



Scott J. Pivnick

Partner

+1 202 239 3634 | scott.pivnick@alston.com

Washington, D.C. | The Atlantic Building, 950 F Street, NW | Washington, DC 20004

Related Services

Intellectual Property ■ Intellectual Property Litigation ■ ITC Section 337 ■ Patent Litigation ■ Appellate
■ Trademark & Copyright ■ Artificial Intelligence (AI) ■ Israel

Scott is a seasoned trial lawyer with extensive experience litigating patent and trademark infringement matters before U.S. district courts, the ITC and the Federal Circuit. When companies need a litigator experienced in coordinating multifront enforcement or defense actions, they turn to Scott, who has a proven track record of obtaining results while keeping costs in check.

Scott Pivnick is a trial and appellate 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. He also has substantial experience arguing appeals at the Federal Circuit.

Scott has particular experience in coordinating global, multifront patent litigations involving some of the world's leading companies. He has handled patent litigation for foreign and domestic companies in numerous technical areas, including motor vehicles and their components, website design, computer networking, fiber-optic communications equipment, WiFi and mobile telephones, medical devices, oil and gas drilling, drilling chemicals, 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 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 and taught patent litigation and trademark courses as an adjunct professor at the University of Virginia School of Law and at the Catholic University of America's Columbus School of Law.

Representative Experience

- Lead counsel representing the leading provider of interactive gaming facilities in enforcement of their patent and trademark rights against multiple competitors across the country.
- 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 and after a six-day jury trial, obtained a verdict of willful infringement and a seven-figure lost profits damages award.

- Defended a leading defense contractor against patent infringement allegations related to military vehicles before the U.S. Court of Federal Claims.
- Represented a large computer manufacturing company in response to patent infringement allegations related to Wifi 6 and computer networking technology.
- Represented a leading website design company in response to patent infringement allegations related to streaming video and photo editing.
- Represented an e-commerce company in defense of a patent infringement claim related to electronic messaging.
- Counsel for a large multinational internet company on patent infringement and licensing issues against one of the largest patent holders in the world.
- Coordinated defense of a leading website design company against patent infringement allegations in the United States and Japan.
- Counsel for a leading manufacturer of construction equipment on the defense of patent infringement allegations related to hybrid drive technology and safety equipment in both the United States and the United Kingdom.
- Represented one of the largest makers of tankless water heaters in defense of an unfair competition claim brought by a competitor. Successfully moved the court to transfer the case from the Eastern District of Virginia to our client's home jurisdiction in the Central District of California where the case subsequently settled on favorable terms.
- Argued an appeal at the U.S. Court of Appeals for the Federal Circuit on behalf of an oil and gas services company in defense of a PTAB decision invalidating patent asserted against the company in district court. After arguments, the PTAB decision was summarily affirmed by the Federal Circuit.
- Defended a refuse truck manufacturer in a multi-patent infringement case that resulted in a favorable settlement and licensing arrangement.
- Lead counsel representing a fire truck manufacturer in a patent infringement case against a competitor that resulted in a favorable settlement.
- Represented 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 web site design company in defense of several patent infringement suits brought by non-practicing entities in the District of Delaware and the Western District of Texas.
- Lead counsel to 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.
- Represented 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.

- Represented 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.
- Represented numerous Israeli technology companies in defense of patent infringement suits brought by nonpracticing entities in the District of Delaware.
- Represented a fiber-optic communication equipment provider in defense of infringement allegations before the U.S. International Trade Commission (ITC).
- Represented several website design companies in defense of patent infringement claims in the District of Delaware.
- Represented 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.
- Represented 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

- “Key Legal and Regulatory Updates Every AI User Must Know,” *Corporate Counsel*, July 29, 2024.
- “Attorney’s Fees in Intellectual Property Litigation: Obtaining and Maintaining ‘Prevailing Party’ Status,” *Mealey’s Litigation Report: Intellectual Property*, October 19, 2020.

Presentations

- “The Intersection of IP and AI,” 39th Annual Fall Institute on Intellectual Property Law, Gavelston, TX, October 5–7, 2023.

Professional & Community Engagement

- American Intellectual Property Law Association (AIPLA), general counsel; Committee on the Profession, 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), Artificial Intelligence, Data & New Emerging Technologies Committee, Membership Committee; Discovery Committee, past vice chair; Litigation Committee, past vice chair
- International Trademark Association (INTA), Oppositions and Cancellations Subcommittee and Enforcement Committee; Unreal Campaign Committee, past member

Education

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

Admitted to Practice

- District of Columbia
- Maryland
- Virginia
- Solicitor of the Senior Courts of England and Wales