

Intellectual Property Litigation

Skadden

The nationally recognized attorneys in Skadden's Intellectual Property Litigation Group successfully represent clients in all stages of disputes, and provide strategic business advice concerning all manner of intellectual property issues, including trade secrets, trademarks and trade dress, patents, license agreements and disputes, copyrights and misappropriation, advertising and consumer claims, and rights of publicity. Whether it is winning high-profile multimillion-dollar jury verdicts, obtaining swift dismissals at the pleading stage, providing practical advice about reducing legal risk in everyday operations or bringing our knowledge to bear in connection with corporate consulting and deal support, we emphasize a holistic, business-driven approach that considers our clients' needs both inside and outside the courtroom.

As legislatures and courts around the world adapt to a constant stream of emerging technologies, and businesses face unprecedented challenges posed by global events, our group draws on its deep IP prowess and experience to empower clients with a complete understanding of the legal issues presented by potential disputes and deals.

Hallmarks of our practice include:

- **Experience Across Industries:** We routinely handle matters in a variety of fields, including technology (such as artificial intelligence, computer technology, cybersecurity and semiconductors); life sciences (including biotech, pharmaceuticals and medical devices); consumer products and services; e-commerce; sports; media and entertainment (such as video and mobile games); gaming and gambling; social media and communications; food and beverage; and financial services.
- **Creative and Cost-Effective Solutions:** Favorable jury verdicts and judicial opinions are not the only measures of success. We work with clients to find practical and business-centered resolutions to disputes, as well as provide strategic advice to anticipate and preempt disputes before they occur. When our clients are faced with unwanted litigation, we regularly dispose of matters quickly and efficiently, and frequently prior to any costly discovery being conducted.
- **Multidisciplinary Approach:** To ensure the best and most forward-looking outcomes, we work with clients to tailor our approach to each matter. We also collaborate with our colleagues from a wide range of practices as needed, such as mass torts, anti-trust, regulatory compliance, tax and corporate.
- **Global Reach and Resources:** Our ability to leverage Skadden's vast network and operations around the world ensures that we have the capacity to handle the largest, most complicated and highest-profile matters.
- **Thought Leadership:** We stay on the cutting edge of IP and related issues and keep our clients informed through alerts, articles and bespoke presentations and seminars focusing on practical advice for managing and protecting IP. Our attorneys regularly present at industry conferences and are frequently quoted as thought leaders. Recent focuses of our practice have included the opportunities and challenges presented by artificial intelligence, cybersecurity and privacy issues, recent Supreme Court and appellate court decisions altering the IP landscapes, and blockchain technology.

Intellectual Property Litigation

Continued

Recognition

We have been recognized repeatedly for our intellectual property litigation capabilities and related areas:

- Ranked as a nationwide Tier 1 firm for intellectual property litigation by *Best Lawyers Best Law Firms* and named to *The National Law Journal's* Intellectual Property Hot List for multiple years.
- Honored by *Managing IP* as the U.S. Firm of the Year — Trade Secrets at its 2026 Americas Awards.
- Named a finalist in the general litigation category of the *New York Law Journal's* 2024, 2023 and 2022 Litigation Department of the Year competitions.
- Recognized as a leading firm by *World IP Review* in the Contentious category for trademark work.
- By The BTI Consulting Group:
 - Recognized repeatedly among its Fearsome Foursome — the top four firms that clients “don’t want to litigate against.”
 - Among the top firms for delivering the best client service in BTI’s Client Service A-Team survey.
 - Ranked as one of its Litigation Leaders for IP Litigation (top 6% of all firms) for 2026.
- Named a leading firm in the trademark field by *World Trademark Review*.

Our IP litigation attorneys have been individually ranked by *Chambers USA*, *The Best Lawyers in America*, *Lawdragon*, *Managing IP*, *World Trademark Review*, *World IP Review* and *IAM*.

