Brian M. Buroker

Partner

bburoker@gibsondunn.com
T: +1 202.955.8541
Washington, D.C.



Brian Buroker is a trial lawyer who represents companies in high-stakes intellectual property disputes where the outcome matters to the business—not just the case. He has served as lead counsel in patent and trade secret trials and appeals across U.S. district courts, the International Trade Commission, the Patent Trial and Appeal Board, and the Federal Circuit.

Brian is frequently called on to handle bet-the-company litigation, combining trial, PTAB, and appellate strategy to position cases for early wins, favorable settlements, or decisive verdicts. His recent work includes leading trial and appellate teams in matters resulting in invalidation of asserted patents, dismissal of multi-patent claims at the pleading stage, and successful defense verdicts in complex technology disputes.

With a background in electrical and computer engineering, Brian represents clients across a wide range of industries, including software, electronics, telecommunications, medical devices, pharmaceuticals, and consumer products. His technical fluency allows him to engage directly with engineers and experts and translate complex issues into persuasive arguments for judges and juries.

Clients turn to Brian for his ability to integrate litigation strategy across forums—aligning district court litigation, PTAB proceedings, and appeals to maximize leverage and minimize risk. He has also led trial teams in IP arbitrations and advises on litigation strategy in parallel proceedings.

Brian is consistently recognized as a leading IP litigator. He has been ranked by Chambers USA for over a decade, named an “IP Star” by Managing Intellectual Property, and recognized by IAM Patent 1000, Benchmark Litigation, and The Legal 500.

Representative Litigation Matters*

- Lead appellate counsel for J.R. Simplot at the Federal Circuit against McCain Foods, resulting in affirmance of invalidity judgment in the District of Idaho (2026); representing J.R. Simplot in District of Idaho resulting in jury verdict in favor of Simplot on design patent infringement allegations by McCain Foods (2024).
- Lead appellate and IPR counsel for Western Digital/ SanDisk invalidating patent asserted by Viasat at the PTAB and on appeal at the Federal Circuit (2025).
- Lead trial counsel for Indeed Inc. in the Western District of Texas defeating infringement claims by Flexiworld on patent ineligibility grounds; four patents were found ineligibility on a motion to dismiss, a first of its kind ruling by the judge finding all claims of four patents ineligible (2025).
- Lead IPR counsel for SmaXtec at the PTAB invalidating all challenged claims of three patents asserted by ST Reproductive Technologies (2025).

Capabilities

Intellectual Property
Appellate and Constitutional Law
Artificial Intelligence
Life Sciences
Litigation
Media, Entertainment, and Technology
Privacy, Cybersecurity, and Data Innovation
Tech and Innovation
Technology Litigation
Trade Secrets

Credentials

Education

Georgetown University - 1996 Juris Doctor
North Carolina State University - 1992 Bachelor of Science

Admissions

District of Columbia Bar
Virginia Bar

Clerkships

US Court of Appeals, Federal Circuit, Hon. William C. Bryson, 1996 - 1997

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- Lead IPR counsel for SharkNinja at the PTAB invalidating all challenged claims of five patents assigned to Bissell.
- Lead counsel for several telecommunications companies in patent infringement actions in the District of Delaware and Eastern District of Texas related to WiFi, VoIP, and LTE technologies involving dozens of patents.
- Counsel for T-Mobile adverse to Intellectual Ventures in a 16 patent action in the District of Delaware (D. Del. 2012-2017) in which 15 of the 16 patents were dismissed. On appeal, Intellectual Ventures sought to overturn the dismissal as to seven of the patents, and that appeal was denied.
- Lead trial and appellate counsel for patent holder in *Energy Transportation Group, Inc. v. Sonic Innovations, Inc. et al.*, Civil Action No. 05-422 (D. Del.) and (Fed. Cir.), involving hearing aid patents. The jury returned a verdict for client ETG, finding willful patent infringement and awarding damages of $31 million against two defendants. Argued appeal before the Federal Circuit, which affirmed the verdict and pre and post-judgment interest, bringing the total award to around $44 million.
- Counsel for patent holder Ingevity in multiple patent infringement actions involving emissions control systems in the United States District Court and at the United States International Trade Commission.
- Counsel for a major pharmaceutical company in an International Trade Commission action against potential competitors alleging misappropriation of trade secrets.
- Trial counsel for smartphone manufacturers in multiple matters, resulting in favorable outcomes in the Eastern District of Texas and the Northern District of California.
- Appellate counsel for *CLS Bank* in *CLS Bank Int'l v. Alice Corp.* (Fed. Cir. 2013) (en banc) and (S. Ct. 2014). Convinced the Federal Circuit to hear appeal related to patent eligibility of financial services software patent, resulting in a reversal of the panel decision and an affirmance of the district court victory for client CLS Bank. Counsel at the Supreme Court in decision in victory for CLS Bank.
- Lead counsel for Plaid Technologies, Inc. defending a seven-patent lawsuit brought by competitor Yodlee, Inc. in the District of Delaware (2014-2017). After initial determinations of invalidity and PTAB institutions, the case settled in 2017.
- Trial and appellate counsel for The New York Times in *Helferich Patent Licensing, LLC v. The New York Times* (N.D. Ill. 2013 and Fed. Cir. 2015).
- Lead PTAB counsel in numerous matters, resulting in favorable outcomes for both patent owners and patent challengers.
- Lead counsel in arbitrations involving IP licensing agreements.
- Lead counsel for Capital One Services, LLC in numerous matters, including *Pi-Net International* (D.Del.) (pending); *N5 Technologies* (E.D. Va.) (pending); *LML Patent Corp. v. Capital One, et al.* (E.D. Tex.) (resolved) and others.
- Argued over a dozen Federal Circuit appeals with a high success rate.

** Includes matters handled prior to joining Gibson, Dunn & Crutcher LLP*

Brian received his Juris Doctor, *magna cum laude*, from Georgetown University in 1996, where he served as an editor of *The Georgetown Law Journal*. He graduated *cum laude* from North Carolina State University in 1992 with Bachelor of Science degrees in both Electrical Engineering and Computer Engineering, where he was also a Caldwell Scholar.

Brian served as a law clerk to the Honorable William C. Bryson on the Court of Appeals for the Federal Circuit.

Brian is admitted to practice in the District of Columbia and the State of Virginia, and

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before the U.S. Supreme Court, the U.S. Courts of Appeals for the Federal and Fourth Circuits, the U.S. District Courts for the Eastern District of Virginia, the Eastern District of Texas, the Western District of Texas, the District of Maryland, the District for the District of Columbia and the U.S. Court of Federal Claims. He is also registered to practice before the United States Patent and Trademark Office.

Speaking Engagements

- Speaker, "Panel Discussion: Alice Corp Pty. v. CLS Bank" at the Florida Bar 6th Annual Intellectual Property Law Symposium in Ft. Lauderdale, FL (Feb. 2015)
- Speaker, "*Alice* Arrived and Look What Happened: A review of the Supreme Court's June 2014 decision and its impact on patents" at the New Jersey Intellectual Property Law Association Patent Litigation Seminar in Iselin, NJ (March 2015)

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