



## Eimeric Reig-Plessis

Partner

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**Eimeric is a patent litigator with wide-ranging experience across multiple industries, including computer technologies, consumer products, and pharmaceuticals. He regularly represents clients in federal district courts across the country, the Federal Circuit, and the Patent Trial and Appeal Board.**

Eimeric Reig is a partner in the firm's Silicon Valley and San Francisco offices who focuses his practice on patent litigation, both at the trial level and on appeal. As a litigator, Eimeric's experience includes cross-examining expert witnesses at trial, taking and defending key depositions, briefing and arguing case-dispositive motions, and overseeing discovery in complex patent cases. In his appellate practice, Eimeric has briefed more than a dozen appeals before the U.S. Court of Appeals for the Federal Circuit and has successfully argued before the Seventh Circuit. Eimeric has also obtained institution decisions and favorable final written decisions in *inter partes* reviews before the Patent Trial and Appeal Board.

Among other areas of patent law, Eimeric regularly litigates and advises clients on subject-matter eligibility under 35 U.S.C. § 101. Eimeric has briefed, orally argued, and won § 101 motions for both patent challengers and patent holders. Overall, Eimeric's patent litigation experience covers a wide range of industries and products, including electronics, telecommunications, software, consumer products, manufacturing processes, pharmaceuticals, and

medical devices. In the pharmaceutical space, Eimeric also has extensive experience litigating patent disputes under the Hatch-Waxman Act.

## Key Matters

Eimeric's representative experience includes the following:

- Orally argued and briefed § 101 motion and obtained judgment on the pleadings three days after argument—invalidating patents that two other defendants represented by separate firms were unable to defeat on the same grounds.
- Second-chaired a seven-day trial and examined two key experts in a Hatch-Waxman case involving a drug with annual sales of approximately \$1 billion—obtained invalidation of six patents as obvious and affirmance on appeal.
- Briefed § 101 motion to dismiss and obtained summary invalidation on the papers of six asserted patents on wireless audio devices that were previously asserted in a multi-million dollar action against another defendant.
- In a plaintiff-side case for a consumer products patentee, orally argued Markman hearing and won on all disputed terms—defeating indefiniteness defenses and noninfringement constructions—and briefed successful preliminary responses to IPR petitions, securing denials of institution on the merits for all asserted patents.
- Briefed § 101 motion for judgment on the pleadings and obtained invalidation on the papers of a multimedia communication patent that had survived IPR brought by a prior firm where the patentee sought damages exceeding \$100 million.
- Orally argued and briefed appeal before the Seventh Circuit in a pro bono action for denial of medical care under the Eighth Amendment—obtained reversal of summary judgment on a novel issue of administrative exhaustion.
- Briefed successful IPR patent challenges on behalf of five generic drug makers before the PTAB and Federal Circuit—obtained cancelation of all claims (more than 50) as obvious and summary affirmance on appeal.
- Briefed first-ever antitrust challenge to a “sham” FDA citizen petition before the Federal Circuit in a counterclaim to Hatch-Waxman litigation—obtained reversal of adverse judgment on appeal and denial of summary judgment on remand.

## Credentials

### EDUCATION

Eimeric received a J.D. from the University of Virginia School of Law in 2010, where he won “Best Brief” in the school-wide moot court competition. He received a B.S. in magazine journalism from the University of Florida in 2006.

### ADMISSIONS

- California
- New York

### LANGUAGES

- French

## Related Insights & News

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### NEWS

2022 Pro Bono Impact Report

MAY 1, 2023

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### RECOGNITIONS

Winston & Strawn Recognized in *The National Law Journal* Legal Awards 2022

AUGUST 29, 2022

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### BLOG

Additional Petitions Denied Where Petitioner Could Have Challenged All Claims on at Least One Ground in a Single Petition

JANUARY 11, 2022

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### RECOGNITIONS

Teams Led by Chuck Klein and Michael Elkin Recognized in *The American Lawyer's* Litigator of the Week Column

JANUARY 7, 2022

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### BLOG

Party sanctioned for providing confidential transcript of deposition taken in PTAB proceeding with counsel at same firm who were working on parallel district court litigation

DECEMBER 16, 2021

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### PRO BONO IN ACTION

Winston's Silicon Valley Office Hosts Pro Bono Clinic For California Fire Camp Participants

DECEMBER 8, 2021

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### BLOG

Board Institutes Over Patent Owner Particularity and Word Count Objections

OCTOBER 13, 2021

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### RECOGNITIONS

Winston Recognized in the 2022 Edition of *Benchmark Litigation* California

OCTOBER 7, 2021

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### BLOG

## A Large Number of Means-Plus-Function Limitations Justifies Parallel Petitions Challenging Different Claims of Same Patent on Same Grounds

SEPTEMBER 30, 2021

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### BLOG

Parallel Petitions on The Same Challenged Patent Instituted Where One Petition Was Based on An Earlier Related Patent That Lacked Written Description Support For The Later Challenged Claims

SEPTEMBER 10, 2021

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### BLOG

Board Institutes in Spite of *Fintiv* Even Though the WDTX Trial Was Scheduled To Complete First and the Court Had Already Reached a Markman Decision

AUGUST 31, 2021

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### BLOG

AAPA Cannot Be “Basis” for IPR, Even if Combined With Prior Art Patents or Publications

AUGUST 24, 2021

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## Capabilities

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Litigation/Trials

Intellectual Property

Patent Litigation

Appellate & Critical Motions

Medical Devices

Technology, Media & Telecommunications