

David J. Shaw

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David is a trial lawyer who specializes in Section 337 investigations before the International Trade Commission, and has also represented clients in high-patent-volume U.S. District Courts and the Court of Federal Claims. David has litigated patent cases involving a diverse array of technologies, including warehouse automation and robotics, wireless networking, activity trackers, intraoral scanners and dental and orthodontic software, automotive emissions control devices, smartphones, semiconductors, digital signal processing, keyboard, video and mouse (KVM) switches, optical sensors, and various technologies in the life sciences. David has managed all aspects of patent litigation including pre-filing diligence, claim construction, fact and expert discovery, dispositive motions, and trial.

David's first chair experience includes leading the respondents' defense in ITC Investigation No. 337-TA-1140, examining his client's lead engineer and cross-examining all of the complainant's expert witnesses at trial. David secured an initial determination that all of the asserted patent claims were invalid as anticipated by a third party's prior art product—a ruling that was affirmed by both the ITC and the Federal Circuit based on briefing that David also led.

David was also a key member of a multi-firm team that successfully defended the innovative Danish dental technology company 3Shape against three different ITC proceedings brought by Align Technology—Investigation Nos. 337-TA-1090, 1091, and 1144.

Based on these and various other positive results for his clients, David was named as a Washington, DC "Rising Star" by Super Lawyers in 2018, 2019, 2020, and 2021.

David also maintains an active pro bono practice, helping immigrants become lawful permanent residents of the United States and serving on the Washington, DC advisory committee of Kids in Need of Defense (KIND)—a U.S.-based nongovernmental organization devoted to the protection of unaccompanied and separated children.

EDUCATION

The George Washington University Law School, J.D., 2011

Georgetown University, M.S., Tumor Biology, 2007

The Johns Hopkins University, B.A., Biology, 2002

ADMISSIONS

2013 District of Columbia

2011 Virginia

David is also an Adjunct Professor at The George Washington University Law School, teaching Scholarly Writing to students enrolled in the American Intellectual Property Law Association (AIPLA) Quarterly Journal.

Before joining Desmarais LLP, David was a partner in the Washington, DC office of Troutman Pepper Hamilton Sanders LLP and an associate in the Arlington, VA office of Davidson Berquist Jackson & Gowdey LLP. David's education and industry background are in microbiology and protein biochemistry; before becoming an attorney, he worked in protein purification and pharmaceutical manufacturing with Human Genome Sciences and Bristol-Myers Squibb. While in graduate school at Georgetown University, David studied the synergistic and agonistic relationships between antiretrovirals and chemotherapeutics under Dr. John F. Deeken.

Prior Experience

- Partner: Troutman Pepper Hamilton Sanders LLP
- Associate: Davidson Berquist Jackson & Gowdey LLP
- Manufacturing Associate: Human Genome Sciences Inc.
- Manufacturing Associate: Bristol-Myers Squibb Company
- Research Assistant: Lombardi Comprehensive Cancer Center at Georgetown University

Courts

- United States Court of Appeals, Federal Circuit
- United States Court of Federal Claims
- United States District Court for the Eastern District of Virginia
- United States Immigration Court
- Supreme Court of Virginia
- District of Columbia Court of Appeals

Other Distinctions

- *Super Lawyers Washington*, DC Rising Star, 2018, 2019, 2020, 2021
- Member, Washington, DC Advisory Committee, Kids in Need of Defense (KIND)
- Adjunct Professor, Scholarly Writing, The George Washington University Law School

Memberships & Affiliations

- Virginia Bar
- Washington DC Bar
- ITC Trial Lawyers Association

Representative Matters

- Representative ITC Matters
 - Defended Kuraray Co., Ltd. and Nagamine Manufacturing Co., Ltd. against allegations of patent infringement in an ITC Investigation involving automotive emissions control devices brought by Ingevity. Examined Kuraray's lead engineer and

- cross-examined Ingevity's technical and economic expert witnesses at trial.
- Defended 3Shape against allegations of patent infringement in three separate ITC Investigations involving intraoral scanners and dental and orthodontic software brought by Align Technology. Managed all aspects of the litigation, defended and took dozens of fact and expert depositions, and examined 3Shape's VP of Product Strategy and economic expert witness and cross-examined Align's CFO at all three trials.
- Representative District Court Matters
 - Represented GlaxoSmithKline affiliate ViiV Healthcare and Shionogi against Gilead in patent litigation related to HIV-1 treatment Biktarvy®. Case settled on the eve of trial, with ViiV and Shionogi receiving a **\$1.25 billion upfront payment** from Gilead and a 3% royalty payment on Gilead's future U.S. sales of Biktarvy®.
 - Defended Verizon in patent litigation brought by Huawei concerning wireless networking technology. Managed technical expert discovery and defended both of Verizon's technical expert witnesses at deposition before Verizon secured a favorable settlement.
 - Represented 3Shape as both plaintiff and defendant in approximately ten different patent litigations against Align Technology in the District of Delaware and Western District of Texas. Managed all aspects of 3Shape's cases, took and defended dozens of fact and expert depositions, and argued various discovery, *Daubert*, and dispositive motions before 3Shape secured a favorable global settlement.

News & Publications

- **Desmarais LLP Receives Top-Tier Practice, Attorney Rankings in IAM Patent 1000**
- **Desmarais LLP Earns Top-Tier IAM Patent 1000 Rankings, 16 Partners Recognized**
- **Desmarais LLP Recognized as KIND's Pro Bono Team of the Month**
- **ITC Confirms Desmarais LLP's Win for OPEX's Warehouse Robotics Patent**
- **Desmarais LLP Notches Another Win Before the ITC**
- **Desmarais LLP Represents ViiV Healthcare and Shionogi in Patent Settlement, Securing \$1.25B Plus Royalties**
- **3 Partners Arrive at Desmarais LLP to Launch Washington, D.C. Office**