



Post-Grant Proceedings

WilmerHale has been at the forefront of post-grant proceedings from the inception of the America Invents Act in 2011, through the changes in the proceedings across USPTO Directors and, most recently, the new Discretionary Denial Briefing (DDB) which has led to new strategies to address client needs. WilmerHale leads the way with the integration of *inter partes* review (IPR) and post-grant review (PGR) into our strategic assessment for patent plaintiffs and defendants. Our clients rely on us for their most sensitive and business-critical matters, trusting WilmerHale to deliver outcomes that safeguard their innovations and strategically challenge or defend patents asserted in litigation.

PRACTICE AT A GLANCE

- WilmerHale is nationally and internationally recognized as a leader in post-grant proceedings and has an excellent record of success in representing both patent challengers and patent owners.
- With robust practices in IP, IP litigation, and appeals, WilmerHale is uniquely positioned to offer comprehensive guidance on utilizing post-grant proceedings to address clients’ strategic objectives. Our top-tier lawyers collaborate closely to address complex challenges efficiently and effectively.
- WilmerHale is well-positioned to advise clients on the interplay between USPTO proceedings and concurrent litigation, as well as strategies for appeal in view of the developing landscape of Federal Circuit and Supreme Court decisions regarding post-grant proceedings, patent law, and administrative procedure.
- As one of the earliest and most active advisors in post-grant proceedings, WilmerHale offers unmatched value through candid, strategic guidance from leading practitioners in the field. In a post-grant landscape increasingly shaped by shifting regulations and policy, we develop proactive, forward-looking strategies that position clients to succeed despite heightened uncertainty.
- WilmerHale stands out among full-service law firms for our post-grant and IPR expertise, enhancing the litigation and strategic counseling we offer our clients.

640+

IPRs handled by WilmerHale attorneys

375+

Petitions filed since 2015

430+

IPR appeals argued at the Federal Circuit

50+

Articles authored by WilmerHale attorneys concerning developing issues relevant to post-grant practice

The firm has handled IPRs for clients spanning a wide range of industries, including:

Life Sciences

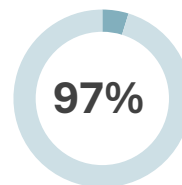
- Biotechnology
- Genomics
- Medical Devices
- Pharmaceuticals
- Biologics & Biosimilars

Technology

- Electronics
- Information Technology
- Internet Services
- Semiconductors
- Software
- Telecommunications

Other

- Automotive
- Consumer Products
- Energy
- Financial Services
- Manufacturing
- Media and Entertainment



Institution Rate for Challenged Claims While Representing Petitioner

EXPERIENCE

Representing Patent Owners

- Handled biosimilar patent litigations and related IPR matters involving **Genentech's** \$7 billion-a-year drug, Herceptin®. Over the course of many years, several manufacturers sought approval for their biosimilar versions of Herceptin® via the BPCIA and challenged Genentech's patents via IPRs. The Herceptin® litigation involved five biosimilar challenges, the assertion of 47 patents, and the defense of 30 IPRs. After successfully defending several IPR challenges and litigating these actions for years, Genentech reached favorable settlements with each biosimilar challenger.
- Preserved the validity of a seminal patent in **Medtronic's** vascular business. The PTAB denied institution of three IPR petitions filed by Cook, Inc. The patent at issue is crucial to Medtronic's business, and the decision maintained its enforceability until 2029.
- Represented **AbbVie** in defending against 22 petitions for *inter partes* review challenging patents related to Humira® filed with the PTAB by entities developing biosimilar products; and represented AbbVie in related appeals before the Federal Circuit. Two of these IPRs challenged AbbVie patents directed to methods of treating psoriasis and/or psoriatic arthritis and were resolved by settlement.

Representing Petitioners

- Achieved significant and complete victory for **Hanwha** in its litigation dispute with REC in the field of solar cell technology. REC filed a patent infringement suit in D. Delaware alleging infringement of several claims of a patent directed to the electrical layout of solar cells. WilmerHale filed IPRs with the PTAB and, once IPRs were instituted, successfully obtained a stay of the district court litigation pending the outcome of the IPRs. After the PTAB issued Final Written Description which cancelled all the challenged claims, the stay of the district court litigation was extended through REC's appeal of the PTAB determination. The Court of Appeals for the Federal Circuit affirmed the PTAB and the asserted claims were cancelled.
- Achieved a series of five significant victories on behalf of **PNC Bank N.A.** in a series of *inter partes* reviews when the PTAB invalidated all challenged claims in four mobile-banking patents and most of the challenged claims in a fifth mobile-banking patent owned by United Services Automobile Association. These IPRs were closely watched by others in the financial services industry, and PNC succeeded where other patent challengers had failed.
- Secured favorable licensing terms for **Bombardier Recreational Products, Inc.** gaining access to two patents relating to eFoils (sometimes referred to as hydrofoils) which had been asserted across several industry players. WilmerHale filed two IPRs and filed a third IPR challenging claims recently narrowed through reexamination proceedings. Our team leveraged its experience in IPRs and obtained a rare extension of the statutory deadline for a Final Written Decision to allow for full briefing across the challenged claims. After the PTAB instituted WilmerHale's IPR on the reexamined claims, the Patent Owner settled and provided BRP access to the technology.

RECOGNITION

- **Benchmark Litigation** named us the 2025 IP Litigation Department of the Year.
- **The American Lawyer** named us a finalist for its IP Litigation Department of the Year (2025)—a biennial contest in which we earn repeated recognition.
- Listed among the top 3 full-service firms for PTAB work by **Law 360** and named an IP Practice of the Year in both 2026 and 2024.
- **Chambers USA** has continuously ranked our IP practice in Band 1 since 2011 and named WilmerHale the 2024 IP Firm of the Year.
- **IAM Patent 1000** consistently recommends WilmerHale as a leading firm for post-grant proceedings.
- **LMG Life Sciences** shortlisted us as Inter-Partes Review Firm of the Year in 2021 and 2022.
- **Managing IP** consistently ranks us as a Tier 1 firm for PTAB Litigation and has named us a US Patent Contentious Firm of the Year seven times.
- **Unified Patents** recognized us for achieving a higher IPR institution rate by claim than any other firm in the country.

“Highly recommended for ITC and USPTO proceedings across a wide range of sectors including computers, biotechnology and pharmaceuticals.”

— Chambers USA

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