



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 against them.

EXPERIENCE

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- Antitrust and Competition

- 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.

- Regulatory and Government Affairs
- Litigation, Arbitration and Investigations

RELATED SECTORS

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

INSIGHTS

Publications

Episode 4 – enforcement of UPC decisions

23 September 2022

UPC ON THE GO – PRACTICAL ADVICE ON THE UNIFIED PATENT COURT

Frank Valentin leads the DLA Piper Intellectual Property practice in France and has significant experience in the Tech and Life Sciences sectors. In this episode, Frank continues his conversation with Cédric Meiller, a senior IP lawyer also based in our Paris office, to discuss how judgments will be enforced in the UPC.

Karyopharm highlights practical considerations for life sciences companies' disclosures about products in development

20 September 2022

The decision provides some practical guidance for life sciences companies' decisions regarding statements about products in development.

Episode 3 – how to choose the right court

26 August 2022

[UPC ON THE GO – PRACTICAL ADVICE ON THE UNIFIED PATENT COURT](#)

Frank Valentin leads the DLA Piper Intellectual Property practice in France and has significant experience in the Tech and Life Sciences sectors. In this episode, Frank is joined by Cédric Meiller, a senior IP lawyer who is also based in our Paris office, to discuss how to choose the right court for your dispute in the new system.

Episode 2 – the language issue

12 August 2022

[UPC ON THE GO – PRACTICAL ADVICE ON THE UNIFIED PATENT COURT](#)

Gualtiero Dragotti, a partner in our Milan office and Co-Chair of DLA Piper's global patent group who specialises in Life Sciences, looks at the controversial topic of language in the new system.

Episode 1 – the basics

28 July 2022

[UPC ON THE GO – PRACTICAL ADVICE ON THE UNIFIED PATENT COURT](#)

Markus Gampp, head of the firm's German patent practice and Co-Chair of DLA Piper's global patent group, who has a special interest in the Tech sector, begins our podcast series by introducing the concept of the UPC and explaining why you should care about it.

Trade dress protects your automobile's design

11 July 2022

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Trade dress may be used to protect the unique, non-functional aspects of a car.

Has the CJEU re-opened the door for preliminary injunctions for patent infringement in Germany/Europe?

19 May 2022

On April 28, 2022, the CJEU (case ID C-44/21) cleared the way for civil courts in Europe to issue a pre-liminary injunction in patent infringement cases even if the validity of the patent in suit has not yet been confirmed in first instance opposition or nullity proceedings.

Protecting your IP in Russia: Best practices, action steps

18 May 2022

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

US companies may take action in Russia to protect their IP rights, notwithstanding US economic and trade sanctions.

Is the “transformative” use defense unfair?

28 April 2022

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

“Let’s Go Crazy” is not simply a song by Prince, but, potentially, the theme song for the Supreme Court’s willingness to explore the doctrine of copyright fair use.

Protecting your therapeutic assets: The value of method of use patent claims

31 March 2022

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

MOU claims can offer robust protection throughout a small molecule’s life cycle, from approval to the entry of a generic competitor.

How will the Unified Patent Court decide your case?

23 February 2022

The unitary patent and the Unified Patent Court (UPC) have moved another step closer since Austria’s deposit of its ratification instrument triggered the start of the Provisional Application Period (PAP) on 19 January 2022.

Can an AI system be named the inventor? In wake of EDVA decision, questions remain

23 September 2021

[AI OUTLOOK](#)

Artificial intelligence is notable among the new technologies posing fundamental questions about the viability of the inventor’s oath.

Supreme Court Corner

September 2021

The Court chose to enhance the Director’s power to review PTAB decisions directly.

The Pharmaceutical Corner

September 2021

Teva v. Amicus is the first lawsuit to test the reach of the CREATES Act. Expect more.

Austin and Washington, DC offices bolster patent litigation capabilities with new arrivals

June 2021

Jennifer Nall and Helena Kiepora have joined our Intellectual Property and Technology practice's patent litigation team.

Patent eligibility of diagnostic methods in Australia confirmed: *Ariosa Diagnostics, Inc v Sequenom, Inc* [2021] FCAFC 101

29 June 2021

For many years, the following question awaited judicial determination under Australian law: is a DNA-based diagnostic method patent eligible subject matter? The Full Court of the Federal Court of Australia has confirmed that diagnostic methods involving the practical application of "natural phenomena" can be patentable inventions in Australia.

