

Lindsey E. Miller

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Lindsey Miller is a Partner in Desmarais LLP's High-Tech and Life Sciences Practices, focusing on complex technology disputes. Ms. Miller's litigation experience spans a wide range of industries and technologies, including networking equipment, collaboration platforms, data center servers, Bluetooth messaging, video conferencing systems, pharmaceutical products, and medical devices. Ms. Miller has significant experience managing litigation teams in all phases of litigation, including pre-complaint diligence and strategic planning, claim construction, fact and expert discovery, summary judgment, and trial. Ms. Miller has represented clients in District Courts around the country, including California, Delaware, Florida, Indiana, Massachusetts, Oklahoma, Pennsylvania, Texas, and Washington. Ms. Miller's practice also includes coordinating global patent enforcement strategies, managing large joint defense groups, conducting patent portfolio analyses and counseling, and working on *inter partes* review proceedings.

Ms. Miller's recent work for defendants includes securing a **full defense victory** for Intel Corporation at summary judgment in a patent infringement litigation brought by XMTT Inc. against the chipmaker's central processing units.

Ms. Miller's recent work for plaintiffs includes representing ViiV Healthcare Company, a GlaxoSmithKline affiliate, and Shionogi in a patent infringement litigation related to Gilead Science's HIV-1 treatment, Biktarvy®. Ms. Miller helped achieve denials of Gilead's motion for judgment on the pleadings and motion for summary judgment of noninfringement and secure a **\$1.25B plus royalty settlement**.

Outside of her work at Desmarais LLP, Ms. Miller is a co-chair of the Women in IP Law committee of the New York Intellectual Property Law Association. Ms. Miller also participates in many other organizations geared towards advancing women in technology, including ChIPs Network, Tech Up for Women, Women in Law Empowerment Forum, and Women in IP Network.

Before joining Desmarais LLP, Ms. Miller was an associate in the New York office of Jones Day. Ms. Miller graduated summa cum laude from the

EDUCATION

University of Baltimore School of Law, J.D., 2012

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

ADMISSIONS

2013, New York

University of Baltimore School of Law. During law school, Ms. Miller was a member of the Heusler Honor Society and awarded a full academic scholarship. Ms. Miller also served as the Managing Editor IT of the University of Baltimore Law Review and a judicial intern for the Honorable Paul W. Grimm in the U.S. District Court for the District of Maryland. Prior to law school, Ms. Miller worked at FTI Consulting in as a project analyst in the offices of the General Counsel and Chairman of North America.

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

- *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).

Publications

- “**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®.