# PATENT LITIGATION PRACTICE

*LIFE SCIENCES AND RELATED TECHNOLOGIES*

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PATENT LITIGATION AT COVINGTON

BENCH STRENGTH. Our patent litigation practice consists of more than 130 patent litigators strongly concentrated on both the East and West Coasts, with more than 80 lawyers in Washington, D.C. and New York, 40 in San Francisco/Silicon Valley, and 10 in San Diego. Collectively, Covington lawyers have litigated in excess of 500 patent cases over a wide range of technologies.

TRIAL DEPTH. We have built a successful trial practice. Over the years, our experienced litigators have established a successful track record of trial wins for our clients. Additionally, our attorneys have also obtained great success for our clients in appellate and arbitration venues. Two of our senior patent litigators are members of the American College of Trial Lawyers.

GEOGRAPHIC REACH. We have litigated cases in every significant patent jurisdiction in the country, including the Eastern District of Texas, Delaware, California, New York, New Jersey, the Federal Circuit, and the International Trade Commission. One of our patent litigators is a former United States District Court Judge for the District of Delaware who presided over more than 200 patent infringement cases while on the Bench.

TECHNICAL EXPERTISE. We have married effective advocacy with substantive expertise. More than 50 of our litigators have clerked for federal trial and appellate judges, and more than 70 of our patent litigators have technical degrees in areas such as biochemistry, chemistry, immunology, microbiology, molecular and cell biology, pharmacology, chemical engineering, physics, computer engineering, computer science, mathematics, mechanical engineering and electrical engineering.

BROAD RESOURCES. We draw on Covington’s traditional strengths as one of the world’s leading law firms, including its litigation, antitrust, FDA, communications, and technology practices. Our depth of experience allows us to handle matters in a cost-effective manner, with lean staffing and cross-office collaboration leading to efficient and complete coverage.

ACCOLADES

- In 2012, The National Law Journal named Covington to its “IP Hot List.”
- In 2012, California Lawyer recognized one of our partners as an “Attorney of the Year.”
- From 2007 - 2013, Chambers USA and Chambers Global have recognized Covington patent litigation attorneys as leaders in IP.
- From 2006 - 2013, Best Lawyers in America has recognized Covington patent litigation attorneys as leaders in Intellectual Property Litigation, Bet-the-Company Litigation, and Commercial Litigation.
- In 2010, Managing Intellectual Property recognized Covington as the ITC Litigation Firm of the Year.
- In 2008, Covington was recognized by The American Lawyer magazine as having one of the nation’s top five litigation departments.
- In 2007, Legal Times recognized one of our partners as the Top Business Litigator in DC.
LIFE SCIENCES & RELATED PATENT LITIGATION

Covington’s patent litigation lawyers have been lead counsel in patent infringement cases throughout the country involving disputes over a wide range of technologies, including pharmaceuticals, medical devices, biotech and chemical. Covington lawyers have extensive experience with all facets of pharmaceutical legal practice, including cases arising under the Hatch-Waxman Act. From the complexities of patent litigation and prosecution, to compliance with FDA regulations and Orange Book listing requirements, the breadth of our legal practice enables us to best serve companies in the life sciences industry.

Pharmaceutical Litigation: Including Hatch-Waxman

- Representation of Allergan and Syntex (U.S.A.) in the Northern District of California in patent litigation against Apotex involving an ophthalmic drug formulation.

- Representation of Johnson & Johnson subsidiaries ALZA Corporation and Janssen Pharmaceuticals in the successful defense of the FDA’s decision granting ALZA a period of pediatric exclusivity under the food and drug statutes following expiration of ALZA’s patent for its transdermal fentanyl system (the Duragesic patch).

- Representation of AstraZeneca in:
  - the Eastern District of Texas in a patent litigation brought by AccuHale LLC, a subsidiary of Acacia Research Group, concerning AstraZeneca’s Symbicort® inhaler.
  - the District of New Jersey in ANDA patent litigation brought against Ranbaxy, Teva, IVAX, Dr. Reddy’s Laboratories, Sandoz, Lupin, Hetero, Torrent, Hanmi and Mylan relating to seven patents claiming esomeprazole magnesium, the active ingredient in NEXIUM®, formulations, methods of manufacture, methods of treatment and specific polymorphs;
  - the District of New Jersey in ANDA patent litigation brought against Dr. Reddy’s Laboratories, Lupin and Anchen relating to six patents claiming a combination of esomeprazole magnesium and naproxen as a single-dosage formulation and specific polymorphs of esomeprazole magnesium; and
  - in the District of Delaware in Hatch-Waxman patent litigation against Barr and Mylan concerning Entocort® EC, used for the treatment of Crohn’s disease.

- Representation of Auxilium Pharmaceuticals in the District of Delaware in Hatch-Waxman patent litigation involving transdermal testosterone gel for treatment of male hypogonadism.

- Representation of Bristol-Myers Squibb in patent litigation in the District of New Jersey against Dr. Reddy’s Laboratories relating to IXEMPRA® Kit, an intravenous infusion treatment for metastatic or locally advanced breast cancer after failure of at least an anthracycline and a taxane.

- Representation of Fougera Pharmaceuticals:
  - patent litigation against GlycoBioSciences in the Eastern District of New York involving Solaraze® Gel, which is used to treat actinic keratosis; and
  - Hatch-Waxman litigation against Tolmar in the District of New Jersey involving Solaraze® Gel, which is used to treat actinic keratosis.
Representation of GlaxoSmithKline in patent litigation brought by Classen Immunotherapies in the District of Maryland involving immunization methods and schedules.

Representation of Johnson & Johnson subsidiary Janssen-Ortho in Ontario, Canada Federal Court monitoring patent litigation brought by Novopharm relating to levofloxacin. After a full trial on the merits, the trial court awarded Janssen-Ortho with damages and injunctive relief. The decision was subsequently affirmed by the Federal Court of Appeal.

Representation of Johnson & Johnson subsidiaries Janssen Pharmaceutica and Synaptech in patent litigation in the District of Delaware against seven ANDA filers concerning Janssen’s Alzheimer’s treatment Razadyne®. In addition, Covington represented those companies in separate patent litigation in the District of New Jersey against three generics concerning Razadyne® ER, a once-daily version of the drug product.

Representation of Key Pharmaceuticals in patent litigation related to a potassium chloride supplement.

Representation of King Pharmaceuticals in patent litigation against Teva and Sandoz enforcing King’s patents which covered King’s life-saving EpiPen® Auto-Injector products.

Representation of Merck before the International Trade Commission in Inv. No. 337-768, In re Certain Vaginal Ring Birth Control Devices, as well as parallel district court litigation. Due to our efforts, the Complainant/Plaintiff dismissed its complaint in the ITC, as well as in the Eastern District of Virginia.

Representation of Merck & Co., Inc. and Roche Palo Alto LLC in patent litigation in the District of New Jersey against Sun Pharmaceutical Industries, Ltd. relating to Ganirelix Acetate Injection, which is one of the drugs used in women undergoing in vitro fertilization. In particular, it is used in controlled ovarian hyperstimulation (one of the stages of in vitro fertilization) to inhibit lutenizing hormone surges.

