



## Post-Grant Proceedings

Time and again, WilmerHale successfully emerges as a leader in post-grant proceedings, positioning itself at the forefront of the novel issues facing our clients today. For cost-conscious petitioners seeking freedom to operate or for patent owners preserving the validity of their claims, the firm strategically handles *inter partes* reviews (IPRs), post-grant reviews, covered business method reviews and *ex parte* reexaminations.

### PRACTICE AT A GLANCE

- WilmerHale has established itself as a recognized leader in post-grant proceedings and has a record of success in representing both patent challengers and patent owners.
- With robust IP, IP litigation and appellate practices, WilmerHale is uniquely positioned to provide comprehensive guidance on how post-grant proceedings should fit into clients' strategic goals. Our top-tier lawyers from each of these disciplines come together to tackle clients' complex issues.
- WilmerHale is well-positioned to advise clients on the interplay between USPTO proceedings and concurrent litigation, as well as other strategic and appellate implications of the US Supreme Court's 2018 *SAS Institute Inc. v. Iancu* decision.
- As one of the first adopters and most active users of post-grant proceedings, the firm provides value that competitors can't—candid and strategic advice from the most experienced practitioners and thought leaders in the post-grant space.
- Among full-service law firms, we stand out for our post-grant experience, and our expertise with IPRs enhances our litigation and strategic counseling capabilities.

570+

IPRs handled by  
WilmerHale attorneys

480+

Petitions filed since 2015

250+

IPR appeals argued  
at the Federal Circuit

50+

Articles authored by WilmerHale  
attorneys concerning developing  
issues relevant to post-grant  
practice

### The firm has handled IPRs for clients spanning a wide range of industries including:

#### Life Sciences

- Biotechnology
- Genomics
- Medical Devices
- Pharmaceuticals

#### Other

- Automotive
- Consumer Products
- Energy
- Financial Services
- Manufacturing
- Media and Entertainment

#### Technology

- Electronics
- Information Technology
- Internet Services
- Semiconductors
- Software
- Telecommunications



Institution Rate by Claim

## EXPERIENCE

- In one of the largest *inter partes* review proceedings ever brought, WilmerHale successfully invalidated all 371 claims of 10 patents asserted against a **major consumer products company** (later affirmed by the Federal Circuit).
- WilmerHale secured a total victory, along with co-counsel, for **Gilead Sciences** when the PTAB denied institution of the tenth straight petition for IPR of patents directed to Gilead's Hepatitis C products, including the blockbuster drugs Sovaldi, Harvoni and Epclusa. The series of 10 for 10 denials by the PTAB across eight patents is particularly notable because the PTAB's IPR institution rate for pharmaceutical patents is generally about 60%.
- For patent owner **Akamai Technologies**, WilmerHale achieved a victory against Limelight Networks when the PTAB issued a final written decision finding all instituted claims not invalid.
- For a **Fortune 500 technology company**, WilmerHale obtained a win when the Federal Circuit held that three patent claims that we had challenged in an *inter partes* review adverse to an acoustics company were unpatentable. The patents related to speaker designs that the acoustics company accused our client of infringing.
- On behalf of **Unified Patents**, WilmerHale achieved a significant victory when the PTAB issued final written decisions invalidating all challenged claims against patents owned by non-practicing entities (NPEs) Uniloc and Iron Oak Technologies. Both cases were important because in each, the Patent Owner had asserted claims against numerous technology companies in district court.
- WilmerHale successfully prevented **Chamberlain Group** from being subjected to an IPR challenge from competitor Nortek by filing a preliminary response to Nortek's IPR petition. Chamberlain had previously sued Nortek for infringement of three patents. The firm now heads into trial at the US International Trade Commission with the opponent's invalidity theories significantly curtailed.
- WilmerHale achieved a series of victories, culminating in four successful covered business method reviews, in which the PTAB invalidated 83 of a patent assertion entity's claims against a group of **major financial institutions**.
- WilmerHale is currently defending a **major data storage and cloud computing company** against a lawsuit filed by one of the country's largest and most active NPEs. The WilmerHale team has filed and won five IPRs invalidating all asserted claims for four patents.

## RECOGNITION

**Chambers USA** has continuously ranked our IP practice in Band 1 since 2011.

**IAM Patent 1000** consistently recommends WilmerHale as a leading firm for post-grant proceedings.

**Legal 500** has ranked our Intellectual Property Practice in the "Top Tier" since 2011.

**Law360, LexMachina, Patexia** and **Managing IP** data consistently show us as one of the most active firms for PTAB litigation.

**LMG Life Sciences** shortlisted us as Inter-Partes Review Firm of the Year in 2021 and 2022.

**Managing IP** consistently ranks us as a Tier 1 firm for PTAB Litigation and has named us a US Patent Contentious Firm of the Year seven times.

**The American Lawyer** has named us the winner of its biennial IP Litigation Department of the Year contest twice and a finalist six times.

**Unified Patents** recognized us for achieving a higher IPR institution rate by claim than any other firm in the country.

**"Highly recommended for ITC and USPTO proceedings across a wide range of sectors including computers, biotechnology and pharmaceuticals."**

— *Chambers USA 2022 Review*

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