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Asia IP Symposium 2026

Seoul, Republic of South Korea / Tuesday, February 24, 2026

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Navigating the Changing IPR Landscape

James M. Heintz

James M. Heintz

Partner

Chair, Post Grant Review Practice

Reston

Contact

T +1 703 773 4148

jim.heintz@dlapiper.com

Education

J.D., St. John's University 1996
magna cum laude

B.S.E.E., State University of New York at Stony Brook 1988

Admissions

District of Columbia

New York

United States Patent and Trademark Office

Virginia

Jim leads DLA's post grant review practice and regularly represents clients in patent litigation in district courts and the ITC, where he typically serves as the technical lead attorney. In these roles, Jim directs inter partes review strategy in order to achieve maximum impact in the parallel proceeding. Jim's work focuses on electrical, computer, cellular and networking technologies, including encryption technologies, conditional access television systems, computer operating system software, touchscreens, electronic train control and signaling systems, power tools, and semiconductors. He has been recognized by Patexia as being among the Best Performing and Most Active attorneys representing petitioners in inter partes review proceedings before the PTAB. He also counsels clients regarding patentability, validity and infringement issues.

Roadmap

1. Key Players and Philosophy
2. Statistics
3. Procedural Changes
4. IPR Barriers
5. Techniques for Avoiding the IPR Barriers

Key Players and Philosophy

Coke Morgan Stewart

Deputy Under Secretary of Commerce for Intellectual Property
Deputy Director of the U.S. Patent and Trademark Office

Background

- Worked at USPTO from 2011-2021
  - Acting Chief of Staff
  - Counsel to the Director
  - Senior Policy Advisor
  - Acting Deputy Solicitor

- IP Attorney at O'Melveny & Myers LLP
  - represented both patent holders and accused infringers in patent infringement cases

Howard Lutnick

Secretary of Commerce

Background

- Chairman and CEO of Cantor Fitzgerald, L.P.
- “As the inventor of over 400 patents, the U.S. Patent and Trademark Office has a special place in my heart”

US012282884B2

(12) **United States Patent**
Lutnick et al.

(10) **Patent No.: US 12,282,884 B2**
(45) **Date of Patent: *Apr. 22, 2025**

(54) **EXAMPLES OF DELIVERY AND/OR REFERRAL SERVICES**

(71) Applicant: **CFPH, LLC**, New York, NY (US)

(72) Inventors: **Howard W. Lutnick**, New York, NY (US); **Jed Kleckner**, New York, NY (US); **Colin Sims**, New York, NY (US); **Jason White**, New York, NY (US)

(73) Assignee: **CFPH, LLC**, New York, NY (US)

(51) **Int. Cl.**

G06Q 10/08	(2024.01)
G06Q 20/20	(2012.01)
G06Q 30/04	(2012.01)
G06Q 30/0601	(2023.01)
G06Q 30/08	(2012.01)

(52) **U.S. Cl.**
CPC ***G06Q 10/08*** (2013.01); ***G06Q 20/202*** (2013.01); ***G06Q 30/04*** (2013.01); ***G06Q 30/0635*** (2013.01); ***G06Q 30/08*** (2013.01)

(58) **Field of Classification Search**

John Squires

Under Secretary of Commerce for Intellectual Property
Director of the U.S. Patent and Trademark Office

Background

- Dilworth Paxson LLP
  - chair of the Emerging Companies and IP practice
- created Fortress IP
  - a multibillion-dollar patent litigation funding group
- Chief IP Counsel for Goldman Sachs (2000-2009)
  - Senate testimony: “[p]atent examination quality issues, predatory patent assertions, and litigation abuse have precluded continued progress and efficiencies in bettering the U.S. financial system.”

Philosophy

"Even extremely strong patents become unreliable when subject to serial or parallel validity challenges"

"Consider a hypothetical patent claim where 70% of experienced patent practitioners would conclude that the claim was properly granted, and 30% would oppose that conclusion. Such a patent claim seems reliable, because a substantial majority of practitioners believe it is patentable and was properly issued. However, if the patent is subjected to repeated *de novo* patentability review each time it is enforced, it will no longer be reliable. For example, a patent with a 70% chance of surviving one *de novo* patentability review has less than a 50% chance of withstanding two or more *de novo* patentability challenges. *Thus, even extremely strong patents depend on a presumption of validity for their survival."*

2025-19580 (90 FR 48335)(emphasis added)

Philosophy

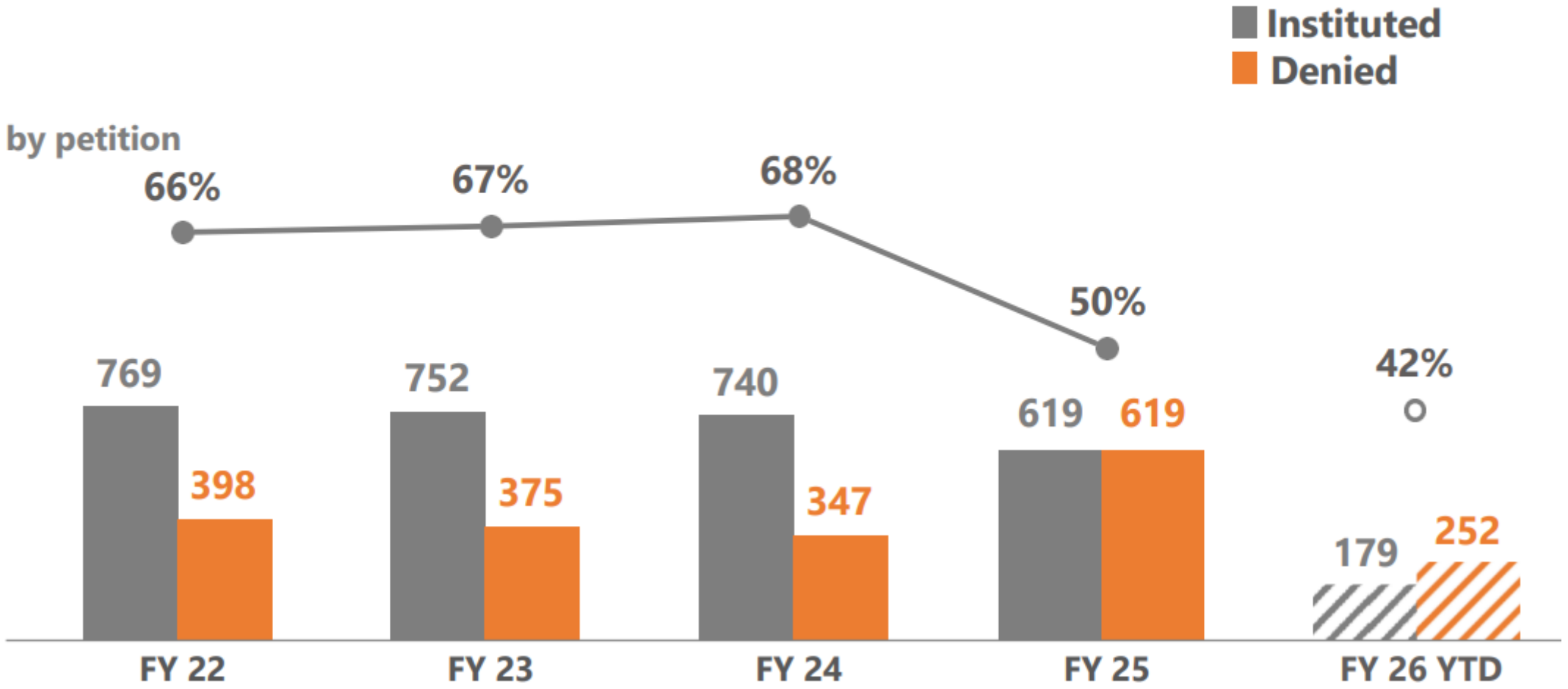
"Even extremely strong patents become unreliable when subject to serial or parallel validity challenges"

- United States District Courts are **not** *de novo* review
  - Presumption of validity
  - Clear and convincing evidence of invalidity required
- PTAB IPRs/PGRs are *de novo* review
  - No presumption of validity
  - Preponderance (<50%) evidence of invalidity required
- Solution: Limit IPRs and PGRs

Statistics

Institution rates by petition

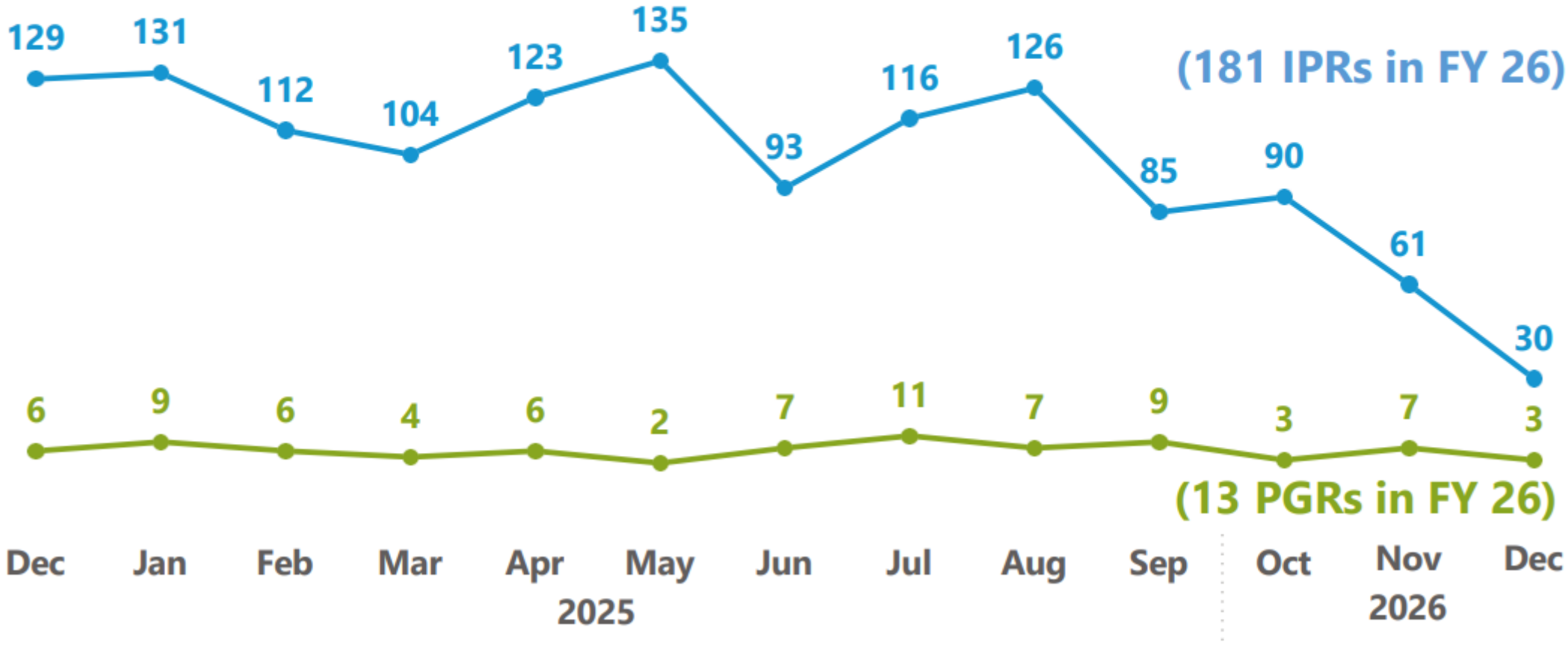
FY 22 to FY 26 through Q1: Oct. 1, 2021 to Dec. 31, 2025



PTAB Trial Statistics, December 2025, Patent Trial and Appeal Board, *available at* https://www.uspto.gov/sites/default/files/documents/trial_stats_december_2025.pdf

