

# Intellectual Property Litigation

Morris Nichols has one of the leading Intellectual Property Litigation practices in the United States. Best known for our market leading experience in patent litigation, we also represent clients in complex disputes involving trade secrets, trademarks, copyrights, unfair competition, and antitrust. We have successfully litigated cases involving products and services in all areas of technology and for clients across a broad range of industries.

## PATENT LITIGATION

Delaware is known as a favored forum for the resolution of patent disputes, and Morris Nichols is the premier patent litigation firm in Delaware. We have been counsel in more than a third of the intellectual property cases pending in the District of Delaware, and we have handled more patent litigation cases than any other Delaware firm during the past five years. In addition, our lawyers bring and defend patent cases in the US Court of Appeals for the Federal Circuit, the Patent Trial and Appeals Board, and district courts beyond Delaware.

A respected leader in Hatch-Waxman and Abbreviated New Drug Application (ANDA) litigation, Morris Nichols helps branded pharmaceutical companies protect and maximize the value of their patents. In the past three years, Morris Nichols has represented branded pharmaceutical companies in over half of the ANDA litigation filed in the District of Delaware.

Beyond pharmaceuticals, Morris Nichols represents large and mid-size companies in patent litigation in a wide range of industries, from computer hardware, networking, and semiconductors to medical devices and consumer products.

## POST-GRANT PROCEEDINGS

Morris Nichols leverages its deep patent litigation experience in representing both patent owners and petitioners in *inter partes* reviews (IPR) before the Patent Trial and Appeals Board. Whether challenging the validity of patent claims or defending against those challenges, we understand the interplay between IPR proceedings and district court litigation, and develop a strategy that aligns those strategic considerations in the most effective and cost-efficient way for our clients.

## TRADE SECRETS

Morris Nichols has an established track record of obtaining injunctions in high-profile trade secret disputes in the Delaware courts, including before the nationally recognized Delaware Court of Chancery which has been at the forefront of trade secret litigation. Our cases have touched on a wide range of technologies - from chemical processes and computer logic to chicken pox vaccines,

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high-performance liquid chromatography (HPLC) and polymers.

### TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION

In the trademark area, our lawyers litigate disputes related to corporate trade names, as well as cases involving product marks and trade dress, and for products and services ranging from vitamin packaging to cartoon characters. Morris Nichols also brings a depth of experience litigating false advertising and unfair competition claims under the Lanham Act and state law.

### COPYRIGHT INFRINGEMENT

We represent entities seeking to enforce copyrights as well as defend against claims of copyright infringement. Our experience involves areas ranging from software to musical compositions to online advertisements and architecture blueprints.

### ANTITRUST LITIGATION

Morris Nichols helps clients navigate the complex issues at the intersection of IP and antitrust law - matters that involve the rights and protections held by IP owners and often competing competition concerns.

We are known for our work in patent-based antitrust litigation that touches licensing, patent pooling, standard setting, and claims of monopolization, among other issues. We also litigate IP-related, antitrust claims outside of the patent area involving trademarks, copyrights, as well as licensing and distribution disputes.

### ACCOLADES

- Ranked Band 1 for Intellectual Property in Delaware in *Chambers USA 2023*.
- Six attorneys recognized as “Leaders in Their Field” in *Chambers USA 2023*.
- Ranked as one of the *U.S. News & World Report/Best Lawyers 2023* “Best Law Firms” in Delaware for litigation–intellectual property, litigation–patent, patent law, copyright law, and trademark law.
- Nine attorneys from the Intellectual Property Litigation practice group selected for inclusion in *The Best Lawyers in America 2024* as leaders in their fields in Delaware.
- Recognized as a Delaware Powerhouse in *Law360’s* annual Regional Powerhouse series.
- Ranked as a “highly recommended” Delaware law firm in *Benchmark Litigation*.
- Consistently listed among the top Delaware law firms in *Managing Intellectual Property*.

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- Three partners named among the world's leading patent attorneys in *Who's Who Legal: Patents 2023*.
- Ranked in the highest Gold band in *IAM Patent 1000 2023* with eight partners ranked as leading Delaware patent practitioners.

