

Lindsey E. Miller

Partner

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Lindsey Miller is a trusted trial partner for some of the world's leading technology and life sciences companies in high-stakes patent disputes. As a Partner in Desmarais LLP's High-Tech and Life Sciences Practices, she has played a central role in cases yielding over \$1.25 billion in recoveries and defending against claims worth hundreds of millions of dollars.

Ms. Miller's litigation experience spans a broad range of industries and technologies, from consumer electronics, software, integrated devices and services, networking and collaboration, data storage and security, pharmaceutical products, and medical devices. She leads litigation teams through every phase of complex patent cases, including pre-complaint diligence and strategic planning, claim construction, fact and expert discovery, summary judgment, and trial. She has represented clients in federal courts across the country and managed global enforcement campaigns.

On the plaintiff side, Ms. Miller led the Desmarais merits trial team representing ViiV Healthcare Company (a GlaxoSmithKline affiliate) and Shionogi & Co. in patent infringement litigation against Gilead Sciences over the blockbuster HIV-1 treatment Biktarvy®. She played a leading role in defeating Gilead's motion for judgment on the pleadings and motion for summary judgment of noninfringement, positioning the case for a jury trial that resulted in a landmark \$1.25 billion plus royalties settlement, **one of the largest patent settlements in history.**

Ms. Miller recently represented a major technology company in a jury trial in Wilmington, Delaware. The opposing party was found to have willfully infringed two design patents relating to a smartwatch and its charger.

On the defense side, Ms. Miller secured a complete victory for Intel Corporation at summary judgment in a patent infringement action brought by XMTT Inc. targeting Intel's central processing units, eliminating the case before trial.

EDUCATION

University of Baltimore School of Law,
J.D., 2012, *summa cum laude*,
Heusler Honor Society, Law Review

Virginia Polytechnic Institute and State
University, B.S. Chemical Engineering,
B.A. Political Science, 2008

ADMISSIONS

2013, New York

Beyond courtroom litigation, Ms. Miller advises clients on global patent enforcement strategies, manages global enforcement campaigns and large joint defense groups, conducts patent portfolio diligence, valuation, and pre-litigation analyses, negotiates licensing and settlement agreements, and assists with post-grant challenges before the Patent Trial and Appeal Board.

Ms. Miller is a recognized leader in advancing women in intellectual property law. She serves as Co-Chair of the Programs Committee for the New York Intellectual Property Law Association and is actively involved with the ChIPs Network and the Women in IP Network.

Before becoming a partner at Desmarais LLP, Ms. Miller spent five years as an associate at the firm and, before that, practiced at Jones Day in New York, representing clients in patent litigation and advising on transactions involving intellectual property, including IP due diligence for mergers and acquisitions. She began her career as a project analyst at FTI Consulting in the offices of the General Counsel and Chairman of North America, where she worked on a range of strategic transactions, and later supported an initial public offering. That experience gave her an early understanding of complex business operations and corporate strategy.

Ms. Miller graduated *summa cum laude* from the University of Baltimore School of Law on a full academic scholarship, where she was a member of the Heusler Honor Society and served as Managing Editor, Information Technology for the University of Baltimore Law Review. During law school, she clerked for the Honorable Paul W. Grimm in the U.S. District Court for the District of Maryland.

Prior Experience

- Associate, Desmarais LLP, New York, New York, 2015-2020
- Associate, Jones Day, New York, 2012-2014
- Judicial Intern, The Honorable Paul W. Grimm, U.S. District Court for the District of Maryland, Spring 2012
- Project Analyst, FTI Consulting, Maryland and New York, 2008-2009

Courts

- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York

Other Distinctions

- Managing Editor IT, University of Baltimore Law Review
- Member, Heusler Honor Society, University of Baltimore School of Law Full Academic Scholarship

Memberships & Affiliations

- New York Intellectual Property Law Association
- ChIPs Network
- Tech Up for Women
- Women in Law Empowerment Forum
- The Women in IP Network

