Brian Rosenthal

Partner

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New York



Brian Rosenthal is a partner in the New York office of Gibson Dunn. He is a member of the Intellectual Property practice and Co-Chair of the Robotics Practice Group.

Brian is a trial lawyer with a particular emphasis on patent litigation. His patent litigation practice has spanned a wide range of technologies, with a concentration on computer software, electronics and medical devices.

Brian has litigated over 150 patent cases, most as lead counsel, handling all aspects of litigation from complaint to trial and appeal. He has led—and won—several jury trials and arbitrations. Brian has also argued and won several patent cases to the Court of Appeals for the Federal Circuit. He has represented such companies as Cisco, VMware, AT&T, Dell EMC, SharkNinja, NVIDIA, IBM, Plaid, Verizon, Daimler, Sprint, Rubrik, Sophos, WHOOP, Philips Electronics, Google, Gemalto, Nespresso, Acushnet, Elekta, NXP Semiconductors, ARM, Eurocopter and MicroStrategy.

Brian also has substantial experience handling Patent Office validity proceedings including *inter partes* review and post grant review petitions, most often in parallel with ongoing high-stakes litigation. His practice also includes strategic counseling and licensing related to intellectual property matters.

Consistently recognized as a leading patent lawyer, Brian's awards and accolades reflect his skills and accomplishments. Most recently, Brian was recognized as an inaugural "Unrivaled 2025" honoree by *Bloomberg Law* and was the 2025 *The National Law Journal* "Winning Litigator - Defense." *Law360* recognized Brian in 2023 and 2025 as an Intellectual Property MVP, an award featuring lawyers who “have distinguished themselves from their peers by securing hard-earned successes in high-stakes litigation, complex global matters and record-breaking deals.” In 2024 and 2025, *Managing IP* named Brian Rosenthal as Intellectual Property - Litigator of the Year for New York at its annual Americas Awards event, recognizing the biggest achievements and developments in the IP sector over the past year. Brian was also named to BTI Consulting Group’s 2025 and 2026 BTI Client Service All-Star list, which recognizes “the attorneys delivering the absolute best levels of client service.” *Chambers* recognizes Brian as a leading attorney in New York for Intellectual Property: Patent, where he has been ranked in their USA guide since 2023. A *Chambers* respondent reported “Brian really owns the courtroom and has great long-term vision." Brian was the exclusive recipient of *Lexology’s* 2019 Client Choice award for Patents in New York, an award determined solely by client input. In nominating him for the award, clients described him as an “outstanding lawyer” who is “business minded” and “strategic,” and one who is “extremely knowledgeable and thinks quickly on his feet.” Others noted that “Brian is an effective communicator; he explains complex issues, both technical and legal, in a way that is easy to understand yet comprehensive.” Earlier in his career, he was profiled as one of *Law360’s* 2014 Rising Stars: Top Attorneys Under 40 in the Intellectual Property category. Brian has been recognized by *Super Lawyers* annually, as a “Rising Star” from 2013-2015, and a “Super Lawyer” from

Capabilities

Intellectual Property
Robotics
Technology Litigation
Trade Secrets
Trials

Credentials

Education

Cornell University - 2000 Juris Doctor

University of Western Ontario - 1997 Bachelor of Science

Admissions

District of Columbia Bar

New York Bar

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2016-2025. He has been named a “Leading Lawyer” in Patent Litigation and is recommended in Trade Secrets by *The Legal 500 USA*. Clients say, “*Brian Rosenthal is very impressive. He is lead counsel and one of the best trial lawyers I've observed in court. Remarkably, he also knows the technical details of all the cases and works with his team to develop winning arguments*.” In addition, he has also been recognized by *IAM Patent 1000* as a leading patent lawyer 2017-2025, a "Litigation Star" by *Benchmark Litigation*, and named an “Patent Star” by *Managing Intellectual Property* magazine 2021-2026.

Brian graduated *magna cum laude* from Cornell Law School and received his B.Sc. Honours in Computer Science, with a minor in Economics, with distinction, from University of Western Ontario.