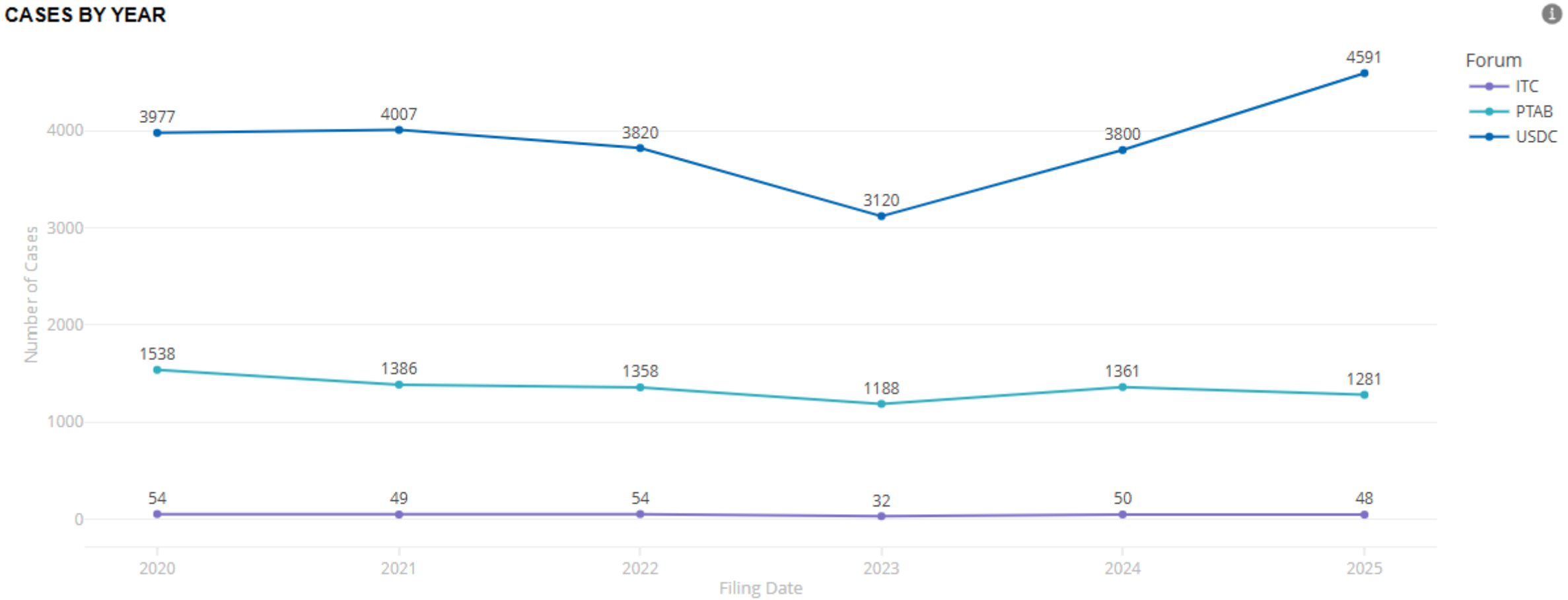
Petitions filed by month

FY 25 to FY 26 through Q1: Dec. 1, 2024 to Dec. 31, 2025



PTAB Trial Statistics, December 2025, Patent Trial and Appeal Board, *available at* https://www.uspto.gov/sites/default/files/documents/trial_stats_december_2025.pdf

Patent Litigation Filings Are Up



DocketNavigator

More Statistics

Institution rate

- 37% from 1 Oct. 2025, through 30 Nov. 2025
- 64% from 1 Oct. 2024, through 30 Nov. 2024

Number of IPRs/PGRs filed

- 240 IPRs and PGRs were filed from 1 Oct. 2025, through 2 Feb. 2026
- 482 IPRs and PGRs were filed from 1 Oct. 2024, through 2 Feb. 2025.

- 66% increase in reexam requests
  - 726 in 2025
  - 437 in 2024

More Statistics

Institution rate

- 37% from 1 Oct. 2025, through 30 Nov. 2025
- 64% from 1 Oct. 2024, through 30 Nov. 2024

Number of IPRs/PGRs filed

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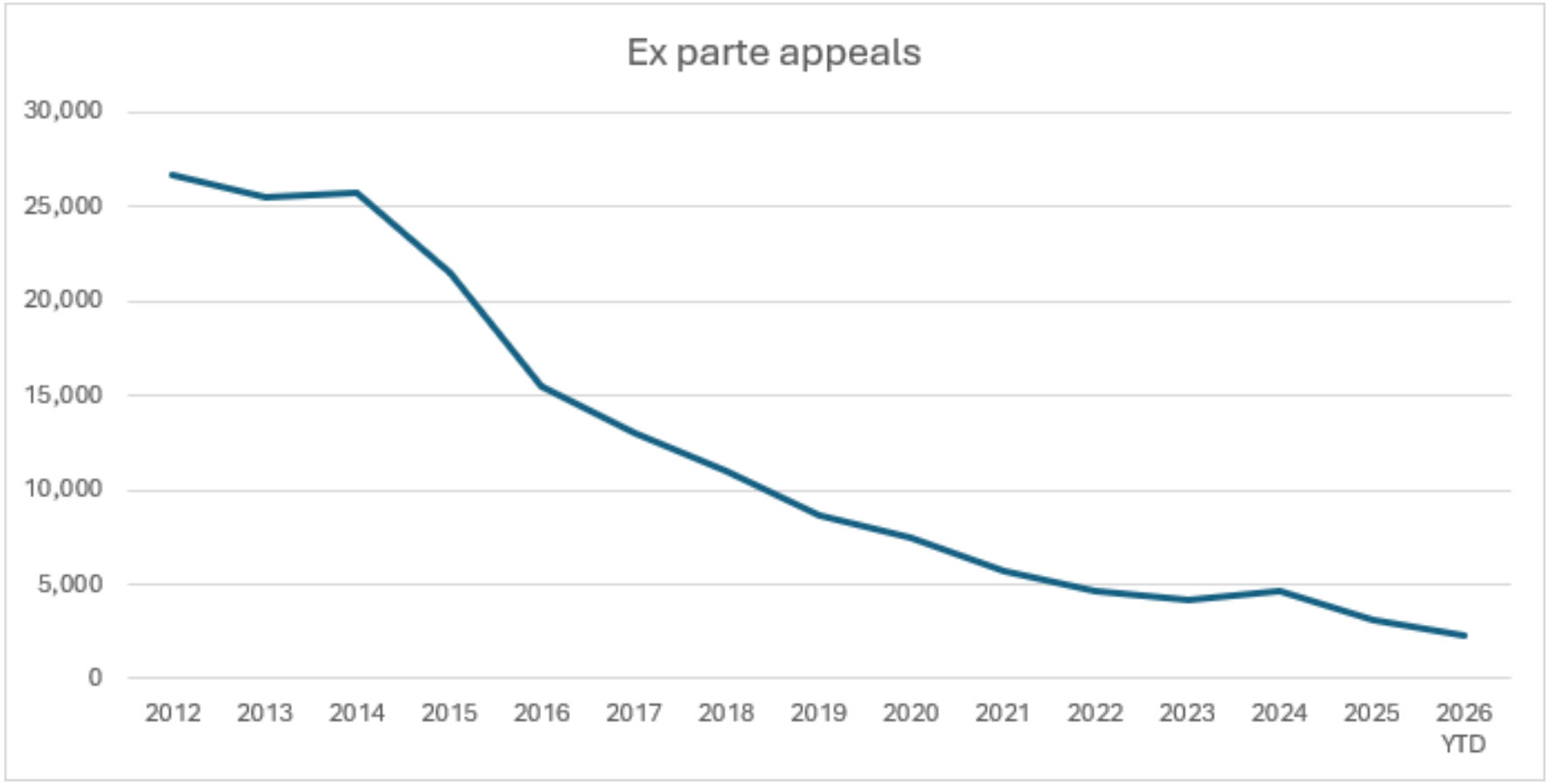
- 482 IPRs and PGRs were filed from 1 Oct. 2024, through 2 Feb. 2025.

- 66% increase in reexam requests
  - 726 in 2025
  - 437 in 2024

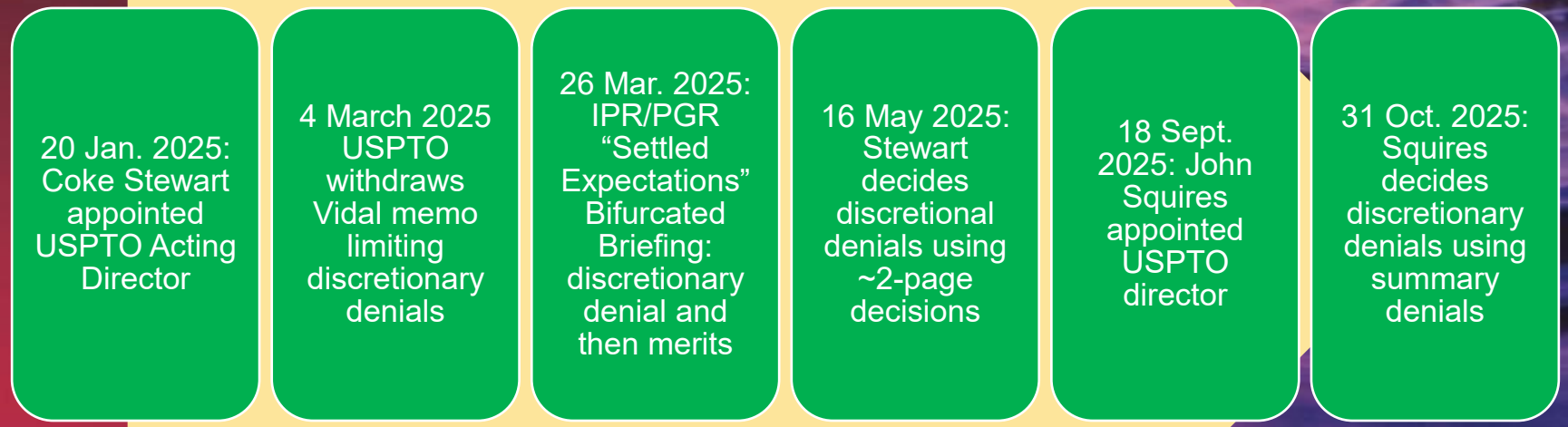
Ex Parte Appeal Backlog On Track to End This Year



What effect will this have on APJ staffing levels?

2025 Procedural Changes

Discretionary Denial Procedural Change History 2025



Discretionary and Merits Denial Decisions Bifurcated

[D]ecisions on whether to institute an IPR or PGR will be bifurcated between (i) discretionary considerations and (ii) merits and other non-discretionary statutory considerations . . . the Director, in consultation with at least three PTAB judges, will determine whether discretionary denial of institution is appropriate. If it is appropriate, the Director will issue a decision denying institution. If it is not appropriate, the Director will issue a decision regarding that determination and refer the petition to a three-member panel of the PTAB [which] will then handle the case in the normal course including by issuing a decision on institution addressing the merits and other non-discretionary statutory considerations.

https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf

IPR Barriers

Fintiv Is Again a Significant Hurdle

- *Sotera* stipulations no longer automatically precludes discretionary *Fintiv* denials
- Compelling merits no longer automatically preclude discretionary *Fintiv* denials
- "Holistic assessment" based on six factors
  - District Court trial date is predominant factor
- ITC investigations are again considered in Fintiv analysis

Dabico Airport Sols. Inc. v. AXA Power ApS, IPR2025-00408, Paper 21 at 2-3 (PTAB 18 June 2025) (designated informative 9 Jan. 2026

“Settled Expectations” typically preclude IPRs

Although there is no bright-line rule on when expectations become settled, in general, the longer the patent has been in force, the more settled expectations should be. Moreover, patent applications (after 18 months) and issued patents are almost always publicly available to provide notice to the public, other inventors, competitors, and commercial interests. Interested parties may find published patents and patent applications using the Office’s automated search systems as well as publicly available resources on the Internet. As such, actual notice of a patent or of possible infringement is not necessary to create settled expectations.

Dabico Airport Sols. Inc. v. AXA Power ApS, IPR2025-00408, Paper 21 at 2-3 (PTAB 18 June 2025) (designated informative 9 Jan. 2026

Settled Expectations - Six Years After Patent Issuance

The patents challenged in IPR2025-00601 and IPR2025-00602 present different circumstances. In particular, the challenged patents have been in force for seven and six years, respectively, creating strong settled expectations for Patent Owner, and Petitioner does not provide persuasive reasoning why an inter partes review is an appropriate use of Board resources.

Amgen Inc. v. Bristol-Myers Squibb Co., IPR2025-00601, -00602, -00603, Paper 9 at 3 (PTAB 24 July 2025) (designated informative 9 Jan. 2026)

Settled Expectations Can Arise Earlier than Six Years

[T]he patent challenged in IPR2025-00603 has not been in force for a significant amount of time (issued in 2022). Although there may be good reasons why a patent owner has strong settled expectations in a patent that has only been in force for three years, for example an explanation of how an extraordinary amount of investment, time, and resources dedicated to research, development, trials, and regulatory approval correlates to settled expectations, Patent Owner has not sufficiently articulated such reasons in these proceedings.

Amgen Inc. v. Bristol-Myers Squibb Co., IPR2025-00601, -00602, -00603, Paper 9 at 2 (PTAB 24 July 2025) (designated informative 9 Jan. 2026)

Time-Barred Petitions Proceed Only in Exceptional Circumstances

Although § 315(b) permits time-barred parties to file a petition when seeking joinder under § 315(c), the Office may consider whether it is fair to permit a time-barred party to join an ongoing proceeding when determining whether to exercise discretion to deny institution under 35 U.S.C. § 314(a). Petitions filed by time-barred parties should proceed only in exceptional circumstances. Realtek does not present an exceptional circumstance here.

Realtek Semiconductor Corp. v. ParkerVision, Inc., IPR2025-00324, Paper 11 at 3 (PTAB 25 June 2025) (designated precedential 9 Jan. 2026) (internal citations omitted)

Inconsistent Claim Constructions in IPR and District Court Will Likely Result in Discretionary Denial

[I]t is likely that a final written decision in this proceeding will issue before a district court trial occurs . . . the challenged patent has not been in force for a significant period of time (issued in 2024). Accordingly, Patent Owner has not developed strong settled expectations . . . Petitioner has taken different claim construction positions in this proceeding and the parallel district court proceeding . . . Although a party is not necessarily precluded from arguing different claim construction positions before a district court and the Board, a party should explain why different positions are warranted. For example, if a party advances a narrow construction in the district court and the district court declines to adopt the narrow construction, the party would have sufficient reason for advancing the broader, court-adopted construction in a proceeding before the Board.

