright issues – or does it?

19 December 2019

Is street art less entitled to copyright protection than are traditional art forms?

Supreme Court Corner

19 December 2019

We are watching two key cases – *Romag Fasteners v. Fossil* and *Thryv, Inc. v. Click-to-Call Technologies*.

Canadian patent rules streamlined

2 OCT 2019

New Patent Rules and associated amendments to the Patent Act will come into force on October 30, 2019. These new rules are intended to modernize and standardize the patent prosecution process in Canada, including by implementing the Patent Law Treaty.

The Russian Supreme Court clarifies intellectual property legislation

30 Sep 2019

Clarifications from the Supreme Court have a significant impact on the further development of court practice in Russia.

ITC Section 337 update: Expect heavy emphasis on public interest in pharma/medical device investigations

30 Sep 2019

Difficult public interest issues may arise when a potentially life-saving drug or medical device is sought to be excluded.

Supreme Court Corner

24 July 2019

The Court clarifies a circuit split over copyright in *Fourth Estate* and, in *Mission Product Holdings*, says a licensee's rights survive the licensor's bankruptcy.

Top Patent Litigation Firm

24 July 2019

Lex Machina's 2018 Patent Litigation Year in Review recognizes DLA Piper as one of the top ten most active national law firms representing defendants in US patent disputes.

Alice uncertainty: curiouser and curiouser

24 July 2019

The Federal Circuit declines to follow USPTO guidance on subject matter eligibility, instead following its own precedent.

ITC Section 337 update: Commission decision stayed?

24 July 2019

Significant new developments.

Trump issues Executive Order on securing information and communications technology and services – key points

16 MAY 2019

The order is issued pursuant to the National Emergencies Act and the International Emergency Economic Powers Act, the latter creating potential civil and criminal liability for those violating EOs and regulations issued under its authority - liabilities that can expand to include those who facilitate a violation.

Supreme Court Corner Q1 2019

11 APR 2019

In celebration of the 10th anniversary of IPT News, we note that 10 years ago, in the first quarter of 2009, Bernard L. Bilski filed his petition in the landmark *Bilski v. Kappos*, 561 U.S. 593 (2010), forever shaping the patentability of business methods.

ITC Section 337 Update

11 APR 2019

A quick look at the last 10 years.

New York patent litigators bolster DLA Piper's Life Science sector

11 APR 2019

Michael Furrow and Brian O'Reilly recently joined the firm's Intellectual Property and Technology practice as key patent litigation partners in New York.

Top of Mind: Litigation

20 MAR 2019

In this issue, our coverage of 10 big topics businesses have been thinking about this quarter.

Explainability: where AI and liability meet

25 FEB 2019

Makers and users of AI face a new and interesting problem: what is the acceptable tradeoff between explanation and accuracy?

Relying on "common sense" instead of prior art in evaluating the obviousness of pharmaceutical patents

21 DEC 2018

A one-time aberration, or the start of a trend?

Supreme Court Corner Q4 2018

20 DEC 2018

A trademark case concerning the Lanham Act's prohibition of "immoral" marks; a patent case asking whether the government is a

"person" under the AIA.

12th Annual Women in IP Law Seminar on patents and big data

21 DEC 2018

DLA Piper's Intellectual Property and Technology group hosted its twelfth annual Women in IP Law CLE Luncheon at the Four Seasons Silicon Valley in November.

***Alice* in Wonderland: navigating the strange world of patenting AI**

21 DEC 2018

Like the bottle labeled DRINK ME, certain techniques can make the trip through the AI-patent rabbit hole more scalable.

Leading life science patent litigators join DLA Piper in New York

21 DEC 2018

Michael Dougherty and Tony Pezzano have joined the firm's Intellectual Property and Technology practice as patent litigation partners in New York.

Supreme Court Corner Q3 2018

27 SEP 2018

The court rules on recovery of lost foreign profits and ponders patentability issues in an invention's sale to a third party that is obligated to keep the invention confidential.

Intellectual Property and Technology News (Asia Pacific) September 2018

27 SEP 2018

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Intellectual Property and Technology News (Asia Pacific) is our annual publication designed to report on worldwide developments in intellectual property and technology law, offering perspectives, analysis and visionary ideas.

32 DLA Piper lawyers in 8 countries ranked among world's top patent professionals

27 SEP 2018

IAM Patent 1000: The World's Leading Patent Professionals 2018 has named 32 DLA Piper lawyers to its seventh list.

