



Nimalka Wickramasekera

Partner
Co-Chair, Intellectual Property Practice

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Nimalka has years of trial and counseling experience in connection with high-tech disputes. Paired with her strong technical background and significant stand-up courtroom experience, Nimalka's deep IP knowledge has earned her industry praise and recognition, including by *Am Law Litigation Daily* with a "Litigator of the Week" runner-up recognition in 2019 and a shout out in 2025. *IAM* described her as having "trial smarts in abundance" and being "aggressive in pursuing early resolution to disputes."

Nimalka, co-chair of Winston's Intellectual Property Practice, is an intellectual property litigator with nearly 20 years of trial and counseling experience. Nimalka began her career in the health care industry, working as a researcher at Abbott Laboratories and Eli Lilly & Co. She has a thriving medical device and technology practice, representing clients in connection with patent and licensing disputes. Nimalka has significant stand-up courtroom experience, including having served as trial counsel—lead, co-lead, and second chair—in several patent and technology-related commercial disputes, one of which resulted in a US\$101 million verdict that was named one of the top verdicts in California in 2011. She recently delivered client Teva Pharmaceuticals their first patent jury trial victory, clearing Teva

of a US\$41M patent infringement suit involving two generic drugs. Nimalka has appeared in trials before district courts, the International Trade Commission, and the Patent Trial and Appeal Board. Nimalka represents or has represented Medtronic, Abbott, Sientra, Alphatec, Teva Pharmaceuticals, Cisco, T-Mobile, and Microsoft in patent and commercial matters.

Key Matters

Some of the experience represented below may have been handled at a previous firm.

Representative Intellectual Property Matters

- *NuVasive, Inc. v. Alphatec Holdings, Inc.* – Represented Alphatec in three significant wins against competitor NuVasive:
 - Lead counsel for Alphatec Holdings in patent infringement dispute brought by NuVasive, Inc. relating to spinal surgical implants and access tools patents, in which Winston defeated preliminary injunction and later scored a substantial reduction in damages for Alphatec—from over US\$30M in total potential damages to a mere US\$1.14M. (S.D. Cal.)
 - Defended Alphatec Spine as co-lead counsel against claims that it tortiously interfered with NuVasive’s fixed-term exclusive distributorship agreements; following the 6-week trial, won a very favorable jury verdict against plaintiff’s claims. (California Superior Court, San Diego County)
 - As lead counsel, obtained a complete defense judgment for Alphatec Holdings and an executive, following a week-long bench trial of a divisive competitor dispute. (Delaware Chancery Court)
- *Evolve Biosystems, Inc., et al. v. Abbott Laboratories* (N.D. Ill.) – Earned Am Law “Litigator of the Week” “Shout Out” for summary judgement win helping Abbott Laboratories fend off patent, unfair competition, and false advertising claims brought by Evolve Biosystems and the University of California Regents.
- *Grecia v. T-Mobile USA, Inc.* (S.D.N.Y.) – Counsel for T-Mobile in a patent infringement dispute brought by William Grecia relating to digital rights management technology. The case was voluntarily dismissed after Winston filed a motion to dismiss.
- *Mentone Solutions LLC v. T-Mobile USA, Inc.* (E.D. Tex.) – Counsel for T-Mobile in a patent infringement dispute brought by Mentone Solutions relating to packet data transmissions. Winston obtained a favorable settlement after filing a motion to dismiss.
- *DRM Vectors, LLC v. Microsoft Corporation* (D. Del.) – Counsel for Microsoft in a patent infringement dispute brought by DRM Vectors relating to digital rights management technology.
- *Orexo AB et al v. Actavis Elizabeth LLC et al.* (D. Del.) – Represented Actavis Elizabeth and Teva Pharmaceuticals in patent infringement suit brought by Orexo relating to two opioid addiction treatment drugs. Winston achieved a jury trial victory, clearing Teva of the US\$41 million sought in damages. The verdict earned Nimalka and her team a runner up recognition for AmLaw’s Litigators of the Week, and media coverage in Law360 and Bloomberg News, among other outlets.
- *Eli Lilly and Co. v. Actavis Laboratories UT, Inc. et al.* (E.D. Va.) – Represented Teva and Watson in an ANDA case against Eli Lilly concerning the drug tadalafil (Cialis®). Obtained a favorable settlement a week before trial.
- *Supernus Pharmaceuticals Inc. v. Actavis, Inc. et al.* (D.N.J.) – Represented Actavis and Watson in an ANDA case against Supernus concerning the drug topiramate (Trokendi XR®). Obtained a favorable settlement weeks before trial.
- *Medtronic v. NuVasive* (S.D. Cal.) – Second chair trial counsel for Warsaw Orthopedic, Inc., (a Medtronic entity) in the first phase of a patent infringement dispute with NuVasive, Inc. The jury found that NuVasive’s spinal technology infringed all three of Warsaw’s asserted patents and awarded US\$101.2 million to Warsaw. The verdict

received extensive media coverage, including *Los Angeles Daily Journal*, *AmLaw Litigation Daily*, *Law360*, and *Bloomberg News*, among other outlets.

