



Gregory L. Diskant

Of Counsel

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Gregory Diskant is a senior litigator at Patterson Belknap, where he served as chair from 1997-2007. As part of his active trial practice, Mr. Diskant regularly tries cases in federal and state courts and before arbitration panels, focusing on complex commercial and intellectual property litigation. He has secured billions of dollars in judgments and settlements for his clients, with multiple verdicts greater than \$100 million. In jury trials around the country, Mr. Diskant has successfully represented both plaintiffs and defendants. Two of his jury victories for plaintiffs were cited as major plaintiff's verdicts of the year; two of his jury wins for defendants were cited as major defendant's verdicts of the year. Most recently, in a two-week jury trial in Florida in August 2017, he defeated a \$450 million claim of patent infringement.

Prior to joining Patterson Belknap Mr. Diskant served as Assistant United States Attorney and as Chief Appellate Attorney for the Southern District of New York. He also served as a Law Clerk to the Hon. Thurgood Marshall, Supreme Court of the United States and the Hon. J. Skelly Wright, U.S. Court of Appeals for the District of Columbia Circuit.

Representative Matters

Licensing/Contract Disputes

Handled a variety of contract and licensing disputes, including successfully pursuing through both preliminary injunction and two prolonged trials a major pharmaceutical company's rights to a multi-million dollar pharmaceutical, winning damage awards of \$164 million and \$152 million; as defendant, defeated effort to terminate multi-billion dollar licensing contract. In April 2011, he obtained a settlement after trial valued at over \$3 billion resolving distribution rights to a blockbuster arthritis drug. In June 2012, he obtained a defendant's award in arbitration rejecting in its entirety plaintiff's contract claim for \$130 million and an award of attorney's fees.

Patent

Tried numerous complex patent cases, focusing on medical devices and pharmaceuticals. As plaintiff, won jury verdicts of \$271 million and \$324 million in cases involving coronary stents (both cited by *The National Law Journal* as among the major plaintiff's verdicts of the year) and arbitration award of \$425 million. The series of stent cases resulted in total recoveries of \$3.7 billion. As defendant, won jury verdicts defeating claims on contact lenses, stents and endoscopic devices (the last cited by *The National Law Journal* as one of the major defense verdicts of the year). In April 2013, obtained the complete reversal and dismissal of a \$600 million judgment in a patent case involving a medical device, setting aside one of the largest jury verdicts of 2011. In August 2017, secured a jury verdict of noninfringement in favor of a contact lens manufacturer.

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False Advertising/Libel and Media Law

Participated both as plaintiff and defendant in numerous false advertising cases, including successfully defending a Fortune 50 pharmaceutical company from a comprehensive attack on its advertising in a case the District Court called "the largest and most complex false advertising case ever tried."

Successfully defended the publisher of a major national newspaper in a three month jury trial labeled by the *ABA Journal* one of the "Major Defense Verdicts" of the year; handled multiple libel and slander cases for major media companies.

Multiple trademark and copyright cases, including successfully defending parody of Cliffs' Notes using Cliffs' trademarks; defending a magazine's right to print an unpublished letter by a well-known writer; defending a publisher against claimed unauthorized publication of Marilyn Monroe photographs.

Education

- Columbia Law School (J.D.)
 - Kent Scholar
 - Editor-in-Chief, *Columbia Law Review*
- Princeton University (A.B.)
 - Chemistry degree

Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Second Circuit; Third Circuit; Fifth Circuit; Eleventh Circuit; Federal Circuit
- U.S. District Court, Southern, Eastern and Western Districts of New York
- New York State

Professional Activities

Fellow, American College of Trial Lawyers

Recognized in

- *Chambers USA* in the area of Intellectual Property (Band 1)
- *The Best Lawyers in America*® in the area of Commercial Litigation, Bet-the-Company Litigation and Intellectual Property
- *Super Lawyers* as one of the Top 100 lawyers in New York and in the area of Intellectual Property Litigation
- *Benchmark: Litigation* as a "Litigation Star" for New York and a "National Star" for Intellectual Property
- *Managing Intellectual Property* as an "IP Star" for New York

Publications

- "Timed Trials: Worth a Try" *Litigation* (Fall 2016)
- "Trial Balloon: Rethinking Corporate Criminal Liability" *Litigation* (Winter 2008)
- "Time to Rethink Corporate Criminal Liability" *New York Law Journal* (August 2, 2007)
- "Terrorists' defender?" *The National Law Journal* (March 5, 2007)

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Comments by clients and adversaries

Gregory Diskant is a well-regarded IP practitioner who is praised as a *"spectacular first chair trial attorney who communicates well with judges and juries."* He has experience handling a range of contentious matters, with notable expertise in patent infringement disputes. (Chambers 2018)

"Really, really excellent lawyer" Gregory Diskant is *"absolutely the real deal,"* according to sources, who highlight his *"high-class"* litigation practice. He works in sectors including biotechnology, media and entertainment and financial services. (Chambers 2017)

Gregory Diskant is a highly experienced patent lawyer, seen by his peers as *"very bright"* and *"an excellent lead trial counsel."* He is well versed in handling patent disputes of the highest value, and is routinely sought after to act in cases relating to medical devices. (Chambers 2016)

Gregory Diskant concentrates on patent litigation concerning life sciences, and has an excellent reputation for his work in the 'stent wars' and medical device cases. Sources say he is a *"very astute litigator"* and *"a very fine trial lawyer"* (Chambers 2015)

Gregory Diskant is described as an *"excellent first-chair advocate"* and *"a rock star"* by clients. He is a seasoned patent litigator and led for Johnson & Johnson in its Federal Circuit appeal triumph regarding coronary stents. (Chambers 2014)

Gregory Diskant is a senior patent litigator, and one of the most effective resources the firm has to offer. He has an *"understated"* manner but also a *"definite edge to him in the courtroom,"* and he *"knows how to use his smarts to get the result needed,"* according to sources. (Chambers 2013)

Pro Bono Activities

Active pro bono practice focusing on democracy issues; has filed recent Supreme Court amicus briefs on one-person/one-vote, the filibuster, gerry-mandering and same-sex marriage; now litigating constitutional challenges to the gerrymander of the Maryland and the North Carolina congressional delegations; member, National Governing Board, Common Cause