

IP Litigation

IP Litigation — Make Your Strongest Case

Marshall, Gerstein & Borun's IP litigation team successfully handles complex, high-stakes cases for major international companies, leading universities, and burgeoning startups. In hundreds of cases tried in court or negotiated to settlement, we draw on our extensive technical and industry backgrounds to resolve present disputes, anticipate future challenges, and proactively manage risk for our clients.

A full-service IP firm with a global client base

Marshall Gerstein is one of an exclusive breed: a law firm dedicated solely to intellectual property (IP) law. Our IP trial attorneys have mastered the IP-dispute process and dedicated themselves to achieving successful outcomes for our clients. We have in-depth experience with the unique challenges such disputes present and in every judicial and administrative venue in which they are adjudicated. Our clients are supported by a deep bench of attorneys who have pioneered global strategies for the acquisition and protection of IP rights, who are adept at the assessment and valuation of IP assets, and who have negotiated, implemented, and managed complex IP transactions across every area of technology and on almost every continent. Our focused practice gives us command of all the tools needed to successfully handle a broad range of cases, from those brought by non-practicing entities, to bet-the-company litigation between fierce business competitors.

Decades-long partnerships with IP leaders

We proudly serve as IP litigation counsel for U.S. and multinational industry leaders worldwide, including Amgen, Inc., Baxter Healthcare Corp., CDW Corp., Charter Communications, Emerson Electric Co., Medela, Shop-Vac Corp., The Procter & Gamble Company, and the University of Michigan. Due to our global focus on IP and our aggressive, client-centered approach, these and other leading businesses have trusted Marshall Gerstein as their strategic litigation partner for decades. Through close working relationships, we develop a deep understanding of our clients' organizations, operations, and objectives — knowledge that proves invaluable in driving our business-focused solutions.

Deep technical knowledge secures results and enhances client service

Superior scientific and technical competence are among the hallmarks of our IP litigation practice. Nearly 90 percent of our professionals have degrees in science or engineering and have qualified for admission to practice before the U.S. Patent and Trademark Office (USPTO). In many instances, our professionals hold doctorates and other advanced degrees in these critical scientific disciplines. We do not need to be educated on the complex science and engineering underlying our clients' innovations, products, or services. We are able to communicate easily and effectively with inventors, experts, and others involved in those technologies and, more importantly, to then translate those concepts into persuasive language and compelling advocacy.

Hands-on industry and in-house experience

Marshall Gerstein recruits lawyers that have backgrounds in a range of industries. Decades of real-life experience in corporate boardrooms, production facilities, and laboratories gives our lawyers a client's-eye view that helps them prevail in IP disputes. Armed with this knowledge, we can operate as a true partner, providing practical litigation strategies that work not just for the case, but also for the business.

Trial successes from coast to coast

Wherever and in whatever forum, Marshall Gerstein has the bench strength and track record to advocate effectively. We have represented individuals, corporations, universities, and organizations in thousands of patent, trademark,

copyright, trade secret, and intellectual property-related suits from Delaware to California. Our experience and reputation in these venues strengthens our credibility before judges and opposing counsel alike, whether we are negotiating a settlement, seeking injunctive relief, or conducting a jury trial.

We achieve success in IP litigation through creative strategies executed efficiently. We comprehend nuances and distinctions lost on others. These skills allow us not only to prevail before judges and juries, but, in many cases, enable us to succeed for our clients while avoiding litigation altogether.

Post-grant proceedings

Clients look to us to design comprehensive IP strategies that now include the recent *inter partes* review, covered business method review, post-grant review, and supplemental examination procedures, as well pre-existing reexamination and reissue procedures. We have been a national leader in implementing the new post-grant proceedings, improving outcomes for our clients while saving them from the considerable expenses and delays of courtroom litigation.

Exceptional client service

Improving on rigid, narrowly focused client service models, we have pioneered fully integrated, multidisciplinary teams of attorneys, patent agents, paralegals, and staff (including those in litigation support, docketing, information technology, and accounting). Mobilizing such resources enhances collaboration between firm and client, efficiently expands institutional knowledge, and permits unsurpassed integration with client systems, procedures, and objectives.

Serving clients cost-effectively

Our team begins each matter with a clear understanding of the client's goals and expectations, and a consensus budget against which we regularly track and report on achievement of agreed-upon milestones. We assess cases early to identify the issues most likely to result in favorable outcomes, and direct our resources to only the most fruitful avenues. Our exclusive focus on IP law, combined with the technical skills of our professionals, permits more judicious and efficient staffing. We further reduce costs through experienced workflow management and the use of highly skilled non-lawyer staff where appropriate. To keep clients fully apprised of the progress of cases at all times, we make extensive use of client extranets and customized, client-accessible databases.