

Buchanan IP[®] - Litigation

Powerhouse Team with a Strategic Advantage

Not just any lawyer can be an IP litigator. Explaining complex innovations to judges and juries takes lawyers who know science and technology, as well as the law, and have the trial skills to persuade the factfinder. This is the strength of Buchanan IP's litigation team.

Many IP disputes are now being litigated in more than one forum, and effective litigation strategies must take that into account. For patents, disputes are often litigated in district court and before the Patent Trial and Appeal Board (PTAB), as well as the International Trade Commission (ITC) for imported products. For trademarks, disputes are litigated in district court, at the Trademark Trial and Appeal Board (TTAB) and the ITC. Our team litigates disputes with effective, consistent strategies to achieve the best possible outcome.

Our deep bench of litigators has prevailed for clients in complex multi-party and multi-patent-related proceedings, as well as in trademark, copyright and trade secret matters. From selecting the right venue to developing an aggressive trial strategy and throughout the trial and appellate processes, we have proven capabilities every step of the way.

How We Can Help You

We know that IP litigation does not exist in a vacuum, but often within the context of interactions between parties and their business objectives. That is why we view your matter holistically and give you the best of two worlds: the intense focus of a substantial IP boutique, plus the robust resources of a full-service law firm. Our team can handle a wide range of intellectual property disputes.

Patent Litigation

We can obtain effective relief when your patents have been infringed, defend your critical patents that have been challenged by competitors, or challenge patents that could impede your business goals. Patent litigation is complex, and the stakes are often high. Our litigators have the required advocacy and technological skills to effectively defend your patent rights, and can develop efficient litigation strategies in multiple forums to assist you in achieving your business objectives.

Hatch-Waxman (Paragraph IV) Litigation and Biologics/Biosimilars Litigation

With backgrounds in many branches of pharmaceutical and biological sciences, our multidisciplinary team has represented some of the world's most respected brand and generic pharmaceutical companies in dozens of high-stakes Paragraph IV cases for blockbuster drugs as well as niche drugs with smaller markets at every stage of product development. Modeled after the Hatch-Waxman Act, the Biologics Price Competition and Innovation Act provides a process for litigation when an applicant for a biosimilar license commits an act of infringement by applying for a license on an already patented product. Our attorneys will guide you through the process of litigating biologics/biosimilars disputes.

Trademark Litigation

We litigate trademark and trade dress infringement and dilution claims, counterfeiting, gray-market goods, domain name claims and licensing disputes in federal, state and appellate courts, and in administrative proceedings before the USPTO and the ITC. Our knowledge of trademark laws and customs globally lets us protect your assets in any foreign venue.

Copyright Litigation

Your copyrights are of tremendous value because they validate your ownership of your creative works. Our copyright litigators understand and work through key issues in copyright disputes such as originality, fair use, work-for-hire agreements and ownership, public domain, the Digital Millennium Copyright Act, Orphan Works, database protection, and more.

Trade Secrets Litigation

In today's global marketplace, it is all too easy for a trade secret to be revealed, especially in light of employee mobility. Our team handles a broad spectrum of scientific, factual, legal, and procedural issues in state and federal courts, and we are prepared to proceed under all state and federal statutes and regulations, including the Uniform Trade Secrets Act, the Federal Economic Espionage Act, and state business tort laws.

International Trade Commission (ITC) Litigation

As a forum for resolving unfair trade practices in the importation of articles into the United States, the ITC resolves conflicts, including the enforcement of intellectual property rights against articles imported into the U.S. Our litigators are adept at working with clients to efficiently and effectively manage complex, challenging and accelerated ITC proceedings.

Arbitration

Arbitration is increasingly used as an alternative to more expensive litigation in IP disputes. Especially when multiple jurisdictions with different laws are involved or special technical expertise is required, arbitrating intellectual property disputes may be the most advantageous solution. We are highly experienced in managing arbitrations in virtually any forum, such as AAA, CPR, WIPO and Unified Patent Court (pending), and fully understand the rules of each forum.

250+ IP district court litigations in the last seven years

IP litigation experience in the District of Columbia and nearly **all 50 states**

110+ AIA post-issuance proceedings litigated before the PTAB of the USPTO

Deep bench of IP attorneys, including **45+** registered patent attorneys
and **15+** trademark attorneys

ADVANCING OUR CLIENTS' GOALS

David Need Not Fear Goliath

The size of our adversaries is no deterrent. We achieved trial court and appellate court victories defending a specialty chemical company in an inventorship dispute against a global beverage giant.

True Relief for False Advertising

We will not stop working to get the best results for our clients. In a false advertising case concerning pharmaceutical products, the original jury award was a sweet victory, but we did not stop there. We convinced a federal judge that the defendant's false advertising was willful. The judge tripled the original jury award, awarding millions in damages to our client.