



## Eugene M. Gelernter

Of Counsel

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Mr. Gelernter has extensive experience in trials and appeals in federal courts. His practice concentrates in patent infringement litigation and other complex litigation matters.

In five of his cases, our client won judgments or arbitration awards ranging of more than \$150 million. He also represented the plaintiff in a series of cases in which our client received settlements totaling \$3.2 billion. He has successfully briefed and/or argued numerous appeals in the Federal Circuit and other appellate courts.

For more than a decade, Mr. Gelernter was Patterson Belknap's General Counsel or co-General Counsel. He regularly advises lawyers and law firms on issues of professional ethics.

### **Representative Matters**

#### ***Patent Infringement Cases***

Mr. Gelernter has litigated cases involving a variety of technologies, including medical devices, pharmaceuticals, electrical engineering and computer software.

#### ***Cases Involving Patents on Medical Devices***

He has successfully represented patentees in numerous patent infringement cases involving medical devices. These include a series of cases involving coronary stents that resulted in settlements for our client of \$3.2 billion, judgments for our client of \$702 million and \$521 million, and an arbitration award in our client's favor of \$425 million.

He also represented the accused infringer in the successful defense of an action involving patents on instruments used in endoscopic surgery; the verdict for our client in that case, invalidating the other side's patents, was affirmed on appeal and was cited by *The National Law Journal* as one of the top defense verdicts of the year.

#### ***Cases Involving Patents on Electrical Engineering Technology and Software***

Mr. Gelernter has been lead counsel for a major electronics company in cases involving digital subtraction angiography, digital data compression and interlacing imaging systems. He also has been lead counsel in cases involving patents on computer software.

He successfully represented a major electronics manufacturer in a case where the court granted summary judgment holding that the opposing parties' patent (on speech recognition technology) was invalid as obvious.

#### ***Cases in Involving Patents on Pharmaceutical Products***

He has represented major pharmaceutical companies in numerous ANDA cases. In one recent case, involving a

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billion dollar protease inhibitor for treating AIDS and HIV, the district court ruled in our client's favor that all of the asserted claims were infringed and not invalid.

## ***Appeals in Patent Cases***

Mr. Gelernter has successfully briefed and/or argued numerous appeals to the Federal Circuit, including appeals in cases where the Firm won judgments for its client of \$702 million and \$521 million, respectively, and another case where the Firm succeeded on appeal in invalidating its adversary's patent, thus avoiding damages that could have exceeded \$1 billion.

## ***Licensing Disputes***

He successfully represented our client in two license disputes that resulted in arbitration awards to our client of \$164 million and \$150 million, respectively.

## ***Other Matters***

Mr. Gelernter successfully represented a well-known entertainer in a series of lawsuits, including a suit against his agent for misappropriation of the client's funds.

He has successfully represented plaintiffs and defendants in false advertising cases.

He also advises lawyers and law firms on issues of professional ethics, and represents attorneys and law firms in disciplinary proceedings and legal malpractice actions.

## ***Pro Bono Matters***

Mr. Gelernter served as co-Chair of the Firm's pro bono practice for nearly a decade, including 2020, when *Vault* ranked the Firm's pro bono practice as the No. 1 pro bono practice in the country.

Mr. Gelernter prosecuted a civil suit alleging that a 53-year, schizophrenic inmate who died in a New York State prison was choked to death by prison guards in retaliation for having struck a corrections officer. The case recently settled after two weeks of trial, with the State agreeing to install cameras in the prison and to pay the victim's family more than three times more than the State had paid in any similar case.

In conjunction with the Legal Aid Society of the City of New York, he has represented clients in federal courts in immigration matters, including petitions challenging orders of removal and habeas corpus proceedings for detained immigrants who were not accorded constitutionally-mandated hearings.

He represented an inmate on death row in Alabama in proceedings challenging the imposition of the death penalty.

He has filed numerous *amicus* briefs in the Supreme Court and federal appellate courts in cases involving reproductive rights, the rights of persons seeking asylum, criminal procedure, the use of DNA evidence and hearings for detainees at Guantanamo.

## **Education**

- Stanford Law School (J.D.)
  - Order of the Coif
  - Oehlmann Prize for Legal Writing
- Yale University (B.A., *magna cum laude*)

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## Admissions

- U.S. Court of Appeals, Second Circuit; Third Circuit; Federal Circuit
- U.S. District Court, Southern, Eastern and Northern Districts of New York
- New York

## Languages

- Italian

## Professional Activities

Recognized in *Super Lawyers* in the area of Intellectual Property Litigation