

Repeat Successes for Cisco, ITC Win for SharkNinja Help Propel Gibson Dunn's IP Litigation Team

By Samson Amore

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Gibson Dunn & Crutcher's intellectual property litigation work on behalf of Cisco Systems was one of several standout areas that helped it earn a specialty Litigation Department of the Year honor in IP at The American Lawyer's Industry Awards earlier this year.

Gibson partners Brian Rosenthal and Kate Dominguez were lead counsel on the case for Cisco, which went to a jury trial in federal court in Waco, Texas. Cisco was accused of infringing on five patents for its router network technology by WSOU Investments. Originally a \$50 million claim, Gibson's lawyers were able to strike out three patents early and obtain summary judgment on the fourth, so only a single patent claim worth a claimed \$19.3 million ended up being litigated.

The jury agreed with Gibson Dunn's argument that Cisco owned the patents first, but the case also set a precedent. The jury



found that Cisco had used the technology commercially for over a year before filing—which, according to the firm, was likely a novel application of Section 273, allowing for noninfringement claims due to the previous commercial use of the technology.

It wasn't the first time Gibson had achieved a win in court for longtime client Cisco. It secured three patent trial wins in court in the past year, including when Rosenthal and partner Stuart Rosenberg and associate Audrey

Yang, won a directed verdict prior to closing arguments in *Corrigent v. Cisco*, a \$120 million case accusing Cisco of patent infringement.

Gibson Dunn's IP litigation department was also active in defending Dell EMC, a subsidiary of Dell Technologies that sells data storage and protection technology. Dell EMC was sued in U.S. District Court for the District of Massachusetts by ACQIS Technologies. ACQIS claimed that 11 of Dell EMC's patents for a hardware data transfer technology called PCI Express were infringed. But Gibson's team was able to obtain summary judgment for noninfringement and \$5 million in attorney fees for Dell EMC, which the firm characterized as "a rare and emphatic rebuke of the plaintiff's litigation tactics." The litigation team was led by partners Josh Krevitt and Paul Torchia, and partner co-leads Brian Buroker, Kate Dominguez, Ben Hershkowitz, and Brian Rosenthal.

Gibson also represented SharkNinja, a developer of vacuums including the Shark IQ smart vacuum, in a proceeding that ended up before the International Trade Commission. The case began back in 2020, when competitor iRobot claimed SharkNinja infringed on six of its patents and tried to block it from selling products during the holiday season that year through

an emergency preliminary injunction. Gibson lawyers including lead partners Rosenthal and Brian Buroker engaged in an "intensive, day-long oral argument" before a court and blocked the injunction, the firm said.

The legal saga dragged on for more than four years, with iRobot unsuccessfully petitioning the ITC for the recognition of five new patents that could block SharkNinja from selling in the U.S. Buroker and Rosenthal argued before the ITC that their client was not in violation, in part because it had already been advised by Gibson on reconfiguring its products to avoid liability. Ultimately, in August 2024, the ITC found in favor of SharkNinja.

Other IP clients of Gibson's include Apple, Novartis, Meta, TikTok and Verizon. Verizon and T-Mobile were sued by Headwater Research, which claimed the wireless carriers' network and mobile communications tech infringe on its patents. The plaintiff seeks nearly \$200 million from Verizon and some \$400 million from T-Mobile. The Verizon jury trial proceeded in July, and a bench trial is scheduled for February 2026, with Dominguez, Krevitt and Rosenthal set to argue before U.S. District Judge Rodney Gilstrap in the Eastern District of Texas. A source familiar with the T-Mobile matter said it settled before trial.