DESMARAIS LLP

# Frederick J. Ding

## Associate, New York

PHONE: 212-808-2945 FAX: 212-351-3401
fding@desmaraisllp.com

Frederick Ding's practice focuses on patent litigation, trade secret litigation, and appeals. Mr. Ding has represented both plaintiffs and defendants in intellectual property disputes through all phases of district court cases and Federal Circuit appeals. He has argued dispositive issues and claim constructions, written successful motions and briefs, developed appeal strategies and drafted appellate briefs, taken and defended depositions, analyzed various technologies, and prepared witnesses for deposition and trial. His technical experience spans a wide range of industries and technologies, including medical devices, diagnostic medicine, LEDs, streaming video, networking equipment, big data analytics, and telecommunications.

Mr. Ding represented Avanos in a patent infringement suit against its competitor involving cooled radiofrequency (RF) ablation technology used to treat pain. The Desmarais LLP team achieved an IPR final written decision upholding all challenged claims of Avanos's patent, persuaded the district court to enforce IPR estoppel against product prior art raised in the IPR, defeated summary judgment, and secured a very favorable settlement on the eve of trial.

Mr. Ding was part of the team that secured an additional $100 million in enhanced damages on behalf of Ravgen for Labcorp's infringement of Ravgen's non-invasive prenatal testing patent. Mr. Ding spearheaded Ravgen's affirmative post-trial motions, including drafting the motion for enhanced damages that persuaded the Western District of Texas to award additional damages on top of the $272 million jury verdict.

]Mr. Ding's appellate experience includes successes at the Federal Circuit. Representing a patent owner appealing a district court's grant of summary judgment, the team convinced the Federal Circuit to vacate summary judgment and remand.

Mr. Ding maintains a pro bono practice as part of his work at Desmarais LLP. Working with Immigration Equality, Mr. Ding achieved a grant of asylum in immigration court for an LGBTQ refugee. During the COVID-19 pandemic,

**EDUCATION**

Harvard Law School, J.D., 2018, cum laude; *Harvard Law Review*, Executive Editor; *Journal of Law & Technology*, Managing Editor

University of Pennsylvania, B.S.E., Bioengineering, Minor in Mathematics, 2015, magna cum laude; University Scholar

**ADMISSIONS**

2018, Massachusetts

2019, New York

2021, New Jersey

Mr. Ding represented individuals who were having difficulty obtaining unemployment insurance and benefits. Mr. Ding continues to volunteer with the Massachusetts Bar Association's pro bono services.

Mr. Ding has been named a 2023 "Rising Star" in intellectual property litigation by *Super Lawyers*.

During law school, Mr. Ding served as an executive editor of the Harvard Law Review, and a managing editor of the Harvard Journal of Law & Technology, a specialty journal that publishes about intellectual property law, Internet law, and privacy. He has assisted government entities and nonprofits with healthcare privacy, telecommunications, and intellectual property matters through the Berkman Klein Center's Cyberlaw Clinic. Mr. Ding was an oralist on the winning team in the 2017 Ames Competition, where he drafted appellate briefs and argued before Chief Justice Roberts and other federal judges.

## Prior Experience

- Summer Associate, Sidley Austin LLP, 2017

## Courts

- United States Court of Appeals for the Federal Circuit
- United States District Court for the District of Colorado
- United States District Court for the Southern District of New York
- United States District Court for the Western District of Texas
- United States District Court for the District of Massachusetts

## Other Distinctions

- New York metro Rising Star, *Super Lawyers* (2023)
- Oralist, Best Overall Team, and Best Brief, Ames Competition (2017)

## Representative Matters

- Won $100 million in enhanced damages for willful infringement against Labcorp; currently representing Ravgen in patent infringement cases relating to cell-free DNA testing, against other major diagnostics companies
- Represented GlaxoSmithKline as amicus curiae in Supreme Court case concerning enablement doctrine
- Represented Avanos in patent infringement suit against competitor involving cooled radiofrequency ablation (RF) medical devices, resulting in a favorable settlement
- Represented Sound View Innovations in multiple Federal Circuit appeals, including securing a vacatur of summary judgment
- Represented a leading consumer electronics company in appeals relating to semiconductor technology
- Represented Cisco Systems, Duo Security, and Meraki in patent infringement case relating to multifactor authentication and wireless access points

- Represented Cloud9 Technologies in a patent infringement and trade secret misappropriation case brought by IPC Systems involving financial industry telecommunications products and services
- Represented Sound View Innovations in multiple district court actions involving multimedia streaming technology and big data software

## Publications

- Recent Case, *United States v. Nosal (Nosal II), 828 F.3d 865 (9th Cir. 2016)*, 130 Harv. L. Rev. 1265 (2017).