Experience

Recent Highlights

Some of our recent accomplishments on behalf of clients include:

- Successfully defending Universal Alloy Corporation in a federal jury trial by securing a verdict rejecting trade secret misappropriation claims concerning high-strength aluminum alloy aircraft components.
- Litigating and securing favorable settlements and relief for the National Hockey League in federal litigations concerning (i) the marketing and sale of shirts featuring trademarks of the Seattle Kraken hockey club that the seller argued were protected by the First Amendment, and (ii) Stanley Cup trophy-shaped beer steins and the seller’s challenges to the league’s ownership of rights in connection with the trophy.

- Bringing a federal lawsuit on behalf of Metacapital Management, L.P. against Meta Platforms Inc. concerning Meta Platforms’ adoption of “Meta” trademarks in connection with financial services, and securing a favorable resolution.
- Successfully defending Fortinet Inc. against multiple Section 101 motions seeking to invalidate five unrelated patents.
- Defending Guidewell Education, LLC (f/k/a/ Stravos Education, LLC) and favorably settling a trademark infringement lawsuit brought in Florida federal court by Blue Cross & Blue Shield of Florida, Inc. concerning the use of “Guidewell” branding.
- Litigating and securing favorable settlements on behalf of Peet’s Coffee in connection with a federal lawsuit and Trademark Trial and Appeal Board proceeding concerning Nespresso’s alleged trade dress rights in the product design of single-serve espresso capsules.
- Securing the dismissal of a putative class action against Matthew Bender & Company asserting consumer deception, fraud and breach of warranty concerning the company’s *Tanbook* publication, and obtaining affirmance of that dismissal on appeal, including victories on the merits in both the Appellate Division and the New York Court of Appeals.
- Securing a \$500 million jury verdict — the sixth-largest ever awarded for copyright, trademark and/or trade secret claims and the 12th-largest intellectual property verdict overall — on behalf of ZeniMax Media Inc. and its subsidiary Id Software against Oculus VR Inc. and Facebook concerning the theft of proprietary information to develop the Rift virtual reality headset.
- Securing a favorable *Markman* ruling in an International Trade Commission (ITC) action for a major roofing retailer, resulting in the withdrawal of the ITC complaint.

Advertising and Consumer Claims

Our IP Litigation Group regularly counsels clients regarding truth-in-advertising and claim-substantiation matters, both in the context of disputes and when companies are preparing their own marketing campaigns, including for nationally known businesses offering consumer products and services. We have decades of experience prosecuting and defending false/misleading advertising claims brought under Section 43(a) of the Lanham Act and related state laws; defending against Federal Trade Commission, Food and Drug Administration and other regulatory investigations; arguing matters before the National Advertising Division; defending consumer class actions and arbitrations regarding allegations of deceptive marketing and practices, data privacy and related issues;

Intellectual Property Litigation

Continued

and working in the field of consumer and marketing research. Recent representations have included:

- Matthew Bender & Company in securing the dismissal of a putative consumer class action asserting consumer deception, fraud and breach of warranty concerning the company's *Tanbook* publication, and obtaining unanimous affirmance of that dismissal on appeal, including a victory on the merits in the New York Court of Appeals.
- Fresh Del Monte Produce, Inc. in obtaining a multimillion-dollar jury verdict and injunctive relief in connection with willful false advertising of processed fruit products by Del Monte Corporation.
- Doximity Inc. in prosecuting false advertising and related consumer deception claims in a pending federal litigation against OpenEvidence Inc. concerning the companies' medical AI platforms.
- Papaya Gaming, Ltd. in defending and successfully compelling arbitration in a putative nationwide consumer class action alleging deceptive advertising.
- Intuitive Surgical, Inc. in pursuing and resolving counterclaims in multiple federal lawsuits in connection with false advertising and unfair competition claims by companies that market so-called "repair" services for the company's robotic surgical instruments.
- A major insurance company in an arbitration against another large insurance company concerning claims and counterclaims in arbitration for false advertising, unfair competition and violation of rights of publicity.
- MCS Advantage, Inc. and MCS Healthcare Holdings LLC in litigating claims and counterclaims arising out of a competitor's advertising regarding eligibility for new supplemental benefits available through Medicare.
- Red Bull North America, Inc. and its corporate parent in defending and favorably settling multiple putative nationwide consumer class actions alleging consumer deception about the effectiveness of the company's beverages.
- A major international pharmaceuticals company in providing legal and strategic advice concerning competitors' marketing and promotional claims for pharmaceutical products.
- Sirius XM in successfully defending state and federal putative consumer class actions pertaining to the company's auto-renewal policy.
- Jackson Hewitt Tax Service as plaintiff in a false advertising lawsuit against H&R Block that was favorably settled on the eve of trial.