Sun Pharm. Indus., Inc. v. Nivagen Pharm., Inc., IPR2025-00893, Paper 18 at 2-3 (PTAB 19 Sept. 2025) (designated informative 9 Jan. 2026)

Inconsistent Claim Constructions in IPR and District Court Will Likely Result in Discretionary Denial

Petitioner's explanation here amounts to nothing more than an assertion that a petitioner should be permitted to raise different claim constructions in the two forums when there is a chance that the district court will reject that petitioner's preferred construction. My precedential decision does not provide for conditional future outcomes, and while petitioner would no doubt like to 'wait and see,' we cannot and will not. The appropriate course of action under these circumstances is to deny institution.

Revvo Techs,Inc. v. Cerebrum Sensor Techs., Inc., IPR2025-00632, Paper 36 at 4 (Director 26 Jan. 2026)

Stipulation to drop district court construction if IPR instituted will not solve this problem

Failure to Name Real Party in Interest Bars IPRs

> [A]ny Petition corrected to disclose additional RPIs must be given a new filing date . . . Here, a new filing date necessarily would be more than one year after the date on which Petitioner was served with a complaint alleging infringement of the challenged patents, making the Petitions time-barred under 35 U.S.C. § 315(b). Because we cannot consider the Petitions, and should not have considered them at the time of institution, the appropriate remedy is to grant Patent Owner's Motions to Dismiss, terminate the instant proceedings, and vacate our Decisions on Institution.

Corning Optical Comm. v. PPC Broadband Inc., IPR2014-00440, Paper 68 at 23, 25 (PTAB 18 Aug. 2015) (designated precedential 28 Oct. 2025).

Petitioner Must Resolve RPI Dispute

Petitioner's failure to provide clarity as to its actual identity is fatal to its petitions . . . Patent Owner submitted evidence suggesting that Petitioner's parent corporation . . . is wholly owned by state-owned enterprises . . . Regardless of whether the foreign government here is in fact an RPI, this evidence was sufficient to put into dispute whether the Petitions identified all RPIs . . . Where, as here, a petitioner does not sufficiently fulfill its statutory duty to identify all RPIs, the USPTO's mandate to protect the public interest is especially compelling . . . With its identification of RPIs in dispute, it was Petitioner's burden to bring forth evidence or arguments demonstrating that it named all RPIs . . . Accordingly, the Decisions granting institution are vacated, the Petitions are denied, and these proceedings are terminated.

Yangtze Memory Technologies Company, Ltd. v. Micron Technology, Inc., IPR2025-00098, Paper 38 at 6-9 (PTAB 15 Jan. 2026) (designated informative 16 Jan. 2026)

Whether an RPI Can Be a Foreign Governments Remains Undecided

In *Return Mail*, the Supreme Court held that a U.S. "federal agency is not a 'person' who may petition for post-issuance review under the AIA." *Return Mail*, 587 U.S. at 637. The Court, however, did not address, and has not addressed, whether this statutory prohibition extends to a foreign government.[3]

[3] While not the basis of today's decision, I note that inter partes review may be discretionarily denied on the basis that a petitioner is a sovereign. *See, e.g., Saint Regis Mohawk Tribe v. Mylan Pharms. Inc.*, 896 F.3d 1322, 1327 (Fed. Cir. 2018) ("The Director bears the political responsibility of determining which cases should proceed. While he has the authority not to institute review on the merits of the petition, he could deny review for other reasons such as administrative efficiency or based on a party's status as a sovereign.").

Yangtze Memory, IPR2025-00098, Paper 38 at 2-3, n.4 (PTAB 15 Jan. 2026)

Proposed New Barriers

- Must stipulate not to raise **any** prior art defense in court/ITC
  - Even system prior art defense that cannot be raised in IPR
- No IPR once claim has been found valid in other contested proceeding
- No IPR if trial, ITC determination or PTAB final written decisions occurs first absent "extraordinary circumstances"

Yangtze Memory, IPR2025-00098, Paper 38 at 2-3 (PTAB 15 Jan. 2026) 2025-19580 (90 FR 48335)

Techniques for Avoiding the IPR Barriers

PGR Petitions are Heavily Favored

> [I]t is unlikely that a final written decision in this proceeding will issue before the Texas district court trial occurs . . . Petitions for post-grant review are favored because they must be filed no later than nine months from the grant of the patent (35 U.S.C. § 321(c)), are close in time to examination, and occur before expectations in the patent rights are strongly settled . . . the Petition is referred to the Board. . . .

Multi-Color Corp. v. Brook & Whittle Ltd., PGR2025-00025, Paper 10 at 2-3 (PTAB 16 July 2025) (designated precedential 9 Jan. 2026)

Complicated District Court Case Can Avoid Discretionary Denial (Typically 9 or More Patents)

Petitioner's arguments regarding the complex and diverse litigation proceeding tip the balance against discretionary denial. Petitioner explains that the district court proceeding involves eleven patents spanning nine different families that involve a diverse range of subject matter. The large number and vast scope of the patents asserted in the district court litigation weighs against discretionary denial, as the Board is better suited to review a large number of patents involving diverse subject matter.

Tesla, Inc. v. Intellectual Ventures II LLC, IPR2025-00217, Paper 9 at 2-3 (PTAB 13 June 2025) (designated informative 9 Jan. 2026) (internal citations omitted)

Examiner Material Error May Thwart Discretionary Denial

[T]hese proceedings raise similar issues to those previously adjudicated [where] the Board determined the challenged claims are unpatentable . . . the patent examiner's conclusion [on effective priority date of the challenged patents] directly contradicts the Board's determination and raises concerns of material error such that review of the challenged patents is an appropriate use of Office resources. Ordinarily, a scheduled district court trial date that precedes the date projected for a Board final written decision weighs in favor of exercising discretion to deny the Petition. Here, however, the Petitioner appears to show a material error by the Office, and it is an appropriate use of Office resources to review the potential error.

Padagis US LLC v. Neurelis, Inc., IPR2025-00464, -00465, -00466, Paper 12 at 2-3 (PTAB 16 July 2025) (designated informative 9 Jan. 2026)

Significant Change in the Law May Avoid Discretionary Denial

Petitioner contends that the United States Court of Appeals for the Federal Circuit "fundamentally changed the obviousness standard for design patents" in *LKQ Corp. v. GM Global Tech. Operations LLC*, 102 F.4th 1280, 1293 (Fed. Cir. 2024), which impacts the validity of the challenged patent. Petitioner's argument is persuasive. The challenged patent was examined and issued under an obviousness standard for design patents that the Federal Circuit has since abrogated, and it is an appropriate use of Office resources to consider the merits of Petitioner's challenge despite any settled expectations Patent Owner may have.

Top Glory Trading Group Inc. v. Cole Haan LLC, IPR2025-01395, Paper 18 at 2 (PTAB 12 Jan. 2026) (designated informative 12 Jan. 2026) (internal citations omitted)

Avoiding Settled Expectations Based on Differences With Patent Owner's Prior Targeted Industry

[I]t is unlikely that a final written decision in this proceeding will issue before district court trial occurs . . . the challenged patent has been in force for over twelve years, creating strong settled expectations . . . Petitioner argues with respect to settled expectations that the challenged patent has not been commercialized, asserted, marked, licensed, or otherwise applied in its technology space. Petitioner argues that Patent Owner only previously targeted smartphones, tablets, and watches, whereas Petitioner, Home Depot, is the proprietor of a chain of hardware stores and did not have reason to anticipate assertion of the patent against it. Petitioner's arguments are persuasive.

Home Depot U.S.A., Inc. v. H2 Intellect LLC, IPR2025-00480, Paper 11 at 2-3 (PTAB 4 Sept. 2025) (designated informative 9 Jan. 2026) (internal citations omitted)

Avoiding Settled Expectations Based on a Laches-Type Argument

[I]t is unlikely that a final written decision in these proceedings will issue before district court trial occurs . . . the district court has issued a *Markman* order . . . the challenged patent . . . has been in force for thirteen years, creating strong settled expectations for Patent Owner. Petitioner . . . was aware of the challenged patent . . . in 2012, when Patent Owner first contacted Petitioner about the challenged patent in a letter. Petitioner . . . contends that it "did not expect enforcement" of the patent . . . because it concluded that it did not require a license . . . and advised Patent Owner of its position, and . . . Patent Owner did not assert the challenged patent against Petitioner until eleven years after [when they were] expired.

Apple Inc. v. Ferid Allani, IPR2025-00856, Paper 11 at 2-3 (PTAB 5 Sept. 2025) (designated informative 9 Jan. 2026)

Guidance

- File PGRs
- File early to avoid *Fintiv*
- Look for technique to avoid IPR barrier
- Consider *ex parte* reexamination

Question & Answers

CLE Code 72414

Thank You

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What Korean Companies Should Know about Managing IP Disputes in Multiple Global Jurisdictions

Moderated by YJ Yang

DS Chang, Han Sun Lee, Kenneth Oh

KIM & CHANG

Jay (Young-June) Yang

Attorney

Contact

T +82-2-3703-1060
F +82-2-737-9091/9092
yjyang@kimchang.com

Education

University of Michigan Law School (LL.M., 1985)
Judicial Research and Training Institute of the Supreme Court of Korea (1977)
College of Law, Seoul National University (LL.B., 1977)

Qualifications

Admitted to bar, Korea, 1977; New York, 1986

Language

Korean, English and Japanese

s

Jay (Young-June) Yang is an attorney at Kim & Chang with over 40 years of experience in all areas of intellectual property practice, including patent, trademark, design, copyright, unfair competition, trade secret and entertainment. He is also leading the ESG Practice of the firm.

Mr. Yang is the leader of the firm's Intellectual Property Practice. He has extensive experience in patent, trademark, trade secret and other intellectual property litigation, including Korea's Patent Court cases and Korea Trade Commission cases. He has also handled several landmark cases involving copyright infringement or unfair competition. He has represented many multinational clients in various industries including the electronics, IT, pharmaceutical, chemical, health care, food, consumer products and luxury industries. He also has extensive experience in all areas of entertainment law, including entertainment licensing, entertainment contract negotiation and preparation. He speaks English and Japanese fluently, and his clientele include US, European and Japanese companies.

He also has significant experience in intellectual property transactions such as technology licensing and other intellectual property licensing, franchising, and intellectual property due diligence.

He is a member of the Seoul Bar Association, the Korean Bar Association, and the American Bar Association. He is also a member of the Korean Patent Attorneys Association.

He has been consistently recognized in various peer-based directories and rankings, including Chambers Global, Asia Pacific Legal 500, Who's Who Legal, Managing Intellectual Property, and World Trademark Review 1000, as a leading IP attorney. Mr. Yang is a member of the International Trademark Association (INTA). He served as a chair of the East Asia & Pacific sub-committee in 2012-2013 and also served as the chair of the INTA's Famous & Well-Known Marks Committee (FWKMC) in 2016-2017.

Mr. Yang is admitted to practice in Korea and New York.

Han Sun Lee

Head of IP Group and Senior Vice President

LG Energy Solution

Education

MIP, Franklin Pierce Law Center, USA

MS/BS, Hanyang University, South Korea.

Han Sun Lee is currently serving as the Head of IP Group and Senior Vice President at LG Energy Solution. During the late 1990s, as LG Energy Solution was initiating its entry into the lithium-ion battery business, he developed patent strategies for commercialization. Since then, he has been dedicated to establishing a large-scale global patent portfolio, actively engaging in Global IP litigation & Licensing, and other IP Value Extraction activities. This dedication aligns with LG Energy Solution's leadership in the industry of lithium-ion batteries for electric vehicles, driven by innovative products and technologies from original research and development. Presently, he is passionately committed to further enhancing IP R&D and maximizing IP value extraction through the advancement of global Intellectual Assets Management systems.

Han Sun Lee serves as Vice President of the Licensing Executives Society Korea(LES Korea). He earned his MIP from Franklin Pierce Law Center, USA, and his MS/BS from Hanyang University, South Korea.

KIM & CHANG

Duck Soon Chang

Attorney

Contact

T +82-2-3703-1830

F +82-2-737-9091/9092

ducksoon.chang@kimchang.com

Education

Harvard Law School (LL.M., 1990)

Judicial Research and Training Institute of the Supreme Court of Korea (1984)

College of Law, Seoul National University (LL.B., 1983)

Qualifications

Admitted to bar, Korea, 1984; New York, 1991; California, 1991

Languages

Korean and English

Duck Soon Chang is an attorney at Kim & Chang. His principal practice areas include IP litigation, technology licensing, antitrust, and international arbitration.