Representation of Merck and Schering-Plough in securing a ruling by the Federal Circuit that the companies were entitled to extend the life of existing pharmaceutical patents by combining the benefits of both the patent life extension provisions of the Hatch Waxman Act and the 20 year patent life established through the Uruguay Round of GATT.


Representation of Nycomed in Hatch-Waxman litigation against Glenmark and Perrigo in the Eastern District of New York involving Cutivate® Lotion, which is used to treat eczema.

Representation of Orexo AB in the District of New Jersey in ANDA patent litigation brought against Edict Pharma and Mylan for the infringement of a patent relating to Orexo’s sublingual sleep aid EDLUAR®.

Representation of Ortho-McNeil, Ortho-McNeil-Janssen Pharmaceuticals, Johnson & Johnson Pharmaceutical Research & Development, and/or Janssen in:

- the District of New Jersey in Hatch-Waxman litigation against Barr relating to the Ortho Tri-Cyclen® Lo patent. Trial was adjourned when settlement discussions began the first day of trial. When settlement did not materialize, we moved for a preliminary injunction and a recall of the infringing product, which had already been sent to
distributors and pharmacies, and it was granted. We subsequently obtained a highly favorable settlement for our client.

- the District of New Jersey in Hatch-Waxman litigation against Lupin relating to the Ortho Tri-Cyclen® Lo patent. After a full trial on the merits, the Court held that the patent was valid and enforceable. We subsequently obtained a highly favorable settlement for our client.

- the District of New Jersey in Hatch-Waxman litigation against Watson, Sandoz, Mylan, Famy Care, Haupt, Glenmark, and Sun relating to the Ortho Tri-Cyclen® Lo patent.

- the District of New Jersey in Hatch-Waxman litigation against Barr relating to a patent covering Ortho Tri-Cyclen®, an oral contraceptive.

- the District of New Jersey in Hatch-Waxman litigation against Barr relating to a patent covering Ortho-Novum 7/7/7®, an oral contraceptive.

- the Northern District of West Virginia and the Court of Appeals for the Federal Circuit in Hatch-Waxman litigation against Mylan Laboratories relating to a patent covering Ortho’s Levaquin® antibacterial product. Ortho-McNeil prevailed in the district court, and the decision was affirmed per curium by the Federal Circuit.

- the District of New Jersey in Hatch-Waxman litigation against Lupin Limited and Lupin Pharmaceutical concerning the Levaquin® patent. We successfully cross-moved for summary judgment, arguing that the decision of the Patent Office granting the extension could only be overturned by clear and convincing evidence and that Lupin had not, and could not, satisfy its burden of proof. The decision was then affirmed by the Federal Circuit.

- the District of New Jersey in Hatch-Waxman litigation against Teva and three other generic drug companies relating to the Levaquin® patent. We successfully moved for summary judgment of no inequitable conduct.

- Representation of Pfizer in a successful defense of FDA’s decision granting Pfizer a period of pediatric exclusivity under the food and drug statutes following expiration of Pfizer’s patent for fluconazole (Diflucan).

- Representation of Procter & Gamble Pharmaceuticals in defending an FDA decision permitting marketing of an authorized generic version of P&G’s nitrofurantoin monohydrate/macrocryystals (NMM) (Macrobid) during another generic producer’s 180-day period of exclusivity under the Hatch-Waxman Act.

- Representation of Purdue and Transcend in Hatch-Waxman litigation against Actavis Elizabeth involving Purdue’s Intermezzo®, which is used for the treatment of insomnia.


- Representation of Schering-Plough in patent litigation concerning potassium chloride supplements.

- Representation of Shire Laboratories in:
  - the Southern District of New York in Hatch-Waxman litigation against Barr, Natco and Mylan concerning the marketing of generic versions of Fosrenol®, a chewable tablet for reduction of serum phosphate in patients with end stage renal disease.
o the District of New Jersey and the Southern District of Florida in Hatch-Waxman litigation against Andrx and Watson concerning Shire’s Adderall® XR product for the treatment of ADHD.

o the Southern District of New York in Hatch-Waxman litigation against Andrx and Watson concerning Shire’s Adderall® XR product for the treatment of ADHD.

- Representation of Validus Pharmaceuticals in the District of Delaware in Hatch-Waxman litigation against Actavis concerning Equetro®, used for the treatment of bipolar disorder.

- Representation of Warner Chilcott and Medeva Pharma Suisse A.G. in:
  o the District of New Jersey in patent litigation against Roxane Laboratories concerning Roxane's filing of an ANDA for approval to market a generic version of Asacol®, a leading treatment for ulcerative colitis.
  o the District of New Jersey in patent litigation against Par Pharmaceutical and EMET Pharmaceuticals concerning their filing of an ANDA for approval to market a generic version of Asacol®, a leading treatment for ulcerative colitis.
  o in the District of Delaware in patent litigation against Zydus Pharmaceuticals and Cadila Healthcare Limited relating to Asacol® HD.

- Representation of Wyeth in the District of Delaware in Hatch-Waxman litigation against Watson and Sandoz concerning Lybrel®, an oral contraceptive.

Medical Device and Other Related Patent Litigation

- Representation of ALZA in litigation involving claims that its patent on a transdermal fentanyl patch was unenforceable and invalid and that it had committed antitrust violations in enforcing that patent. Cygnus Therapeutics Systems v. ALZA Corporation (Fed. Cir.)


- Representation of Caliper in:
  o two related patent infringement actions concerning microfluidic devices. Both cases settled after a $52M verdict was obtained for our client Caliper in the companion trade secrets case, also handled by Covington. Caliper v. ACLARA Biosciences/ ACLARA Biosciences v. Caliper Technologies, Inc. (N.D. Cal.)
  o asserting patent claims related to kinase enzyme assay methods and kits. The case settled favorably for our client after we secured a claim construction order in which the disputed terms were construed in our client's favor. Caliper Technologies, Inc. v. Molecular Devices Corp. (N. D. Cal.)

- Representation of Depomed in patent infringement litigation against IVAX involving oral drug delivery systems. Depomed, Inc. v. IVAX Corporation, et al. (N.D. Cal.)

- Representation of Johnson & Johnson subsidiary Ethicon in:
  o defense from allegations of infringement of four U.S. patents covering electrosurgical devices used for arthroscopic and gynecological applications. After construing the claims, the Court denied Arthrocare’s motion for a preliminary injunction, finding that Ethicon had raised a substantial question as to the validity of the patents-in-suit. After
the judge announced several favorable tentative rulings on Ethicon’s motions for summary judgment, the case was resolved on very favorable terms for Ethicon just prior to trial. *Arthrocare v. Ethicon, Inc.* (N.D. Cal.)

