

U.S. Patent Litigation

We're chosen by clients for patent litigation because we have a record of obtaining excellent results.

Baker & McKenzie has winning strategies for successfully representing patent owners and accused infringers in U.S. federal district court actions, as well as before the Court of Appeals for the Federal Circuit and the International Trade Commission. Thanks to our winning record, technology companies entrust Baker & McKenzie to handle their critical patent litigation matters.

We deliver results by calling on our patent practitioners all around the U.S. and tapping into our unsurpassed resources abroad. We present complex technology issues in a form that a lay judge or jury can understand. We have successfully litigated patents owned by large and small corporations, and in virtually every industry and technology area. Our lawyers often receive court resolutions in advance of trial, and have obtained summary judgment in a variety of cases.

U.S. Patent Litigations

Patent litigations in the U.S. are mainly contested in federal district courts that are found in each major U.S. city as well as some remote locations. They are each assigned to a federal judge and a magistrate judge, who often focus on discovery matters. Discovery, including written interrogatories and depositions, tends to be very active in patent cases relative to other cases and can continue for sometimes over a year. Another significant component of a patent action is called the Markman hearing, when the judge construes each asserted claim.

As infringement and validity issues turn on claim construction, this is an important event that occurs in advance of trial. Typically, most patent cases settle prior to trial, though some do go before a jury.

Our Strategy

We believe in having a strategy for resolving a controversy. All too often cases go on aimlessly for extended periods without a strategy in place. We reach the strategy for each case after appreciating the facts, business circumstances, and most importantly, our client's needs and business objectives. All the while, we stand ready and prepared for trial. No truly successful settlement comes about when the other side senses that counsel is not prepared to try a case to jury.

In carrying out our strategy, we focus on providing clients with sound advice and first-rate quality work product. But we never lose sight of doing so in the most resourceful, practical and cost-effective manner. Providing superior work product in an efficient manner is only achieved by carefully assembling the best team for each litigation. By doing so, we achieve the best solutions for our clients' business needs.

Our Assembled Team

Our teams each possess a balance of court presentation and strategy skills with specialized technical expertise. With input from our clients, we select each team based on the involved technology, the type of proceeding involved, the site of the action, and the significance of the case to the client. This flexibility allows us to handle both "bet-the-company" and more routine cases efficiently and effectively.

Our patent litigation practice includes a contingent of patent attorneys having a diverse set of technical skills and experience in patent litigation and patent validity infringement. We have a particular focus on electrical and mechanical technologies, as well as experience in the life sciences, chemical, petrochemical and fuels disciplines, and have handled significant litigation in those technical disciplines. We also have experience enforcing both types of patents, design and utility.

Our patent litigation attorneys, who are dispersed throughout the U.S., are skilled and experienced in proceedings before the U.S. district courts, the U.S. International Trade Commission, the U.S. Patent & Trademark office as well as in arbitration and mediation proceedings, including before the American Arbitration Association and the International Chamber of Commerce.

Case Management

Effective and efficient case management is the result of experience - we have been handling significant patent litigation matters for almost two decades and have developed very sophisticated methods and technologies for ensuring careful management of your legal budget. To that end, we are experienced in formulating meaningful and accurate litigation budgets, and staying in line with them.

We fully appreciate the importance of serving clients in the most cost-effective manner. And we consistently use advanced technologies to allow team members and client representatives to instantly share documents, research and litigation information. With locations worldwide, including a 24/7 document support center in Asia, our patent litigation lawyers have the capacity to serve clients anywhere around the clock.