

Tamir Packin

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Tamir Packin is a first-chair trial lawyer who focuses on complex patent cases. He has led teams through all phases of litigation ensuring that his teams approach every task with an eye towards reaching a favorable verdict (or favorable pre-verdict judgment), and securing it during post-trial proceedings and on appeal. Mr. Packin has extensive experience managing trial teams and has participated in all aspects of trial.

Mr. Packin has been widely recognized by several leading publications for his trial skills and success. For example, in 2020, *Law360* recognized Mr. Packin as a "Rising Star"- one of the **country's top trial lawyers under the age of 40**. Also in 2020, Mr. Packin was honored by *The National Law Journal* as a Winning Litigator – one of 2020's **Masters of the Courtroom**.

More recently, in 2023, Mr. Packin was recognized by the *National Law Journal* as an **Intellectual Property Trailblazer** for his successful approach to patent trial work. He was also recognized by the *New York Law Journal* as a "Rising Star" - **New York's most promising lawyers** who are no older than 40 by the submission date.

In his most recent trial in August 2022, as co-lead trial counsel, Mr. Packin successfully defended Cisco Systems in a patent infringement suit brought by Egenera related to virtual networking. The team achieved a complete defense verdict of non-infringement after a two-week jury trial in Boston putting an end to Egenera's claim of \$371 million in damages.

Previously, in January 2019, the Court held a bench trial to review Cisco's improper inventorship defense against Egenera's patent. As lead trial counsel for Cisco, Mr. Packin pursued an aggressive trial strategy of adversely calling two of Egenera's key witnesses—the omitted inventor and Egenera's CTO (also a co-inventor)—in Cisco's case-in-chief. Mr. Packin's cross-examinations led to the Court calling into question the "inventors' historical revisionism" and holding that it "does not credit Schulter and the other inventors' post-hoc protestations that Schulter did not jointly conceive the '430 patent." However, the Court of Appeals ultimately allowed Egenera to correct inventorship leading to the jury trial in 2022.

EDUCATION

Benjamin N. Cardozo School of Law, J.D., 2007, cum laude, Order of the Coif, Associate Editor, Cardozo Law Review

Princeton University, B.S.E., 2004, Mechanical Engineering, Aerospace Engineering, Certificate in Robotics and Intelligent Systems, Sigma Xi

ADMISSIONS

2008, New York

2017, California

Mr. Packin also was a member of the trial team that successfully defeated VirnetX's patent infringement claims against Cisco, securing a rare complete defense verdict in the Eastern District of Texas, bringing to an end VirnetX's \$258 million claim against Cisco. Earlier in his career, Mr. Packin was a member of the trial team that represented Lucent Technologies in winning a jury verdict and judgment against Microsoft of \$512 million, at the time one of the top five largest patent verdicts in history.

Mr. Packin's trial and litigation experience spans a wide range of industries and technologies, including personal computers, data center servers and switches, mobile handset technologies, computer security and software, networking equipment, wired and wireless telecommunications, voice-over-IP, cable modems, semiconductor processing, flash memory, pharmaceuticals, medical devices and ceramics.

Mr. Packin also maintains an active pro bono practice in which he volunteers to represent litigants who cannot afford counsel in the Southern District of New York. Mr. Packin's pro bono representations cover claims ranging from constitutional prisoners' rights to simple torts.

In addition to his litigation work, Mr. Packin also has assisted clients in negotiating settlement and license agreements, and has represented and counseled clients on strategic patent licensing, antitrust claims and inter partes review proceedings.

Every year from 2015 through 2022, Mr. Packin has been named a "Rising Star" in Intellectual Property Litigation by *New York Super Lawyers*. In 2020 through 2022 he was also recognized as a leading patent practitioner by *IAM Patent 1000*. Mr. Packin has been with Desmarais LLP since the firm's inception in 2010 and has been a partner since 2016. Before joining the firm, Mr. Packin was an associate in the Intellectual Property group of Kirkland & Ellis LLP.

Courts

- United States District Court for the Southern District of New York
- United States District Court for the Eastern District of New York
- United States District Court for the Northern District of California
- United States Court of Appeals for the Federal Circuit

Representative Matters

Cases for Defendant

- Serving as lead counsel for IBM in a patent assertion by Digitaldoors related to cloud storage technology in the Eastern District of Texas.
- Served as lead counsel for Cisco Systems against a patent assertion by Orckit Corp. relating to networking technology in Eastern District of Texas, resulting in dismissal of the case.
- Served as co-lead counsel for Auris Health (a Johnson & Johnson subsidiary) in a patent case related to robotic bronchoscopy in the District of Delaware, resulting in settlement before trial.

- Served as lead counsel for Cisco Systems in a patent assertion by Egenera related to data center servers, resulting in a complete defense jury verdict.
- Served as lead counsel for Cisco Systems against Monarch Networking in two patent cases related to networking technology and security in the Eastern District of Texas and the Western District of Texas resulting in a settlement before trial.
- Served as lead counsel for Cisco Systems against XpertUniverse in patent case related to call center technology in the Northern District of California resulting in stay pending *ex parte* reexamination.
- Served as lead counsel for Cisco Systems against Uniloc in two patent cases in the Eastern District of Texas resulting in dismissal of Uniloc's claims.
- Represented Cisco Systems in antitrust case brought by Arista relating to data center switches in the Northern District of California resulting in favorable settlement for Cisco on the eve of trial.
- Represented Cisco Systems against VirnetX in patent infringement litigation involving virtual private network technology in the Eastern District of Texas, resulting in a complete defense jury verdict.
- Represented IBM Corp. against TecSec, Inc. in a patent infringement litigation involving encryption, database, and web services technologies in the Eastern District of Virginia, resulting in a complete defense summary judgment win.
- Represented all major cable modem equipment manufacturers in a patent infringement litigation against a patent holding company.
- Represented GlaxoSmithKline in a breach of contract litigation brought against its performance under a prior ANDA settlement, obtaining a dismissal of all claims at the pleadings stage.

Cases for Plaintiff

- Representing IBM in patent assertions related to ecommerce and other web technology in the District of Delaware and Southern District of New York.
- Represented Intellectual Ventures against Canon in a patent infringement litigation involving digital camera technology through trial in the District of Delaware, resulting in settlement.
- Represented Round Rock Research, LLC in a patent infringement litigation against SanDisk involving semiconductor processing and flash memory technology through trial in the District of Delaware, resulting in settlement.
- Represented Oasis Research, LLC in several patent infringement litigations involving online backup and software-as-a-service technology through trial in the Eastern District of Texas, and appeal, resulting in settlement.
- Represented Mobile Media Inc. against HTC Corp. in patent infringement litigation involving various aspects of handset technology through jury section in the Eastern District of Texas, resulting in settlement after jury section.
- Represented WesternGeco LLC against ION Geophysical Corporation in a patent infringement litigation involving marine seismic survey technology.
- Represented GlaxoSmithKline against Apotex, Inc. in a patent infringement and antitrust litigation involving the prescription

antidepressant pharmaceutical Paxil.

- Represented Alcatel-Lucent against Microsoft Corp., Dell Inc., and Gateway, Inc. in a patent litigation involving digital video compression, perceptual audio coding, user interface, and communications protocol technologies, resulting in multiple jury verdicts for plaintiff.