

## Jordan N. Malz

Partner, New York



PHONE: 212-351-5497  
jmalz@desmaraisllp.com

FAX: 212-351-3401

Jordan N. Malz has over 20 years of experience serving his clients as trial counsel on high-profile, “bet the company” patent litigations in federal district courts and at the International Trade Commission. On behalf of both plaintiffs and defendants, Mr. Malz has led teams, presented in-court argument and testimony, and obtained significant victories in all phases of patent litigations, including motions to dismiss, motions to transfer, *Markman* hearings, summary judgment motions, trials, post-trial motions, and appeals. Mr. Malz litigates cases in a wide array of technologies, including smartphones, optics, processors, semiconductors, telecommunications, networks, pharmaceuticals, and medical devices. Mr. Malz also is a “go to” person for brief-writing as well as for taking and defending key depositions. Mr. Malz is admitted to practice before the United States Patent and Trademark Office based on his scientific and technical background in physics.

On behalf of plaintiffs, Mr. Malz has played a leading role on trial teams that achieved highly-publicized victories. Mr. Malz and others from Desmarais LLP won a record-setting jury verdict of \$1.5 billion on behalf of Lucent Technologies. And in an ITC proceeding in the “smartphone wars,” Mr. Malz was a key member of the trial team that obtained an exclusion order on behalf of a leading consumer electronics company. Mr. Malz also has led licensing and litigation enforcement campaigns for numerous clients, including a campaign for Enzo Life Sciences that resulted in over \$100,000,000 of settlements.

On behalf of defendants, Mr. Malz obtained a “no violation” dismissal of an ITC investigation on the eve of trial on behalf of Cisco Systems. Mr. Malz also has regularly obtained pre-trial victories that have led to favorable settlements and, in some cases, has successfully facilitated post-dispute “win-win” collaborations between the previously adverse parties.

In addition to his patent litigation practice, Mr. Malz has significant experience handling proceedings at the United States Patent and Trademark office, including *inter partes* reviews and *ex parte* reexaminations. Mr. Malz has been named a “Top 50 Patent Owner Attorney at the PTAB” by

### EDUCATION

Harvard Law School, J.D., 2000, cum laude; Editor, Harvard Journal on Legislation

Brown University, B.A., 1997 magna cum laude, Phi Beta Kappa, and with Honors

### ADMISSIONS

2001, New York

2000, New Jersey

Registered to practice before the United States Patent and Trademark Office

*Managing IP.* Mr. Malz also has substantial experience negotiating and drafting patent license agreements as well as litigating trade secret and antitrust disputes.

Before joining Desmarais LLP in 2013, Mr. Malz was a partner for many years in the Intellectual Property Group of Kirkland & Ellis LLP. During law school, Mr. Malz worked in the Securities Fraud Division at the United States Attorney's Office for the Southern District of New York and as an editor of the *Harvard Law School Journal on Legislation*.

Outside of work, Mr. Malz volunteers in his community as a member of the Edgemont School Board Nominating Committee and the Edgemont Community Council.

## **Prior Experience**

- Partner, Kirkland & Ellis LLP, New York, 2006-2013
- Associate, Kirkland & Ellis LLP, New York, 2003-2006
- Associate, Simpson Thacher & Bartlett LLP, New York, 2000-2003

## **Clerk & Government Experience**

- United States Attorney's Office for the Southern District of New York, Summer 1998
- Office of the Special Narcotics Prosecutor, Summer 1995

## **Courts**

- United States District Court for the Southern District of New York
- United States District Court for the District of New Jersey
- United States Court of Appeals for the Federal Circuit

## **Other Distinctions**

- Lumbard Fellowship Award - United States Attorney's Office for the Southern District of New York, 1998

## **Representative Matters**

- Representing Cisco in a patent infringement case brought by Xpert Universe regarding networking equipment; successfully argued at *Markman* hearing and obtained claim construction order in which Cisco prevailed on all key terms.
- Representing IBM in patent infringement cases brought against Rakuten and Zynga regarding processor technologies.
- Represented Enzo Life Sciences in patent infringement cases against Life Technologies (later part of Thermo-Fisher), Illumina, Gen-Probe, Hologic, Affymetrix, Agilent, and Luminex regarding nucleic acid detection technology; obtained favorable settlements that resulted in royalty payments of over \$100,000,000.
- Represented Monterey Research in patent infringement cases brought against Qualcomm, Broadcom, AMD, and Marvell regarding semiconductor technologies; obtained favorable settlements of all

cases.

- Represented Cisco Systems in a patent infringement case brought by Straight Path regarding Voice over Internet Protocol (VoIP) products. The district court issued summary judgment of non-infringement in favor of Cisco Systems, which was affirmed by the Federal Circuit.
- Represented Cisco Systems in a multi-patent ITC investigation brought by MOSAID regarding networking products. Won numerous pre-trial motions, which resulted in dismissal of the investigation the day before trial.
- Represented a leading smartphone manufacturer in a multi-patent ITC investigation brought against a leading seller of products utilizing the Android operating system. The ITC ruled in favor of our client and issued the requested exclusion order.
- Represented Cloud9 Technologies in a patent infringement and trade secret misappropriation case brought by IPC Systems regarding trading turrets.
- Represented Lucent Technologies in a patent infringement trial involving audio-compression technology in which the jury returned a record-setting \$1.53 billion verdict.
- Represented Lucent Technologies in a patent infringement case brought by Stanford University and Litton Systems involving optical amplifiers.
- Represented Nokia in a multi-patent ITC investigation brought against HTC regarding smartphones.
- Represented Kinetic Concepts in a patent infringement and breach of contract case brought by Wake Forest regarding negative pressure wound therapy.
- Represented GlaxoSmithKline in a patent, antitrust and Lanham Act cases against Apotex regarding Paxil.
- Represented Infineon Technologies in a patent infringement case brought by Rambus that was successfully dismissed on grounds of unclean hands.

\*Attorney experience includes matters prior to joining Desmarais LLP.