- defense from a claim of patent infringement brought by Cryogen relating to a cryosurgical device used in gynecological applications. Ethicon successfully obtained a summary judgment ruling of non-infringement under 35 U.S.C. § 271(e)(1), but continued to seek a declaration that Cryogen’s patents were invalid, unenforceable and not infringed. Shortly thereafter, the case was resolved on favorable terms to Ethicon. *FemRx, Inc., et al. v. Cryogen, Inc.* (N.D. Cal.)

- a patent infringement action relating to suture anchors used to reattach soft tissue to bone following an injury. Following an evidentiary claim construction hearing and extensive briefing, we successfully obtained summary judgment of non-infringement. The Federal Circuit reversed the judgment and the case was settled shortly thereafter. *Smith & Nephew, Inc. et al. v. Ethicon, Inc.* (D. Or.)

- a patent infringement action where the patent owner filed suit alleging that Ethicon’s manufacture and sale of DERMABOND, a liquid adhesive used to seal cuts, wounds and incisions, infringed a patent relating to the application and maintenance of medication on body tissue through the use of liquid adhesives. The patent owner sought an injunction, treble damages and attorneys’ fees. The Covington team obtained the dismissal of the lawsuit prior to the commencement of depositions. *Stephen J. Smith Trust et al. v. Ethicon, Inc.*, (D. Colo.)

- Representation of *Ethicon* and *DePuy Mitek* in an arbitration involving two patents related to RF electro surgical devices used for arthroscopic procedures. ArthroCare asserted invalidity counterclaims and both sides had significant breach of contract claims. After a seven day hearing, the arbitration panel issued a unanimous opinion that ruled in our clients’ favor on every issue, rejected ArthroCare’s counterclaim against DePuy Mitek and required ArthroCare to pay our clients’ fees and costs. *In re Gyrus Group PLC, Ethicon Inc., DePuy Mitek Inc., and ArthroCare Corporation Arbitration*

- Representation of *GlaxoSmithKline* in patent litigation brought by Grussmark involving GSK’s Floss-N-Cap® products. We prevailed on summary judgment in the district court and the case was affirmed per curiam by the Federal Circuit. *Grussmark v. GlaxoSmithKline Consumer Healthcare* (N.D. Ill.)

- Representation of *GM Reis* in a patent infringement action involving titanium bone plates for surgical fixation of fractured long bones. *Synthes (USA) v. G.M. dos Reis Jr. Ind. Com. Equip. Medico a/k/a GMREIS* (S.D. Cal.)

- Representation of Johnson & Johnson subsidiary *Iolab* in defense of claims that its intraocular lenses infringed Powell’s patent. After months of discovery and multiple hearings involving expert testimony, we moved successfully for a ruling of summary judgment of noninfringement. Powell filed an appeal to the Federal Circuit, which was dismissed with prejudice. *Powell v. Iolab Corp.* (C.D. Cal.)

- Representation of *Inamed* in a patent infringement case involving tissue expanders used in connection with breast reconstruction surgery. *Manders v. McGhan Medical Corp., et al.* (W.D. Pa.)

- Representation of *King Pharmaceuticals* in patent litigation against Teva and Sandoz enforcing King’s patents which covered King’s life-saving EpiPen® Auto-Injector products.

- Representation of Mitek Surgical Products in a patent infringement suit concerning Mitek’s patents covering suture anchor, used in orthopedic surgery to reattach torn or damaged ligaments, tendons, muscles and other soft tissues to bone. Mitek Surgical Products, Inc. v. Arthrex, Inc. (D. Utah)

- Representation of Origin Medsystems (now a part of Guidant) in a patent infringement and trade secret action involving a patent on a laparoscopic medical instrument, a retracting tip trocar. U.S. Surgical v. Origin Medsystems, Inc., (N.D. Cal.)

- Representation of SmithKlineBeecham in defense of a patent infringement litigation concerning a urine collection device and automated sampling machines. The case settled at a relatively early stage in discovery on very favorable terms. Franklin Diagnostics v. SmithKlineBeecham Labs. (D.N.J.)


- Representation of Thoratec in a patent infringement action involving an artificial heart device. Comora v. Thoratec Laboratories Corporation (N.D. Cal.)

- Representation of Unilever in:
  - defense from patent infringement claims brought by Kao related to Pond’s cosmetic pore strips. Kao Corp. v. Unilever U.S., Inc (D. Del.)
  - enforcing Unilever’s patents against Pfizer’s EPT pregnancy test kits and Princeton Biomeditech Corp.’s pregnancy test kits in US District Courts in New Jersey and Delaware and at the Federal Circuit. While on appeal from a ruling of non-infringement, and after filing briefs in the Federal Circuit, the Unilever subsidiary that owned the technology and patents was sold and the new owner, Inverness, substituted in its longtime patent counsel. On appeal the Federal Circuit agreed with the positions we advanced in our briefs and reversed the district court’s erroneous claim construction. Inverness Medical Switzerland GmbH & Unipath Diagnostics, Inc., v. Princeton Biomeditech Corp., (Fed. Cir.) and Inverness Medical Switzerland GmbH & Unipath Diagnostics, Inc., v. Warner Lambert Co. (now known as Pfizer Inc) (Fed. Cir.)


Biotech and Related Patent Litigation

- Representation of Abbott Laboratories in a patent infringement action alleging infringement by ImClone Systems based on ImClone’s manufacture and sale of the cancer treatment Erbitux. Abbott Laboratories v. ImClone Systems, Incorporated (D. Mass.)

- Representation of APS and other individual defendants in an action seeking, inter alia, to invalidate four APS patents related generally to the use of a certain type of porous polymeric substrate for, among other things, the timed release delivery of pharmaceuticals or cosmetics. Patterson v. Advanced Polymer Systems, Inc., et al. (N.D. Cal.)
Representation of **Biotek Solutions** in a patent infringement action relating to the field of immunohistology or immunohistochemistry, and particularly to a claimed method of antigen retrieval in formalin fixed tissues. *Biogenex Labs v. Biotek Solutions, et al.* (N.D. Cal.)

Representation of **BioWhittaker** in a patent infringement action against Pharmacia relating to fluorometric enzyme immunoassay testing methods for allergen specific IgE. *BioWhittaker, Inc. v. Pharmacia* (E.D. Va.)

Representation of the **Carnegie Institution of Washington** and **University of Massachusetts** in a patent inventorship dispute in which the plaintiff alleges that he discovered a foundational technology related to dsRNA for which other inventors received a Nobel prize. *Ali v. Carnegie Institution of Washington* (D. Or.)

Representation of **GPC Biotech** in ICDR arbitration resulting in complete defense victory for client in licensing dispute where licensor sought termination of license agreement and tens of millions of dollars in damages.

Representation of **Maxygen** in a case involving “gene shuffling.” An arbitrator issued an injunction against opponent Enchira Biotechnology through 2017. Maxygen was declared to be the exclusive owner of the technology as against Enchira, and was awarded attorney’s fees and costs.