- *Medtronic v. NuVasive* (PTAB) – Argued on behalf of patent owner (Warsaw Orthopedic, Inc., a Medtronic entity) an *inter partes* review proceeding regarding a patent involving methods of performing spinal fusion surgeries. The PTAB issued a final decision in favor of patent owner, confirming over half of the claims under review.
- *Realtime Adaptive Streaming LLC v. Cisco Systems, Inc.* (E.D. Tex.) – Currently represented Cisco in a patent case involving System and methods for video and audio data distribution.
- *In the Matter of Certain Network Devices, Related Software and Components Thereof* (International Trade Commission) – ITC trial team member in a dispute filed by Cisco Systems, Inc., against Arista Networks, Inc., involving claims of infringement on numerous patents. Argued on behalf of Cisco at Markman and other hearings, and examined experts during the Hearings in both Investigations.
- *CES Group, LLC v. Energy Labs, Inc. et al.* (N.D. Cal.) – Successfully represented Energy Labs in a six-patent-case filed by Nortek Air Solutions involving custom air handling units. The jury found that Energy Labs’ Optiline Fan Array and custom air-handling units do not infringe any of Nortek’s patents, and that the majority of the asserted Nortek patent claims are invalid. The verdict received extensive media coverage, including *AmLaw Litigation Daily* and *Law360*, among other outlets. Nimalka examined Energy Labs’ damages expert at the jury trial. Nortek was seeking \$5.1 million along with the injunction. According to *AmLaw Litigation Daily*, “Though rendered unnecessary by its infringement verdict, the jury went on to specify damages: Zero.”
- *ViaSat, Inc. Via Sat Communications., fka WildBlue Communications, Inc. v. Space Systems/Loral, Inc.* (S.D. Cal.) – Represented Boeing in a high-stakes patent infringement case seeking disclosure of Boeing’s trade secrets and propriety information relating to satellite technology. In a lengthy written opinion, the Federal Magistrate Judge presiding over the matter praised Nimalka’s arguments and granted the relief sought by Boeing in its entirety.
- *DePuy Orthopedics Inc. vs. Los Angeles Orthopaedic Hospital* (N.D. Ind.) – Represented as co-lead counsel Los Angeles Orthopaedic Hospital (LAOH) in connection with a multi-million-dollar patent licensing dispute.

Representative Commercial Litigation Matters

- *Frey, George vs. Sofamor Danek USA* (D. Col.) – Co-lead trial counsel to Medtronic in a breach of contract action brought by Dr. Frey, a Colorado surgeon, against Sofamor Danek Holdings, Inc. and Medtronic Sofamor Danek USA, Inc. The matter settled favorably for Medtronic.
- *HiTherm, LLC and Aniqu Sufi v. Steven G. Keener, et al.* (Los Angeles County Superior Court) – Represented a Boeing employee in connection with an action for misappropriation of trade secrets and breach of contract related to a chemical coating used to maintain aircraft exteriors.

Recent Experience

Federal Circuit...

Winston Secures...

NuVasive’s Claims...

Rare Noninfringement...

Recognitions

Nimalka was honored as one of the *Los Angeles Business Journal's* Leaders of Influence: Minority Attorneys (2021 and 2025), was described as “a star IP litigator (2025),” and was named to their 2024 list of “Top Intellectual Property Lawyers.” She was recognized by Am Law as a “Litigator of the Week” runner up for her jury verdict for Teva Pharmaceuticals. *Daily Journal/California Lawyer* named Nimalka to their 2024 list of “Top Intellectual Property Lawyers.” She was recognized as a “Key Lawyer” by *The Legal 500 US* in Patents: Litigation (2021, 2024) and in Healthcare: Life Sciences (2022–2023). She was named in *Lawdragon's* “500 Leading Litigators in America” for IP litigation, especially patent (2022–2025), *Lawdragon's* “500 Leading Global IP Lawyers” (2025), and *Benchmark Litigation US* as a “Future Star” (2019–2025). Nimalka was recognized within the top 250 in *Patexia's 2025 Patent Litigation Report* and was named in *WIPR Leaders* for Patents. She was also recognized in *IAM Patent 1000* (2019–2024), which touted that “[Nimalka] has technical and trial smarts in abundance, which have been put to good use on behalf of spinal surgery device innovator Alphatec Holdings and Medtronic. Aggressive in pursuing early resolutions to disputes, she has a strong business head on her shoulders which clients really appreciate” (2019). Nimalka was recognized by *LMG Life Sciences* in 2021 and 2022 for Hatch-Waxman patent litigation. *The Legal 500 US* 2018 highlighted Nimalka's arrival at Winston as “further strengthening” the firm's patent litigation practice, and she was named by *The Recorder* as a “Lawyer on the Fast Track” in 2013.

