

Hughes Hubbard & Reed Patent Litigation



John F. Duffy is Of Counsel to Hughes Hubbard and the Samuel H. McCoy II Professor of Law at the University of Virginia School of Law. Professor Duffy

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Khue V. Hoang has 20 years of experience defending clients in patent litigation, prosecution and licensing proceedings. A former process and product engineer,

Khue brings an understanding of industrial and corporate knowledge that leads to effective legal solutions for high-stakes litigation and patent enforcement.

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Meet our Team Leaders

The Hughes Hubbard Edge

Hughes Hubbard's IP team is renowned for innovative and blockbuster results including, most recently, the Supreme Court's May 2017 unanimous decision in *TC Heartland*, which overturned nearly 30 years of lower court precedent interpreting the patent venue statute.



James W. Dabney focuses on contentious matters involving patents in diverse technical fields. Dabney has argued and won four Supreme Court

cases, multiple inter partes review proceedings, and nine jury trials. Dabney is also an Adjunct Professor of Law at Cornell Law School.

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Patrice P. Jean, Ph.D. focuses on patent litigation with emphasis on matters involving pharmaceutical, chemical, and biological technologies. She has extensive

experience representing innovator companies in asserting and defending patents protecting subject matter embodied in FDA-approved compositions, diagnostic methods, and medical devices.

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We offer a deep bench of trial and appellate litigators in all offices.

Hughes Hubbard has a long history of handling complex litigation in diverse technical fields, including product liability and ITC trade cases.

Our lawyers are well trained to handle trials of cases involving patented technologies; many of our lawyers begin working on trials their first year.

A Track Record of Success and Thought Leadership

TC Heartland v. Kraft Foods, 137 S. Ct. 1514 (2017). Won unanimous decision holding patent infringement action subject to transfer for improper venue; successfully urged Supreme Court to overturn lower court precedent interpreting 28 U.S.C. § 1400(b).

Already v. Nike, 568 U.S. 85 (2013). Won dismissal of claims for alleged infringement of patent-like rights claimed in athletic shoe configuration; successfully urged Court to overturn lower court precedent interpreting Article III mootness doctrine.

KSR v. Teleflex, 550 U.S. 398 (2007). Won dismissal of claims for alleged infringement of three patents claiming vehicle control pedal apparatus; successfully urged Court to overturn lower court precedent interpreting 35 U.S.C. § 103(a).

Holmes v. Vornado, 535 U.S. 826 (2002). Won dismissal of claims for alleged infringement of patent claiming ducted fan apparatus; successfully urged Court to overturn lower court precedent interpreting 28 U.S.C. § 1295(a).

Bosch v. Costco, 171 F. Supp. 3d 283 (D. Del. 2016). Won summary judgment dismissing claims

that Costco's sale of "hybrid" wiper products allegedly infringed four Bosch patents; also won six parallel IPR proceedings holding asserted claims invalid.

Pregis v. Kappos, No. 09-467 (E.D. Va. Aug. 10, 2010), *aff'd*, 700 F.3d 1348 (Fed. Cir. 2012). Won jury trial and dismissal of claims for alleged infringement of four patents claiming air pillow packaging machinery and films; all 23 asserted claims held invalid for obviousness, not infringed, or both.

Carnegie Mellon Univ. v. Hoffmann-La Roche Inc., 541 F.3d 1115 (Fed. Cir. 2008). Won dismissal of claims for alleged infringement of patents claiming bioengineered plasmids for expressing recombinant DNA polymerase enzymes; all 72 asserted claims held not infringed or invalid for lack of sufficient written description.

Rosenruist-Gestao e Servicos LDA v. Virgin Enters. Ltd., 511 F.3d 437 (4th Cir. 2007), *cert. denied*, 553 U.S. 1065 (2008). Won decision reinterpreting 35 U.S.C. § 24 and requiring alien applicant to appear for in-person deposition in the United States.

AB Electrolux v. Bermil, 481 F. Supp. 2d 325 (S.D.N.Y. 2007). Won preliminary injunction against exclusive distributor making adverse claim of right to trademark used on professional laundry equipment supplied by Electrolux; case later settled.

eSpeed, Inc. v. BrokerTec USA, LLC, 404 F. Supp. 2d 575 (D. Del. 2005), *aff'd*, 480 F.3d 1129 (Fed. Cir. 2007). Won patent jury trial and dismissal of claims for alleged infringement of patent claiming electronic trading methods; all four asserted claims held invalid for insufficient written description.

Labcorp v. Chiron, 384 F.3d 1326 (Fed. Cir. 2004). Won anti-suit injunction in case involving nucleic acid testing for Hepatitis C virus.

WE Media v. General Electric, 223 F. Supp. 3d 463 (S.D.N.Y. 2002), *aff'd*, 94 F. App'x 29 (2d Cir. 2004). Won summary judgment dismissing claims for alleged trademark infringement arising from re-branding of pay television network.