Representative Matters

- *OptiMorphix, Inc. v. Cisco Systems, Inc.*, No. 5:23-cv-00126 (E.D. Tex.) (represented Cisco in patent litigation involving multimedia streaming and network communication technology)
- *International Business Machines Corporation v. Zynga, Inc. et al.*, No. 1:22-cv-00590 (D. Del.) (represented IBM in patent litigation involving advertising and software architecture technology)
- *International Business Machines Corporation v. Rakuten, Inc. et al.*, No. 1:21-cv-00461 (D. Del.) (represented IBM in patent litigation involving advertising technology)
- *ACQIS LLC v. Lenovo Group Ltd. et al.*, No. 6:20-cv-00967 (W.D. Tex.) (represented Lenovo in patent litigation involving high-speed interconnects between computer modules)
- *Monarch Networking Solutions LLC v. Cisco Systems, Inc. et al.*, No. 2:20-cv-00015 (E.D. Tex.) (represented Cisco in patent litigation involving transporting data packets)
- *XMTT, Inc. v. Intel Corporation*, No. 1:18-cv-00224 (D. Del.) (represented Intel in patent litigation involving processors with integrated graphics, securing summary judgment of non-infringement)
- *ViiV Healthcare et al. v. Gilead Sciences, Inc.*, No. 2:18-cv-00224-CFC (D. Del.) (represented GlaxoSmithKline affiliate ViiV Healthcare and Shionogi in patent litigation related to HIV-1 treatment Biktarvy® securing a **\$1.25B plus royalty settlement**).
- *Uniloc 2017 LLC v. Cisco Systems, Inc.*, No. 2:18-cv-00505 (E.D. Tex.) (represented Cisco in patent litigation involving Bluetooth technology, resulting in a voluntary dismissal with prejudice before the Markman hearing).
- *XpertUniverse, Inc. v. Cisco Systems, Inc.*, No. 3:17-cv-03848-RS (N.D. Cal.) (represented Cisco in patent litigation involving computer-based expert location systems, resulting in a stay pending successful post-grant reexamination).
- *Egenera, Inc. v. Cisco Systems, Inc.*, No. 1:16-cv-11613 (D. Mass.) (represented Cisco in litigation involving data center server technology).
- *Enzo Life Sciences, Inc. v. Abbott Laboratories, et al.*, No. 1:12-cv-00274-LPS (D. Del.) (represented Enzo Life Sciences in patent litigations against numerous defendants regarding nucleic acid detection).
- *Uniloc USA, Inc. et al v. Cisco Systems, Inc.*, No. 6:15-cv-01175 (E.D. Tex.); No. 2:17-cv-00527-RAJ (W.D. Wash.) (representing Cisco in patent litigation involving instant message to conference call technology, resulting in a successful transfer from E.D. Tex. to W.D. Wash. and stay pending successful inter parties review).
- *Oasis Research, LLC v. EMC Corp., et al.*, Nos. 4:10-cv-00435-ALM, 4:12-cv-00526-ALM (E.D. Tex.) (represented Oasis Research, LLC in several patent infringement litigations involving online backup and software-as-a-service technology).
- *Bonutti Skeletal Innovations LLC v. Arthrex*, Nos. 6:12-cv-01380-ORL-22TBS, 6:13-cv-00620-ORL-22TBS (M.D. Fla.); *Biomet, Inc. v. Bonutti Skeletal Innovations, LLC*, No. 3:13-cv-176-JVB-CAN (N.D. Ind.); *Bonutti Skeletal Innovations LLC v. Depuy Mitek LLC et al.*, No. 1:12-cv-11667-RGS (D. Mass.); *Bonutti Skeletal Innovations LLC v. Globus Medical Inc.*, No. 2:14-cv-06650-WY (E.D. Pa.); *Bonutti*

Skeletal Innovations, LLC v. DePuy Synthes Sales, Inc. et al., No. 1:14-14680-GAO (D. Mass.) (represented Bonutti Skeletal Innovations LLC against several medical device companies in patent litigation involving methods of conducting orthopedic surgery and implanting orthopedic medical devices).

- *Catalog.com, Inc. v. SoftLayer Technologies, Inc.*, et al., 5:14-cv-0006558-L (W.D. Okla.) (represented IBM affiliate SoftLayer Technologies in case alleging misappropriation of trade secrets, tortious interference with business contracts or relations, and conspiracy, resulting in a voluntary dismissal with prejudice).

News & Publications

- *Masimo Infringed 2 Apple Watch Patents, Jury Finds* – *Law360*, October 25, 2024
- “ViiV Healthcare Infringement Suit Against Gilead To Continue - Judge” – *Seeking Alpha*, August 3, 2020 – Ms. Miller is part of the Desmarais LLP team representing GlaxoSmithKline affiliate ViiV Healthcare and Shionogi in patent litigation related to HIV-1 treatment Biktarvy®.
- *Desmarais LLP Secures Defense Victory for Intel before the Federal Circuit*
- *Desmarais LLP Earns Defense Win for Intel in Tech Patent Lawsuit*
- *Desmarais LLP Represents ViiV Healthcare and Shionogi in Patent Settlement, Securing \$1.25B Plus Royalties*
- *Desmarais LLP Announces 2021 Partner Elevation*