Mr. Chang is currently the president of the Intellectual Property Training Institute of the Seoul Bar Association. He was an advisor on IP related policies at Korea Fair Trade Commission from 2011 to 2014, and he also served as an advisor to the Korea Trade Commission (an equivalent to the USITC) on IP matters from 2008 to 2011. In addition, he has been serving for more than 10 years as the outside director of MCM Corporation, Seoul, Korea. He now has more than 30 years of experience as an arbitrator for the Korea Commercial Arbitration Board.

Mr. Chang has been recommended as a Band 1 IP attorney for Korea by Chambers Asia since 2008 and has been selected as one of the world's most preeminent patent lawyers by the International Who's Who Legal every year since 2009. He was also recognized as "2024 Best Lawyer in Intellectual Property and Biotechnology" in the survey conducted jointly by The JoongAng Daily and KICA (Korea In-house Counsel Association).

Mr. Chang graduated from Seoul National University with a Bachelor of Laws degree and received an LL.M. degree from Harvard Law School. He is admitted to the Korean Bar and the Bars in the States of New York and California. He was a foreign attorney at Latham & Watkins from 1999 to 2000.

KIM & CHANG

Junghoon Kenneth Oh

Foreign Attorney

Contact

T +82-2-6488-4148

F +82-2-2122-3800

jkenneth.oh@kimchang.com

Education

Albany Law School of Union University (J.D., 1996)

Rensselaer Polytechnic Institute, Lally School of Management (M.B.A, 1996)

Rensselaer Polytechnic Institute (B.S., M.S., Physics, 1992)

Qualifications

Admitted to bar, New York; New Jersey, 1997

US Patent and Trademark Office; 1998

Languages

Korean and English

J. Kenneth Oh is a senior foreign attorney at Kim & Chang, admitted to practice in New York, New Jersey, and before the U.S. PTO. He began his career as a patent examiner at the U.S. PTO before spending 13 years at leading Korean law firms, where he gained extensive experience advising multinational clients on patent prosecution, litigation, transactional and due diligence matters, trademark registration and disputes, and unfair trade practices in Korea.

Following his law firm experience, Mr. Oh served as Senior Vice President and head of the IP Center at LG Display for 14 years. In this role, he managed the company's global patent portfolio, oversaw patent acquisitions and sales, led licensing negotiations, and handled regulatory approvals, arbitration, and litigation across multiple jurisdictions, including the U.S., Korea, Germany, Japan, and China.

Mr. Oh served as President of the Korea Intellectual Property Association from 2016 to 2020 and as a board member of the International Trademark Association from 2014 to 2018. In 2021, he was a member of the Judicial Administration Advisory Committee of the Intellectual Property High Court of Korea.

Moderator

Jay (Young-June) Yang

Attorney, Head of IP Practice Group (Kim & Chang)

Panelists

Han Sun Lee

Head of IP Group,
Senior Vice President
(LG Energy Solution)

Duck Soon Chang

Attorney,
Head of International IP Disputes
Practice (Kim & Chang)

Junghoon Kenneth Oh

Foreign Attorney
(Kim & Chang, Former Head
of IP Center, LG Display)

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US Patent Case Damages War Stories

Paul Steadman
Erin Gibson

Paul Steadman

Partner

Chicago

Contact

T +1 312 368 2135

paul.steadman@dlapiper.com

Education

J.D., The University of Chicago Law School, 1996

B.S., Material Science Engineering, Rice University, 1991

B.S., Economics, Rice University, 1991

Admissions

District of Columbia

Illinois

United States Patent and Trademark Office

Paul Steadman, an experienced first-chair trial lawyer and *Chambers*-ranked intellectual property (IP) litigator, represents global companies in complex patent, trade secret, and other IP-related litigation. He leads an organized, aggressive strike team of trial lawyers in IP cases.

Paul has appeared as lead trial counsel to clients in jury trials before the International Trade Commission (ITC) investigating Section 337 violations, in federal and state court appeals, in *Markman* claim construction and other evidentiary hearings, before the Judicial Panel on Multidistrict Litigation, in United States Bankruptcy Court, and in mediations and arbitrations

In 2025, *Chambers USA* recognized Paul as a leading IP lawyer for the fifth consecutive year. Clients praise that "the level of professionalism, experience, and gravitas Paul demonstrates offers my board, senior management team, and investors a high level of reassurance and confidence," and "it is really comfortable and smooth to talk with him about any strategic discussion."

Paul is also ranked as a leading patent litigator by *IAM Patent 1000* 2025, which describes him as "a tenacious trial lawyer with excellent leadership abilities," who "also puts in winning performances at the ITC and all other US forums for patent disputes."

With a degree in Materials Science Engineering and a strong background in the materials, mechanical and electrical arts, Paul is comfortable in almost any technology. His ability to understand and present technology is reflected in his work on behalf of clients in diverse technical fields, including: SEPs, automotive infotainment, GPS and related navigation system technology, medical products, medical imaging, inverter controller integrated circuits, automotive safety systems and sensors, diesel fuel injectors and injection systems, lawn and garden and compact-utility tractors, high-tech glass, disposable and re-usable ear plugs, healthcare networks, consumer electronics, various semiconductors and integrated circuits, voltage protection, monolithic valves, computer software, digital compression, high-definition television, InGaN LEDs, DRAMs, MP3 players, hard disk media, and auto parts manufacturing.

Erin P. Gibson

Partner

Global Co-Chair, Technology sector

Chair, International Trade Commission practice

Washington, DC, San Diego

Contact

erin.gibson@dlapiper.com

Education

J.D., University of San Diego, 2003
cum laude
Order of the Barristers
San Diego Law Review
Moot Court National Team

B.J., University of Nebraska, 1999
summa cum laude

Admissions

California

District of Columbia

Erin Gibson is a *Legal 500* Hall of Fame-ranked trial lawyer in International Trade Commission (ITC) proceedings and a *Chambers*-ranked trial lawyer in ITC proceedings and patent litigation in 2023, 2024 and 2025.

Erin has tried 20 cases, including 18 patent trials in federal district courts and the International Trade Commission. She has handled more than 50 ITC cases, including as a first chair trial lawyer for some of the world's largest technology companies. Erin won a defense verdict in a US$500 million patent jury trial and a complete plaintiff's verdict in another jury trial, where the jury deliberated just over two hours.

Clients have remarked that "Erin has a really great presence and has great credibility with judges," and that "Erin understands substantive technical issues and knows how to negotiate well."

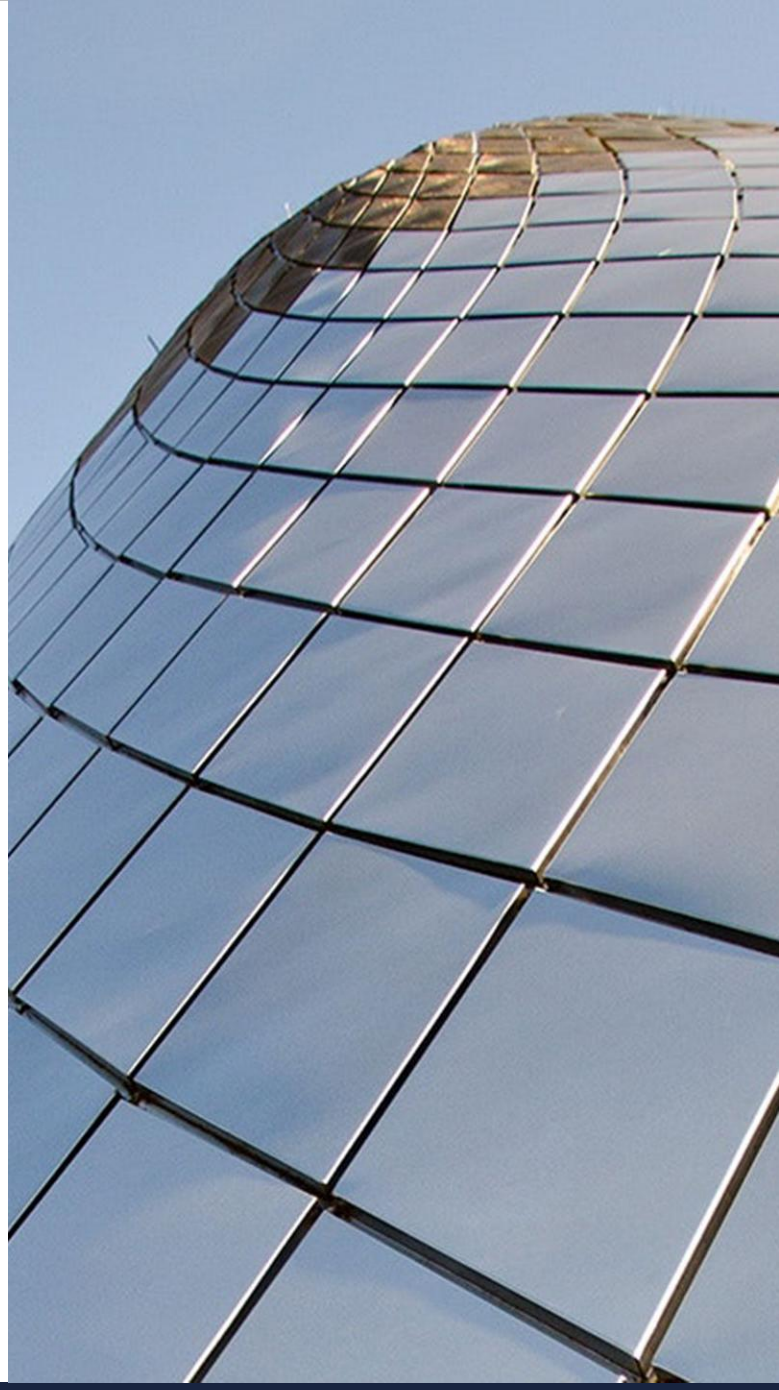
Erin was named to *The Recorder's* 2025 Women Leaders in Tech Law list in the Intellectual Property category as part of the publication's annual California Legal Awards. Erin also is Chair of the Board of her law school's Board of Visitors and a former member of the board of directors of the Federal Circuit Bar Association.

The U.S. Patent Damages EcoCulture is Changing *Fast*

Optional subtitle

The Federal Circuit Is Reshaping Damages in Patent Cases

- *Cal. Inst. of Tech. v. Broadcom Ltd.*, 25 F.4th 976 (Fed. Cir. 2022) ("two-tiered" reasonable royalty theory for same infringing chips was legally unsupportable)
- *Apple Inc. v. Wi-LAN Inc.*, 25 F.4th 960 (Fed. Cir. 2022) (expert must adequately apportion comparable licenses or account for differences to isolate value attributable to patented invention)
- *EcoFactor, Inc. v. Google LLC*, 137 F.4th 1333 (Fed. Cir. 2025) (*en banc*) (damages expert's testimony deriving specific per-unit royalty rate from lump-sum settlement licenses was unreliable and inadmissible)
- *Jiaxing Super Lighting v. CH Lighting Tech*, No. 2023-1715 (Fed. Cir. 2025) (vacating damages award and remanding for consideration of whether expert adequately apportioned value from prior portfolio license agreements rather than using unsupported blanket upward/downward adjustments based on competition or market factors)
- *Rex Medical, L.P. v. Intuitive Surgical, Inc.* (Fed. Cir. 2025) (affirming verdict of nominal damages ($1) when expert testimony failed to apportion multi-patent license that formed basis of jury's damages award)