- The International Trademark Association in numerous *amicus* briefs to the U.S. Supreme Court and U.S. Circuit Courts of Appeals.

Copyrights and Misappropriation

Copyright law is changing rapidly and dramatically, particularly in connection with the rapid expansion of artificial intelligence. We stay on top of new developments in the field and apply that knowledge not only to all phases of copyright disputes and litigations, but also when advising and representing our clients in connection with the creation, acquisition, enforcement and licensing of copyrighted materials, and use of generative and nongenerative AI models. Recent representations have included:

- Numerous companies, including a major music label, a global social media platform and professional sports organizations, in connection with copyright risk analyses, and content protection strategies, regarding generative and nongenerative artificial intelligence models.
- Various professional sports organizations, sports teams and fashion retail brands in advising and defending against infringement and related claims pertaining to use of music.
- The Walt Disney Company, Netflix and Embracer Group in providing copyright analysis and advice in connection with major acquisitions of literary properties.
- Youku Tudou Inc. in securing the dismissal of copyright infringement claims based on works uploaded to Youku's server, and affirmance of that dismissal on appeal.
- The National Football League in numerous copyright enforcement matters, as well as in federal litigations brought by professional photographers alleging copyright infringement and antitrust violations.
- Major League Soccer, the National Hockey League and other professional sports organizations and teams in a variety of copyright enforcement matters.
- Extreme Networks, Inc. in defending against a federal lawsuit concerning alleged source code infringement.
- ZeniMax Media Inc. and its subsidiary Id Software in securing a \$500 million jury verdict against Oculus VR Inc. and Facebook following a three-week trial. The case involved claims of copyright infringement, trademark infringement, trade secret misappropriation and theft of proprietary information (hardware and source code) by Oculus in order to develop its Rift virtual reality headset.
- Several video game developers in connection with strategic advice concerning foreign and domestic copyright and trademark issues, including acquisitions of existing games and software.

Intellectual Property Litigation

Continued

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- Dell Inc. and EMC Corporation in a copyright infringement and breach of software license case in the District of Massachusetts.
 - MGA Entertainment in victories in federal district and appeals courts defending against copyright infringement and related claims involving the company's "Bratz" dolls.

Patents

Skadden's IP attorneys possess the legal experience, technical training and academic credentials critical to developing creative, forceful strategies for companies embroiled in patent disputes. Recent representations have included:

- T1 Energy, Inc. as respondent in an International Trade Commission proceeding and related district court action claiming patent infringement in relation to T1 Energy's solar module manufacturing activities.
- Canadian Bank Note Company Ltd. in defense of patent infringement claims brought by Thales DIS France SAS concerning security features in the New York state and other driver's licenses. The case, originally filed in the Eastern District of Virginia, was transferred to the Western District of Virginia.
- Char-Griller in defending against patent infringement and trademark infringement claims brought by North Atlantic Imports, LLC concerning outdoor griddle products.
- Hyundai in securing an early, favorable resolution of patent litigation in the Eastern District of Texas before Honorable Chief Judge Rodney Gilstrap.
- Unified Patents in several *ex parte* reexamination requests filed in the U.S. Patent and Trademark Office to challenge the validity of certain patents.
- Alkar-RapidPak, Inc. in multiple patent matters, including recently securing summary dismissal of patent notification and unfair competition claims in Wisconsin state court.
- Combustion Emissions Reduction Technologies in a District of Delaware patent infringement suit relating to reduced emissions coal refining processes.
- Combustion Emissions Reduction Technologies in an appeal to the Federal Circuit relating to reduced emissions coal refining processes.
- Fortinet, Inc. in securing the dismissal of a patent infringement lawsuit brought by Realtime Data, LLC on the grounds that the asserted patents were directed to patent-ineligible subject matter, and affirmance of that dismissal on appeal.

