Wayne Barsky

Partner

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Century City

Capabilities

Intellectual Property
Life Sciences
Litigation
Media, Entertainment, and Technology
Privacy, Cybersecurity, and Data Innovation
Tech and Innovation
Technology Litigation
Trials

Credentials

Education

University of California - Berkeley - 1983 Juris Doctor
State University of New York, Binghamton (SUNY) - 1979 Bachelor of Arts

Admissions

California Bar

Wayne Barsky is a partner in the Century City office of Gibson, Dunn & Crutcher, and for more than twenty years was co-chair of the firm's Intellectual Property Practice Group. Wayne focuses on patent litigation and appeals for clients in the life science, pharmaceutical, and technology industries, and has extensive trial and appellate experience in federal courts throughout the country and in matters before the U.S. International Trade Commission. Wayne has represented clients in more than 100 patent infringement actions.

For example, in a decade-long, high-profile biologics case that concluded in late 2021, Wayne led the Gibson Dunn trial and appellate teams that successfully defended Pfizer and Merck-Serono in a five-week jury trial where Biogen was seeking in excess of $5.4 billion in damages for alleged infringement of a patent pertaining to the use of recombinant interferon beta for the treatment of multiple sclerosis and other diseases. The jury unanimously invalidated Biogen's patent, resulting in the single largest defense verdict in patent litigation history.

Wayne is a *Chambers & Partners* ranked attorney who is consistently recognized by leading publications. *IAM Patent 1000: The World's Leading Patent Professionals* has recognized Wayne every year since 2016. In 2023, they ranked Wayne as a Gold Tier Individual for litigation, describing him as one of "best partners to have when the stakes are high in patent battles." He has been recognized as a Patent Star since in the 2015 edition of the *Managing IP Handbook*. *LMG Life Sciences* has named him as a "Life Sciences Star" since 2012, as the "General Patent Litigator of the Year" in 2021, and recognized him for the "Patent Impact Case of the Year" in 2018. *The Los Angeles Business Journal* has recognized Wayne as "Most Influential IP Attorneys in Los Angeles" in 2021, one of the "Top 50 Litigators in Los Angeles" in 2022, and the *Daily Journal* has listed him on their "Top Intellectual Property Lawyers" list many times, most recently in 2022. In 2019, *Benchmark Litigation* listed him as one of the Top 100 Trial Lawyers in the country, a "National Star" in Intellectual Property, and a California "Litigation Star." In addition, Wayne has been recognized by *The Best Lawyers in America* in the areas of Litigation – Intellectual Property and Litigation – Patent and has been recognized by the publication since 2008.

Additional exemplary engagements include the following matters:

- *Coherus Pharmaceuticals v. Amgen*(alleged infringement of formulation patents for adalimumab);
- *Shire Pharmaceuticals & NPS Pharmaceuticals v. Amgen*(litigation pertaining to etelcalcitide for treatment of secondary parathyroidism);
- *Atlas IP v. St. Jude Medical*(judgment in favor of St. Jude Medical in patent litigation pertaining to implantable defibrillators);
- *Novo Nordisk v. Caraco, Sun Pharma, et al (ANDA litigation pertaining to*

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repaglinide and metformin for treatment of Type II diabetes);

- *In Re Columbia University Patent Litigation*(representation of Columbia in patent litigation against Amgen, Immunex, Biogen and others pertaining to Columbia's patent portfolio on pioneering inventions involving the genetic transformation of mammalian cells);
- *Israel Bio-Engineering Project v. Amgen, Immunex, et al.*(representation of Serono (now Merck-Serono) in patent litigation pertaining to tumor necrosis factor binding proteins and novel therapies for rheumatoid arthritis);
- *Medgraph v. Medtronic*(judgment in favor of Medtronic in patent litigation pertaining to remote patient health monitoring technology; unanimously affirmed by Federal Circuit);
- *General Electric Medical Systems v. Resonance Technology*(representation of GE in patent litigation pertaining to magnetic resonance imaging);
- *Johnson & Johnson and Ethicon v. Inamed Corporation*(representation of J&J and Ethicon in patent litigation against Inamed pertaining to bariatric surgical devices and methods);
- *Beneficial Innovations v. Viacom, et al.* (lead counsel for Viacom, Amazon.com, Scripps Networks, and Expedia in patent litigation pertaining to internet advertising);
- *Walker Digital Litigations*(representation of numerous media, social networking and game publishing companies—including Activision, Atari, EA, Zynga, Turner, Warner Bros., Sega, and Ubisoft—in three separate patent infringement lawsuits filed by Walker Digital pertaining to encryption and online payment systems);
- *Everglades Interactive v. Crowdstar, et al.* (representation of EA, Rockyou, LOLapps, Electronic Arts, Zynga, and others in patent litigation pertaining to internet-based social games);
- *In Re Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing Same* (lead counsel for Tessera Technologies in three separate ITC investigations and related district court proceedings against various companies, including Motorola and Qualcomm, alleging infringement of certain semiconductor patents);
- *Balthaser v. Network Solutions* (representation of eleven social networking and game publishing companies in patent infringement action);
- *American Video Graphics v. Electronic Arts, Sega, Atari, et al.*(selected to defend Electronic Arts, Sega, Atari, LucasArts, Vivendi, Activision, and other major electronic publishers in software patent litigation brought in the Eastern District of Texas, asserting infringement by more than 1,000 video game titles representing more than a billion dollars in revenue);

Active in community and pro bono affairs, Wayne is a former Chairperson, and member of the Executive Committee and Board of Directors, of the Public Counsel Law Center, the nation's largest pro bono law office. Wayne serves on the Board of the American Jewish Committee, Southern California Region, and with his family volunteers at the Turning Point Shelter in Santa Monica, California. Wayne has also served the Los Angeles Superior Court system as a Judge pro tempore.

Wayne is a recipient of the 2010 Learned Hand Award from the American Jewish Committee and was named Litigation Lawyer of the Year by the Century City Bar Association in 2013.

Wayne has been a member of the adjunct faculty at USC Gould School of Law, where he developed and taught a course in Patent Law & Litigation, and serves as a member of the Executive Committee, and is a past Chairperson, of the USC IP Institute. Wayne is a past member of the Board of Governors of the Association of Business Trial Lawyers, and the Judge Paul R. Michel Intellectual Property American Inns of Court.

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