A Closer Look

Optional subtitle

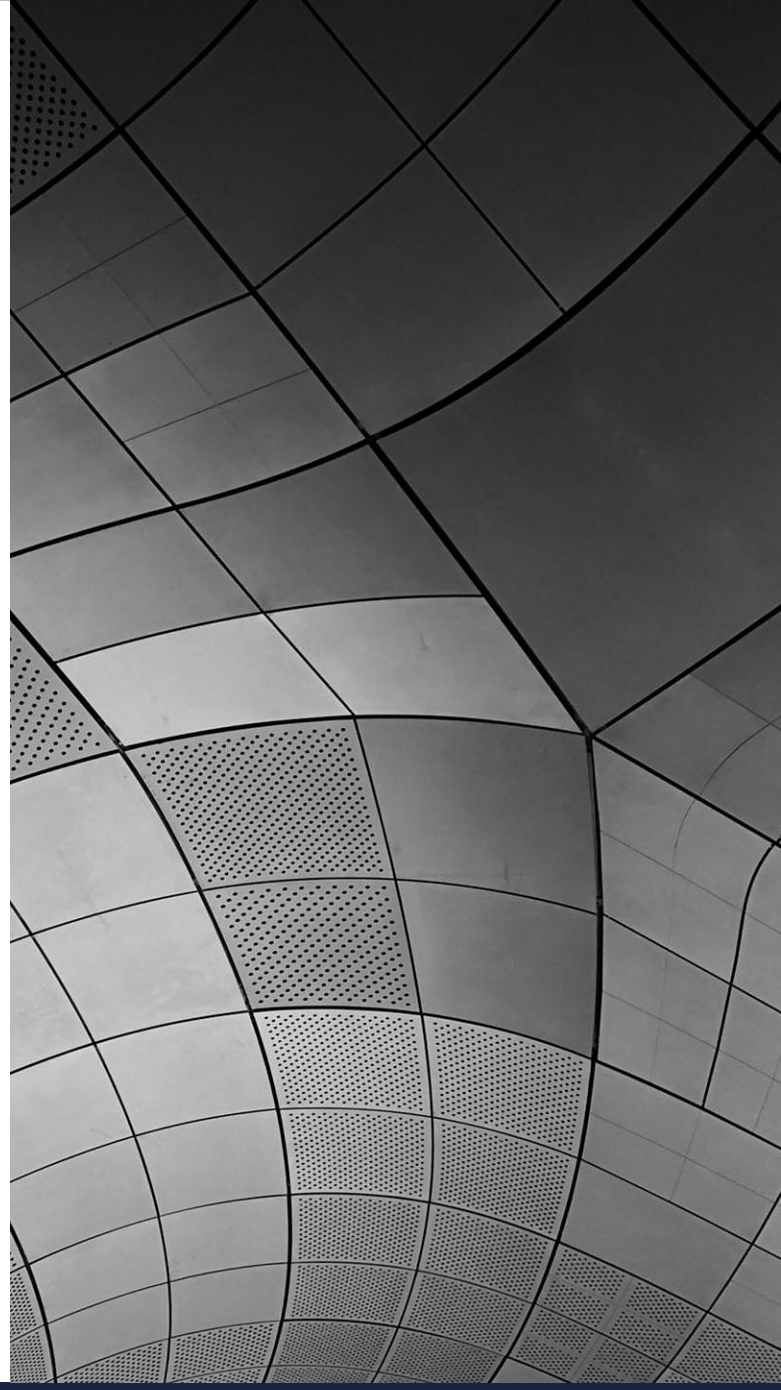
Caltech. v. Broadcom

25 F.4th 976 (Fed. Cir. 2022)

- Caltech sued Broadcom and phone maker asserting three patents covering low-density parity-check (LDPC) error-correcting codes used in high-speed Wi-Fi data transmission
- Caltech accused Broadcom's Wi-Fi chips (manufacture/sale) and downstream products (e.g., phones) that incorporated those chips (use)
- Caltech's expert used a "two-tiered" reasonable royalty model involving two separate hypothetical negotiations for the same infringing chips — one at the component (chip) level and one at the end-product (device) level
- The model applied a lower per-unit royalty to Broadcom's chip sales and a significantly higher effective royalty to downstream products containing the same chips. The jury awarded $1.1 billion total damages

Federal Circuit Holding:

- Vacated the entire damages award and remanded for a new trial on damages
- Two-tiered approach was "legally unsupportable on this record" because it impermissibly applied two separate hypothetical negotiations for same chips
- "The mere fact that Broadcom and [phone maker] are separate infringers alone does not support treating the same chips differently at different stages in the supply chain"



Apple v. WiLan

25 F.4th 960 (Fed. Cir. 2022)

- Wi-LAN sued Apple for infringing patents on methods for allocating bandwidth and selecting variable data rates in wireless (LTE) communication systems.
- First trial's $145M verdict was vacated by the district court for flawed apportionment, leading to retrial after Wi-LAN rejected a $10M remittitur
- Second trial theory: Reasonable royalty based on three comparable Wi-LAN portfolio licenses to other phone manufacturers (Vertu, Doro, Unnecto)
- Expert identified the two asserted patents as the "key" patents ("wheat") driving value, while treating the rest of the portfolio as "chaff"; applied a flat 25% royalty rate reduction to apportion for the additional patents

Federal Circuit Holding:

- Vacated the damages award and remanded for a new trial on damages; the district court abused its discretion by admitting the expert's testimony
- Expert's "key patent" determination and 25% apportionment adjustment were "untethered to the facts of this case"—the licenses did not treat the asserted patents as uniquely valuable, and the expert failed to adequately account for differences or justify the adjustment with license-specific evidence
- Expert must reliably apportion value to isolate the asserted patents and tie any adjustments to the specific technologies, negotiations, and economic circumstances of the licenses

EcoFactor v. Google

EcoFactor, Inc. v. Google LLC, 137 F.4th 1333 (Fed. Cir. 2025) (en banc)

- EcoFactor sued Google for asserting patent on smart thermostat technology for optimizing HVAC systems based on sensor data and user preferences
- Jury found infringement and awarded >$20 million in lump-sum damages. Fed. Cir. panel affirmed, but court granted en banc rehearing on expert admissibility
- Expert's theory was reasonable royalty (lump-sum) based on three prior lump-sum settlement licenses granted to third-party smart thermostat manufacturers
- Expert derived a specific per-unit royalty rate ($X) by converting the lump-sum amounts, assuming they reflected application of that rate to estimated past/projected sales of the licensees' accused products. Each license recited that EcoFactor believed $X was a reasonable royalty per unit but did not state the licensees agreed to that rate

EcoFactor v. Google (con’t)

Federal Circuit En Banc Holding:

- Reversed district court's denial of new trial on damages; vacated $20M+ award and remanded for new damages trial because expert testimony inadmissible under FRE 702 / Daubert
- Expert's opinion that licenses reflected industry acceptance of $X per-unit rate lacked sufficient facts/data support—licenses themselves did not show licensees agreed to/used that rate
- Expert improperly relied on EcoFactor's unilateral belief and unsupported assumptions about lump-sum calculations
- District courts must rigorously gate-keep damages expert testimony; opinions deriving specific royalty rates from lump-sum licenses require reliable, record-tied evidence (not speculation or patentee assertions)
- Heightened scrutiny for converting lump-sum/settlement licenses to per-unit rates in reasonable royalty analyses; strict Daubert application to prevent unreliable damages evidence

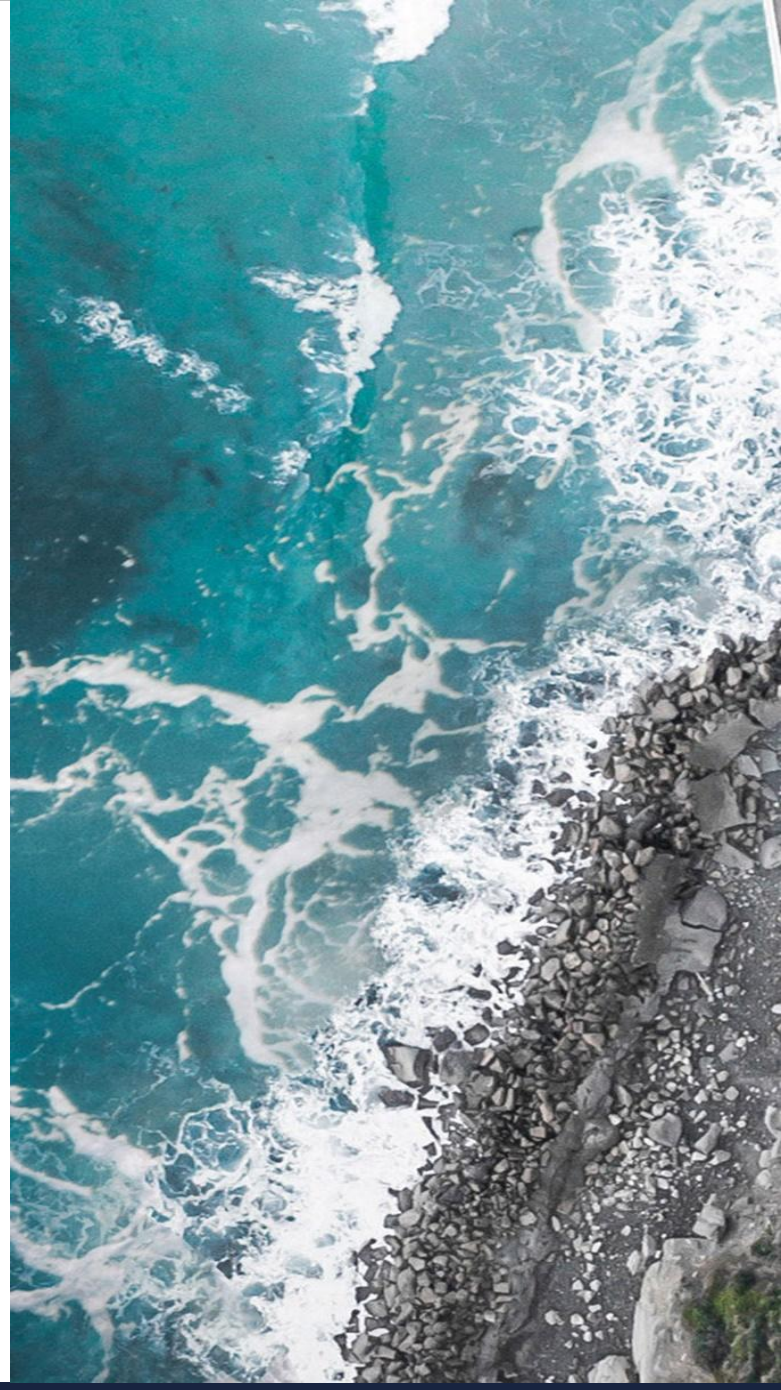
Super Lighting v. CH Lighting

Jiaxing Super Lighting Electric Appliance Co. v. CH Lighting Technology Co., Ltd., No. 23-1715 (Fed. Cir. 2025)

- Super Lighting sued CH Lighting for infringing three LED tube lamp patents
- Jury awarded ~$13.87 million (lump-sum) for all three patents; district court enhanced by doubling to ~$27.7 million under § 284
- Expert relied on prior portfolio license agreements to derive reasonable royalty; CH Lighting challenged via Daubert motion for inadequate apportionment among asserted vs. non-asserted patents in the licenses
- District court denied CH Lighting's motion to exclude expert without any reasoned explanation or analysis

Federal Circuit Holding:

- Vacated entire damages award and remanded for new trial on damages for all three patents; district court abused discretion by failing to provide reviewable reasoning on Daubert motion
- Extended EcoFactor v. Google framework—district courts must rigorously gate-keep under FRE 702, provide reasoned analysis on reliability (especially apportionment in portfolio licenses), and ensure testimony is based on sufficient facts/data; absence of reasoning can warrant reversal



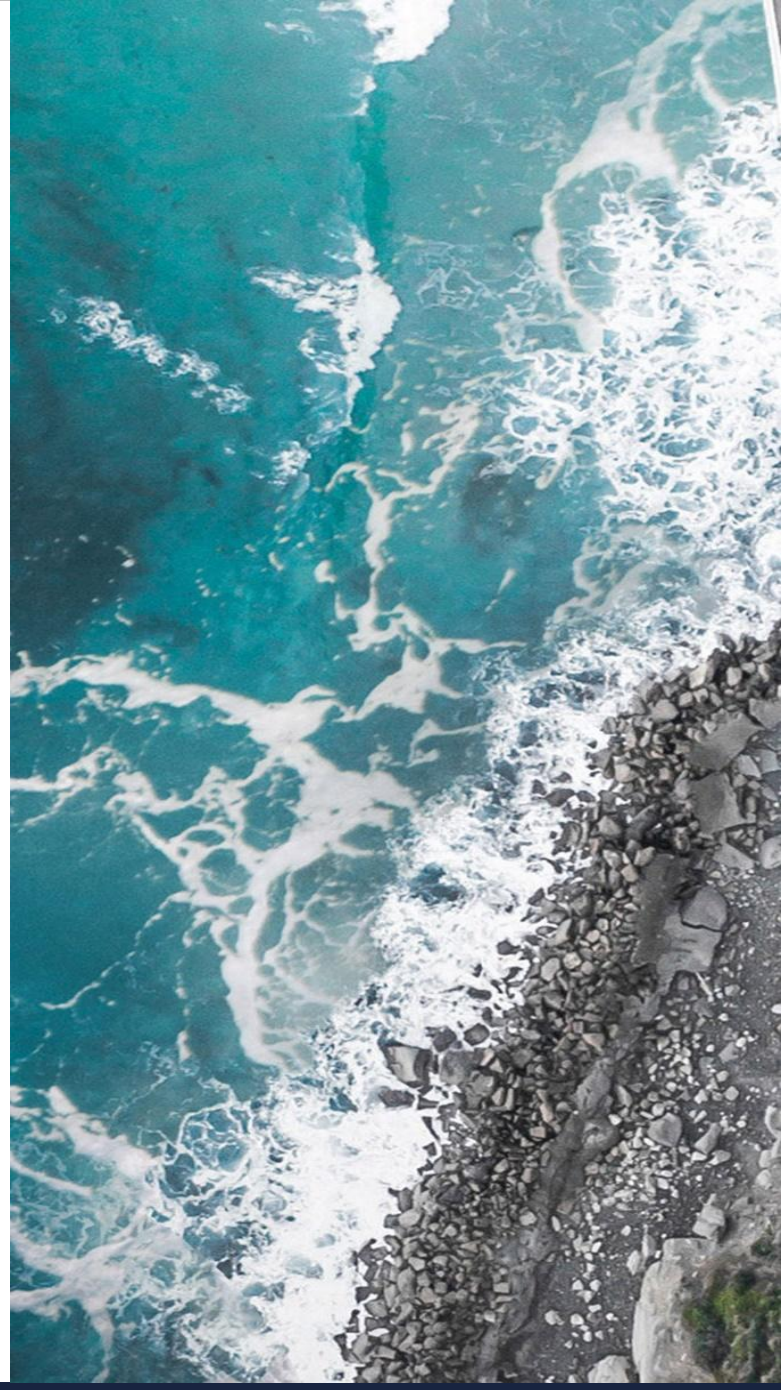
Rex Medical

Rex Medical, L.P. v. Intuitive Surgical, Inc., No. 24-1072 (Fed. Cir. 2025)