- Tower Semiconductor Ltd. in defense of trade secret misappropriation, patent inventorship and unfair competition claims, and in pursuit of anti-SLAPP claims in the Central District of California and the U.S. Court of Appeals for the Federal Circuit.
- FTC Solar, Inc. in securing the transfer of patent infringement claims from the Western District of Texas to the Southern District of New York, and the dismissal of companion breach of license agreement claims.
- Endurance Specialty Holdings, Ltd. in securing the dismissal of a federal patent infringement lawsuit brought by SnowCast Solutions LLC alleging infringement of two of its patents and claims for deceptive trade practices.
- JPMorgan Chase in multiple litigations, including securing summary judgment dismissal of a patent infringement action brought by Pi-Net International, and securing affirmance of that decision at the Federal Circuit.
- Hexcel in a patent infringement suit in the District of Delaware concerning composite fiber material used in the manufacture of power generation windmill blades.
- FHE USA LLC as national trial counsel in a multidistrict patent enforcement campaign against competitors in the oil well pressure control equipment market.
- Inside Secure Corp. in defense of patent infringement claims by Pace Anti-Piracy, Inc. concerning its anti-piracy and security software.

Trademarks and Trade Dress

We are routinely engaged by clients to enforce and provide counsel in connection with brands and source identifiers, including word marks, design marks and trade dress protection for product design and packaging. Our attorneys have extensive experience in connection with not only infringement and related litigation, but also day-to-day trademark enforcement matters, opposition and cancellation proceedings in the Trademark Trial and Appeal Board, consumer survey research, counterfeiting, and domain name and other internet-related disputes. Among several other industry representations, our team has secured successful enforcement results for a variety of sports industry clients, including professional sports leagues. We've also worked extensively on appellate matters and on behalf of the International Trademark Association. Recent representations have included:

- Guidewell Education, LLC (*f/k/a/* Stravos Education, LLC) in defending and favorably settling a trademark infringement lawsuit

Intellectual Property Litigation

Continued

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- brought in Florida federal court by Blue Cross & Blue Shield of Florida, Inc. concerning the use of “Guidewell” branding.
 - Peet’s Coffee, Inc. in litigating and settling disputes in federal court and the Trademark Trial and Appeal Board against Nespresso USA, Inc. and Société des Produits Nestlé S.A. concerning trademark rights, including alleged trade dress rights in the product design of single-serve espresso capsules.
 - Metacapital Management, L.P. in a federal lawsuit filed against Meta Platforms Inc. (Facebook) arising out of Meta Platforms’ adoption of “Meta” trademarks in connection with financial services.
 - The Miami Heat and National Basketball Association in defending and favorably settling a trademark infringement lawsuit concerning the Miami Heat’s use of its “Culture” trademarks.
 - Numerous companies, including a major music label and a global social media platform, in connection with trademark and publicity rights risk analyses, and content protection strategies, regarding generative and nongenerative artificial intelligence models.
 - Coty Inc. in connection with a trademark dispute against a major worldwide cosmetics company.
 - A worldwide cryptocurrency payment infrastructure company in connection with both enforcing and defending the company’s U.S. trademark rights in the blockchain industry.
 - Aviator Studio USA, LLC in representing the company in the U.S. Patent and Trademark Office with respect to “Aviator” trademarks.
 - The National Hockey League in litigating and securing favorable outcomes in federal litigations enforcing trademarks and trade dress rights against the sale of (i) shirts featuring trademarks of the Seattle Kraken hockey club and (ii) beer steins replicating the design of the Stanley Cup trophy.
 - A major furniture company in connection with enforcement of its trademark portfolio against domestic and foreign competitors.
 - Char-Griller in defending against trademark infringement and patent infringement claims brought by North Atlantic Imports, LLC concerning outdoor griddle products.
 - Deel, Inc. in a pending lawsuit in the Northern District of California asserting cybersquatting and false advertising counterclaims against Rippling, including concerning Rippling’s use of a “deal.com” domain.
 - Telegram Messenger, Inc. in obtaining a preliminary injunction against use of the company’s trademark by another party in connection with proposed cryptocurrency, and securing affirmance of that injunction on appeal.
 - Pinduoduo Inc. and its affiliates in securing the dismissal of claims for contributory trademark infringement based on alleged unauthorized sales of products on its China-based e-commerce platform, and winning an award of nearly \$400,000 in attorneys’ fees.
 - The National Football League and Major League Soccer in numerous trademark and trade dress enforcement matters, including in regard to the use of club names and color combinations on websites and social media, and in connection with counterfeit and/or derivative products by retailers.
 - A major international online gaming operator in connection with a trademark dispute with a competitor spanning multiple jurisdictions.
 - The PGA Tour in securing a complete dismissal of Lanham Act and right of publicity claims brought on behalf of a putative class of Tour caddies.