Supreme Court Corner

June 2021

The issue at hand in *Unicolors v. H&M* turns on a question of inaccuracies in the copyright registration certificate.

The Pharmaceutical Corner

June 2021

We look at the underlying decision in *Immunex v. Sandoz* and the potential implications on pharma patent licensing strategies.

Trial by eligibility

June 2021

In the history of the United States, every single jury trial on patent eligibility under 35 U.S.C. § 101 has resulted in a defense verdict.

United States v. Arthrex: Where does the Supreme Court's decision leave the PTAB?

23 June 2021

If the APJs' appointment is unconstitutional, what is the appropriate remedy?

S 415, narrowing the scope of new chemical entities, is now law: Implications for innovator companies

29 April 2021

The new law, signed by the President on April 23, narrows the scope of drug compounds that qualify as an NCE.

Patent eligibility in bioinformatics: Federal Circuit affirms rejection of computerized haplotype phasing claims

31 March 2021

Yet another hurdle for inventors in the growing field of bioinformatics and computational biology.

Supreme Court Corner

30 March 2021

Numerous amici in *American Axle* urge the Supreme Court to take the case; update on *USPTO v. Booking.com*.

The Pharmaceutical Corner

30 March 2021

The opinion may render functional claiming more difficult, but functional claims that follow its guidance may still have an important role to play in pharmaceutical patents.

Eligibility guidance in the wake of *Alice*: Clarity at the examiner stage, uncertainty in the Federal Circuit

22 December 2020

Competing approaches to patent-eligible subject matter at the Federal Circuit and the USPTO.

Inventions behind the music: From Eddie Van Halen to Michael Jackson and beyond

22 December 2020

Music innovation offers fertile ground for patent protection.

Supreme Court Corner

22 December 2020

A quick look at two cases.

The Pharmaceutical Corner

22 December 2020

A precedential decision with potentially far-reaching impacts for future Hatch-Waxman litigation and generic-product launches.

Valeant v. Mylan: What venues are left for Hatch-Waxman cases?

10 November 2020

The decision substantially limits the number of venues where Hatch-Waxman cases may be brought.

Edwards Lifesciences v. Meril Life Sciences: Another ripple in the Safe Harbor?

26 October 2020

Navigating the contours of the Safe Harbor provision in view of recent Federal Circuit decisions will be a complicated, uncertain process.

Patent venue: a significant shift may be coming

30 MAR 2017

A case before the Supreme Court has the potential to change forum shopping in patent cases in an immediate and dramatic way.

Supreme Court Corner: Q1 2017

30 MAR 2017

Key Supreme Court decisions in the copyright and patent areas.

Women in IP Law: panel examines divided infringement, cyber-risk

20 DEC 2016

High points from a CLE panel discussion about cutting-edge issues in the IPT space.

Supreme Court Corner - Q4 2016

20 DEC 2016

Two patent cases, two copyright cases

Best practices in defending patent litigation

20 DEC 2016

Key issues for companies that engage in patent litigation.

Precarious steps: patent eligibility for healthcare IT

26 SEP 2016

Three recent Federal Circuit decisions, along with new updates from the USPTO, offer guidance on which steps to take in patenting healthcare IT-related inventions.

Stop them in their tracks: key points in seeking a preliminary injunction against medical device infringers

22 SEP 2016

Three considerations to bear in mind when bringing or defending a preliminary injunction motion in a medical device infringement case.

Supreme Court Corner: Q3 2016

26 SEP 2016

Does the Lanham Act's disparagement clause violate the First Amendment or is it impermissibly vague? And does the equitable defense of laches bar a claim for monetary remedies for patent infringement?

Supreme Court Corner: Q1 2016

29 MAR 2016

Two cases to watch.

The role of evidence in inter partes review

29 MAR 2016

Explaining some evidentiary issues that have decided PTAB proceedings.

Supreme Court Corner: Q4 2015

2 DEC 2015

A recent fair use decision, plus three significant cases to watch

Are IPRs impacting the pharmaceutical industry?

9 JUN 2015

Choosing between IPRs and district court litigation

Supreme Court Corner: Q2 2015

9 JUN 2015

Recent decisions and cases to watch

Patent wars: can the energy industry avoid them?