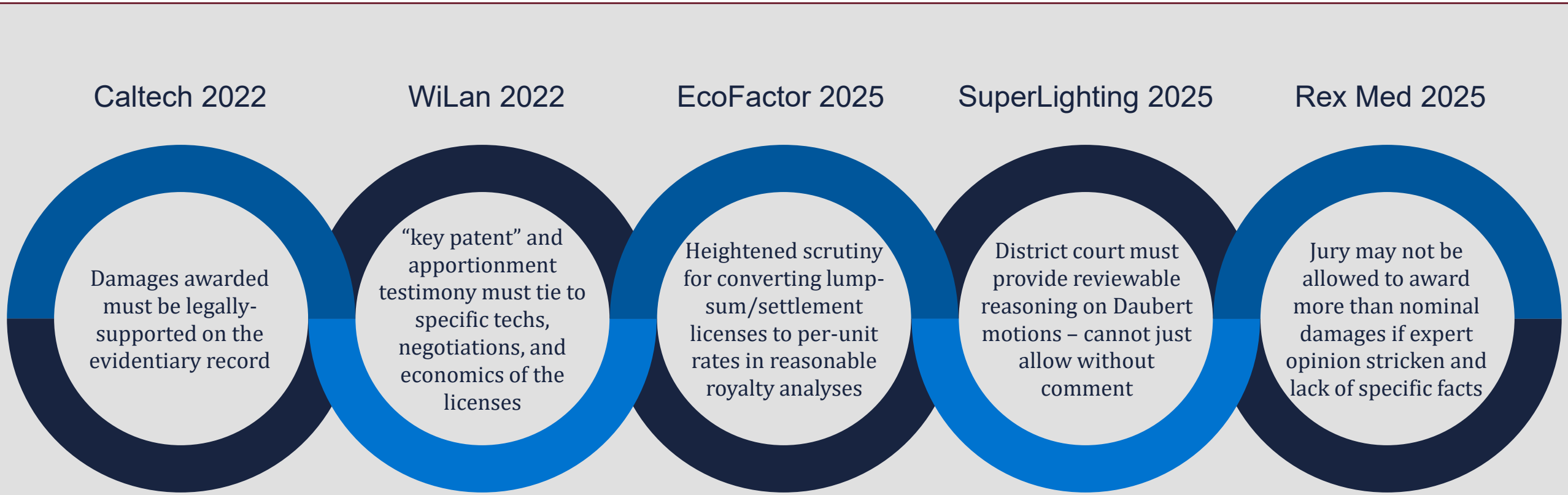
- Rex Medical asserted patent on a surgical stapling system
- Damages theory was reasonable royalty (hypothetical negotiation) based primarily on a prior $10 million lump-sum settlement license from Rex to Covidien covering a broad portfolio. Rex's expert opined a $20 million lump-sum royalty for Intuitive, relying on Covidien license; apportioned by claiming "most, if not all" value tied to asserted patent
- District court excluded expert's testimony on Covidien license for failure to reliably apportion value to asserted patent alone (methodology unreliable under Daubert/FRE 702). No damages experts testified
- Jury awarded Rex $10 million based on infringement finding and limited lay testimony about Covidien license factors
- District Court granted JMOL reducing award to $1 nominal damages (no sufficient evidence for reasonable royalty); denied new trial on damages

Federal Circuit Holding:

- Affirmed exclusion of expert and reduction to $1 nominal damages (treated as JMOL of no damages). Expert's apportionment "untethered to the facts" and jury left to speculate on allocation → impermissible; insufficient record evidence (even lay testimony failed to tie value to asserted patent alone)
- Reasonable royalty can be $1 if no patent holder presents no evidence



The Pattern


Caltech 2022
Damages awarded must be legally-supported on the evidentiary record
WiLan 2022
"key patent" and apportionment testimony must tie to specific techs, negotiations, and economics of the licenses
EcoFactor 2025
Heightened scrutiny for converting lump-sum/settlement licenses to per-unit rates in reasonable royalty analyses
SuperLighting 2025
District court must provide reviewable reasoning on Daubert motions – cannot just allow without comment
Rex Med 2025
Jury may not be allowed to award more than nominal damages if expert opinion stricken and lack of specific facts

Other Important Patent Damages Doctrines

Optional subtitle

Other Key Damages Attacks

- Failure to mark products under the patent with patent number 35 U.S.C. §287(a)
- Inclusion of accused products in royalty base not attributable to the Defendant at trial
- Inclusion of revenue for unpatented products or features (Rite-Hite)
- Failure to produce critical damages evidence during fact discovery

35 U.S.C. §287(a) – Patent Marking

"In the event of failure so to mark, no damages shall be recovered by the patentee in any action for infringement, except on proof that the infringer was notified of the infringement and continued to infringe thereafter, in which event ***damages may be recovered only for infringement occurring after such notice***."

35 U.S.C. § 287(a)

35 U.S.C. §287(a) – Patent Marking

"We hold an alleged infringer who challenges the patentee's compliance with § 287 bears an initial burden of production to articulate the products it believes are unmarked 'patented articles' subject to § 287.

To be clear, this is a low bar. The alleged infringer need only put the patentee on notice that he or his authorized licensees sold specific unmarked products which the alleged infringer believes practice the patent."

Arctic Cat Inc. v. Bombardier Recreational Prods. Inc., 876 F. 3d 1350, 1368 (Fed. Cir. 2017) ("*Arctic Cat I*").

35 U.S.C. §287(a) – Patent Marking

"For purposes of section 287(a), notice must be of 'the infringement,' not merely notice of the patent's existence or ownership. Actual notice requires the affirmative communication of a specific charge of infringement by a specific accused product or device."

Amsted Indust. Inc. v. Buckeye Steel Castings Co., 24 F.3d 178, 187 (Fed. Cir. 1994).

35 U.S.C. §287(a) – Patent Marking

"The statute thus prohibits a patentee from receiving *any* damages in a subsequent action for infringement after a failure to mark, rather than merely a reduced amount of damages in proportion to the amount of time the patentee was actually practicing the asserted patent."

Arctic Cat Inc. v. Bombardier Recreational Prods. Inc., 950 F.3d 860, 865 (Fed. Cir. 2020) ("*Arctic Cat II*") (emphasis original).

"[T]he Federal Circuit strictly interpreted § 287 to make clear that once a patentee (or its licensee) is non-compliant with § 287, recovery of damages is limited to either the period after marking resumes or after the alleged infringer has been given actual notice."

Team Worldwide Corp. v. Acad., Ltd., No. 219CV92 JRG-RSP, 2021 WL 1854302, at *2 (E.D. Tex. May 10, 2021), adopted sub nom. 2021 WL 1985688 (E.D. Tex. May 18, 2021).

35 U.S.C. §287(a) – Patent Marking

"The Court recognizes that this is a harsh remedy, especially in a case like this where the import [of patented articles] occurred several years after the patent was issued and only one year before suit was filed.

However, this outcome is the clear consequence of Congress's decision 'to incentivize marking of patented articles.'

…That a penalty is harsh is not a sufficient reason to ignore clear text and binding appellate authority requiring its application."

Unicorn Energy AG v. Tesla Inc., 740 F. Supp. 3d 930, 965 (N.D. Cal. 2024), *citing Team Worldwide*, 2021 WL 1854302, at *1.

Reports from the Front: Applying Trend to Win the Case

Optional subtitle

Neo Wireless Case

- 4G LTE Standards Essential Patent (SEP) case pending in E.D. Texas. Patent holder is funded by litigation funding – hard case to settle
- Narrowed asserted patents using IPRs and EPRs
- Defendants adopted a reasonable damages model early in case, designed to be defensible at trial. Sent early *Arctic Cat* letter, later combined with summary judgment motion to knock out pre-suit damages
- Patent holder adopted a six-step damages model. We attacked all six steps on Daubert and apportionment grounds:
  - Benchmark royalty inappropriately adopted from UK case
    - Different parties, products, patents, and licenses
  - Inappropriate increase in rate based on differences in price between iPhone and iPod
  - Used royalty rate from a study abstract, where the study and underlying survey never produced in discovery
  - Inappropriately allocates entire royalty only to asserted patents based on prior licenses (which do not adopt this methodology)
  - Inappropriately triples royalty rate to account for patent validity
  - Further increases royalty rates for unpatented features
- Daubert motion now pending since June 2024 without decision

Neo Wireless Case

A party's royalty rate calculation methodology cannot sidestep controlling law on patent damages merely because it arises from the party's historical "licensing program."

"To hold otherwise would improperly permit [the party] to hide behind its generic licensing arrangement to avoid the task of apportionment."

Omega Patents, LLC v. CalAmp Corp., 13 F.4th 1361, 1379 (Fed. Cir. 2021).

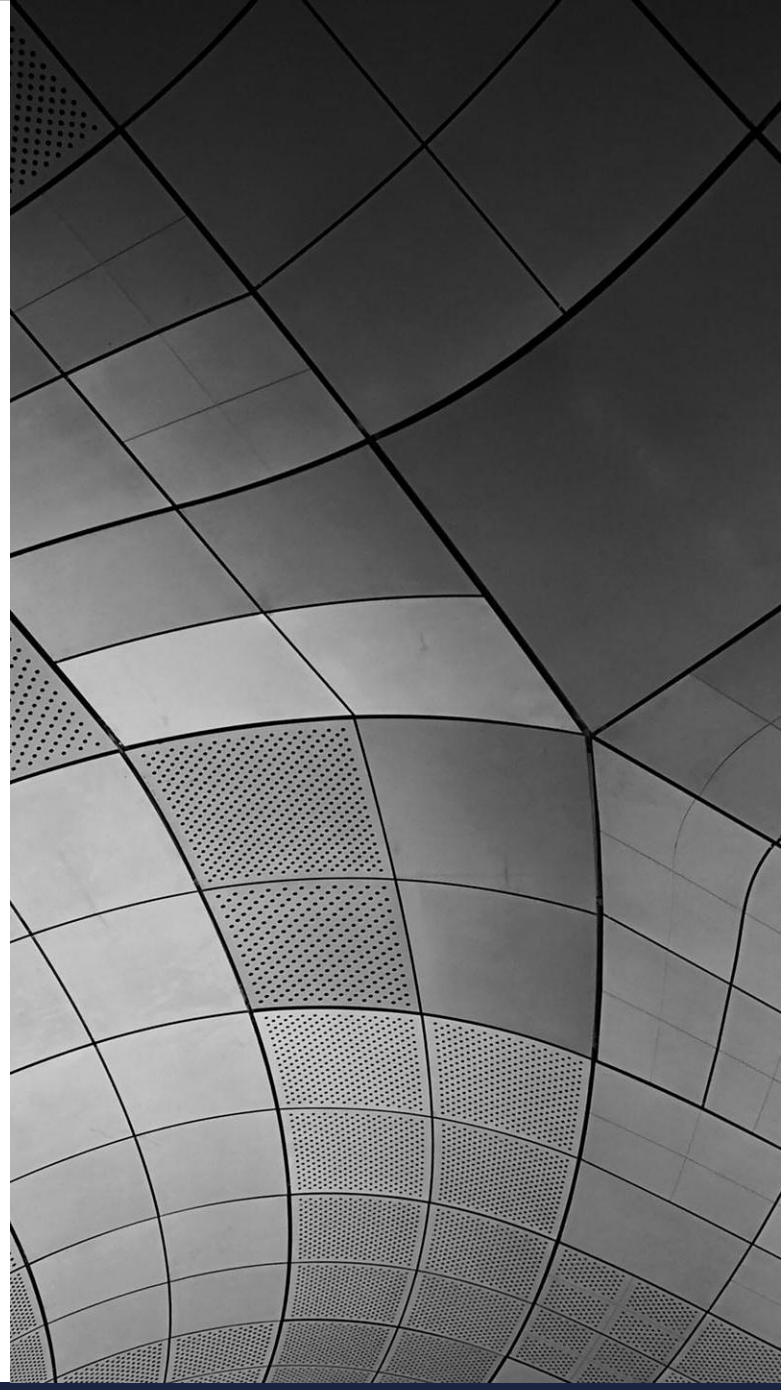
An expert's "wholesale adoption of Plaintiff's estimates, without revealing or apparently even evaluating the bases for those estimates, goes beyond relying on facts or data and instead cloaks unexamined assumptions in the authority of expert analysis."

"Where an expert merely offers his client's opinion as his own, that opinion may be excluded."

