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Gibson Dunn Secures Complete Appellate Victory in ACQIS v. Dell EMC

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A Gibson Dunn team has secured a Federal Circuit Rule 36 affirmance of a $4 million attorneys' fees award in *ACQIS v. EMC*, bringing final closure to this longstanding patent dispute. Following Gibson Dunn's complete defense victory on the merits—affirmed by the Federal Circuit in May 2022—the district court found the case "exceptional" under 35 U.S.C. § 285 and awarded Dell EMC $4 million in attorneys' fees. The court concluded that ACQIS lacked any good faith basis to continue pursuing its infringement claims after claim construction and that ACQIS had engaged in unreasonable litigation conduct as the case progressed. On February 13, 2026, the Federal Circuit affirmed the exceptional case finding and fee award, rejecting ACQIS's challenge and confirming that its post–claim construction litigation strategy and conduct warranted sanctions. The affirmance marks the end of more than a decade of assertions by ACQIS against Dell EMC. The underlying case, filed in the District of Massachusetts, involved an $80 million patent infringement suit asserting 11 patents related to PCI Express technology, a widely used data transfer standard in computing hardware. After securing favorable claim constructions consistent with parallel *inter partes* review proceedings, the Gibson Dunn team obtained summary judgment of non-infringement on all asserted patents—a ruling the Federal Circuit affirmed. The subsequent fee award underscores the strength and discipline of Gibson Dunn's litigation approach, including its use of IPR proceedings to drive narrowing claim constructions that foreclosed ACQIS's infringement theories. The Gibson Dunn team included partners Josh Krevitt, Paul Torchia, Brian Rosenthal, Kate Dominguez, Ben Hershkowitz, and Brian Buroker.

Related People

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Related Capabilities

Intellectual Property

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