Representation of **Monsanto** in:
- a patent infringement, breach of contract, and antitrust suit involving herbicide-resistant genetically modified crops. *Monsanto Co. et al., v. E.I. DuPont DeNemours & Co. et al.* (E.D. Mo.)
- a patent infringement action brought by Mycogen Plant Sciences related to genetically modified crops. *Mycogen Plant Sciences, Inc. v. Monsanto* (D. Del.)
- a patent license dispute brought by Pioneer Hi-Bred International related to genetically modified crops. *Pioneer Hi-Bred International, Inc. v. Monsanto Company* (E.D. Mo.)
- a patent infringement action against Novartis Seeds related to genetically modified crops. *Novartis Seeds, Inc. v. Monsanto Company* (D. Del.)

Representation of **MorphoSys AG** and **MorphoSys USA** in a patent infringement case brought by Applied Molecular Evolution involving libraries of DNA and peptides. *Applied Molecular Evolution, Inc. v. MorphoSys AG, et al.* (D. Mass.)

Representation of **Multilyte** in a patent infringement case against Affymetrix involving DNA microarray technology. *Affymetrix, Inc. v. Multilyte Ltd.* (N.D. Cal.)

Representation of **Omnipotent** and the **International Vitamin Corporation** in litigation brought by the Howard Foundation involving meso-zeaxanthin, a macular pigment asserted to treat or prevent age-related macular degeneration. *Howard Foundation Holdings, Ltd. v. International Vitamin Corp.* (D. Del.)

Representation of **Talecris** in a patent infringement suit pertaining to methods for screening large pools of plasma samples. *National Genetics Institute v. Talecris Biotherapeutics, Inc.* (E.D.N.C.)
Patent Antitrust Defense

- Representation of GlaxoSmithKline in:
  - a successful defense against patent-antitrust actions alleging the fraudulent procurement and enforcement of patents relating to its Augmentin® antibiotic drug product brought by generic companies and classes of direct purchasers and end-payers.
  - a successful defense against patent-antitrust actions alleging the fraudulent procurement and enforcement of patents relating to its RelafenX® arthritis drug product brought by generic companies and classes of direct purchasers and end-payers.

- Representation of Intermune in antitrust litigation based on the enforcement of patents related to the interferon-gamma drug, Actimmune®.

- Representation of Merck & Co., Inc. in a federal antitrust case brought by private plaintiffs alleging that so-called “reverse payment” settlements of Hatch-Waxman patent litigation were anticompetitive. Previously, the FTC challenged the same settlements in a government action where Schering-Plough Corp. (now Merck) prevailed in the Eleventh Circuit Court of Appeals by demonstrating that the settlements were fully lawful. In follow-on federal class actions, Merck prevailed on summary judgment. On appeal, the Third Circuit Court of Appeals reversed the grant of summary judgment, ruling that a payment from an innovator to a generics company to settle patent litigation is prima facie evidence of a violation of federal antitrust law.

- Representation of Procter & Gamble in defense of a claim that they had engaged in “sham litigation” and Walker Process fraud in suing to enforce a patent against a principal competitor.

- Representation of Purdue Pharma defending against multiple patent-antitrust actions alleging fraudulent procurement and enforcement of patents relating to its Oxycontin® drug product brought by generic companies and classes of direct purchasers and end-payers. The litigation involved extensive procedural maneuvering including the removal of roughly 20 cases to federal court and the consolidation and eventual stay of all cases.

- Representation of Valeant Pharmaceuticals International, Inc. in antitrust litigation brought by classes of direct purchasers and end-payers, alleging sham Hatch-Waxman patent litigation against four generic companies relating to the Wellbutrin XL® drug product. After extensive fact and expert discovery, Covington won summary judgment on the principal claims, which led to a favorable settlement.

Strategic Prosecution Support

- Representation of Alkermes in connection with reexamination proceedings for patents covering Risperdal® Constanta®, the first injectable, long-acting atypical antipsychotic.

- Representation of Merck in United States and international patent applications directed to products useful for treating and preventing fungal infections, HIV protease inhibitors, and angiotensin receptor antagonists.

- Representation of Procter & Gamble in:
  - patent due diligence on a transaction with Inverness Medical Innovations to form the joint venture company, SPD Swiss Precision Diagnostics GmbH, a leading provider of home diagnostic and monitoring products.
PATENT LITIGATION PRACTICE

- a number of patent applications, including those directed to antimicrobial quinolones and corticotropin releasing factor receptor agonists, as well as a number of proprietary compounds.
- Representation of Schering-Plough in Orange Book listing and prosecution matters for antihistamine products.
- Representation of Wyeth in a patent term extension in connection with one of its drug products.
Our patent lawyers have substantial experience in patent litigation and transactional matters, and our patent prosecution work is often a key component of a larger litigation or business strategy. One focus of this practice area is reexamination proceedings in the U.S. Patent and Trademark Office (PTO). Covington patent attorneys have handled both ex parte and inter partes reexamination proceedings, both as requester and as patentee, and are involved in the new inter partes review proceedings established by the America Invents Act. We work closely with our litigation colleagues to develop offensive and defensive strategies that involve reexamination and other post-issuance proceedings, and then execute the strategy in the PTO, and in the courts. A key to our success has been the close interaction and coordination between the reexamination and litigation teams at Covington.

**Representative Matters**

- **Representation of Alkermes, Inc.** the top patent owner of Orange Book listed patents in reexamination, in ex parte reexamination proceedings and worldwide opposition proceedings initiated by competitors. Six of the seven patents successfully emerged from reexamination and remain listable for the VIVITROL® and RISPERDAL® CONSTA® products. We also represent Alkermes in worldwide prosecution of patents directed to the BYDUREON™ product (exenatide for extended-release injectable suspension), a new drug formulation for the treatment of Type 2 diabetes.

- **Representation of Trend Micro Incorporated** as patent owner before the U.S. Patent and Trademark Office in ex parte reexamination proceedings relating to two patents directed to anti-virus technology. In August 2011, the Reexamination Certificate for one patent issued. A Notice of Intent to Issue Ex Parte Reexamination Certificate issued in October 2012 for the second patent. As a result, Trend Micro and the third-party requester have settled the state court litigation in which the validity of the patents was at issue.

- **Representation of multiple requesters, including The New York Times Company and CBS Interactive**, in six inter partes reexamination proceedings and one inter partes review proceeding relating to patents held by Helferich Patent Licensing, LLC. The patents relate to cell phone messaging and are the subject of co-pending litigation in which the requesters are defendants. All of the inter partes reexamination requests have been granted, and all requested claims rejected. A filing date has been granted in the recently filed inter partes review proceeding.

- **Representation of Fougera Pharmaceuticals** (formerly Nycomed US Inc.) in reexamination proceedings in the U.S. Patent and Trademark Office for four patents owned by GlycoBioSciences. Each of the requests was granted, and resulted in multiple rejections of each claim, including Actions Closing Prosecution in each of the inter partes proceedings. These patents were at issue in a co-pending district court litigation between Fougera and GlycoBioSciences, which recently settled.