Ask Chemicals, LP v. Computer Packages, Inc., 593 F. App'x 506, 510 (6th Cir. 2014).

Android Auto Case

- Patent holder sued only overseas parent entity in order to get venue in E.D. Texas
- Overseas parent entity does not make, use, sell, offer, or import most accused models to the United States
  - Patent holder may face difficult choice of reduced damages base or amending complaint to add parties that will destroy venue
- Proper apportionment will be difficult
  - Prior licenses likely lump-sum licenses for large portfolio
  - “Profit split” and “rule of thumb” no longer allowed for patent cases. Uniloc v. Microsoft (2011) (Federal Circuit rejecting "25% Rule of Thumb" profit split)
  - What is the SSPPU?
- Proper damages analysis likely to be less than patent holder’s cost of litigation



Ryobi Case

- Chervon sued One World and Techtronic Industries for infringement of nine patents related to handle design in battery-powered lawnmowers
- In addition to reasonable royalty damages, Chervon sought extensive damages for (1) Chervon's alleged lost profits from lost sales of competing battery-powered lawnmowers; (2) Chervon's alleged lost profits from lost sales of many other types of unaccused battery-powered lawn equipment (leaf blowers, string trimmers, etc.) that run on the same 56v battery platform (a theory nicknamed "platform lost profits")
- Shortly before trial, court granted defendants' motion for summary judgment that plaintiff's "platform lost profits" theory was improper and unsupported
- Court found plaintiff had not met test for obtaining convoyed sales lost profits (profits on sales of products sold with accused products that work as a "functional unit" or "complete machine" with accused products)
- Plaintiff transferred its IP multiple times between corporate entities, causing issues with ability to demand lost profits, but pursued them anyway
- Jury did not award alleged lost profits to plaintiff, leaving plaintiff with ~$4m damages award

Other Critical Strategies

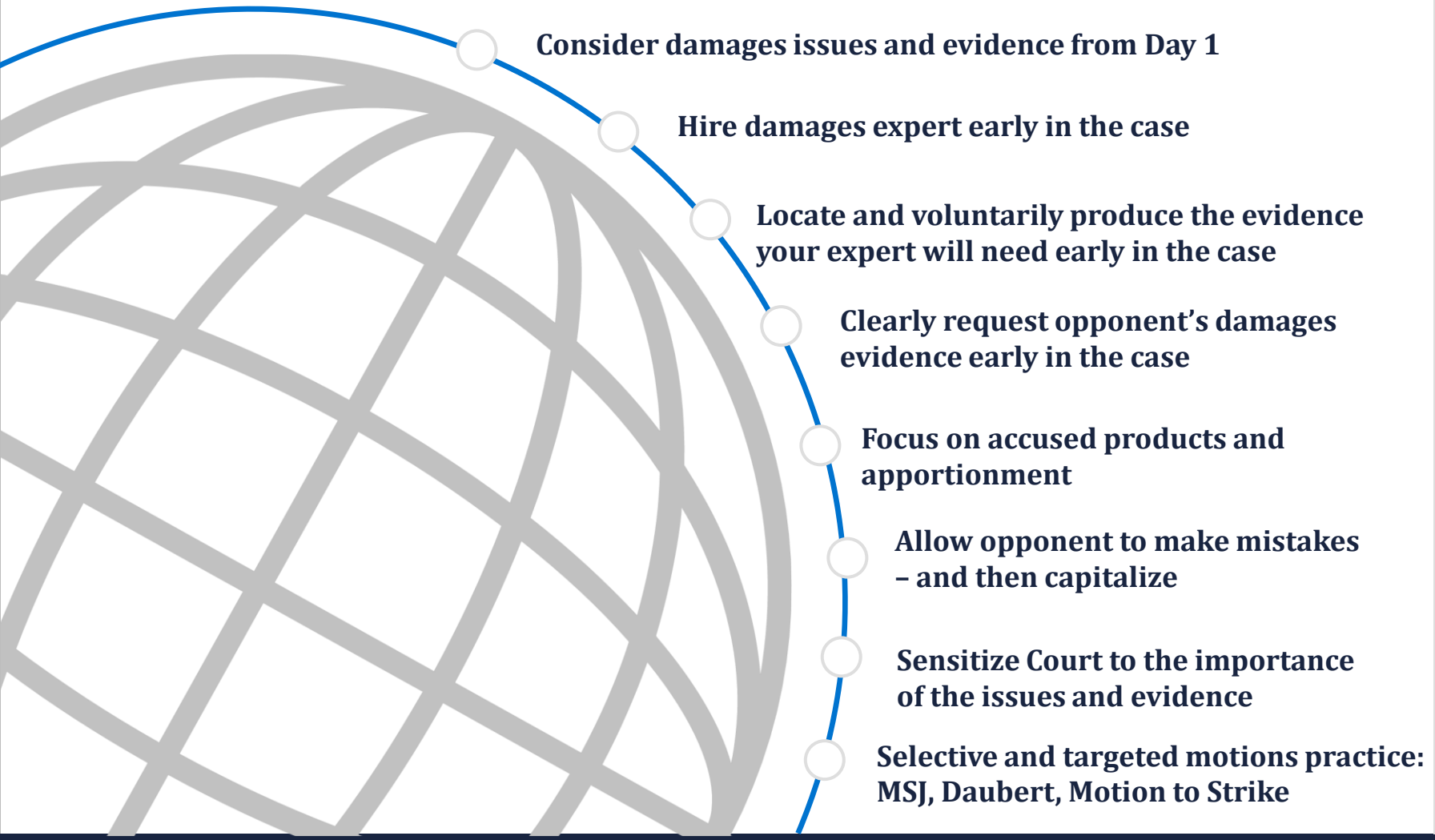
Optional subtitle

Building the Damages Case

- Demand and Obtain apportionment proof in fact discovery, such as value of unasserted patents and other rights transferred in portfolio or business agreements
- Investigate value of prior art to help value asserted patents' improvement over the prior art and footprint in the marketplace
- Defendants' own existing patents can support apportionment, but proof those patents cover accused products and features may be required
- If plaintiff is relying on value of proposed but unaccepted license agreements, third-party discovery can support value of asserted patents or lack thereof

Using the Damages Case to Alter the Outcome

Integrate the Damages Case from First Day



A minimal damages verdict may be the best possible outcome

Minimizing or cutting down damages can lead to settlement or abandonment of the case (e.g. when funded by contingency or litigation funding)

Integrate damages attacks with other attacks on the case (e.g. harmonize with prior art/invalidity, we-invented-first, reducing asserted patents, claims, or accused products)

Final Thoughts

- The Federal Circuit is clearly attempting to limit unsupported and unapportioned damages theories, and has instructed district court judges to carefully implement their roles as “gate keeper” for expert testimony
- District Court judges are often more comfortable with economics and damages issues than technical issues and often appreciate the apportionment requirement
- As plaintiff/patent holder, it is critical to work on a viable damages model early in the case and produce or take discovery that will support it – including apportionment
- Many plaintiffs, in particular NPEs, tend to ignore this part of the case until the end – or after the end – of fact discovery
- Defendants must also consider damages early in the case, work on a viable theory, and be sure to support it with whatever evidence will be required
- Defendants can and should attack unapportioned, unsupported damages theories

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DLA PIPER

Asia IP Symposium 2026

Seoul, Republic of South Korea / Tuesday, February 24, 2026

Lunch Roundtable: US Administration Update

Lord David Cameron, Senator Richard Burr, Senator Saxby Chambliss, Frank Ryan

Moderated by Matt Satchwell

Matthew Satchwell

Partner

US Chair, Patent Litigation

Co-Chair, DLA Piper Asia Practice

Chicago

Contact

T +1 312 368 2111

matthew.satchwell@dlapiper.com

Education

J.D., University of Pennsylvania Law School
Symposium Editor, Journal of International Economic Law
Moot Court Board
President, Penn Intellectual Property Group

B.A., Washington University in St. Louis
summa cum laude

Admissions

Illinois

United States Patent and Trademark Office

Matt Satchwell serves as DLA Piper's US Chair of Patent Litigation and oversees the firm's industry-leading patent litigation group in our representation of the world's largest tech, industrial, and life sciences companies.

Matt focuses his *Chambers*-ranked patent litigation practice on first-chair representation of his clients in a variety of high-tech fields. Praised by the respected legal directory *The Legal 500* US as an "unstoppable force" who is "very reliable for [his] clients but formidable to [his] opponents," Matt has achieved significant courtroom successes for his clients in complex IP cases at the International Trade Commission (ITC) and in a variety of federal district courts popular with patent plaintiffs, including the District of Delaware, the Eastern and Western Districts of Texas, and the Northern, Central, and Southern Districts of California.

Matt was also lead counsel in one of the first *inter partes* reviews filed under the America Invents Act (on behalf of an automotive client) and continues to routinely argue and win IPR hearings at the Patent Trial and Appeals Board (PTAB).

For many years Matt has been recognized as a leading patent litigator in *IAM Patent 1000*, where he has been commended for "focus[ing] on the end game from the moment a case is filed, which means he is thoroughly prepared for trial, but equally well placed to end disputes with a business resolution before trial." That publication has also hailed Matt as "proactive and ridiculously diligent" and known for his "magnificent leadership." *The Legal 500* US has recommended Matt, who is "truly a pleasure to work with. Always available and always takes a broad view with strategic, long-term-big-picture outcomes in mind." *Law360* praises Matt's "successful international practice representing some of the world's largest technology companies in major patent litigation."

David Cameron

Consultant

The Rt Hon the Lord Cameron of Chipping Norton

David Cameron is a transformative figure in global politics – a visionary leader who has shaped international affairs, confronted the forces of populism, and promoted compassionate conservatism during times of unprecedented change.

As Prime Minister of the United Kingdom from 2010 to 2016, Lord Cameron led Britain's first coalition government since World War II, steering the nation from the brink of economic disaster to becoming the fastest-growing major advanced economy in the world. Under his leadership, millions of jobs were created, education was transformed, and renewable energy became mainstream. He championed social progress by legalizing same-sex marriage and met the target of allocating 0.7 per cent of national income on overseas aid, positioning Britain as a global leader in equality, international development, and environmental stewardship.

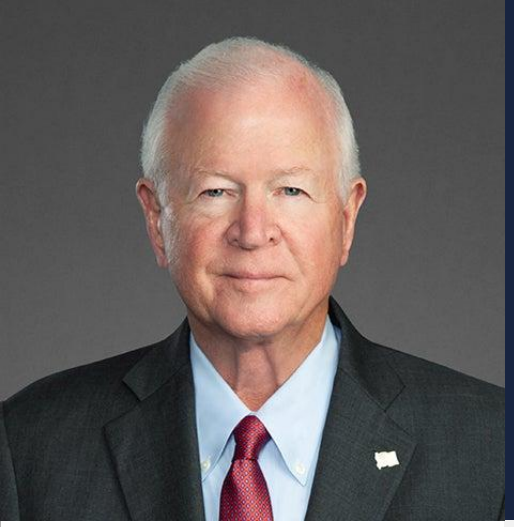
In an extraordinary return to frontline politics in 2023, Lord Cameron was called back to serve as the UK's Foreign Secretary amid significant global upheaval, including the October 7th massacre in Israel and the ongoing Russian invasion of Ukraine.

Demonstrating his unwavering commitment to global stability, he made 54 visits to 36 countries within nine months. He formulated the wording on a "sustainable ceasefire" in the conflict between Israel and Hamas and built global support for the stance, which was soon adopted by the US, Europe, and the UN. Collaborating with key figures across the political spectrum, he was instrumental in unlocking critical funds for Ukraine's resistance against aggression.

Lord Cameron is one of the few international figures who has forged relationships with the key leaders of the 21st Century – from Barack Obama and Angela Merkel; to Emmanuel Macron, Donald Trump and Xi Jinping. His decisive actions against extremist threats contributed significantly to global security, reinforcing his reputation as a leader capable of addressing the most pressing international challenges.

Beyond politics, Lord Cameron is deeply invested in advancing scientific and medical innovation. He serves as President of Alzheimer's Research UK and chairs the Oxford-Harrington Rare Disease Centre's Advisory Council, a transatlantic collaboration building on his initiation of the groundbreaking 100,000 Genomes Project while Prime Minister. In addition to advising DLA Piper, he also contributes to global thought leadership as a member of the Council on Foreign Relations' Global Board of Advisors, and as a Visiting Professor at NYU Abu Dhabi, where he teaches a course on Practicing Politics in the Age of Disruption.

David Cameron is not a lawyer.



Saxby Chambliss

Partner

Atlanta

Contact

T +1 404 736 7800

saxby.chambliss@dlapiper.com

Education

J.D., University of Tennessee College of Law 1968

B.A., University of Georgia 1966

Admissions

Georgia

Saxby Chambliss served in the US Senate for two terms and, before that, served four terms in the US House of Representatives. *Georgia Trend* magazine, which consistently named him one of its Most Influential Georgians, called him "a highly visible and well-respected presence in Washington," and says he earned "a reputation as an affable but straight-talking lawmaker."

