

Brian M. Buroker

Partner

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Washington, D.C.



Brian Buroker is a partner in Gibson, Dunn & Crutcher's Washington, D.C. office and a member of the firm's Intellectual Property Practice. Brian is a trial lawyer focusing on intellectual property disputes. He has extensive experience leading patent and trade secret trials and appeals in United States District Courts, the International Trade Commission, the United States Patent and Trademark Office's Patent Trials and Appeals Board (PTAB) and before the United States Court of Appeals for the Federal Circuit. Brian has also led trials teams in IP arbitrations. He is a former law clerk at the Federal Circuit, having clerked for Judge William C. Bryson.

Brian represents plaintiffs and defendants in matters related to a wide range of technologies, including computer software, electronics, telecommunications, medical devices, pharmaceuticals and consumer products. Since 2013, Brian has been recognized by Institutional Investor's *Benchmark Litigation Guide* for his work in Washington, D.C. *IAM Patent 1000* has ranked Brian as a top Litigation attorney every year since 2016. Brian has been named a "Star" by *Managing Intellectual Property* magazine every year since 2015. He has also selected by *Chambers and Partners* every year since 2010 to be featured in the District of Columbia Intellectual Property category of their annual edition of *Chambers USA: America's Leading Lawyers for Business Guide*. Brian was also named a Washington, D.C. "Super Lawyer" for intellectual property litigation from 2011-2020, 2023-2024. He has also been recommended by *Legal 500* for Patent Litigation.

Brian has advised clients on a wide range of IP transactions as well, including licensing of patents, trade secrets, trademarks and other intellectual property.

Representative Litigation Matters*

- 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-present) 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.

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

- 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*.
- 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 *Helperich 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.
- Trial team counsel in pending matters in the Northern District of California and Delaware involving wireless and smartphone technologies.
- Trial and appellate counsel on dozens of other matters, including being lead counsel on eight appeals that were argued together at the Federal Circuit, including seven reversals of the PTO.

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

Representative IP Transaction/Opinion Matters*

- Negotiated IP agreements in sale of assets by a client to a large Internet search company.
- Negotiated settlement agreements in dozens of matters involving the licensing of intellectual property.
- Negotiated IP agreements in spin-out of business.
- Opinion counsel on issues of invalidity and infringement.

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

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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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