



Eugene M. Gelernter

Pro Bono Counsel

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As a Partner in the firm's litigation department for three decades, Mr. Gelernter successfully represented Fortune 500 companies in complex commercial cases, at trial, in arbitration and on appeal. Since retiring from the partnership, his practice has focused on pro bono matters.

He served as the firm's General Counsel and as co-Chair of its Pro Bono practice. He also taught professional ethics at Columbia Law School.

Before joining Patterson Belknap, he was a Law Clerk for the Hon. Whitman Knapp of the U.S. District Court for the Southern District of New York.

Representative Matters

Patent Infringement Cases

Mr. Gelernter has successfully litigated high-stakes patent infringement cases involving medical devices, pharmaceuticals, recombinant DNA, electrical engineering, computer software and other technologies. These include a series of cases involving coronary stents that resulted in one of the largest recoveries ever in a patent infringement case – a net recovery for the firm's client of \$3.7 billion. He has been recognized by *Super Lawyers* as an outstanding attorney in the area of Intellectual Property Litigation.

In addition to his work in trial courts and IPRs, Mr. Gelernter has briefed and argued numerous appeals in patent cases to the U.S. Court of Appeals for the Federal Circuit.

Other Commercial Cases

Mr. Gelernter has successfully represented clients in license disputes concerning medical devices and biotechnology products, including cases where his client won awards of \$164 million and \$152 million.

He successfully represented a well-known entertainer in a series of lawsuits, including cases involving misappropriation of funds by the client's business manager.

He successfully represented plaintiffs and defendants in false advertising cases, including a case where the court enjoined the adverse party from promoting its products as effective for their intended purpose.

Pro Bono Matters

Mr. Gelernter has filed *amicus* briefs in the U.S. Supreme Court, U.S. Courts of Appeal and state supreme courts in major

cases involving reproductive rights (e.g., *Food and Drug Administration v. Alliance for Hippocratic Medicine*; *Dobbs v. Jackson Women's Health*; *June Medical Services v. Russo*; *Whole Women's Health v. Hellerstadt*); hearings for detainees at Guantanamo (*Hamdan v. Rumsfeld*); the rights of persons seeking asylum (*Jennings v. Rodriguez*; *Albence v. Guzman Chavez*); the Prison Litigation Reform Act; criminal procedure; the use of DNA evidence; and First Amendment issues.

In one recent civil rights case, he represented the family of an African-American inmate who died in a New York State prison. Although prison officials initially attributed the death to a heart attack, evidence showed that the prisoner had been choked to death by prison guards. The case ultimately settled with the State paying three times more than it had paid in any similar case and agreeing to install cameras throughout the prison.

In addition, he has assisted the Pennsylvania Innocence Project in connection with claims of actual innocence.

In conjunction with the Legal Aid Society of the City of New York, he represented immigrants who were being detained by immigration authorities without constitutionally-mandated hearings.

After Hurricane Katrina, he represented children in New Orleans with learning disabilities who were being denied educational opportunities.

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

Admissions

- New York
- U.S. Supreme Court
- U.S. Courts of Appeals for the Second, Third, Fourth, Ninth, Eleventh and Federal Circuits
- U.S. District Courts for the Southern, Eastern and Northern Districts of New York

Languages

- Italian

Education

- Stanford Law School (J.D.)
 - Order of the Coif
 - Oehlmann Prize for Legal Writing
- Yale University (B.A., *magna cum laude*)
- European University Institute in Florence, Italy (Fulbright Fellowship)