Ensnarement can be a vital patent litigation tool: key takeaways

28 JUN 2018

The Federal Circuit's decision in *Jang v. Boston Scientific Corp.* highlights the vitality of the defense of ensnarement that practitioners must carefully consider prior to trial.

US Congress may act again on patent reform

26 JUN 2014

Recent activity regarding patent trolls

Patent litigation heats up in the Southern District of Florida: practical implications for brand owners

26 MAR 2014

Patent litigation is on the rise nationally, with a record number of cases being filed every year. In 2013, over 6,800 cases were filed in the United States, the highest number ever and about a 10 percent increase from 2012.

Patents on the blockchain - Bitcoin and beyond

29 MAY 2017

Disruptive technologies have transformed the global economy, and will continue to do so at exponential rates. Innovators at the cutting edge of these technologies should carefully review their patenting strategy, or risk being pushed out of emerging market opportunities.

Distributing patent rights between affiliates: guidelines to support enforcement rights around the world

16 NOV 2015

Considering a few issues at the outset when rights are distributed between Parent and Affiliate (or between multiple affiliates) may avoid difficulties in the future when a company wants to enforce patent rights.

Events

Previous

3D Printing in the Intellectual Property Landscape

25 Apr 2019

NEWS

Sangeetha Punniyamoorthy named Chair of the Canadian IPT Group

20 MAY 2020

DLA Piper (Canada) LLP is pleased to announce that Sangeetha Punniyamoorthy has been appointed Chair of the Canadian Intellectual Property and Technology Group.

DLA Piper announces partnership promotions for 2020

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

DLA Piper (Canada) LLP increases rankings in the 2020 *Canadian Legal Lexpert Directory*

24 APR 2020

DLA Piper (Canada) LLP is pleased to announce that we have significantly increased the number of lawyers ranked as leading practitioners in the 2020 edition of the Canadian Legal Lexpert Directory.

DLA Piper (Canada) LLP supports LNG Studios in their initiative to help protect Canadian healthcare workers

9 APR 2020

DLA Piper (Canada) LLP is proud to support its client LNG Studios Inc. ("LNG") in their initiative to support Canadian healthcare workers throughout the current COVID-19 crisis.

DLA Piper Canada significantly expands Startups, Emerging Companies and Technology practice

16 MAR 2020

With the addition of six new lawyers to our Vancouver office since the beginning of 2020, DLA Piper Canada has significantly expanded upon its capabilities in the Startups, Emerging Companies and Technology practice.

DLA Piper lawyers named Acritas Stars

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

DLA Piper (Canada) LLP was platinum sponsor of the 2020 Fox Moot

2 MAR 2020

DLA Piper Canada is delighted to have once more participated as a platinum sponsor and event co-ordinator of the Harold G. Fox Moot, one of Canada's most prestigious mooting events.

DLA Piper (Canada) LLP recognized in the 2020 edition of *World Trademark Review 1000*

24 FEB 2020

DLA Piper (Canada) LLP is thrilled to be recognized as a leader in Canadian trademarks in the 2020 edition of *World Trademark Review 1000* - The World's Leading Trademark Professionals.

DLA Piper (Canada) LLP recognized by *Chambers Global 2020*

20 FEB 2020

DLA Piper (Canada) LLP and nine of its practitioners have been recognized in the 2020 edition of *Chambers Global*.

DLA Piper (Canada) LLP welcomes Becky Rock to the Vancouver Office

18 FEB 2020

DLA Piper (Canada) LLP is pleased to announce that Becky Rock has joined the firm as an Associate in the Vancouver office.

DLA Piper (Canada) LLP set to host The Harold G. Fox Moot 2020

12 FEB 2020

DLA Piper (Canada) LLP is proud to once more participate as a platinum sponsor and event co-ordinator of The Harold G. Fox Moot on intellectual property law.

DLA Piper (Canada) LLP welcomes Partner Michael E. Reid to the Vancouver office

1 FEB 2020

DLA Piper (Canada) LLP is pleased to announce that Mike Reid has joined the firm as a Partner in the Vancouver office. Mike practises technology-related business law, with a particular focus on corporate, commercial and information technology matters.

