



## Y. ERNEST HSIN

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Litigation

"It was a complete victory at trial," said Hsin, who was one of the lead defense attorneys in the case. WSOU filed its appeal in April.

As co-chair of Gibson Dunn's national intellectual property practice group, Hsin has had a number of litigation successes. Last month, he and his team blocked a motion for a preliminary injunction against client Zwift Inc., which makes software and apps to track workouts on smart bikes and exercise equipment. *Wahoo Fitness LLC v. Zwift Inc.*, 1:22-cv-01295 (D. Del., filed Oct. 3, 2022).

He won a complete defense verdict for Fitbit in an International Trade Commission trial that could have put virtually all the client's products at risk. The trial was especially challenging, Hsin said, because it was one of the first remote trials at the ITC. The Federal Circuit upheld Fitbit's win in August.

Currently, he is defending the coffee and espresso machine company Nespresso in a pair of patent lawsuits and defending Merck spinoff Organon LLC in litigation about patents used in an implantable birth control device.

Hsin said he likes handling cases in a broad range of technology areas. "I feel like the work is most interesting that way."

His own technical background is mechanical engineering. But he was always interested in becoming a lawyer. "I always thought I wanted to stand up in court and make an argument, examine a witness and be an advocate," he said. "That's still in many ways . . . the juice for me. I love that."

A chance meeting played a part in his final choice of career. Back when Hsin was an MIT undergrad, his father once was seated next to a patent lawyer on an international flight. As they talked, the lawyer suggested Hsin try out law one summer at his firm.

"I worked at that patent law firm in the records department, but I got enough exposure to what work the firm was doing to get an interest in exploring patent law," he said. "By the time I graduated, I knew I wanted to pursue a career in IP litigation."

— Don DeBenedictis

On Feb. 23, Ernest Hsin and his team scored a striking defense victory. They won a directed verdict against WSOU Investments, one of the more active nonpracticing entities in patent litigation.

They won the verdict from West Texas U.S. District Judge Alan Albright, who is generally viewed as friendly to patent plaintiffs. It was the first directed verdict the judge had issued in a patent case, Hsin said. *WSOU Investments LLC v. Dell Technologies Inc.*, 6:20-cv-00480 (W.D. Tex., filed June 2, 2020).