- **On behalf of Verizon,** Covington prepared and filed requests for inter partes reexamination of two patents owned by TiVo that relate to video recording functionality. Actions Closing Prosecution have issued with rejections of all claims under reexamination. Covington also represents Verizon as the patentee in four ex parte reexamination proceedings initiated by TiVo. Reexamination certificates confirming the patentability of the claims have issued in three of the four proceedings. The patents at issue in the ex parte and inter partes proceedings...
reexamination proceedings were the subject of litigation in the district court or the International Trade Commission.

- Representation of **Fujitsu Limited** as patent owner in an *ex parte* reexamination proceeding for a patent related to card type input/output interface devices. The patent is the subject of co-pending patent litigation in which Covington represents Fujitsu Limited. In August 2012, the U.S. Patent and Trademark Office issued the *Ex Parte* Reexamination Certificate confirming the patentability of claims at issue in the litigation.

- On behalf of a major pharmaceutical company, Covington prepared and filed requests for *inter partes* reexamination of three patents directed to methods of evaluating and improving safety of vaccine immunization schedules. The patents have been the subject of Federal Circuit and Supreme Court review relating to patent subject matter eligibility, and the case is now back in the District Court for a determination of the remaining validity and infringement issues. All three requests have been granted, and all claims for which reexamination was requested have been rejected.

- On behalf of **Osmose**, representation and advising in several *inter partes* reexamination proceedings, including the defense of Osmose patents drawn to methods of preserving wood using particulate copper and methods for directly producing copper carbonate.

- Representation of **Samsung Electronics Co., Ltd.** ("Samsung") in *inter partes* reexamination proceedings for a patent related to LCD color technology. Genoa Color Technologies Ltd. ("Genoa"), the original owner of the patent, sued Samsung for infringement. Samsung requested *inter partes* reexamination of the patent, and the Right of Appeal notice upheld the final rejection of all claims of the patent on a plethora of grounds. Subsequent to the Right of Appeal Notice, the parties settled the litigation.

- Representation of **Verizon Long Distance LLC** as a third-party requester before the U.S. Patent and Trademark Office in *inter partes* reexamination proceedings relating to two patents directed to Voice over Internet Protocol ("VoIP") technology. Shortly after a Right of Appeal Notice issued in one of the proceedings, the corresponding district court litigation against Verizon was dismissed with prejudice, resulting in a favorable settlement for Verizon.

- Advising a digital camera manufacturer regarding reexamination proceedings in the context of a district court litigation and an International Trade Commission investigation.

- Advising a large television manufacturer regarding *inter partes* reexamination proceedings in the context of a multi-defendant district court litigation.

- Advising a large software company regarding reexamination proceedings in the context of a district court litigation.
## JURISDICTION EXPERIENCE HIGHLIGHTS

### Eastern District of Texas

Covington attorneys have litigated, and are currently litigating, a number of patent infringement cases in the Eastern District of Texas.

- **Representation of A-DATA Technology** in:
  - a patent infringement suit brought by Ennova Direct involving flash memory drives with retractable USB connectors. *Ennova Direct Inc. v. LG Electronics USA Inc. et al.*

- **Representation of ArrayComm** in a patent infringement suit involving three telecommunications patents relating to spatial multiplexing of signals to/from an antenna array. The suit settled. *ArrayComm LLC v. Atheros Communications Inc.*

- **Representation of Ariba** in:
  - securing a jury verdict, including a finding that two patents involving online auction technology were valid and infringed. *Ariba v. Emptoris.*
  - patent litigation brought by RPost Holdings related to e-mail signature verification. *RPost Holdings, Inc. et al v. Docusign, Inc.*

- **Representation of AutoTrader.com** in a patent infringement suit relating to the automated creation and publishing of web pages in an HTML environment. This case was in litigation for over two years and, on the eve of trial, settled favorably for our client. *GraphOn Corp v. Autotrader.com, LLC, et al.*

- **Representation of Corsair Components** in patent litigation against Solid State Storage Solutions involving technology related to solid state drives. *Solid State Storage Solutions, Inc. v. STEC, Inc. et al*


- **Representation of Hewlett-Packard** in:
  - a patent infringement action brought by Acqis involving eight patents concerning blade computer systems. *Acqis LLC v Appro International, Inc. et al.*
  - patent litigation brought by Garnet Digital involving technology related to video streaming on a mobile device. *Garnet Digital, LLC v. Apple, Inc. et al*

- **Representation of Huawei Technologies** in:
  - a copyright, patent and trade secret case relating to router software. Defeated preliminary injunction seeking worldwide ban on distributing product. *Cisco Systems Inc. v. Huawei Technologies, Co., Ltd.*
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- a patent infringement case involving 802.11 technologies. *MOSAID Technologies Incorporated v. Dell, Inc. et al.*

**Representation of JPMorgan Chase in:**

- a patent infringement suit involving a data retrieval system. The case was pending before Judge Ward, until it recently was made part of a pending MDL proceeding in the District of Arizona. *Phoenix Licensing LLC et al. v. Chase Manhattan Mortgage Co. et al.*

- patent litigation brought by LML Patent Corp. on patent claims relating to electronic checking transactions. *LML Patent Corp. v. JPMorgan Chase & Co.*

**Representation of multiple parties in defense of suit brought by LSI/Agere for the infringement of a tungsten metallization patent.** *LSI Corporation et al v. United Microelectronics Corporation et al. and Certain Semiconductor Integrated Circuits Using Tungsten Metallization And Products Containing Same (USITC)*

**Representation of Microsoft in:**

- a patent infringement action brought by Charles Hill involving method patents directed to differentiated methods for the storage and communication of digital information in computer systems in which Microsoft intervened after a number of its customers had been sued. *Charles E. Hill & Associates, Inc. v. Abercrombie & Fitch Co. et al.*

- a patent infringement action brought by MedioStream involving patents relating to video conversion technology asserted against Microsoft's Movie Maker product. *MedioStream, Inc. v. Microsoft*

- a patent infringement action brought by Peter Sklar, relating to cluster user interfaces in Windows XP software. *Sklar v. Microsoft Corporation*

**Representation of Palm and Hewlett-Packard in a patent litigation matter related to navigation technology.** *Levine v. Samsung TeleCommunications America, LLC et al.*

**Representation of Palm in:**

- a case asserting that the use of GPS technology in cellphones in order to locate a user after dialing 911 in an emergency infringed four patents. We successfully moved the Court to transfer the action to the Northern District of California. *Zoltar Satellite Systems, Inc., v. LG Electronics Mobile Communications Company et al.*


- a patent infringement action involving systems for using handheld devices as part of a larger system for tracking traffic. *Traffic Information LLC v. HTC USA, Inc. et al.*

- a patent infringement suit brought by WiAV Networks involving patents alleged to relate to 802.11 wireless networking. *WiAV Networks v 3Com et al.*

