



## 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

### KEY CONTACTS

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opposing such entities and have developed successful, cost-effective litigation strategies against them.

## EXPERIENCE

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- 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.

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

## RELATED SECTORS

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

## INSIGHTS

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### Publications

#### 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.

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### **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.

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### **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.

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### **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.

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### ***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.

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### **ITC Section 337 update: Commission decision stayed?**

24 July 2019

Significant new developments.

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### **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.

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## Intellectual Property and Technology News (Asia Pacific) May 2019

15 MAY 2019

### INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS SERIES

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

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## 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.

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## ITC Section 337 Update

11 APR 2019

A quick look at the last 10 years.

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## 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.

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## Top of Mind: Litigation

20 MAR 2019

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

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## 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?

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## 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?

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### 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.

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### 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.

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### *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.

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### 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.

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### 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.

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### Intellectual Property and Technology News (Asia Pacific) September 2018

27 SEP 2018

#### [INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS SERIES](#)

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

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27 SEP 2018

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

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### **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.

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### **Intellectual Property and Technology News (Asia Pacific) December 2017**

7 DEC 2017

#### **[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS SERIES](#)**

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### **Intellectual Property and Technology News (North America), Issue 32, Q4 2016**

20 DEC 2016

#### **[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS SERIES](#)**

Our Intellectual Property and Technology News reports on worldwide developments in IP and technology law, offering perspectives, analysis and visionary ideas.

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### **US Congress may act again on patent reform**

26 JUN 2014

Recent activity regarding patent trolls

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### **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.

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### **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.

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## Events

### Previous

#### **TechLaw Event - "M&A for the New Digital Economy"**

7 MAR 2019  
TechLaw Event Series  
Amsterdam

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#### **TechLaw Event - Online platforms - beyond playing innocence?**

17 JAN 2019  
TechLaw Event Series  
Amsterdam

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#### **TechLaw London 2018**

5 DEC 2018  
TechLaw Event Series  
London

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#### **TechLaw Event - Virtual Competition**

22 NOV 2018  
TechLaw Event Series  
Amsterdam

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#### **Middle East Tech Summit 2018: The Digital Imperative**

5 NOV 2018  
TechLaw Event Series  
Dubai

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#### **TechLaw in Germany**

14 JUN 2018  
TechLaw Event Series  
Munich

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## **TechLaw Event - Blockchain**

27 MAR 2018  
TechLaw Event Series  
Amsterdam

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## **TechLaw London 2017**

22 NOV 2017  
TechLaw Event Series  
London

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## **TechLaw Australia 2017**

14 NOV 2017  
TechLaw Event Series  
Sydney

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## **NEWS**

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### **DLA Piper advises Tirona on the acquisition of a stake in CashCape**

5 September 2019  
DLA Piper has advised Tirona Ltd. on the acquisition of a 25 percent stake in the fintech app CashCape.

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### **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.

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### **DLA Piper advises Rolls-Royce on acquisition of Siemens' eAircraft business**

21 June 2019  
DLA Piper has advised Rolls-Royce plc on the acquisition of Siemens' electric and hybrid-electric aerospace propulsion activities, eAircraft. The acquisition will accelerate the delivery of Rolls-Royce's electrification strategy and boost its ambition to play a major role in the "third era" of aviation. The completion of the transaction is expected in late 2019, following a period of employee consultation.

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### **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

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risks arising from the creation and deployment of AI systems.

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### **DLA Piper wins TMT Team of the Year and Litigation Team of the Year at the Middle East Legal Awards 2019**

23 APR 2019

DLA Piper has been named TMT and Litigation Team of The Year at the Middle East Legal Awards 2019, underscoring the firm's continued strength in the technology, media and telecommunications sector as well as its leading practice in complex dispute resolutions.

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### **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.

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### **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).

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### **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.

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### **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.

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### **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.

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### **Technology sector poised for big data wave in finance and sales departments – DLA Piper European Tech Index**

12 DEC 2018

Harnessing big data is becoming standard practice for IT and marketing teams in technology, but DLA Piper's 2018 Tech Index reveals that a revolution may now be underway in finance and sales departments as well. Responses from 350 tech sector senior executives in Europe indicate that compared to 2016, organizations are increasingly identifying new opportunities in these additional departments, indicating a move towards widespread adoption of big data in the tech sector.

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### **DLA Piper wins Legal Adviser of the Year and recognized as UK Top Performer 2018 by Global Sourcing Association**

25 MAY 2018

DLA Piper's Global Co-Head of Technology Sector, Kit Burden, was last night named Legal Adviser of the Year at the Global Sourcing Association (GSA) UK Top Performers and Professional Awards, held at the Hilton Manchester Deansgate

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### **Businesses still not fully aware of Data Protection issues**

31 JAN 2018

DLA Piper has released its second Data Privacy Snapshot report, finding that once again, company global privacy programs have gaps in meeting increasingly demanding global privacy principles. Significantly, it appears that many companies are falling short of data protection obligations under the General Data Protection Regulation (GDPR), which will start to apply from 25 May 2018.

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### **DLA Piper names new global and US co-chairs for Intellectual Property and Technology practice**

8 JAN 2018

DLA Piper has named Frank Ryan co-chair of the firm's global Intellectual Property and Technology practice and Ann Ford co-chair of its US IPT practice, both effective January 1.

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### **Six months until GDPR: companies still reporting low levels of preparedness**

15 Nov 2017

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For the over 200 organisations responding to DLA Piper's Data Privacy Scorebox online survey tool since the start of the year, the average alignment score with all key international data privacy principles was 31.5%, as against an 38.3% average score for respondents in the 2016 calendar year.

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### **DLA Piper launches Global Contract Laws v2.0**

7 Nov 2017

DLA Piper has launched a newly updated version of its *Global Contract Laws* online resource. *Global Contract Laws v2.0* covers laws from more than 50 countries, including the UK, the US, Australia, China, and Germany, as well as new countries in Asia and South America.

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