



Patent Litigation  
PRACTICES

## OVERVIEW

Intellectual property is crucial to the growth of our 21st century economy, and one of our many passions is helping our clients protect, enforce and defend their valuable intellectual property assets. Our patent litigators represent clients in strategic disputes involving their most important intellectual property and their most valuable products and services. We handle patent litigation across the nation, including in the federal courts where patent infringement cases are most often litigated, the U.S. International Trade Commission (ITC) and the U.S. Patent & Trademark Office's Patent Trial and Appeal Board (PTAB). We also represent clients in post-grant patent proceedings such as inter partes reviews, trade secret misappropriation litigation and licensing disputes. Clients turn to our patent trial lawyers to help them resolve challenging patent disputes because of our thorough and substantive knowledge, our extensive trial experience, our creative problem solving and our practical, time-seasoned judgment.

Our lawyers have deep patent litigation experience covering a wide range of technologies from financial systems, pharmaceuticals, biotechnology and software to aviation systems, building materials, electronics and business methods. Recently, we have represented clients in complex IP disputes concerning genetically-modified seed technology, breast cancer research, financial services point-of-purchase and authentication technologies, pipe coupling equipment, online ticketing, deposit placement services and construction materials.

Because of our broad range of experience and Smith Anderson's deep roots in the Research Triangle region, we also are frequently engaged by national firms as co-counsel to provide strategic advice on significant North Carolina litigation matters. The group's leaders each have more than 25 years of complex litigation experience and are consistently recognized by top legal ranking publications, including *Chambers USA* and *The Best Lawyers in America*®.

## SERVICES

- Patent infringement litigation for patentees and defendants
- Strategic patent enforcement programs
- Patent opposition and post-grant proceedings, including America Invents Act (AIA) proceedings such as inter partes review (IPR), post-grant review (PGR), and covered business method (CBM) review, and ex parte reexamination

## EXPERIENCE

### Patent Litigation

- Represented one of the world's largest agricultural companies in litigation against a group of growers engaged in unlicensed and improper use of genetically-modified soybean seed technology in the Southern District of Illinois. Shortly after filing suit, we obtained a preliminary injunction prohibiting the growers from planting, selling or transferring the subject seed. As part of a confidential resolution of the dispute, we obtained a permanent injunction enjoining all unlicensed use of our client's seed technologies.
- Counsel for an emerging developer of genome editing technology in multiple patent infringement cases against a competitor. Through a confidential negotiated resolution of disputes between the parties worldwide, we helped our client to accelerate development of its ground-breaking technology, which recently won the client an immuno-oncology partnership worth up to \$1.6 billion.
- Successfully defended a leading bank against patent infringement claims for online banking in the Eastern District of Texas.
- Successfully defended an enterprise technology developer and supplier for software and business intelligence companies against patent infringement claims in the District of Delaware.
- Successfully defended a leading bank against patent infringement claims related to point-of-purchase payments in the Western District of Texas.
- Successfully defended an international digital identity company against patent infringement claims in the Northern District of California involving e-signature technology.
- Defended a group of companies against patent infringement claims asserted by a competitor concerning pipe coupling technology in the Eastern District of North Carolina.
- Defended a seller of ADA-compliant tactile warning systems against patent infringement claims by a competitor in the District of Massachusetts.
- Defended a manufacturer of industrial insulation products against patent infringement claims in the Eastern District of North Carolina and trade secret misappropriation claims in North Carolina state court asserted by a competitor. Our work resulted in a negotiated resolution that terminated litigation between the parties in the United States and Europe.
- Co-counsel providing strategic advice in multiple patent litigation infringement cases in the Eastern and Middle Districts of North Carolina involving, e.g., 4G LTE smartphone technology, online ticketing, Hatch-Waxman pharmaceutical disputes and computer hardware.

### Other IP-Related Litigation

- Represented a major research institute in litigation concerning ownership of intellectual property created in connection with consulting services.
- Defended a leading developer of interactive voice response technology against customer action for indemnification against an intellectual property infringement claim.
- Represented a public pharmaceutical company in litigation arising from its acquisition of a pharmaceutical product line.

- Represented a leading pharmaceutical company in arbitrations arising from licensing disputes.
  - Represented inventor and licensor of wood cutting technology in dispute with licensee.
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## PROFESSIONALS

[Kelsey I. Nix](#)

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