Activities

Nimalka is a member of the firm's Technology, Media and Telecommunications and Health Care industry groups. She is co-chair and co-founder of the Los Angeles chapter of ChIPs, a nonprofit organization focused on advancing and connecting women in technology, law, and policy. She is also a member of Los Angeles Intellectual Property Law Association (LAIPLA), Law360's 2022 IP Editorial Advisory Board, and the Los Angeles Association of Business Trial Lawyers (ABTL).

“Nimalka is top notch. She is the go-to team leader for high-stakes patent litigation, as she is a strategic advocate who delivers outstanding results time and again.”

IAM Patent 1000

Credentials

EDUCATION

Nimalka received her B.S. in molecular, cell & developmental biology from University of California, Los Angeles in 1999. She received her J.D. from The John Marshall Law School, *magna cum laude*, in 2006 where she was a member of *The John Marshall Law Review* and received the Dean's Scholarship & Fred F. Herzog Scholarship Award.

Prior to joining Winston, Nimalka was a litigation partner at another Am Law 100 firm.

ADMISSIONS

- California
- Illinois

Related Insights & News

Publications

- Co-Author, “The Patent Protection Conundrum Facing Producers of AI-enabled Software as Medical Devices,” *MedCity News*, Jun. 2019
- Co-Author, “The Bot Battle,” *Intellectual Property Magazine*, May 2019.
- Quoted, “FDA’s AI paper draws cheers, but agency expected to resist calls for legislation,” *BioWorld MedTech*, Apr. 2019
- Co-Author, “Could ‘SAS Institute’ Signal the End of Partial Institutions in IPR Proceedings?” *The Recorder*, Feb. 2018
- Author, “The Biosimilars Are Coming: But Is It By Land Or By Sea?” *Biotech Update*, May 2009
- Author, “Public Use or Experimental Use: Are Clinical Trials Susceptible to Another Attack Similar to That in *Smithkline Beecham*,” *Corp. v. Apotex Corp.*, 39 *J. Marshall L. Rev.* 149 (2005)

Speaking Engagements

- Panelist, “Identifying and Pursuing Patent Infringers: Using Technical Evidence to Build Your Assertion Campaign,” IPWatchdog Webinar, May 2019
- Presenter, “California Ethical Overhaul CLE,” Winston & Strawn, Jan. 2019
- Panelist, “Pretrial Practice,” Stanford Program in Law, Science & Technology and Samsung Electronics Conference on Litigating Patents Effectively, Sep. 2018
- Panelist, “Climbing out of the Patentable Subject Matter ‘Rabbit Hole,’” American Conference Institute’s Medical Device and MedTech Patents Conference, Feb. 2018
- Panelist, “Venue Panel – TC Heartland” 2017 Berkeley-Stanford Advanced Patent Law Institute: Silicon Valley, Dec. 2017
- Panelist, “TC Heartland and Oil States,” Silicon Valley Association of General Counsel’s Monthly Luncheon, Jul. 2017
- Panelist, “FDA’s Proposed Hatch-Waxman Updates—Implications for Generics and Beyond,” Northwestern Journal of Technology & Intellectual Property Symposium, 2016

RECOGNITIONS

Winston Team Receives Shout Out in
FEBRUARY 7, 2025

RECOGNITIONS

Winston Patent Attorneys Ranked in The Top 2 Percentile of
JANUARY 30, 2025

RECOGNITIONS

Nimalika Wickramasekera Named Among the
JANUARY 22, 2025

RECOGNITIONS

Winston & Strawn Recognized in 2025

OCTOBER 3, 2024

RECOGNITIONS

Winston Attorneys Featured on the 2025

SEPTEMBER 6, 2024

RECOGNITIONS

Winston & Strawn Recognized in

JUNE 12, 2024

RECOGNITIONS

Nimalka Wickramasekera Named Among...

MAY 30, 2024

RECOGNITIONS

Nimalka Wickramasekera Named to the

APRIL 23, 2024

RECOGNITIONS

Winston & Strawn Recognized...

OCTOBER 6, 2023

RECOGNITIONS

Winston & Strawn Partners Recognized in 2024

SEPTEMBER 8, 2023

RECOGNITIONS

Winston Recognized in 2023

JUNE 26, 2023

RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500*

JUNE 7, 2023

Capabilities

Litigation/Trials

Intellectual Property

Patent Litigation

ITC – Section 337

Trade Secrets, Non Competes & Restrictive Covenants

Public Companies

Technology, Media & Telecommunications

Medical Devices

Life Sciences