

Tuhin Ganguly

Partner

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Mr. Ganguly is a trial lawyer who specializes in Section 337 patent litigation before the United States International Trade Commission. He has represented complainants and respondents in over 20 ITC investigations involving a wide variety of technologies including digital imaging technologies, digital signal processing (optical and audio), integrated circuit technologies, LED technologies, consumer electronics, warehouse automation and robotics, and medical devices. Mr. Ganguly also represents clients in high-volume patent venues including the U.S. District Courts for the District of Delaware, the Western District of Texas, the Eastern District of Virginia, the Northern and Central Districts of California, and the Southern District of New York. Mr. Ganguly is experienced in managing all aspects of patent litigation—from pre-filing diligence through trial.

Most recently, Mr. Ganguly was first chair trial counsel in ITC Investigation No. 337-TA-1256, which involved portable lithium-ion battery jump starters. He secured a finding of no violation on behalf of his client Winplus North America, Inc., one of the named respondents. The initial determination was later affirmed by the Commission.

Prior to that, Mr. Ganguly was lead counsel in ITC Investigation No. 337-TA-1107, which involved LED lighting technology. He obtained multiple favorable settlements on behalf of complainant Fraen Corporation, a Massachusetts company. Additionally, Mr. Ganguly secured a general exclusion order, which are rarely issued by the ITC, in favor of Fraen after proving widespread infringement.

In addition to patent litigation, Mr. Ganguly has experience prosecuting patent applications, performing portfolio evaluations, rendering validity and infringement opinions, licensing technologies, and providing strategic counseling to clients on their intellectual property. He is registered to practice before the United States Patent and Trademark Office.

Mr. Ganguly also dedicates time to juvenile immigration pro bono matters. He previously served on the Washington, DC advisory committee of Kids in

EDUCATION

Washington University School of Law,
J.D., cum laude, 2008

Washington University in St. Louis,
B.A., with honors, 2001; Biology

ADMISSIONS

2009, District of Columbia

2008, California

Registered to practice before the
United States Patent and Trademark
Office

Need of Defense (KIND) – an organization devoted to the protection of unaccompanied and separated children

Mr. Ganguly is also an active member of the ITC Trial Lawyers Association. He was previously an editor for the ITCTLA's monthly reporter and is currently serving as an at-large member of the executive committee.

Before joining Desmarais LLP, Mr. Ganguly was an associate and then a partner in the Washington, DC office of Troutman Pepper Hamilton Sanders LLP and an associate in the Washington, DC office of Bingham McCutchen LLP. Mr. Ganguly's education and industry experience are in molecular biology and protein biochemistry. Before practicing law, he was a molecular biologist and protein biochemist for Monsanto and, while in law school, he was the intellectual property administrator for a therapeutics start-up.

Prior Experience

- Associate/Partner, Troutman Pepper Hamilton Sanders LLP, Washington, DC, 2010-2021
- Associate, Bingham McCutchen LLP, Washington, DC, 2008-2010

Courts

- United States Court of Appeals, Federal Circuit
- United States District Court for the Northern District of California
- United States District Court for the Central District of California

Other Distinctions

- *Super Lawyers* Rising Stars: 2014-2019
- *Super Lawyers*: 2020-2023
- *Managing Intellectual Property*, IAM Patent 1000

Memberships & Affiliations

- California State Bar
- Washington, DC Bar
- Registered before the USPTO
- ITC Trial Lawyers Association

Representative Matters

- Defended Winplus North America, Inc. in an ITC investigation—Investigation No. 337-TA-1256—initiated by NOCO Company related to portable battery jump starters. Managed all aspects of the litigation, prepared and defended Winplus's corporate representatives, and examined Winplus's technical expert and cross-examined NOCO's technical expert at the evidentiary hearing.
- Represented Fraen Corporation as a complainant in an ITC investigation—Investigation No. 337-TA-1107—involving LED lighting technology. Obtained favorable licenses from multiple respondents and ultimately obtained a general exclusion order. Managed all aspects of the litigation including fact and expert discovery.
- Successfully defended 3Shape A/S in three ITC investigations—Investigation Nos. 337-TA-1090, 1091, and 1144—initiated by Align Technology, Inc. regarding digital dental scanners and related

technology. Also represented 3Shape as both plaintiff and defendant in multiple district court litigations. Took multiple fact and expert witness depositions and cross examined Align's corporate representatives and economics expert at the evidentiary hearings. Ultimately, the parties entered into a favorable global settlement.

News & Publications

- "Deal Ends Google Patent Case Soon After Start Of \$22.5M Trial" - *Law360*, November 12, 2024
- Desmarais LLP Secures ITC Win for Sun Pharmaceutical in Biofrontera Investigation
- Desmarais LLP Secures \$44.9M Jury Verdict for IBM in Tech Patent Trial
- ITC Confirms Desmarais LLP's Win for OPEX's Warehouse Robotics Patent
- Desmarais LLP Notches Another Win Before the ITC
- 3 Partners Arrive at Desmarais LLP to Launch Washington, D.C. Office