Wendy W. Cai

Associate Attorney

wcai@gibsondunn.com
T: +1 202.955.8295
Washington, D.C.



Wendy Cai is an associate in the Washington, D.C. office of Gibson, Dunn & Crutcher, practicing in the Intellectual Property and International Arbitration practice groups. Her practice focuses on patent litigation and international arbitration in a wide range of fields, including telecommunications, software, green energy, security networks, robotics, logistics, semiconductor devices, consumer electronics, and pharmaceuticals.

Wendy has experience in all phases of litigation and arbitration, from pre-suit diligence to appeal, including managing discovery, taking and defending depositions, working with experts, drafting dispositive motions, arguing discovery motions and Markman hearings, conducting direct and cross-examination of fact and expert witnesses at trial, and pre- and post-trial motions. She has experience handling disputes in federal courts and the ITC, and also has represented clients in a variety of international arbitration proceedings, including those before the ICSID, ICC, LCIA, SCC, and SIAC.

Representative patent litigation matters:

- Represented Indeed against Flexiworld, where plaintiff asserted 4 patents related to data mining and matching technology. Won a motion to dismiss with a first-of-its-kind ruling by Judge Albright, who found all four patents ineligible and dismissed the case with prejudice prior to claim construction and discovery.
- Represented SharkNinja in a series of patent infringement cases against competitor Dyson, including asserting a declaratory judgment case on one patent regarding hair styler technology in the District of Massachusetts, asserting eight patents against Dyson relating to vacuum technology in the District of Massachusetts, asserting five patents against Dyson in the ITC, and coordinating strategy on related hair styler litigations against Dyson in Germany, France, UK, Singapore, Korea, Japan, Australia, and China. Obtained very favorable settlement immediately preceding the ITC trial against Dyson.
- Represented SharkNinja before the ITC against competitor iRobot, resulting in a no violation determination for 4 of the 5 patents asserted and a limited exclusion order for a single obsolete feature in a discontinued product.
- Represented Rheem against competitor A.O. Smith, where plaintiff asserted patents related to water heater technology. Obtained very favorable settlement.
- Represented Cisco against Lionra in a patent infringement case in the Eastern District of Texas. Won dismissal of a patent after securing a favorable claim construction order.
- Represented AT&T in a patent infringement case where plaintiff Sol IP asserted 27 patents against LTE and WiFi technologies, with case settling favorably.
- Represented Apple against Geoscope, where plaintiff asserted 6 patents related to geolocation technology. Won dismissal of all patents.

Capabilities

Intellectual Property
International Arbitration
Litigation
Transnational Litigation
Trials

Credentials

Education

Columbia University - 2018 Juris Doctor
Yale University - 2015 Bachelor of Science

Admissions

New York Bar
District of Columbia Bar

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Representative international arbitration matters:

- Successfully defended an electronics company in a SIAC arbitration against a multi-hundred million dollar claim brought under a patent license agreement.
- Successfully defended and secured complete victory on behalf of an aluminum company in SCC arbitration concerning disputes related to a power purchase agreement.
- Successfully represented a multi-national logistics company in a multi-hundred million dollar claim in an investment treaty arbitration.

She received her Juris Doctor in 2018 from Columbia Law School, where she was named a Harlan Fiske Stone Scholar and the student Editor-in-Chief of the *American Review of International Arbitration*. She represented Columbia in every round of the 24th Annual Willem C. Vis International Commercial Arbitration Moot and placed third out of 300+ teams. She received her Bachelor of Science in Psychology with distinction in the major from Yale University in 2015.

Wendy is admitted to practice in the State of New York, District of Columbia, and before the United States District Courts for the Southern District of New York and the Eastern District of Texas.

She is the co-author of “Principles of Evidence in Public International Law as Applied by Investor-State Tribunals: Burden and Standard of Proof”, Brill Publications (January 2019) and is the first-author of a publication for the Bioscience, Biotechnology, and Biochemistry journal.

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