During his tenure in the Senate, he served as a member of the Senate Armed Services Committee; the Senate Committee on Agriculture, Nutrition and Forestry; the Senate Rules Committee; and his leadership and experience on homeland security and intelligence matters earned him an appointment to the Senate Select Committee on Intelligence, where he served as vice chairman from 2011 to 2014, advocating for dramatically improved information sharing and human-intelligence-gathering capabilities. His previous role as chairman of the House Intelligence Subcommittee on Terrorism and Homeland Security made him one of the leading congressional experts on those issues.

During the 109th Congress, Saxby served as chair of the Senate Agriculture Committee and is the only senator since 1947 to have chaired a full standing Senate committee after serving in the chamber for just two years. He served as ranking member of the Agriculture Committee during the 110th and 111th Congresses.

Saxby was first elected to Congress to represent Georgia's 8th District in 1994. Throughout his legislative career, he has been recognized numerous times by the public and private sectors for his work on agriculture, defense, budget and national security issues.

Saxby also served as the co-chair of the Senate Aerospace Caucus and the Senate Reserve Caucus, and as a member of the Senate Rural Health Caucus, the Juvenile Diabetes Caucus, the Caucus on Military Depots, Arsenals and Ammunition Plants, the Congressional Sportsmen’s Foundation and the Congressional Fire Services Caucus.

Richard Burr

Principal Policy Advisor

Chair, Health Policy Strategic Consulting practice

Washington, DC

Contact

T +1 202 799 4190

richard.burr@dlapiper.com

Richard Burr is principal policy advisor and chair of DLA Piper's Health Policy Strategic Consulting practice within the firm's Regulatory and Government Affairs practice group. He provides policy advice, strategic consulting and a wide range of related services to clients navigating a rapidly changing policy landscape and significant regulatory and political uncertainty.

After nearly three decades in federal service as a US congressman and senator, Richard Burr is widely known as one of the foremost government authorities in healthcare, life science, geopolitical risk, and national security policy.

Richard is a former Chairman of the Senate's Select Committee on Intelligence. As a member of the Intelligence Committee, Richard helped drive the shift of the intelligence community towards current threats and advised banking, manufacturing and academic sectors of the threats posed by malign actors around the world. As Chairman, he led the committee to act as the de facto technology committee, informing others in the Senate about threats and opportunities of 5G modernization, supply chain vulnerabilities related to semiconductors and other emerging technologies.

Since his election to Congress in 1994 and through his tenure as Ranking Member of the Senate Committee on Health, Education, Labor and Pensions (HELP), Senator Burr has led many of the most transformative government initiatives in the healthcare and life sciences fields. His legislative accomplishments include the 1997 FDA Modernization Act, the Pandemic All Hazards Preparedness Act, which created the Biomedical Advanced Research and Development Authority (BARDA) and was critical in the rapid development of the COVID-19 pandemic vaccine, the PREVENT Pandemics Act, and the creation of ARPA-H, which established the Advanced Research Projects Authority for Health (ARPA-H) within the National Institutes of Health. For decades, Senator Burr has helped shape nearly every medical agency, instrumentality and operation of the US Federal Government.

During his five terms in the House of Representatives and three terms in the Senate, Richard also led initiatives in education, civil rights and conservation policy. He contributed to drafting the Bipartisan Student Loan Certainty Act, which dramatically reduced interest rates for students who have federal student loans, and he was the principal drafter of the latest Child Care Development Block Grant reauthorization. Richard spearheaded the passage of the Stephen Beck, Jr. Achieving a Better Life Experience (ABLE) Act, which allowed for individuals with disabilities to save money in their own name without losing critic

Frank W. Ryan

Americas Chair

Global Co-Chair

Global Co-CEO

New York

Contact

T +1 212 335 4850

frank.ryan@dlapiper.com

Education

J.D., Syracuse University College of Law
Order of the Coif
magna cum laude

B.S., Syracuse University
Four Year Varsity Letter Winner

Admissions

New York

Frank Ryan is DLA Piper's Global Co-Chair, Global Co-CEO, and Americas Chair. Since the start of his leadership, Frank has driven unprecedented growth and innovation, guiding the firm in raising market share in key practices and sectors, developing world-class talent, and delivering impactful pro bono projects around the globe.

Frank is known as a go-to strategist for some of the world’s most sophisticated media and sports companies.

A graduate of Syracuse University College of Law, Frank now serves on the school's Board of Trustees. He is a member of the Legal Service Corporation's Leaders Council, advising the country's largest funder of civil legal aid programs in support of equal access to legal representation. Frank is the founding chair of DLA Piper's scholarship program, established to assist student athletes and veterans wishing to pursue a career in the legal profession. He is also a member of the Wall Street Journal CEO Council and Thomson Reuters' Global Strategy Board and is frequently quoted in business and legal media.

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Recent Developments in Global Patent Litigation

Aoife Murphy, Dr. Kokularajah Paheenthararajah, Gualtiero Dragotti, Ting Xiao, Greg Bodulovic

Moderated by Sangwon Sung

Aoife Murphy

Partner

Intellectual Property and Technology

Dublin

Contact

T +353 1 487 6666

aoife.murphy@dlapiper.com

Aoife is an experienced commercial litigator with particular focus on intellectual property. She advises a wide range of indigenous and multinational clients on all aspects of intellectual property issues, patent, trademarks, copyright and design related intellectual property matters. She is particularly experienced in multi-jurisdictional patent disputes and has acted in some of the most high-profile patent cases to come before the Irish Courts in recent years. She has acted in more patent related disputes in the Commercial Court list than any other practitioner in Ireland in the last number of years. Her experience often involves Irish "firsts", such as acting in the first biologic/biosimilar litigation in Ireland, the first cross-border preliminary injunction application in Ireland and the first proceedings brought anywhere in Europe relating to a derogation sought under the SPC manufacturing waiver. She has also acted in most of the preliminary injunction applications relating to patent and SPC matters before the Commercial Court since 2018, including all of the cross-border preliminary injunctions to come before the Irish Court. She has also acted in all of the patent proceedings relating to medical devices to come before the Irish court in the past 12 years.

She has considerable experience in life science matters particularly medical devices, biosimilars and well as patents in other sectors. Aoife is involved in claims of infringement and revocation of patents and SPCs which protect pharmaceuticals, medical devices, biotechnology, electronic point-of-sale systems and drone technology. She most recently represented MSD in an appeal before the Supreme Court, securing the first reference in a Patent/SPC matter from the Irish Court to the CJEU on the core issue in the appeal namely, the appropriate interpretation and application of Art 3(a) and 3(c) of SPC Regulation.

She has acted for manufacturers and brand owners in trade mark, passing off and unfair competition litigation. She also represents clients in copyright, licencing and ownership disputes. Aoife sits on the Intellectual Property Law Committee of the Law Society of Ireland.

Dr med. Kokularajah Paheenthararajah

Partner

Cologne

Contact

T +49 221 277 277 307

kokularajah.paheenthararajah@dlapiper.com

Education

University of Cologne, Ph. D. (Medicine), 2014

Higher Regional Court of Cologne, Second State Examination (Law), 2014

University Hospital Cologne / University of Cologne, Second State Examination (Medicine), 2012

University of Cologne, First State Examination (Medicine), 2008

University of Cologne, First State Examination (Law), 2006

Kokularajah Paheenthararajah advises national and international clients on complex patent litigation and licensing disputes as well as regulatory matters with a heavy focus on the life sciences and healthcare sector.

He has particular experience with advanced therapies, diagnostics and biotechnologies, including cell, tissue and gene therapies, recombinant drugs, monoclonal antibodies, biotechnological tissue products, tumor vaccines, genome editing and, precision medicine. Kokularajah also regularly advises on complex regulatory and strategic topics in the life sciences and healthcare sector with a particular focus on regulatory data and market exclusivity, compliance and investigations, pricing and market access strategy, marketing, advertisement, R&D cooperation, clinical trials and digital health. His clients include some of the world's leading research-based pharmaceutical, biotechnology, diagnostics and healthcare technology companies as well as medical research institutions and private equity firms.

Kokularajah is dual qualified, holding both a law degree and a degree in medical. He is admitted as a lawyer as well as a physician in Germany.

Gualtiero Luca Dragotti

Partner

Milan

Contact

T +39 02 80 618 1

gualtiero.dragotti@dlapiper.com

Education

Law degree, University of Milan

Languages

Italian

English

Gualtiero Dragotti has over 25 years of experience of handling IP matters, with a focus on patents and the protection of innovation, particularly in the mechanical, chemical, fashion and sports equipment industries.

Gualtiero advises leading Italian and international clients on various non contentious and contentious IP cases, including some of the key patent litigation issues in Italy.

Gualtiero is admitted to the Supreme Court in Italy.He served as a Juridical Expert for the Anti-Counterfeiting National Council, appointed by the Ministry of the Economic Development.

Gualtiero has been teaching IP at the faculty of Chemistry - University of Milan as appointed Professor for over 10 years.

He was appointed as a member of the Research Project on Biotechnology under the patronage of the University of Modena and Luiss – Guido Carli International University, with the sponsorship of MIUR.

Gualtiero is a member of the Standing Committee on the Unitary Patent and Unified Patent Court of AIPPI - International Association for the Protection of Intellectual Property.

He regularly speaks at seminars and conferences organized by universities and IP concerned groups.

Ting Xiao

Partner

Shanghai

Contact

T +86 21 3852 2111

ting.xiao@dlapiper.com

Education

University of Toronto, Juris Doctor

University of Toronto, Master of Science

Wuhan University, Bachelor of Science (Ranked 2nd out of 210)

Languages

Chinese (Mandarin)

English

Ting is a Partner in the IPT practice of DLA Piper's Shanghai office. She is also Regional Life Sciences Lead for Asia. Her practice focuses on patents, trade secrets and other technology-related matters. She specializes in licensing and technology transfer, life sciences and healthcare related regulatory work, and also handles IP enforcement and litigation matters.

Prior to her legal career, Ting worked as a research scientist in the National Key Laboratory of Chinese Academy of Sciences and a renowned research institute in Canada. Ting leverages her advanced scientific research background and deep understanding of client’s technical field to routinely advise clients from a wide variety of emerging and innovative sectors, including life sciences and healthcare, chemical, automotive, semi-conductor, information technology, artificial intelligence and new energy.

Greg Bodulovic

Partner

Sydney

Contact

T +61 2 9286 8218

greg.bodulovic@dlapiper.com

Education

The Australian National University, B.Sc, 2003

The Australian National University, LLB (Hons), 2004

The Australian National University, M.Phil (Biotechnology), 2008

Greg Bodulovic is an intellectual property lawyer with postgraduate qualifications in biotechnology. He has broad experience in both the contentious and non-contentious aspects of intellectual property law and advises on the regulation of therapeutic goods in Australia.

His experience includes patent infringement and revocation proceedings before the Federal Court of Australia and High Court of Australia, and patent opposition proceedings before the Australian Patent Office. Greg has also acted in design, trade mark and copyright infringement proceedings and implemented and managed successful intellectual property enforcement campaigns for rights owners.

His non-contentious experience includes advising on the intellectual property and technology aspects of large, multi-jurisdictional corporate transactions, including drafting and negotiating licence agreements and technology transfer agreements and facilitating technology transfer.

Greg also advises on complex regulatory issues relating to pharmaceuticals and medical devices, including the application of the Pharmaceutical Benefits Scheme and industry codes of practice.

Sangwon Sung

Associate

San Francisco, Seoul

Contact

T +1 415 836 2576

sangwon.sung@dlapiper.com

Education

J.D., University of California College of the Law, San Francisco (formerly University of California, Hastings College of the Law) 2015

Symposium Editor, UC Law SF International Law Review

M.Phil., Technology Policy, Cambridge Judge Business School, University of Cambridge 2012

B.S., Electrical Engineering, Purdue University 2010

Electronic and Electrical Engineering, Sungkyunkwan University

Admissions

Sangwon Sung focuses his practice in the area of patent litigation and holds a degree in electrical engineering with a focus on semiconductor and digital control systems. Sangwon brings technical expertise in electrical and mechanical engineering and technology policy to bear on navigating complex technology disputes. His past and current matters include a range of technologies, involving memory management, graphics/video processing, automotive gasoline engine actuators, smartphones, fiber optic telecommunications, LED lighting apparatus, email security system, audio integration system, optical disc actuator, power supply control, power sequencing, network traffic quota control, CDMA power control, hard disk drive suspensions, and JPEG compression.

Sangwon's patent litigation practice includes Section 337 investigations before the International Trade Commission (ITC), *inter partes* review proceedings before the Patent Trial and Appeal Board, and cases before District Courts in California, Texas, Delaware, Minnesota, and Georgia. His practice also covers IP portfolio diligence in M&A transactions and general IP strategic counseling for Silicon Valley startups. He regularly serves to support *inter partes* proceedings in parallel to district court cases.

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Fireside Chat & Dinner

Lord David Cameron, Senator Richard Burr, Senator Saxby Chambliss, Frank Ryan

Moderated by Matt Satchwell

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