

Brian M. Buroker

Partner

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Washington, D.C.



Capabilities

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 Trial and Appeal 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 *Intellectual Property 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, 2023-2025. He has also been recommended by *Legal 500* for Patent Litigation.

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 ineligible 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).
- 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

Credentials

Georgetown University - 1996 Juris Doctor
Bachelor of Science
Admissions

North Carolina State University - 1992
District of Columbia Bar
Virginia Bar
US Court of Appeals, Federal Circuit, Hon. William C. Bryson, 1996 - 1997

Clerkships

Georgetown University - 1996 Juris Doctor
Bachelor of Science
Admissions

North Carolina State University - 1992
District of Columbia Bar
Virginia Bar
US Court of Appeals, Federal Circuit, Hon. William C. Bryson, 1996 - 1997

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 affirmation of the district court victory for client *CLS Bank*. Counsel at the Supreme Court in decision in victory for *CLS Bank*. T: +1 202 955 8541 hburoker@gibsondunn.com
- 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 Washington, D.C.
- 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.

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* 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 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 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)