**Representation of Samsung in:**

a patent infringement suit brought by Cheetah Omni involving signal processing technology. *Cheetah Omni LLC v. Samsung Electronics America, Inc. and Mitsubishi Digital Electronics America, Inc.*


a patent infringement suit brought by NovelPoint involving GPS technology. *NovelPoint Tracking LLC v. Samsung Electronics America Inc.*

a patent infringement case brought by Saxon involving microprocessors and wireless communications in cell phones, televisions and a variety of other consumer electronics. *Saxon Innovations Corp. v. Nokia, et al.*

a patent infringement action brought by Smartphone Technologies involving smartphone devices. *Smartphone Technologies LLC v. Research In Motion Corp. et al.*


- Representation of a group of defendants, including SAP, CA, Kodak, Altera, Novell and Sonic Solutions, in patent litigation regarding hyperlink technology. *Disc Link v. Oracle et al.*

- Representation of Sonic Solutions, a DVD authoring software manufacturer, in defending lawsuit involving patents on recording video onto disk, as well as trade secret and other claims. *MedioStream, Inc. v. Acer America, et al.*

- Representation of Sprint Nextel in a patent infringement case involving patents that claim systems and methods relating to the creation and use of playlists on programmable processor devices. *Premier International Associates, LLC v. Microsoft Corp. et al.*

- Representation of Symantec and PowerQuest in a patent infringement case involving technology for computer and network administration. *Symantec Corporation and PowerQuest Corporation v. Altiris, Inc.*

- Representation of Texas Instruments in:
  - a patent infringement action brought by Azure Networks and Tri-County Excelsior Foundation involving a patent used in Bluetooth networking devices. *Azure Networks LLC et al. v. CSR plc et al*
  - a patent litigation matter brought by Intravisual involving videoconferencing technology. *Intravisual Inc. v. Fujitsu Microelectronics America, Inc., et al*

- Representation of Yahoo!, Match.com, Classified Ventures and eHarmony.com in a case involving patents related to automated on-line information services and directories and pay-for-service web sites. *GraphOn Corp. v. Classified Ventures, LLC et al.*

We note that Covington partner George Pappas, who is a Fellow of the of the American College of Trial Lawyers, has presented 32 educational programs on patent law to federal and magistrate judges at the request of the Federal Judicial Center since 1996, including two
recent programs where he appeared on panels with Judge Ward. Other judges from the Eastern District of Texas, including Judge Davis, have attended these patent law programs given by George. At the most recent program, the “Patent Case Management” seminar presented at the Berkeley Center for Law & Technology for a group of 25 federal judges from across the country, one of the topics discussed was the unique aspects of practice in patent cases in the Eastern District of Texas. George also recently worked together with Judge Ward to compile the well-received primer for judges on patent litigation entitled “Anatomy of a Patent Case.”

District of Delaware
Covington’s patent litigators have litigated and are currently litigating numerous patent infringement cases in the District of Delaware. As a result of the cases we have handled in Delaware, Covington is very current on the practices and procedures of this Court, including its special patent rules. In addition, Roderick McKelvie, a senior counsel at the firm and co-leader of the Patent Litigation Practice, was a United States District Judge for the District of Delaware from 1992 to 2002. During his tenure on the bench, he presided over 200 patent infringement cases, including over 30 patent infringement trials. Rod retains strong relations with each of the judges on the court.

Listed below are several representations highlighting the depth of our experience in the District of Delaware.


- Representation of Agere Systems in a patent infringement suit alleging that various Local Area Network (“LAN”) products imported and sold by Proxim infringed three of Agere’s patents. *Agere Systems Guardian Corp. v. Proxim, Inc.*

- Representation of AK Steel in a patent infringement action relating to aluminum coated boron steel products. *ArcelorMittal France et al. v. AK Steel Corporation et al.*

- Representation of Altera in patent litigation brought by Cradle IP involving micro-controller technology. *Cradle IP LLC v. Altera Corporation*


- Representation of Bell & Howell in a patent infringement action brought by Pitney-Bowes relating to mail processing machines. *Pitney Bowes Inc. v. Bell & Howell Co., et al.*

- Representation of Coremetrics in a patent infringement action brought by NetRatings relating to web analytics. *NetRatings v. Coremetrics*

- Representation of First Data in patent infringement litigation relating to patents asserted against the issuance of digital certificates and secure payment systems enabling e-commerce transactions. *Stambler v. First Data Corporation*
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- Representation of **Hewlett-Packard** in patent litigation brought by Data Carriers involving the presenting of features or options on a computer to a user without a user prompt. *Data Carriers, LLC v. Hewlett-Packard Company*

- Representation of **Huawei** in patent litigation involving 3G wireless technologies. *InterDigital Communications LLC et al v. Huawei Technologies Co. Ltd.*

- Representation of **Hyundai** in patent litigation filed by 911 Notify relating to an emergency alert system that notifies pre-identified contacts when an emergency call has been placed, along with providing location and other vehicle information. *911 Notify, LLC v. Hyundai Motor America, Inc.*

- Representation of **InnoLux Display** in a patent infringement action brought by Guardian Industries relating to LCD technology. *Guardian Industries Corp. v InnoLux Display Corp.*

- Representation of Johnson & Johnson subsidiaries **Janssen Pharmaceutica** and **Synaptech** in patent infringement litigation against seven ANDA filers concerning Janssen’s Alzheimer’s treatment Razadyne®. *In Re ‘318 Patent Infringement Litigation*

- Representation of **King Pharmaceuticals** in patent litigation against Teva enforcing King’s patents which covered King’s life-saving EpiPen® Auto-Injector products. *King Pharmaceuticals Inc. et al v. Teva Parenteral Medicines Inc.*

- Representation of **Lattice Semiconductor** in a patent infringement matter related to programmable gate array/programmable logic device technology. *Intellectual Ventures I LLC et al v. Altera Corporation et al.*

- Representation of a **Liberty Brokerage** subsidiary in a patent infringement action brought by Cantor Fitzgerald relating to a complex business method patent covering bond trading. *Liberty Brokerage, Inc. v. Cantor Fitzgerald, Inc.*

- Representation of **Monsanto** in:
  - a patent infringement action brought by Mycogen Plant Sciences related to genetically modified crops. *Mycogen Plant Sciences, Inc. v. Monsanto*
  - a patent infringement action against Novartis Seeds related to genetically modified crops. *Novartis Seeds, Inc. v. Monsanto Company*

- Representation of **OmniActive** and the **International Vitamin Corporation** in litigation brought by the Howard Foundation involving meso-zeaxanthin, a macular pigment asserted to treat or prevent age-related macular degeneration. *Howard Foundation Holdings, Ltd. v. International Vitamin Corp.*


- Representation of **Palm** in:
  - a patent infringement action in which Intermec has asserted patents relating to handheld data systems and devices and Palm has asserted patents relating to power management for handheld devices. *Intermec Technologies Corp. v. Palm Inc.*
  - a patent infringement action relating to user interfaces for digital cameras, including as incorporated into cellphones and smartphones. *Flashpoint Technology, Inc. v. AT&T Mobility et al.*
We have advised **Pechiney Rhenalu** and its successor companies in freedom to operate analyses for its aerospace business and defended the company in a two week patent infringement trial. *Pechiney Rhenalu v. Alcoa Inc.*