Trade Secrets

With increasing employee mobility and the proliferation of available methods for viewing, sharing and storing data, trade secret disputes are on the rise. We combine our technical know-how and broad experience to assist clients in protecting their trade secrets and defending against misappropriation claims. Recent representations have included:

- Nebula Research and Development, a quantitative hedge fund, in trade secret misappropriation and related claims against Centiva Capital in the Southern District of New York, arising out of a departing employee’s disclosure of trading strategies and other trade secret and proprietary information to a new employer.
- Air Products and Chemicals, Inc. in defeating a request for temporary restraining order and preliminary injunction in New York state court relating to heat exchanger technology used in the liquefied natural gas space.
- Universal Alloy Corporation in securing a defense verdict rejecting trade secret misappropriation claims concerning high-strength aluminum alloy aircraft components following a jury trial in the Northern District of Georgia.
- Accutar Biotechnology Inc. and its chief discovery officer in the District of Connecticut in defense of trade secret, contract and unfair competition claims relating to cancer treatments, and in counterclaims alleging unclean hands and wrongful manipulation of inventorship.
- Aspen Technology in securing a favorable verdict, including substantial actual and punitive damages for trade secret misappropriation.

Intellectual Property Litigation

Continued

priation and copyright infringement, following a three-week jury trial against M3 Technology.

- Fujian Jinhua Integrated Circuit in a federal criminal trade secret case alleging economic espionage and the theft of trade secrets relating to technology involving the design and manufacture of DRAM.
- International Flavors and Fragrances Inc. in defeating a motion for a preliminary injunction and favorably settling claims for trade secret misappropriation and breach of contract related to a spray-drying technology.
- Tower Semiconductor Ltd. in defense of trade secret misappropriation, patent inventorship and unfair competition claims, and in pursuit of anti-SLAPP claims in the Central District of California and the U.S. Court of Appeals for the Federal Circuit.
- Valeant Pharmaceuticals International in an arbitration with Anacor Pharmaceuticals concerning trade secret and contract claims related to a treatment for onychomycosis.
- Walmart, Inc. against a multibillion-dollar claim by Zest Labs, Inc. for breach of contract and misappropriation of trade secrets relating to technology for forecasting produce spoilage and reducing fresh food waste.

License Agreements and Disputes

We regularly counsel clients in resolving disputes specifically arising out of patent, copyright, trademark and right of publicity licenses; settlements; distribution agreements; development agreements; sponsorship/endorsement agreements; broadcasting agreements; nondisclosure agreements; and other technology-related documents. Adjudicated in federal and state courts, as well as in arbitrations, these disputes can require a deep understanding of the underlying technical subject matter and nature of the businesses at hand. Recent representations have included:

- Systabuild Software Group GmbH and other defendants in a software license and copyright infringement action brought by Actian Corporation in the Northern District of California.
- Celectar Biosciences, Inc. in litigating and favorably resolving a federal lawsuit (also involving the Wisconsin Research Alumni Foundation) seeking relief for misappropriation of the company's biopharmaceutical intellectual property and putative assignment of that intellectual property by former Celectar personnel.
- A major worldwide beauty products company in connection with the termination of a license agreement and the resulting transition of operations and intellectual property.

