



## 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

#### Deborah Bould MA

Partner  
London  
T:+44 207 796 60 21  
deborah.bould@dlapiper.com

#### Sean C. Cunningham

Partner  
San Diego (binnenstad)  
T:+1 619 699 2900  
sean.cunningham@dlapiper.com

#### Dr Markus Gampp LL.M.

Partner  
München  
T:+49 89 23 23 72 261  
markus.gampp@dlapiper.com

#### Robynne Sanders

Partner  
Melbourne  
T:+61 3 9274 5539  
robynne.sanders@dlapiper.com

#### Bruce W. Stratton

Counsel  
Toronto  
T:1 416 862 3382  
bruce.stratton@dlapiper.com

- Antitrust and

- 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
- Regulatory and Government Affairs
- Litigation, Arbitration and Investigations

## VERWANTE SECTOREN

- Bancaire en financiële dienstverlening
- Energie
- Biowetenschappen
- Technologie

## ACHTERGROND

### Publicaties

#### 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.

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### 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.

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### 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.

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### 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.

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### 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.

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### Supreme Court Corner

September 2021

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

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### The Pharmaceutical Corner

September 2021

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

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

June 2021

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

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### **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.

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### **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.

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### **The Pharmaceutical Corner**

June 2021

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

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### **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.

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### ***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?

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### **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.

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### **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.

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### **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*.

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## **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.

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## **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.

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

22 December 2020

Music innovation offers fertile ground for patent protection.

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## **Supreme Court Corner**

22 December 2020

A quick look at two cases.

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## **The Pharmaceutical Corner**

22 December 2020

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

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## ***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.

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## ***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.

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## **Constitutional challenges to inter partes review – *Arthrex, Inc. v. Smith & Nephew, Inc.***

30 September 2020

This Appointments Clause challenge to the IPR process appears to have staying power.

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## **Coronavirus Resource Center: Our global repository of insights and events**

30 September 2020

A central repository for our reports and commentary on the legal and regulatory concerns arising from the pandemic.

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## **Inventiveness+? Divergent theories of the "inventive concept" in patent-eligible subject matter**

30 September 2020

What qualifies as an inventive concept? Even the Federal Circuit doesn't know for sure.

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## **Supreme Court Corner**

30 September 2020

A quick look at two cases - *USPTO v. Booking.com* and *American Axle & Manufacturing v. Neapco Holdings*.

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## **The Pharmaceutical Corner**

30 September 2020

In this inaugural column, we look at the implications of IPR and PGR proceedings in Hatch Waxman litigation.

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## **A go-to firm for defending patent cases**

30 June 2020

Recognition from *Law360*

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## **Atlanta expands privacy capabilities**

30 June 2020

Lael Bellamy's arrival bolsters our data protection, privacy and security capabilities throughout the firm.

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## **Coronavirus Resource Center: Our global repository of insights and events**

30 June 2020

A central repository for our reports and commentary on the legal and regulatory concerns arising from the pandemic.

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## **Intellectual property rights are a renewed focus as the world looks beyond a global viral outbreak**

30 June 2020

A few key IP-related considerations for companies, whether they are seeking to expand into new markets or looking to preserve their place in an existing market.

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### **Northern California bolsters telecom and regulatory practice**

30 June 2020

Regulatory and telecom attorney Kristin Jacobson has joined our Northern California office in Sacramento.

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### **Supreme Court Corner**

30 June 2020

A quick look at three cases: *Thryv, Inc.*; *Lucky Brands*; and *Romag Fasteners*.

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### **Washington, DC grows technology capabilities with two new arrivals**

30 June 2020

Marius Domokos and Justin Ilhwan Park have joined our Washington, DC practice.

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### **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.

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### **Supreme Court Corner: Q1 2017**

30 MAR 2017

Key Supreme Court decisions in the copyright and patent areas.

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### **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.

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### **Supreme Court Corner - Q4 2016**

20 DEC 2016

Two patent cases, two copyright cases

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### **Best practices in defending patent litigation**

20 DEC 2016

Key issues for companies that engage in patent litigation.

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### **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.

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### **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.

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### **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?

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### **Supreme Court Corner: Q1 2016**

29 MAR 2016

Two cases to watch.

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### **The role of evidence in inter partes review**

29 MAR 2016

Explaining some evidentiary issues that have decided PTAB proceedings.

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### **Supreme Court Corner: Q4 2015**

2 DEC 2015

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

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### **Are IPRs impacting the pharmaceutical industry?**



9 JUN 2015  
Choosing between IPRs and district court litigation

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### Supreme Court Corner: Q2 2015

9 JUN 2015  
Recent decisions and cases to watch

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### Patent wars: can the energy industry avoid them?

10 SEP 2014  
Proactively navigating the challenges of protecting energy IP

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### Supreme Court Corner - Q3 2014

10 SEP 2014  
A review of cases relevant to IPT decided or argued before the Court during Q3

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

5 DEC 2013  
[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

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

4 SEP 2013  
[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

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

4 JUN 2013

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

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

10 Dec 2012

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

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

5 Sep 2012

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

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

26 Jun 2012

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

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

30 Mar 2012

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

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

20 Dec 2011

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

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

12 Sep 2011

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

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**Intellectual Property and Technology News**  
Issue 10, Q2 2011

28 Jun 2011

**INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS**

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**Intellectual Property and Technology News  
Issue 9, Q1 2011**

22 Mar 2011

**INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS**

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**Intellectual Property and Technology News  
Issue 8, Q4 2010**

9 Dec 2010

**INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS**

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**Intellectual Property and Technology News  
Issue 7, Q3 2010**

6 Oct 2010

**INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS**

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**Intellectual Property and Technology News  
Issue 6, Q2 2010**

18 Jun 2010

**INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS**

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**Intellectual Property and Technology News  
Issue 5, Q1 2010**

10 Mar 2010

**INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS**

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**Intellectual Property and Technology News  
Issue 4, Q4 2009**

3 Dec 2009

**INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS**

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**Intellectual Property and Technology News  
Issue 3, Q3 2009**

11 Sep 2009

## INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS

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Intellectual Property and Technology News  
Issue 2, Q2 2009

1 Jun 2009

## INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS

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Intellectual Property and Technology News  
Issue 1, Q1 2009

17 Feb 2009

## INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS

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### 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.

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

7 MAR 2013

## INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS

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## Evenementen

## 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

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## Planning for an Uncertain World

16 November 2020  
TechLaw Event Series  
Webinar

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## TechLaw

31 July 2020  
TechLaw Event Series  
Webinar

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## While you were sheltering: Recent developments in the patent litigation landscape

24 June 2020 | 11:00 - 12:00 PDT  
Webinar

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## NIEUWS

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### 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.

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### 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.

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### 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.

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## **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.

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## **Jennifer Librach Nall and Helena Kiepora join DLA Piper's Intellectual Property and Technology practice**

3 June 2021

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

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## **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.

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