

# Patent Litigation

Polsinelli's Patent Litigation team partners with clients to develop creative and cost-effective solutions for the complex issues that arise in patent litigation. Our team represents global, national, and regional companies, and individuals in patent matters. The practice is nationally ranked as a Leader in Intellectual Property Litigation by *BTI* Litigation Outlook, and for Litigation – Intellectual Property by “Best Law Firms.” We are also ranked among the top 1% of Best Performing Law Firms Overall (Representing Defendants or Plaintiffs) by *Patexia* Patent Litigation Intelligence Report.

Our trial attorneys practice in the most active jurisdictions throughout the country, including the District of Delaware, the Eastern District of Texas, the Northern District of California, the Northern District of Illinois, the Southern District of New York, the International Trade Commission, the Patent Trial and Appeal Board and the Federal Circuit Court of Appeals. Collectively, we have decades of experience in patent litigation concerning hundreds of patent cases. Our experience includes work in every phase of patent litigation, from pre-suit analysis to initial pleadings, claim construction hearings, summary judgment motions, jury trials and appeals.

We have been involved in virtually every conceivable technological area, including representing pharmaceutical companies in the highly-specialized area of Hatch-Waxman Litigation. We collaborate with experienced patent prosecutors and scientists who have expertise in the applicable technology. We also represent companies before the Patent Trial and Appeal Board when necessary to challenge patents asserted against our clients.

Combining our patent law knowledge with proven trial and litigation experience, we effectively enforce and defend our clients' rights in the courts and other dispute resolution forums. We serve as trusted advisors to businesses when analyzing potential claims, developing innovative solutions designed to avoid litigation where possible, and we move quickly to enforce their rights when necessary.

Our experience includes cases involving:

- Electronics
- Mechanical devices
- Medical devices
- Telecommunications devices
- Software
- Information technology
- Design patents
- Business methods
- Paragraph IV disputes under the Hatch-Waxman Act
- Chemical processes
- Animal health sciences
- Nutritional supplements
- Software and information technology

- Biosciences

No matter the industry or the technology, Polsinelli's Patent Litigation group uses its knowledge and experience to provide innovative representation to our clients through the litigation process or alternative dispute resolution.

Recent rankings include recognition in the *2025 Patent Prosecution Intelligence Report* where Polsinelli received the following rankings:

- #14 – Best Performing Law Firms in High-Technology
- #26 – Most Active Firms Overall in Biotechnology
- #32 – Most Active Firms Overall
- #33 – Best Performing Law Firms Overall
- #34 – Most Active Firms Overall in High-Technology
- #42 – Best Performing Law Firms in Biotechnology

In the *2024 Patent Litigation Intelligence Report*, Polsinelli received the following rankings:

- #49 – Most Active Firms representing Defendants
- #56 – Best Performing Firms representing Plaintiffs
- #60 – Best Performing Firms Overall
- #63 – Best Performing Firms representing Defendants
- #74 – Most Active Firms Overall

## Matters

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- Successfully defended a multimillion-dollar claim against BATS Trading, Inc., an electronic stock exchange, in a patent infringement lawsuit related to systems and data compression methods. BATS prevailed on its claim construction arguments and won a summary judgment ruling of invalidity and non-infringement. The judgment was affirmed on appeal.
- Secured a trial verdict of non-infringement and invalidity on behalf of Jack Henry & Associates, a banking software provider, following a two-week jury trial in the U.S. District Court for the Southern District of New York against a well-known patent troll.
- Successfully represented patent holder in an infringement action filed in the United States District Court for the Northern District of California. The patents involve abbreviated dialing code technology. The case settled on favorable terms.
- Successfully represented Allied Healthcare Products Inc. on a claim for alleged infringement of a patent related to carbon dioxide absorbers for use with anesthesia machines. The court granted summary judgment of non-infringement because doctrines of patent exhaustion and permissive repair protected Allied's actions.
- Successfully defended importer and distributor of foldable plastic stools accused of design patent infringement at U.S. International Trade Commission. The case was dismissed after discovery revealed evidence of invalidity.
- Successfully defended United Missouri Bank in a patent infringement action related to systems and methods for limiting spending via corporate credit cards and allowance cards in the United States District Court for the Northern District of Illinois. Obtained an order granting summary judgment of invalidity of the patent and settled the matter favorably on appeal.
- Successfully enforced a patent related to extracting high-value chemicals from eggshell membranes for use in nutritional supplements for ESM Technologies, LLC. The matter settled on favorable terms.
- Successfully defended a nutritional supplement company, SourceOne Global Partners, in an action involving allegations of patent and trademark infringement related to three patents and several trademarks. Case settled on favorable terms after we prevailed in claim construction arguments.

- Successfully defended a pet grooming tool manufacturer in a patent and trademark infringement matter. The Court of Appeals for the Federal Circuit affirmed the District Court's decision.
- Represented Andrx Corp. and other Andrx entities in Hatch-Waxman litigation over FORTAMET® (metformin hydrochloride) to protect against generic entry by Lupin, Mylan, and Nostrum, obtaining favorable settlements following several years of litigation involving at-risk launch and injunctive proceedings.
- Represented Watson Pharmaceuticals, Inc. and Watson Laboratories, Inc. in Hatch-Waxman litigation over CENESTIN® (synthetic conjugated estrogens, A), obtaining final judgment of no infringement in favor of Watson.
- Represented Akorn, Inc. in Hatch-Waxman litigation over ADENOSCAN® (adenosine), securing favorable settlement.
- Represent Noven Pharmaceuticals, Inc. in pending Hatch-Waxman litigation over LIDODERM® (lidocaine patch 5%) brought by Endo Pharmaceuticals.
- Represented Taro Pharmaceutical Industries Ltd. and Taro Pharmaceuticals U.S.A., Inc. in Hatch-Waxman litigation over VANOS® (fluocinonide) cream 0.1% brought by Medicis Pharmaceutical Corp. Achieved favorable settlement of dismissal with prejudice and early generic entry for Taro.
- Represented Taro in Hatch-Waxman litigation involving the anticonvulsant drug CARBATROL® (carbamazepine). Obtained a covenant not to sue and license from Shire LLC.
- Secured trial verdict and permanent injunction in favor of Takeda Pharmaceutical Company Ltd. in Hatch-Waxman litigation to protect PREVACID® (lansoprazole) from a challenge by Teva, the world's largest generic pharmaceutical company. PREVACID, a proton pump inhibitor, was one of the top-10 selling drugs in the world, with annual sales of over \$4 billion.
- Obtained summary judgment of non-infringement and invalidity on behalf of Alphapharm Pty Ltd., Par Pharmaceutical, Inc., Pharmaceutical Resources Inc. and Genpharm Inc. against Organon and Akzo Nobel N.V. involving the antidepressant drug REMERON® (mirtazapine). Successfully pursued antitrust claims on behalf of clients, State Attorneys General, and various class plaintiffs in follow-on litigation.