



Patent Litigation

Our Patent Litigation Practice is one of the country's most active and highly regarded. Our seasoned patent litigators bring extensive courtroom experience to every matter we handle. According to Lex Machina, we are among the top three national patent defense firms in the country for number of appearances and cases filed, and we also were the top national defense firm for number of patent trials in the last five years (2018–2022).

In its most recent *IAM Patent 1000* survey (2023), *IAM* described our team as “laser-focused on securing significant wins” and selected us as one of only 11 gold-tier patent litigation practices in the United States. *IAM* has honored our firm in this way each year since the inception of its survey. *Chambers USA* also included our IP practice among the handful of firms ranked nationally, specifically recognizing our patent litigation team for our “formidable range of first-chair attorneys,” and our “ability to handle complex, sophisticated matters.”

Our success has been driven by a simple strategy—we attract the best trial lawyers with the technical abilities to litigate, try, and win the most complex patent and technology litigations. Notable examples of this philosophy include: our US\$1B jury verdict (Top 3 Verdict of 2012) for Monsanto in an epic patent battle with DuPont involving Monsanto's ground-breaking Roundup Ready technology, our victory against Bristol Myers Squibb's patent on the Hepatitis-B drug Baraclude®; and our defense jury verdict on behalf of client Belkin in a bet-the-industry case against Fujitsu.

Key Contacts

[David Enzminger](#)

Areas of Focus

Patent Trial & Appeal Board (PTAB)

We have handled hundreds of proceedings before PTAB for a diverse group of clients—both on the patent owner and the petitioner sides. Our track record speaks volumes, with numerous high-stakes cases successfully navigated through the PTAB process, resulting in favorable decisions and substantial victories for clients. Because these proceedings are a unique combination of patent litigation and patent prosecution, they require strategic-minded attorneys with both litigation and technical skills. Leveraging a diverse team of seasoned litigators and technical attorneys, we excel in crafting persuasive arguments, developing innovative strategies, and providing insightful guidance to clients across various industries before the PTAB. We have successfully employed the use of these proceedings as part of a complete litigation strategy to obtain favorable results for our clients.

ITC – Section 337

We have over 80 years of collective ITC experience and have litigated more than 100 patent infringement cases before the ITC. Our team includes attorneys who have first-chaired successful ITC trials; a former ITC Senior Investigative Attorney; former U.S. Patent Examiners; and more than 50 attorneys with technical degrees in electrical, mechanical, chemical, and biomedical engineering, and other sciences. We have the education and industry experience to understand the complex technology immediately, a working knowledge of the specialized administrative procedural law, and the substantive experience to formulate and execute the strategies necessary to succeed at the ITC.

Federal Circuit & Other IP Appeals

We have decades of experience handling patent appeals before the Federal Circuit. In the last five years, we have represented clients in 130 Federal Circuit appeals. Our team combines extensive patent litigation experience with top-tier appellate advocacy to help clients achieve the best possible outcomes in the Circuit.

[Learn More](#)

Biotech & Biosimilars

We are litigating at the cutting edge of biotech patent litigation. We possess a unique blend of technical proficiency, legal acumen, and industry knowledge, which enables us to represent biologic companies and biosimilar manufacturers effectively in high-stakes disputes. Leveraging our extensive experience in patent litigation and Hatch-Waxman matters, we craft innovative strategies tailored to the specific nuances of each case. From winning one of the largest biotech patent verdicts to representing one of the first companies to file an application pursuant to the Biologics Price Competition and Innovation Act (BPCIA), we are making history in the biotech sector.

Hatch-Waxman/Pharmaceuticals

We are unquestionably among the premier law firms representing generic pharmaceutical companies in Abbreviated New Drug Application (ANDA) patent litigation. Since 2018, we have appeared in more than 100 ANDA cases—more than any other national law firm. Through our proven track record and unwavering dedication to the interests of clients, our ANDA litigation practice sets the industry standard. We represent clients in litigation for best-selling drugs such as the blockbuster pain drug OxyContin®; dry-eye treatment drug Restasis®; psoriasis drug Otezla®; dermatology drug Oracea®; and diabetes treatments Jardiance®, Glyxambi®, Synjardy®, and Synjardy XR®.

