

## Scott J. Pivnick

Partner

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Scott Pivnick is a trial lawyer and head of the Intellectual Property Litigation Group in the Washington, D.C. office. He is an internationally recognized leader of trial teams litigating a broad range of intellectual property disputes covering numerous technologies in both district court and the U.S. International Trade Commission (ITC), as well as concurrent inter partes review proceedings before the U.S. Patent and Trademark Office. He has handled patent litigation for foreign and domestic companies in numerous technical areas, including motor vehicles and their components, medical devices and implants, oil and gas drilling equipment and methodologies, drilling chemicals, website design, computer networks, fiber-optic communications equipment, mobile telephony, consumer goods, financial services, and RFID tracking. He also has extensive experience in trademark and unfair competition matters. He also serves as head of the firm's Israel practice team.

Scott has particular experience in coordinating global, multifront patent litigations involving some of the world's leading companies. He has defended multidefendant patent infringement suits and coordinated joint defense groups of companies that would otherwise be competitors. He also has substantial experience arguing appeals at the Federal Circuit.

Scott has been named an "IP Star" by *Managing Intellectual Property* and a global leader in patent law by the *IAM Patent 1000* for each of the past five years.

Previously, Scott worked for the U.S. Department of Justice.

### **Representative Experience**

- Lead counsel representing one of the country's largest fire truck manufacturers in a patent infringement matter against one of its main competitors in the Middle District of Florida. Obtained a preliminary injunction preventing the competitor from selling its accused fire truck during the pendency of the suit and defended the injunction on appeal. Also defeated multiple IPR petitions filed by the defendants.
- Lead counsel representing a leading oil and gas service provider in a patent infringement suit against one of its competitors in the District of Minnesota in which the court ruled definitively for the first time that U.S. patent law applies to U.S.-flagged vessels operating outside U.S. territorial limits.
- Representing a major medical device manufacturer in a patent and trademark infringement suit in the District of Delaware against one of its key competitors. Defeated multiple IPR petitions filed by the defendants.
- Represented a leading oil and gas service provider in a Federal Circuit appeal reversing a lower-court decision and finding personal jurisdiction over a foreign defendant.
- Represented an international beverage maker in a Federal Circuit appeal affirming a finding of patent-ineligible subject matter.
- Lead counsel for a leading oil and gas service provider in a series of arbitrations against a competitor.

- Represented a refuse-truck manufacturer in defense of a patent infringement claim in the Northern District of Georgia.
- Representing a leading medical device maker in an infringement claim against its competitor in the District of Delaware.
- Represented numerous retailers in the Eastern District of Virginia in defense of patent infringement claims by nonpracticing entities and transferred the cases to the retailers' home districts.
- Lead counsel in several patent infringement suits in the Eastern District of Texas brought by a leading oil field services company against some of its major competitors.
- Lead counsel defending one of the world's largest e-commerce companies in defense of patent and unfair competition claims brought by one of its competitors in the District of Maryland.
- Representing numerous Israeli technology companies in defense of patent infringement suits brought by nonpracticing entities in the District of Delaware.
- Representing a fiber-optic communication equipment provider in defense of infringement allegations before the U.S. International Trade Commission (ITC).
- Representing several website design companies in defense of patent infringement claims in the District of Delaware.
- Representing several patent owners in patent term adjustment cases in the Eastern District of Virginia.
- Represented one of the leading mobile phone manufacturers in a global patent infringement dispute with one of its competitors. This included four ITC cases and five district court litigations in the U.S.
- Represented one of the leading manufacturers of tissue, packaging, paper, and pulp in a patent infringement suit before the ITC against more than a dozen respondents. Obtained a general exclusion order preventing the importation of all infringing electronic paper towel dispensers.
- Lead counsel for a reseller of certain inkjet toner cartridge components in an ITC investigation.
- Representing one of the leading online content providers in numerous patent infringement cases pending in Delaware and the Eastern District of Texas.
- Represented various financial institutions in large, multidefendant patent infringement litigations in the Eastern District of Texas.
- Represented a car audio manufacturer in defending patent infringement claims before the ITC.
- Represented an online dating services company in a multidefendant patent infringement lawsuit in the Eastern District of Texas.
- Lead counsel for an office products company in a trademark and domain-name dispute in the Southern District of Florida.
- Lead counsel for an outdoor products manufacturer in a trade dress suit in the District of Massachusetts.
- Lead counsel for three clients in the defense of a case involving claims of trademark and copyright infringement and unfair competition in D.C. District Court.
- Represented a medical device company in an appeal to the Federal Circuit.
- Defended a tool manufacturer against claims of patent infringement, breach of contract, and unfair competition before the Southern District of Florida and the Federal Circuit.

- Oversaw a five-attorney trial team at the Department of Justice that defended an \$800 million breach of contract and takings claim brought by a failed thrift and its former investors.
- Argued numerous appeals before the Federal Circuit.

## ***Publications & Presentations***

### ***Publications***

- “Attorney’s Fees in Intellectual Property Litigation: Obtaining and Maintaining ‘Prevailing Party’ Status,” *Mealey’s Litigation Report: Intellectual Property*, October 19, 2020.

### ***Presentations***

- “Claim Construction Post-Teva, Has Anything Really Changed?” AIPLA Annual Meeting, Washington, DC, October 22-24, 2015.

## ***Professional & Community Engagement***

- American Intellectual Property Law Association (AIPLA), general counsel; past chair of the Patent Litigation Committee; past chair of the Model Patent Jury Instructions Subcommittee; past member of the Amicus Committee
- Intellectual Property Owners Association (IPO), Litigation Committee, Membership Committee, past vice chair of Discovery Committee; past vice chair of Litigation Committee
- International Trademark Association (INTA), Unreal Campaign Committee; past member of Oppositions and Cancellations Subcommittee and Enforcement Committee

## ***Education***

- The George Washington University (J.D., 1995)
- University of Connecticut (B.A., 1992)

## ***Admitted to Practice***

- District of Columbia
- Virginia
- Maryland

## ***Related Services***

Intellectual Property | Intellectual Property Litigation | ITC Section 337 | Patent Litigation