

Three Winston Teams Featured in Litigator of the Week Column

SEPTEMBER 29, 2023

Three different Winston & Strawn teams were highlighted for their notable wins in The Am Law Litigation Daily's Litigator of the Week column on September 29, 2023.

The first, is a team led by Michael Rueckheim, George Lombardi, and Claire Fundakowski defending Intuitive Surgical in a patent infringement case brought by Rex Medical in the District of Delaware. U.S. District Judge Maryellen Noreika last week slashed a \$10 million damages verdict Rex won at trial to just \$1 dollar finding the record "wholly lacking in evidence" to determine a reasonable royalty rate for the infringed surgical stapler patent. The team also included of counsel JC Masullo and associates Evan Lewis and David Houck, with local co-counsel from Karen Elizabeth Keller and Nathan Roger Hoeschen of Shaw Keller.

The second, is a team led by George Lombardi and Linda Coberly who scored a defense win for Corning Inc. in a case brought by entrepreneur John Wilson and Wilson Wolf Manufacturing Corp. claiming Corning's cell-culturing HYPERFlask and HYPERStack products drew on information shared with Corning back in 2004 under a confidential disclosure agreement. After a month-long bench trial in St. Paul, Minnesota, last November, U.S. District Judge Donovan Frank found this week that Corning developed the products independently without any confidential or trade-secret information and that Wilson hadn't proven his inventorship claims with respect to three Corning patents at trial. The team also included Kimball Anderson, Paula Hinton, Ivan Poullaos, Robine Grant, and Michael Meneghini.

The third team, led by Chuck Klein and Jovial Wong, had a win for Sun Pharmaceutical Industries Ltd. in a case challenging six patents covering Allergan's Viberzi treatment for IBS-D, a type of irritable bowel syndrome. After a three-day bench trial in Delaware last November, U.S. District Judge Richard Andrews found this week that five of the patents were invalid for lack of written description and the sixth was invalid for obviousness-type double patenting. The team also included Kevin Boyle, Annie Steiner, Patricia Pratt, Dave Pennel, and Somchay Chinyavong.

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Annie R. Steiner



Jovial Wong