- JPMorgan Chase in securing a \$69 million judgment against DataTreasury for breach of contract involving a "most favored licensee" refund for a check-processing patent, and affirmance of that judgment on appeal.
- Array Biopharma, Inc. in favorably resolving a New York state court action asserting that AstraZeneca breached a licensing agreement and underpaid Array in connection with AstraZeneca's sublicensing of intellectual property rights in compounds for treatment of neurofibromatosis.
- The Ladies Professional Golf Association in commencing and successfully resolving a federal litigation and parallel international arbitration proceeding concerning a licensing dispute with its South Korean broadcasting partner.
- The Pan American Health Organization — a regional office for the World Health Organization — in securing a favorable settlement of an arbitration brought against Uniting for Health Innovation asserting breach of an affiliation agreement between the parties.
- Professional golfer Rory McIlroy in successfully defending against a federal lawsuit by Oakley, Inc. alleging breach of a product endorsement agreement.
- Fresh Del Monte Produce, Inc. in (i) securing a favorable jury verdict and substantial monetary damages against Del Monte Corporation concerning the scope of Fresh Del Monte's contractual rights to use the DEL MONTE trademark on fruit, vegetable and produce products; and (ii) successfully defending against claims in a separate arbitration concerning exclusive rights to use the DEL MONTE trademark in connection with retail operations in the Middle East.
- INSIDE Secure in obtaining the dismissal of a breach of contract claim stemming from a license for anti-piracy and security software brought by Pace Anti-Piracy, Inc. in both state and federal court.

Corporate Consulting and Deal Support

In addition to our litigation docket, our IP litigators regularly utilize their knowledge about complex issues to advise companies on best practices in emerging fields — such as artificial intelligence — and support IP aspects of complex transactions. For example, we regularly assess IP assets, provide risk assessments on anticipated business activities, study freedom to operate and manage diligence. Our IP litigators also regularly provide opinions and strategic advice on patent, copyright and trademark infringement; validity and enforceability issues; portfolio management strategies; trade secret protection programs; and licensing. Some recent representations have included:

Intellectual Property Litigation

Continued

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- The Walt Disney Company, Netflix and Embracer Group in providing copyright analysis and advice in connection with major acquisitions of literary properties.
 - Numerous companies — including a leading music label and a global social media platform — in connection with trademark and publicity rights risk analyses, content protection strategies and licensing practices regarding generative and nongenerative artificial intelligence models.
 - Numerous clients in patent freedom to operate and portfolio management, including in fields such as outdoor cooking products, renewable energy, pharmaceuticals, medical devices, construction equipment, agricultural products, telecommunications, and computer hardware and software.
 - Several video game developers in connection with strategic advice concerning foreign and domestic copyright and trademark issues, including acquisitions of existing games and software.
 - Trade secret clean room procedures for various clients, including in personal care products, aircraft design and life sciences.
 - A major technology company in connection with copyright, trademark and trade dress analysis of virtual reality graphical user interfaces.
 - Sports leagues and teams in connection with a host of trademark, copyright and advertising issues, including acquisitions, licensing, risk analysis, enforcement considerations and strategies for addressing ambush marketing.

- Patent and IP licensing for medical devices and pharmaceutical clients, including COVID-19 related licensing issues.

Thought Leadership

Our IP litigation attorneys are at the forefront of emerging trends and developments in IP law, as well as the intersection of IP and technology. We routinely provide quotations and insights for industry publications; present at industry- and client-focused seminars; lecture at law schools; and author articles, client mailers and other media in the field of intellectual property.

As leaders in the legal field, our attorneys have participated in and chaired numerous committees and professional organizations, including the PLI Patent Law Institute, the International Trademark Association, the American Intellectual Property Law Association, the New York Intellectual Property Law Association, and the New York City Bar Copyright and Literary Property Committee.

We also offer our clients opportunities to keep up with the changes in intellectual property law, as well as specific issues that are of the most practical importance to their businesses. For example, we frequently work with clients to develop and present bespoke CLE programs that are specially tailored to address their business and legal needs, and regularly issue mailers and other publications concerning hot topics.