10 SEP 2014

Proactively navigating the challenges of protecting energy IP

Supreme Court Corner - Q3 2014

10 SEP 2014

A review of cases relevant to IPT decided or argued before the Court during Q3

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.

Intellectual Property and Technology News (United States) Issue 20, Q4 2013

5 DEC 2013

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Intellectual Property and Technology News (United States) Issue 19, Q3 2013

4 SEP 2013

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Intellectual Property and Technology News (United States) Issue 18, Q2 2013

4 JUN 2013

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Intellectual Property and Technology News (United States) Issue 16, Q4 2012

10 Dec 2012

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Intellectual Property and Technology News (United States) Issue 15, Q3 2012

5 Sep 2012

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Intellectual Property and Technology News (United States) Issue 14, Q2 2012

26 Jun 2012

INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS

Intellectual Property and Technology News (United States)
Issue 13, Q1 2012

30 Mar 2012

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Intellectual Property and Technology News (United States)
Issue 12, Q4 2011

20 Dec 2011

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Intellectual Property and Technology News (United States)
Issue 11, Q3 2011

12 Sep 2011

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Intellectual Property and Technology News
Issue 10, Q2 2011

28 Jun 2011

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Intellectual Property and Technology News
Issue 9, Q1 2011

22 Mar 2011

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Intellectual Property and Technology News
Issue 8, Q4 2010

9 Dec 2010

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Intellectual Property and Technology News
Issue 7, Q3 2010

6 Oct 2010

INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS

Intellectual Property and Technology News
Issue 6, Q2 2010

18 Jun 2010

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Intellectual Property and Technology News
Issue 5, Q1 2010

10 Mar 2010

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Intellectual Property and Technology News
Issue 4, Q4 2009

3 Dec 2009

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Intellectual Property and Technology News
Issue 3, Q3 2009

11 Sep 2009

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Intellectual Property and Technology News
Issue 2, Q2 2009

1 Jun 2009

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Intellectual Property and Technology News
Issue 1, Q1 2009

17 Feb 2009

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

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.

Intellectual Property and Technology News (United States) Issue 17, Q1 2013

7 MAR 2013

INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS

Events

Previous

GSK v. Teva: Induced Infringement Liability the Fate of Section VIII Carve-Outs

9 November 2021 | 9:30 am - 10:30 am ET

New York

Planning for an Uncertain World

16 November 2020

TechLaw Event Series

Webinar

NEWS

DLA Piper lawyers and practices ranked in latest edition of *The Legal 500*

15 June 2022

DLA Piper announced today that the firm received 52 firm rankings and 273 lawyers were featured in *The Legal 500 United States 2022* guide.

Stephanie O'Byrne and Jeff Castellano join DLA Piper's Patent Litigation Practice in Wilmington

16 March 2022

DLA Piper announced today that Stephanie O'Byrne and Jeff Castellano have joined the firm's Patent Litigation practice as Of Counsel in

the firm's Wilmington office.

Tiffany Miller named to San Diego Business Journals 2022 list of Women of Influence in Engineering

23 February 2022

DLA Piper is pleased to announce that Tiffany Miller, a partner in the firm's Patent Litigation practice, has been named to the *San Diego Business Journals* 2022 list of Women of Influence in Engineering.

DLA Piper lawyers and practices ranked in latest edition of *The Legal 500*

17 June 2021

DLA Piper announced today that the firm received 42 individual lawyer rankings and 49 firm rankings in *The Legal 500 United States 2021* guide.

Carrie Williamson named to the Silicon Valley Business Journal's 2021 Women of Influence list

21 June 2021

DLA Piper is pleased to announce that Carrie Williamson was named to the *Silicon Valley Business Journal's* 2021 Women of Influence list.

Jennifer Librach Nall and Helena Kiepura join DLA Piper's Intellectual Property and Technology practice

3 June 2021

DLA Piper announced today that Jennifer Librach Nall and Helena Kiepura have joined the Patent Litigation subgroup of the firm's Intellectual Property and Technology practice.

25 DLA Piper lawyers in 9 countries recognized as world's leading patent professionals

15 October 2020

IAM Patent 1000: The World's Leading Patent Professionals 2020 has named 25 DLA Piper lawyers in nine countries to its list of top patent professionals.