Notable Engagements:

- VMware and Dell EMC: Lead trial counsel defending clients against plaintiff WSOU’s $435 million claim of infringement of three patents related to cloud computing. On third day of jury trial, won first ever directed verdict of non-infringement before Judge Albright in the Western District of Texas, leading to a complete defense victory.
- Cisco: Lead trial counsel against plaintiff Corrigent’s $350 million claim of infringement of four patents related to computer networking. Won summary judgment on three of the four asserted patents before trial, reducing trial demand to $120 million. After all the evidence was in, won directed verdict of non-infringement, leading to complete defense victory. This was the third-ever such directed verdict before Judge Albright in the Western District of Texas.
- Cisco: Lead trial counsel against plaintiff WSOU’s infringement case on five computer networking patents in Western District of Texas. Successfully obtained dismissal with prejudice of three of the five asserted patents and summary judgment of a fourth before trial, reducing trial damages demand to $20 million. Won complete defense verdict of non-infringement, invalidity, and prior use on remaining patent after a one-hour jury deliberation. This marked the first known defense verdict on the prior use defense under 35 U.S.C. § 273(a) in the United States.
- Zhejiang Medicine Company and ZMC-USA: Lead trial counsel for ZMC against competitor Kaneka Corporation in 8-year patent infringement case involving dietary supplement coenzyme Q10. After two-week jury trial in Southern District of Texas, won verdict of non-infringement and complete victory.
- Gemalto: Lead trial counsel for Gemalto as against Merchant Customer Exchange in week-long arbitration over breach of a mobile payment platform contract. Won all of our client’s requested relief: $45.8 million (including attorney fees), resulting in complete victory.
- Changzhou Kaidi Electrical: Lead trial counsel for Changzhou Kaidi Electrical against Okin America involving claims of infringement of a linear actuator patent. After two-week jury trial in District of Maryland, won verdict of non-infringement and complete victory.
- SharkNinja: Lead trial counsel representing SharkNinja in the ITC against chief competitor iRobot’s claims of infringement of five patents related to vacuum robots. Won Final Determination of no violation on four of the five patents, leading to an exclusion order that covers only a single obsolete feature of a discontinued product.
- Confidential Arbitration: Lead trial counsel in $50M international arbitration related to computer networking patents, culminating in week-long hearing in New York. After hearing, our client won near-complete victory, awarding substantially less than $1 million to the Complainant.
- CH Lighting: Lead trial counsel for retrial on damages against Super Lighting. After an initial judgment of over $31 million that was remanded by the Federal Circuit in view of *EcoFactor*, we were hired to handle the retrial in the Western

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District of Texas on damages only. Despite the jury being told our client had been found to infringe a valid patent, we prevailed in obtaining a verdict of $1.4 million, very close to our advanced position, and less than 5% of the original judgment.

- Verizon: Second-chair trial lawyer for Verizon in $845 million patent infringement claim by General Access. Obtained first-ever new trial on all issues for a defendant before Judge Gilstrap in the Eastern District of Texas. Argued and won IPR on lead patent the day before retrial began, leading to highly favorable settlement after the first day of the retrial.
- Dell EMC: Represented Dell EMC against plaintiff ACQIS in $80M patent infringement case on 11 patents related to PCI Express in District of Massachusetts. Argued and won claim constructions across the board based on parallel IPRs, directly leading to summary judgment of non-infringement on all patents. Won exceptional case finding and attorneys' fees award of $5 million, which was affirmed on appeal.
- SharkNinja: Lead counsel for SharkNinja in wide-ranging set of cases against Dyson regarding hair care and vacuum patents. Dyson sought millions from our client related to a hair care patent and SharkNinja responded with its own cases including 5-patent ITC case and 8 patent District of Massachusetts case. Dyson counter-sued with 9 patent case in Eastern District of Texas. Served as global coordinating counsel of related litigations in Germany, France, UK, Singapore, Korea, Japan, Australia and China. Obtained very favorable settlement for our client on the eve of our ITC trial against Dyson.
- Plaid: Lead counsel for Plaid in patent case in District of Utah. Argued and won motion to dismiss for patent ineligibility under 35 U.S.C. § 101, resulting in a complete victory for our client.
- Google and Motorola: Represented Google and Motorola against BE Technology against its patent infringement claims involving cloud computing and targeted advertising. Led and argued inter partes review petitions invalidating all asserted claims of both asserted patents. Argued and won Federal Circuit appeal, resulting in complete victory.
- Dell EMC: Lead counsel for Dell EMC in 8-patent case filed by WSOU asserting infringement of networking patents. Obtained dismissal of all eight patents before trial.
- Philips: Represented Philips against Moddha Interactive in patent infringement and state law action. Dismissed all counts in District Court. Argued and won appeal to Federal Circuit, resulting in complete victory.
- C?isco: Lead counsel for Cisco in five patent case filed by Lionra in Eastern District of Texas. Won summary judgment of non-infringement before trial.
- SharkNinja: Lead counsel for SharkNinja in five-patent and false advertising litigation against competitor iRobot in district court. Argued and defeated iRobot's preliminary injunction motion based on alleged infringement of three asserted patents, and successfully stayed and dismissed remaining patents.
- StoneCastle: Represented StoneCastle Financial Corp. against Island IP's claims of patent infringement and trade secret misappropriation. Won a motion to dismiss all five asserted patents as ineligible under 35 U.S.C. § 101.
- Acushnet: Represented Acushnet against Callaway Golf in six-year litigation in which Callaway sought $246 million in damages for alleged infringement of four golf ball patents. Argued and won inter partes reexaminations invalidating all four patents. Won verdict of invalidity of all four patents after two jury trials, resulting in complete victory.
- Gemalto: Lead counsel for Gemalto and its subsidiary against M2M Solutions in patent infringement claim related to two patents related to Machine-to-Machine communication. Argued and won key claim construction resulting in stipulation of non- infringement and dismissal of case.