Representation of **PHT** in a patent infringement case against CRF and invivodata, and a separate but related case brought by invivodata against PHT, relating to electronic patient diaries and a health monitoring system that tracks the state of a patient's health based on data input by the patient into a portable data logger. *Invivodata Inc. v. PHT Corporation*


Representation of **Samsung** in:
- a patent infringement suit brought by UO! IP relating to smartphone technology. *UO! IP of Delaware, LLC v. ABBYY USA Software House et al.*

Representation of **Samsung Electronics** and **Samsung LED** in patent litigation involving light-emitting diodes. *OSRAM GmbH v. Samsung Electronics Co Ltd et al*

Representation of **Samsung LED** in parallel litigations involving LED lights used in a wide range of products and appliances. *Samsung LED Co Ltd. v. OSRAM GmbH et al*


Representation of **Superconductor Technologies** in patent litigation involving the application of superconductor technology to the transmission and filtering of wireless telephone transmissions. Obtained a defense verdict for the client after a 3 week jury trial. *ISCO International, Inc. v. Conductus, Inc. and Superconductor Technologies, Inc.*


Representation of **Tuff Torq** in a patent infringement action relating to integrated hydrostatic transaxles, used in light lawn mowers. *Tuff Torq Corp. v. Hydro-Gear LP*

Representation of **Unilever** in:
- defense of patent infringement claims brought by Kao related to Pond’s cosmetic pore strips. *Kao Corp. v. Unilever U.S., Inc.*
- enforcing Unilever’s patents against Pfizer’s EPT pregnancy test kits and Princeton Biomeditech Corp.’s pregnancy test kits in US District Courts in New Jersey and Delaware and at the Federal Circuit. While on appeal from a ruling of non-infringement, and after filing briefs in the Federal Circuit, the Unilever subsidiary that owned the technology and patents was sold and the new owner, Inverness, substituted in its longtime patent counsel. On appeal the Federal Circuit agreed with the positions
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we advanced in our briefs and reversed the district court’s erroneous claim construction. *Inverness Medical Switzerland GmbH & Unipath Diagnostics, Inc., v. Princeton Biomeditech Corp.*, (Fed. Cir.) and *Inverness Medical Switzerland GmbH & Unipath Diagnostics, Inc., v. Warner Lambert Co.* (now known as Pfizer Inc) (Fed. Cir.)

- Representation of **Validus Pharmaceuticals** in patent infringement litigation against Actavis concerning Equetro®, used for the treatment of bipolar disorder. *Validus Pharmaceuticals, Inc. v. Actavis South Atlantic LLC*

- Representation of **Warner Chilcott** in patent litigation against Zydus Pharmaceuticals relating to Asacol® HD. *Warner Chilcott Company LLC v. Zydus Pharmaceuticals (USA) Inc. et al.*

- Representation of **Wyeth** in patent infringement litigation against Watson and Sandoz concerning Lybrel®, an oral contraceptive. *Wyeth v. Watson Pharmaceuticals Inc., Wyeth v. Sandoz*

- Representation of **Xilinx** in patent litigation brought by Semcon Tech related to semiconductor processing technology. *Semcon Tech LLC v. Xilinx*

**Northern District of California**

Covington’s patent litigators have litigated and are currently litigating numerous patent infringement cases in the Northern District of California. In addition, one of our partners is a member and former chair of the Northern District of California patent rules committee. As a result, Covington is very current on the practices and procedures of this Court, including its special patent rules.

Listed below are several representations highlighting the depth of our experience in the Northern District of California.

- Representation of a leading financial institution in patent infringement suit relating to fraud prevention methods used in connection with credit cards. *Privasys v. Visa et al.*

- Representation of **Allergan** and **Syntex (U.S.A.)** in a patent infringement case against Apotex involving an ophthalmic drug formulation. *Syntex (U.S.A.) LLC and Allergan, Inc. v. Apotex, Inc., et al.*

- Representation of **Altera** in patent infringement litigation regarding three patents covering various aspects of field programmable logic device technology. *Altera Corporation v. Xilinx, Inc.*

- Representation of **APS** and other individual defendants in an action seeking, *inter alia*, to invalidate four APS patents related generally to the use of a certain type of porous polymeric substrate for, among other things, the timed release delivery of pharmaceuticals or cosmetics. *Patterson v. Advanced Polymer Systems, Inc., et al.*

- Representation of **Ariba** in patent litigation against Coupa Software involving systems and methods for the electronic procurement of goods and services. *Ariba, Inc. v. Coupa Software Inc.* (N.D. Cal.)

- Representation of **Atmel**, a chip designer and manufacturer specializing in non-volatile memories, particularly EPROMS, EEPROMs, and flash memories, and programmable logic devices (PLD's) in:
cases involving a PLD circuit patent and an EEPROM cell patent. *Advanced Micro Devices v. Atmel Corporation*, and *Seeq Technology v. Atmel*


- a patent infringement action relating to circuits and memory cell designs for flash memory and EEPROMs. Jury trial resulted in judgment of more than $36 million in Atmel’s favor. *Atmel Corporation v. Silicon Storage Technology, Inc.*

- a patent infringement action relating to circuits and fabrication processes for flash memory and EEPROMs. *Atmel Corporation v. Macronix America*

- a patent infringement and trade secret misappropriation action involving the use of semiconductors in voice recording devices. *Atmel Corporation v. ISD*

- Representation of **Azul Systems** in a declaratory judgment action involving patent infringement and trade secret allegations; the technologies at issue include transactional memory, use and integration of multiple core processors, distributed processing, garbage collection techniques, and array bounds checking. *Azul Systems v. Sun Microsystems*

- Representation of **Biotek Solutions** in a patent infringement action relating to the field of immunohistology or immunohistochemistry, and particularly to a claimed method of antigen retrieval in formalin fixed tissues. *Biogenex Labs v. Biotek Solutions, et al.*

- Representation of **Caliper** in:
  - two related patent infringement actions concerning microfluidic devices. Both cases settled after a $52M verdict was obtained for our client Caliper in the companion trade secrets case, also handled by Covington. *Caliper v. ACLARA Biosciences/ ACLARA Biosciences v. Caliper Technologies, Inc.*
  - asserting patent claims related to kinase enzyme assay methods and kits. The case settled favorably for our client after we secured a claim construction order in which the disputed terms were construed in our client’s favor. *Caliper Technologies, Inc. v. Molecular Devices Corp.*

- Representation of **Depomed** in patent infringement litigation against IVAX involving oral drug delivery systems. *Depomed, Inc. v. IVAX Corporation, et al.*

- Representation of Johnson & Johnson subsidiary **Ethicon** in:
  - defense from allegations of infringement of four U.S. Patents covering electrosurgical devices used for arthroscopic and gynecological applications. After construing the claims, the Court denied Arthrocare’s motion for a preliminary injunction, finding that Ethicon had raised a substantial question as to the validity of the patents-in-suit. After the judge announced several favorable tentative rulings on Ethicon’s motions for summary judgment, the case was resolved on very favorable terms for Ethicon just prior to trial. *Arthrocare v. Ethicon, Inc.*

