Emily Whitcher

Associate Attorney

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Orange County



Emily Whitcher is an associate in the Orange County office of Gibson, Dunn & Crutcher. She is a member of the Intellectual Property Practice Group, focusing on patent and trade secret litigation. She also advises clients on corporate matters and conducts freedom to operate analyses.

Emily has significant experience in all stages of litigation — ranging from initial claim investigation to achieving a favorable jury verdict upheld on appeal.

Emily has litigated high-stakes cases for both plaintiffs and defendants in a variety of forums, including federal courts, the Patent Trial and Appeal Board (PTAB), the International Trade Commission (ITC), and arbitration panels. She leverages her technical background in bioengineering to counsel clients in a wide range of industries, including biotechnology, pharmaceuticals, medical devices, video streaming technology, networking, semiconductors, software, electronics, mechanical devices, virtual reality, and interactive entertainment.

Emily has been instrumental in developing case strategy, managing complex discovery, taking and defending depositions, arguing at court hearings, and developing successful summary judgment and *Daubert* arguments. She also has significant patent trial experience, including directing and cross-examining fact and expert witnesses at successful jury trials. She was recently a key member of a trial team that achieved an across-the-board defense jury verdict finding noninfringement, invalidity, prior commercial use — the first known defense verdict on the prior commercial use defense under 35 U.S.C. § 273(a) in the United States.

Emily litigates issues in all areas of patent law, including validity, infringement, enforceability, and damages. She has an unparalleled attention to detail and will relentlessly advocate for her clients. She often develops creative defenses that have been successful at trial and offer clients a strong negotiation position.

Emily earned her Juris Doctor from Harvard Law School in 2015.

Emily graduated with a Bachelor of Science, *summa cum laude*, and a Master of Science in bioengineering from the University of Pennsylvania in 2012, where she was admitted to the Tau Beta Pi engineering honor society.

Emily is admitted to practice in the States of California and New York and before the United States District Courts for the Central and Northern Districts of California, the Southern and Eastern Districts of New York, and the Eastern District of Texas. She is also a registered patent attorney before the United States Patent and Trademark Office.

Prior to joining Gibson Dunn in 2021, Emily was an associate at Jones Day and Skadden, Arps, Slate, Meagher & Flom.

Capabilities

Intellectual Property
Life Sciences
Litigation

Credentials

Education

Harvard University - 2015 Juris Doctor
University of Pennsylvania - 2012 Master of Science
University of Pennsylvania - 2012 Bachelor of Science

Admissions

California Bar
New York Bar

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