DLA Piper (Canada) LLP welcomes Tyson Gratton

13 JAN 2020

DLA Piper (Canada) LLP is pleased to welcome Tyson Gratton to the firm's Vancouver office as an associate in the Corporate group. Tyson's practice focuses primarily on assisting emerging and growth stage companies manage corporate governance matters, negotiate contracts and licensing agreements, navigate growth financing, and facilitate routine corporate commercial matters.

DLA Piper (Canada) LLP welcomes Morgan McDonald to the Vancouver office

8 JAN 2020

DLA Piper (Canada) LLP is pleased to announce that Morgan T. McDonald has joined the firm as Counsel in the Vancouver office. Morgan's practice is focussed on assisting founders, startup and growth companies in the technology sector, including software, gaming, ecommerce and related technology facing businesses and emerging markets including artificial intelligence, cloud computing and privacy.

DLA Piper (Canada) LLP welcomes three new partners

1 JAN 2020

DLA Piper (Canada) LLP welcomes three new additions to the partnership, effective January 1, 2020.

DLA Piper (Canada) LLP welcomes Partner Ryan J. Black

1 JAN 2020

DLA Piper (Canada) LLP is pleased to announce that Ryan Black has joined the firm as Partner in the Vancouver office. Ryan practises technology-related corporate law, with a particular focus on internet technologies, ecommerce, video games and esports.

DLA Piper (Canada) LLP recommended in the 2020 edition of the *Legal 500 Canada*

14 NOV 2019

DLA Piper (Canada) LLP has been recommended across a broad range of practice areas in the latest edition of the *Legal 500 Canada*.

DLA Piper (Canada) LLP recognized by *Chambers Canada 2020*

20 Sep 2019

DLA Piper (Canada) LLP is pleased to be recognized as an industry leader in the 2020 edition of *Chambers Canada*.

DLA Piper (Canada) LLP strengthens its patent agency practice

21 AUG 2019

DLA Piper Canada is pleased to announce that our Intellectual Property and Technology practice group now includes two more lawyers who are qualified Patent Agents in Canada. Our experienced Patent Agent team has been augmented by both the arrival of Richard Mar in our group and by the recent qualification of Michal Kasproicz as a Registered Patent Agent.

DLA Piper (Canada) LLP welcomes Associate Counsel Richard Mar

12 AUG 2019

DLA Piper (Canada) LLP welcomes Richard Mar to the firm's Toronto office as Associate Counsel in the Intellectual Property and Technology Group.

DLA Piper to advise ITW Global Leaders' Forum on blockchain-based telecoms platform

2 July 2019

DLA Piper has been appointed to advise the ITW (International Telecoms Week) Global Leaders' Forum (GLF) on the launch of a

special purpose vehicle that will develop a live, blockchain-based platform.

DLA Piper (Canada) LLP recognized as a leader in patent laws by IAM Patent 1000

12 JUN 2019

The 2019 edition of *IAM Patent 1000 - The World's Leading Patent Practitioners* has recognized DLA Piper (Canada) LLP and four members of its Intellectual Property and Technology (IPT) Group as leaders in the Canadian patent market.

***Managing IP* 2019 recognizes DLA Piper (Canada) LLP as a leader in Intellectual Property law**

21 MAY 2019

DLA Piper (Canada) LLP is pleased to see four of our lawyers recognized as IP STARS and our Intellectual Property and Technology (IPT) Group recognized as a leading firm in *Managing Intellectual Property* IP STARS' 2019 global rankings.

DLA Piper announces launch of Artificial Intelligence practice

14 MAY 2019

DLA Piper announced today the launch of its Artificial Intelligence practice, which will focus on assisting companies as they navigate the legal landscape of emerging and disruptive technologies, while helping them understand the legal and compliance risks arising from the creation and deployment of AI systems.

DLA Piper (Canada) LLP ranked in 2019 *Canadian Legal Lexpert Directory*

3 MAY 2019

DLA Piper (Canada) LLP is pleased to announce that thirty-eight of the firm's lawyers have been recognized as leading practitioners in the 2019 edition of the *Canadian Legal Lexpert Directory*.

DLA Piper announces partnership promotions for 2019

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

DLA Piper hosts leading business and diplomacy conference

14 MAR 2019

DLA Piper's London office has hosted the Annual Conference of the International Diplomatic and Business Exchange (IBDE).

