



## Eimeric Reig-Plessis

Partner  
Chair, San Francisco Litigation Practice

San Francisco  
+1 415-591-6808

Silicon Valley  
+1 650-858-6482

**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.**

Chair of the San Francisco office's litigation practice, Eimeric regularly litigates high-stakes patent cases, both at the trial level and on appeal. At the trial level, Eimeric's experience includes orally arguing and briefing case-dispositive motions, cross-examining expert witnesses, taking and defending key depositions, and overseeing discovery in complex patent cases. In his appellate practice, Eimeric has orally argued before the Federal Circuit and the Seventh Circuit, and he has briefed dozens of appeals in patent cases. 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 §101 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 US\$1B—obtained invalidation of all six patents as obvious and affirmance on appeal.
- In a plaintiff-side case for a consumer products patentee, (1) obtained summary judgment of infringement and validity for our client’s patent on an innovative manufacturing process; (2) orally argued *Markman* hearing and won on all disputed terms, defeating indefiniteness defenses and noninfringement constructions; and (3) briefed successful preliminary responses to IPR petitions, securing denials of institution on the merits for all asserted patents.
- Orally argued and briefed cross-motions on §101 in a competitor case with patent infringement counterclaims—obtained ineligibility rulings against our opponent’s patent claims while successfully defending our client’s patents.
- 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 §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.
- 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 US\$100M.
- 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.

## Recent Experience

Winston Secures Federal Circuit Affirmance of 101 Victory for Polycom

Winston Secures Federal Circuit Victory for Snap Axing Image-Presentation Patents on the Pleadings

Federal Circuit Backs PayPal

Winston Achieves Historic No-Damages Summary Judgment for Microsoft in Patent Case

# Recognitions

Eimeric was featured in *Am Law Litigation Daily* “Litigator of the Week” for a patent litigation win for Microsoft on September 6, 2024. He was also recognized within the top 250 in *Patexia’s 2025 Patent Litigation Report*.

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## Credentials

### EDUCATION

Eimeric received a B.S. in magazine journalism from the University of Florida in 2006. He 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.

### ADMISSIONS

- California
- New York

### LANGUAGES

- French

## Related Insights & News

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### NEWS

*Recentive Analytics v. Fox*—In Precedential Case of First Impression, Federal Circuit Holds Machine Learning Patents That Do Not Improve the Technology Ineligible under Section 101

APRIL 21, 2025

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### RECOGNITIONS

Winston Patent Attorneys Ranked in The Top 2 Percentile of *Patexia’s 2025 Patent Litigation Report*

JANUARY 30, 2025

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### RECOGNITIONS

Winston Team Receives Shout Out in Litigator of the Week Column

SEPTEMBER 6, 2024

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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

# Capabilities

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Litigation/Trials

Intellectual Property

Patent Litigation

Appellate & Critical Motions

Public Companies

Medical Devices

Technology, Media & Telecommunications