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- Google: Represented Google against BriteSmart and Patrick Zuili against patent infringement claims that Google's advertising systems infringed patents related to pay-per-click advertising systems. Filed and argued three Covered Business Method petitions before the Patent Trial and Appeal Board resulting in Final Written Decisions invalidating all asserted claims of all three patents.
- Gemalto: Lead counsel for Gemalto against KPN in patent infringement claim related to error detection in cellular communication standards. Argued and won judgment on the pleadings before ultimately settling the case on favorable terms.
- Gemalto: Lead counsel for Gemalto as third party in Court of Federal Claims patent litigation by SPA Syspatronic. Argued and won invalidity of key claims as indefinite, leading to favorable settlement.
- Google: Represented Google against buySAFE in its claim of infringement of an eCommerce patent. Invalidated buySAFE's patent under 35 U.S.C. § 101. Obtained affirmance from Federal Circuit in precedential opinion.
- ARM: Represented ARM against Nazomi's claim of infringement of patents related to Java acceleration of microprocessors. Obtained summary judgment of non-infringement, which was affirmed by the Federal Circuit.
- Rubrik: Represented Rubrik against competitor Actifio's patent infringement lawsuit in which Actifio asserted four patents related to data backup technologies. After Actifio filed preliminary injunction motion, deposed Actifio's expert, directly leading to Actifio dropping the preliminary injunction motion and dismissing the case.
- AT&T: Represented AT&T in complex patent infringement case in which plaintiff Sol IP asserted 27 patents against LTE and WiFi technologies. Case settled favorably.
- Dell: Lead counsel for Dell in four patent case filed by Corrigent in District of Delaware. Successfully dismissed two patents pre-trial. Obtained stay of remaining two patents pending appeal of companion case, which we won for a different client.
- Sophos: Lead counsel for Sophos in 20-patent case against Webroot and OpenText pending in Western District of Texas. Obtained significant case-narrowing order from Judge Gilliland, immediately followed by favorable settlement.
- NVIDIA: Lead counsel for NVIDIA in three patent infringement case filed by Neural AI, pending in the Western District of Texas.
- IBM: Lead counsel for IBM in six-patent case filed by NovaCloud pending in Eastern District of Texas.
- Cisco: Lead counsel for Cisco in five-patent case filed by GoldenEye pending in Eastern District of Texas on networking technology.
- Cisco: Lead counsel for Cisco in patent case filed by PrivaKey pending in Eastern District of Texas on authentication technology.
- Optiver: Lead counsel for Optiver in patent case filed in Western District of Texas on high frequency trading technology.
- Optiver: Lead counsel for Optiver in patent case filed in Northern District of Illinois on RF transmission technology.
- SharkNinja: Lead counsel for SharkNinja in four patent case filed by MavorCo in District of Delaware on portable blender technology.

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