Cable, Internet & Telecommunications

Cable, internet, and telecommunications patent litigation is an area in which we are well versed. From major internet service providers (ISPs) and software companies to online and mobile platforms, video game publishers, and app developers, we regularly defend ISPs in high-stakes patent litigation. We know and have litigated the protocols, systems, and networks that implement all levels of broadcasting and communications, and we routinely handle cases involving the systems issues that define internetworking and telecommunications from a variety of perspectives. We are experienced in litigating the architecture, software, and features of the industry's handsets—as well as the chips inside of them—and the software that runs them. We know as much as there is to know about these technologies and how to litigate them.

Semiconductors & Materials Science

Our technical attorneys have extensive semiconductor experience, including a combination of electrical engineering (EE) degrees, industry and design experience, and legal practice experience in the EE and/or semiconductor space. We represent seven of the top 20 global semiconductor companies in patent matters. We have experience litigating semiconductor fabrication techniques, including photolithography, etching (plasma/chemical and isotropic/anisotropic), CMP, and deposition (e.g., PVD, CVD, ECD); semiconductor design, including design of high-speed chipsets, layout, simulation/modeling, and testing (wafer and device); modern chip architectures and technologies, including system-on-chip, RISC, and FPGA; processing, including fabrication toolsets and processes; yield and contamination issues; semiconductor evaluation and analysis, including working with Semiconductor Insights and other outfits and interpreting SEMs or TEMs; relevant standards; and cross-border legal issues, including anti-suit injunctions.

Related Capabilities

Intellectual Property

Privacy & Data Security

Trademark Litigation, Prosecution & Brand Protection

Trade Secrets, Non Competes & Restrictive Covenants

Antitrust/Competition

Copyright-Infringement Litigation

IP Licensing & Due Diligence

ITC – Section 337

Technology Antitrust

Health Care

Life Sciences

Medical Devices

Technology, Media & Telecommunications

Automotive & Mobility

Financial Services

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Winston Sponsors and Partner Brian Ferguson
Co-Chairs the 2024 Sedona Conference

MARCH 5, 2024

IN THE MEDIA

Tom Melsheimer Discusses Win for Flyp in Patent Lawsuit with *The Texas Lawbook*

FEBRUARY 29, 2024

BLOG

Judge Albright Denies Plaintiff VLSI Technology's Motion for Entry of
Scheduling Order on Defendant Intel's License Defense

FEBRUARY 21, 2024

IN THE MEDIA

Co-founder of Winston & Strawn's WacoWatch Blog, Danielle Williams
Discusses Trends in the Western District of Texas with *Managing IP*

FEBRUARY 16, 2024

BLOG

Judge Albright Issues a New Order Governing Proceedings

JANUARY 31, 2024

CLIENT SUCCESS

ITC ALJ Issues Win for AMD

JANUARY 25, 2024

WEBINAR

Decoding AI Law

JANUARY 24, 2024

SEMINAR/CLE

ChIPs Accelerator — Breaking Barriers: Pioneering Innovation, Driving Success

JANUARY 11, 2024

RECOGNITIONS

Kimball Anderson and Tom Melsheimer Inducted Into *The Lawdragon's* Hall of Fame

JANUARY 5, 2024

BLOG

Federal Circuit Reverses VLSI \$2.2B Judgment With Rulings on Damages and DOE

DECEMBER 6, 2023

BLOG

Judge Albright Denies Amazon and eero's Motion To Dismiss For Improper Venue and To Transfer Venue To The Northern District of California

DECEMBER 6, 2023

WEBINAR

Emerging Antitrust and IP Challenges in the Age of Artificial Intelligence and Algorithms

DECEMBER 5, 2023