Ron Dimock and Sangeetha Punniyamoorthy recognized by World IP Review Leaders Directory

1 MAR 2019

Partners Ron Dimock and Sangeetha Punniyamoorthy have been included in the 2019 edition of *World Intellectual Property*

DLA Piper (Canada) LLP hosts 2019 Fox Moot

27 FEB 2019

DLA Piper Canada is delighted to have once more hosted the Harold G. Fox Moot, one of Canada's most prestigious mooted events.

DLA Piper announces launch of Blockchain and Digital Assets practice

26 FEB 2019

DLA Piper announced today the launch of its Blockchain and Digital Assets practice, which will offer strategic advice on a global basis to address the needs of companies implementing blockchain technology solutions and creating and deploying digital assets.

DLA Piper joins Governing Council for Hedera Hashgraph

20 FEB 2019

DLA Piper has joined the initial group of Governing Council members for Hedera Hashgraph, a next-generation public ledger designed to have highly diversified governance and the most distributed consensus at scale. The announcement was made at Hedera Hashgraph's first annual summit in Seoul, Korea.

As part of the council, DLA Piper will help oversee changes to the software run by millions of Hedera distributed nodes over time. The governing council has been established to ensure stability and guaranteed continued decentralization to the Hedera Hashgraph distributed public ledger.

Chambers Global 2019 recommends DLA Piper (Canada) LLP

19 FEB 2019

Nine DLA Piper (Canada) LLP practitioners have received rankings in the 2019 edition of *Chambers Global*, which conducts thousands of independent peer and client interviews every year to identify top legal talents from around the world.

DLA Piper (Canada) LLP named a leader in Canadian trademarks in the 2019 *World Trademark Review*

6 FEB 2019

DLA Piper (Canada) LLP has once more been recognized as a leader in Canadian trademarks in the 2019 edition of *World Trademark Review - The World's Leading Trademark Professionals*.

DLA Piper bolsters Data Protection practice

4 FEB 2019

DLA Piper in Germany has hired Intellectual Property & Technology of counsel Prof Dr Jürgen Taeger, who joined the firm's Cologne office with effect from 1 February 2019.

DLA Piper (Canada) LLP welcomes four new partners

2 JAN 2019

DLA Piper (Canada) LLP welcomes four new additions to the partnership, effective January 1, 2019.

DLA Piper (Canada) LLP obtains order for transfer of disputed domain name to BCIT

21 DEC 2018

On December 10, 2018, the World Intellectual Property Organization ordered that the disputed domain name <bcit.com> be transferred to the British Columbia Institute of Technology. DLA Piper Canada acted as counsel BCIT.

DLA Piper (Canada) LLP recognized in 2019 *Lexpert®/ALM 500 Directory*

13 DEC 2018

DLA Piper (Canada) LLP is pleased to announce that the 2019 *Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada* has recognized three of our lawyers.

DLA Piper (Canada) LLP recognized in 2019 *Legal 500 Canada guide*

7 DEC 2018

DLA Piper (Canada) LLP is pleased to announce that 42 firm lawyers across 17 practice areas have been recommended in the latest edition of the *Legal 500 Canada*.

Sangeetha Punniyamoorthy named a 2018 *Lexpert Rising Star*

9 NOV 2018

DLA Piper (Canada) LLP is pleased to announce that Sangeetha Punniyamoorthy from the firm's Toronto office has been named a 2018 *Lexpert Rising Star*.

DLA Piper Canada recognized by *Chambers Canada 2019*

27 SEP 2018

DLA Piper (Canada) LLP is pleased to be recognized as an industry leader in the 2019 edition of *Chambers Canada*. With 34 lawyers recognized across 20 practices areas, this is DLA Piper Canada's strongest showing to date.

Managing Intellectual Property recognizes Ryan Evans as a Rising Star

26 SEP 2018

DLA Piper (Canada) LLP is pleased to see Ryan Evans recognized as a Rising Star in Managing Intellectual Property IP STARS's 2018 global rankings.

DLA Piper (Canada) LLP Intellectual Property lawyers once more recognized by *Who's Who Legal 2018 international guides*

29 JUL 2018

Three lawyers from DLA Piper (Canada) LLP have been recommended by *Who's Who Legal* 2018 as foremost practitioners in their fields worldwide.

DLA Piper (Canada) LLP once more named a top patent firm by *IAM Patent 1000*

13 JUN 2018

The 2018 edition of *IAM Patent 1000 - The World's Leading Patent Practitioners* has recommended DLA Piper (Canada) LLP and four members of its Intellectual Property and Technology (IPT) Group as leaders in the Canadian patent market.
