

## Tamir Packin

Partner, New York



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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.

In his most recent trial, Mr. Packin successfully defended Cisco Systems in a patent infringement suit brought by Egenera. Egenera had accused Cisco's data center server products of infringing three Egenera patents and sought over \$400 million in damages. The Desmarais LLP team invalidated one of the Egenera patents under section 101 before trial and persuaded Egenera to drop another of its patents from the litigation based on parallel inter partes review proceedings.

At trial in January 2019, the Court reviewed Cisco's improper inventorship defense against Egenera's remaining patent-in-suit. 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 (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." In May 2019, the Court invalidated the remaining patent and entered judgment in favor of Cisco.

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

### 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

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.

In 2015, 2016, 2017 and 2018, Mr. Packin was named a "Rising Star" in Intellectual Property Litigation by New York Super Lawyers. 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**

- Represented Intellectual Ventures against Canon in a patent infringement litigation involving digital camera technology.
- Represented Round Rock Research, LLC in a patent infringement litigation against SanDisk involving semiconductor processing and flash memory technology.
- Represented Oasis Research, LLC in several patent infringement litigations involving online backup and software-as-a-service technology.
- Represented Cisco Systems, Inc. against VirnetX Inc. in patent infringement litigation involving virtual private network technology.
- Represented IBM Corp. against TecSec, Inc. in a patent infringement litigation involving encryption, database, and web services technologies.
- Represented Mobile Media Inc. against HTC Corp. in patent infringement litigation involving various aspects of handset technology.
- Represented GlaxoSmithKline against Apotex, Inc. in a patent infringement and antitrust litigation involving the prescription antidepressant pharmaceutical Paxil.
- 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.

- 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.
- Represented all major cable modem equipment manufacturers in a patent infringement litigation against a patent holding company.
- Represented WesternGeco LLC against ION Geophysical Corporation in a patent infringement litigation involving marine seismic survey technology.