

Counsel, 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 15 years of experience in intellectual property litigation and counseling. She focuses her practice on technically complex cases in the areas of trade secrets, patent infringement, breach of contract and antitrust. Ms. Blitzer's litigation experience spans a broad range of technologies, including software applications, financial products, industrial machinery, medical devices, pharmaceuticals and chemical products.

Ms. Blitzer has litigated numerous cases to trial, notably as 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, and more recently in a confidential multi-week trade secrets arbitration trial. On the patent side of Ms. Blitzer's practice, notable representations include securing an early dismissal of a lawsuit alleging deceptive trade practices and infringement of weather prediction software patents for a reinsurance provider, and successfully fending off multiple motions to dismiss her client's complaints alleging infringement of cybersecurity patents. 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, multivitamins, ATM anti-theft technology and pharmaceuticals.

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 representations, will drafting and end-of-life planning, patent prosecution and counseling for small entities, and case reviews for The Innocence Project, in addition to serving as a member of the New York State Permanent Sentencing Commission. Ms. Blitzer also is head of the Steering Committee for Skadden's Latinx affinity network.

Representative engagements include:

- 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;
- defending a prominent scientist in a multi-week trade secret arbitration trial;
- a Hatch-Waxman litigation and in securing dismissal of the complaint at the Federal Circuit on behalf of the defendant, an active pharmaceutical ingredient manufacturer, resulting in new legal precedent;
- invalidating a patent asserted against a large insurance provider on Section 101 grounds at the motion-to-dismiss stage;
- an antitrust proceeding following settlement of a Hatch-Waxman case, securing the dismissal of sham litigation claims against a brand-name drug client, followed by a favorable settlement;

Rachel R. Blitzer

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- a major cybersecurity company in a variety of matters, including successfully opposing multiple motions to dismiss on Section 101 and pleadings grounds;
 - a leading roofing company in multiple actions, including achieving a favorable *Markman* ruling in a U.S. International Trade Commission investigation that led to the termination of the investigation, and in the defense of multiple current patent infringement litigations;
 - securing a favorable settlement on the eve of trial for a food processing equipment manufacturer;
 - a *Fortune* 500 retailer in defending against claims, including trade secret misappropriation and breach of contract, which featured major victories on summary judgment and *Daubert*; and
 - an oil and gas machinery manufacturer in the assertion of its patents in multiple litigations, resulting in favorable settlements.