  - defense from a claim of patent infringement brought by Cryogen relating to a cryosurgical device used in gynecological applications. Ethicon successfully obtained a summary judgment ruling of non-infringement under 35 U.S.C. § 271(e)(1), but continued to seek a declaration that Cryogen’s patents were invalid, unenforceable and not infringed. Shortly thereafter, the case was resolved on favorable terms to Ethicon. *FemRx, Inc., et al. v. Cryogen, Inc.*
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- Representation of **Fujitsu** against several manufacturers of PCMIA cards and access point devices in a patent infringement case concerning wireless network technology. *Fujitsu Limited v. Belkin International, Inc. et al.*

- Representation of **Huawei** in a declaratory judgment suit with counterclaims alleging infringement of patents involving routing of communications over lowest cost routes. *Huawei Technologies Co. Ltd. v. Rates Technologies, Inc.*

- Representation of **Maxim Integrated Products** in:
  - a patent infringement litigation related to voltage regulators. *Linear Technology Corp. v. Maxim Integrated Products.*

- Representation of **Microsoft** in a patent infringement action brought by MedioStream involving patents relating to video conversion technology asserted against Microsoft's Movie Maker product. *MedioStream, Inc. v. Microsoft*

- Representation of **MultiLyte** in a patent infringement case involving DNA microarray technology. *Affymetrix, Inc. v. MultiLyte Ltd.*

- Representation of **MySpace** in a declaratory judgment action against GraphOn involving web-accessible databases. *MySpace Inc. v. GraphOn Corp.*

- Representation of **Yahoo! subsidiary Overture Services** in a lawsuit alleging infringement of Overture's pioneering paid search patent by Google's top revenue-producing Internet advertising services. In a highly-publicized settlement, Google took a license to this patent and several related patents in exchange for shares of Google stock with a value of approximately $450 million. *Overture Services, Inc. v. Google Inc.*

- Representation of **Origin Medsystems** (now a part of Guidant) in a patent infringement and trade secret action involving a patent on a laparoscopic medical instrument, a retracting tip trocar. *U.S. Surgical v. Origin Medsystems, Inc.*

- Representation of **picoTurbo** in patent infringement litigation brought by ARM alleging infringement of seven patents related to RISC microprocessor core architecture. The case resulted in a highly favorable settlement for our client. *ARM Limited v. Picoturbo Inc.*

- Representation of **Raychem** in:
  - a patent infringement action regarding three patents related to a line of Raychem’s telecommunications products. *Raychem v. Thomas & Betts.*
  - two other cases involving competitors marketing similar products. *Raychem v. Communications Technology Corporation and Raychem v. PSI Telecommunications, Inc.*
  - in a patent infringement action relating to technology for insulating layers for wire used in aircraft. *Raychem v. Judd Wire*
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- Representation of **RSA** in:
  - litigation involving patent infringement and related claims involving public key and related encryption software technology that has become central to electronic commerce over the Internet. *RSA Data Security, Inc. v. Cylindrome Corporation*

- Representation of **Samsung** in:
  - a patent infringement action against TVI involving the automatic playback feature in Blue-Ray and DVD players. *TV Interactive Data Corporation v. Sony Corporation et al.*

- Representation of **Seagate** in a patent infringement action involving solid state drives. *Seagate Technology LLC v. STEC, Inc.*

- Representation of **Silicon Storage Technology** in:

- Representation of **SnapTrack** and **QUALCOMM** in a patent infringement action involving patents asserted against services that permit calls to the “911” emergency number to be tracked using Global Positioning System (GPS) technology. Won a favorable verdict following a three-week jury trial. *Zoltar Satellite Systems, Inc. v. Snaptrack, Inc. and QUALCOMM CORP.*

- Representation of **Source Photonics** in a patent infringement suit involving fiber optic components used in telecommunication systems and data communication networks. *Finisar Corporation v. Source Photonics, Inc. et al.*

- Representation of **Tencor Instruments** in a patent infringement suit against Eastman Technology, a subsidiary of Eastman-Kodak. The subject matter of the patent in suit is a wafer inspection system, which scans processed semiconductor wafers for surface imperfections. *Tencor Instruments v. Eastman Technology, Inc., et al.*

- Representation of **Texas Instruments** and **Chips and Technologies** in this patent infringement action brought by Intel. The patents related to the memory management system in the Intel 386 microprocessor and a breakpoint apparatus for system debugging. *Intel Corp. v. Chips and Technologies, Inc., Texas Instruments*

- Representation of **Thoratec** in a patent infringement action involving an artificial heart device. *Comora v. Thoratec Laboratories Corporation*


- Representation of **United Microelectronics** in a suit where the patents relate to methods employed to fabricate semiconductor integrated chips. *Agere Systems Inc. & LSI Corporation v. United Microelectronics Corporation & UMC Group (USA)*
Representation of Unitrode, an affiliate of Texas Instruments, in this patent infringement case involving “sleep mode” and current reversal protection aspects of voltage regulators. *Linear Technology Corporation v. Unitrode Corporation*

Representation of Visa International and Visa USA in a lawsuit over a patent alleged to cover the Verified by Visa service for authenticating the identity of a payment cardholder in an on-line transaction. Defendants won summary judgment of non-infringement, which was affirmed on appeal. *Safeclick LLC v. Visa International Service Association and Visa U.S.A., Inc.*
TECHNICAL DEPTH FOR LIFE SCIENCES COMPANIES

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- Christine Saunders Haskett, Chemical Engineering (B.S.)
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- Christopher N. Sipes, Chemistry (M.S.)
- Einar Stole, Biochemistry (Ph.D), Chemistry (B.S.)
- Keith A. Teel, Chemistry (B.S.)

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- Jaysen S. Chung, Psychobiology (B.S.)
- Elena DiMuzio, Plant Genetics (M.S.), Biology (B.A.)
- Tracy Ebanks, Biomedical Sciences and Political Science (B.A./Sc.)
- John D. Freed, Chemistry (A.M., Ph.D.)
- Lesli Rawles Gallagher, Molecular/Cellular Biology (B.S.)
- Alexa R. Hansen, Chemistry (B.A.)
- Maureen M. Japha, Biology (B.S.)
- Megan P. Keane, Bioengineering (B.S.)
- Allison E. Kerndt, Chemical Engineering (B.S.E.)
- Enrique D. Longton, Chemistry (Ph.D., B.S.)
- Ashley E. Miller, Chemistry (B.S.)
PATENT LITIGATION PRACTICE

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- Monique M. O'Donoghue, Ecology & Evolutionary Biology (B.S.)
- Jennifer Robbins, Molecular Pharmacology and Toxicology (Ph.D.); Biology (B.S.)
- Kaveh Saba, Chemical Engineering (B.S.E.)
- Melody Wu, Biology (A.B.)
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