

Associate, New York

Intellectual Property Litigation



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Education

J.D., The University of Chicago Law School, 2005

B.A., Yale University, 2002

Bar Admissions

New York

U.S. Patent and Trademark Office

U.S. Court of Appeals for the Federal Circuit

Rachel Blitzer has more than 12 years of experience in intellectual property litigation and counseling. Ms. Blitzer focuses her practice on technically complex litigations in the areas of trade secret, patent infringement, breach of contract and antitrust. Ms. Blitzer's litigation experience spans a broad range of technologies, including software applications, food processing technology, financial products, industrial machinery and chemical products, and includes defending several clients in suits brought by nonpracticing entities.

Ms. Blitzer has litigated numerous cases to trial and most recently was a key member on the team responsible for securing a \$500 million jury verdict in favor of ZeniMax Media and id Software in trade secret misappropriation and breach of contract litigation against Oculus VR and its executives. On the patent side of her practice, she recently secured an early dismissal of a lawsuit alleging deceptive trade practices and infringement of weather prediction software patents for a reinsurance provider. Ms. Blitzer also has particular experience in Hatch-Waxman litigations and has represented brand-name and generic pharmaceutical companies at both the trial and appellate levels, as well as in post-settlement antitrust actions.

She also has litigated and consulted on a number of contract actions, including matters involving check-processing systems, industrial chemicals, pharmaceuticals and trademarks. She has secured multiple favorable settlements on the eve of trial, including for a food processing equipment manufacturer acting as plaintiff, and for a rebate service provider defending claims of tortious interference with contractual relations and a prospective business advantage. Ms. Blitzer also counsels clients on corporate matters involving technological issues and has advised in the areas of RFID technology, software patents, terahertz systems, synthetic super-materials and multivitamins.

Additionally, Ms. Blitzer devotes a substantial portion of her practice to *pro bono* work, including political asylum petitions, immigration appeals, Violence Against Women Act self-petitions, unemployment insurance representation and case reviews for The Innocence Project. Ms. Blitzer also is head of the Steering Committee for Skadden's Latin/Hispanic affinity network.

Representative engagements include, among others:

- representation of a major video game company in its copyright infringement case against a *Fortune* 500 company, resulting in a \$500 million jury verdict following a three-week trial;
- a Hatch-Waxman litigation, securing dismissal of the complaint at the Federal Circuit on behalf of an API manufacturer defendant, resulting in new legal precedent;
- invalidating a patent asserted against a large insurance provider on §101 grounds at the motion to dismiss stage;
- an antitrust proceeding following settlement of a Hatch-Waxman case, securing dismissal of sham litigation claims against a brand-name drug client, followed by a favorable settlement;
- securing a favorable settlement on the eve of trial for the plaintiff, a food processing equipment manufacturer;
- ongoing representation of a *Fortune* 500 retailer in defending against claims including trade secret misappropriation and breach of contract; and
- ongoing representation of an oil and gas machinery manufacturer in the assertion of its patents in multiple litigations.