

Patrick J. McElhinny

Partner

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OVERVIEW

Patrick McElhinny is a partner and has extensive trial experience handling major patent cases involving various technologies, as well as cases involving trademarks, copyrights, trade secrets, non-competition agreements and other complex commercial disputes. He co-led the team that won 2012's largest verdict in the US as reported by *The National Law Journal*. The US$1.5 billion judgment in favor of Carnegie Mellon University was one of the largest ever in a patent case, and the case eventually settled for US$750 million. The *Pittsburgh Business Times* published the linked profile of Patrick and his work on the Carnegie Mellon case. He has more than 37 years of trial experience and is registered to practice before the USPTO.

PROFESSIONAL BACKGROUND

Partner, associated with the firm since 1988. Since 2006, *Chambers USA* has ranked Patrick annually as a leading lawyer in intellectual property litigation. *Super Lawyers Magazine* and *Best Lawyers* have recognized him annually for Pennsylvania intellectual property litigation. He also has been recognized as “Lawyer of the Year" for his work in Intellectual Property Litigation in Pittsburgh in *Best Lawyers 2020* and 2024 editions, as one of *Lawdragon 500 Leading Lawyers in America* for 2012, as Outstanding Pennsylvania IP Litigator in 2014 by *Managing Intellectual Property* and twice as Litigator of the Week by *The AmLaw Litigation Daily*.

ACHIEVEMENTS

- Recognized by *Chambers USA* for Intellectual Property in Pennsylvania, 2006-2026
- Recognized by *The Legal 500 United States* as a Recommended Lawyer for Patents: Litigation (Full Coverage), 2025
- Recognized by *The Best Lawyers in America*® as “Lawyer of the Year” for Intellectual Property in Pittsburgh, PA, 2020, 2024
- Recognized by *The Best Lawyers in America*® for Intellectual Property in Pittsburgh, PA, 2018-2021
- Listed as a leader in Pennsylvania IP Litigation, Transactions, and Prosecution, *IAM Patent 1000*, 2020-present

PROFESSIONAL / CIVIC ACTIVITIES

- Master, Intellectual Property Inn of Court for the Western District of Pennsylvania
- Graduate of Leadership Pittsburgh, Class XXVI
- Former Hiring Committee Chair and former Pro Bono Coordinator, Pittsburgh Office of K&L Gates

SPEAKING ENGAGEMENTS

- Panelist, Strategies to Minimize Intellectual Property Risk, Association for Corporate Growth Pittsburgh, January 2020
- Panelist, Lessons for Technology Managers from the Front Lines of Litigation, Association of University Technology Managers, February 2018
- Panelist, Current Trends in Litigation Finance, January 2018
- The Billion Dollar Verdict in *Carnegie Mellon University v. Marvell Technology Group*, Pittsburgh Intellectual Property Lawyers Association, January 2017
- Keynote Speaker, 2014 Federal Circuit Bar Association Advanced Complex Patent Litigation Series, Western District of Pennsylvania, March 2014
- Speaker on Patent Law, Pennsylvania Bar Institute's Internet Law Update, April 2014
- US Supreme Court's Decision Limits Patent Owners from Claiming Infringement by Downstream Customers, BNA World Intellectual Property Report, July 2008
- Speaker, Insurance Coverage For Intellectual Property Disputes, Washington State Bar Association, March 2007
- Speaker, Discovery Issues in Patent and Trademark Cases, ABA, Section of Intellectual Property Law, April 2005 and 2006
- Speaker, Preliminary Injunction Proceedings in Pennsylvania State and Federal Courts and Roadmap to a Litigation Matter (firmwide internal presentations)

EDUCATION

- J.D., Harvard Law School, 1988 *(cum laude)*
- B.S., University of Pittsburgh, 1985 *(Mechanical Engineering; summa cum laude)*

ADMISSIONS

- Bar of Pennsylvania

- United States Patent and Trademark Office
- United States Court of Appeals for the Federal Circuit
- United States Court of Appeals for the Tenth Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the Eastern District of Michigan
- United States District Court for the Western District of Pennsylvania

THOUGHT LEADERSHIP *POWERED BY HUB*

- 23 April 2020, COVID-19: IP Strategies for Universities and Nonprofits During the Pandemic – Mitigating Patent Infringement Risks When Making PPE and Other Health-Related Supplies
- 26 June 2018, Supreme Court Protects Patent Owners Facing Challenges of Globalization
- 5 June 2017, U.S. Supreme Court Limits Rights of Patent Owners
- 25 May 2017, Supreme Court Restricts Where Plaintiffs Can Sue for Patent Infringement
- 23 March 2017, Supreme Court Eliminates Laches Defense in Patent Cases

OTHER PUBLICATIONS

- The Billion Dollar Verdict in *Carnegie Mellon University v. Marvell Technology Group*, Pittsburgh Intellectual Property Lawyers Association, January 2017
- "Insurance Coverage for Natural Resource Damages Claims: Fundamental Principles and Litigation Strategies," presented at a conference entitled “Natural Resource Damages Claims and Litigation,” April 1991

NEWS & EVENTS

- 3 August 2026, K&L Gates' Global IP Practice and Lawyers Recognized in *Managing IP's* 2026 "IP Stars" Rankings
- 4 June 2026, K&L Gates Receives Nearly 235 Firm, Individual Rankings in 2026 *Chambers USA* Guide
- 2 June 2026, K&L Gates IP Practice and Lawyers Recognized in 2026 Edition of IAM Patent 1000
- 3 October 2025, K&L Gates' Global IP Practice, Lawyers Earn Rankings in Managing IP's 2025 "IP Stars"
- 21 August 2025, More Than 350 K&L Gates Lawyers Recognized Among 2026 Best Lawyers in America, Ones to Watch
- 6 June 2025, K&L Gates' IP Practice, Lawyers Recognized Among Leaders in 2025 Edition of IAM Patent 1000

- 5 June 2025, K&L Gates Receives More Than 240 Firm, Individual Rankings in 2025 *Chambers USA* Guide
- 7 October 2024, K&L Gates' Intellectual Property Practice, Lawyers Recognized in 2024 *Managing IP* Magazine's "IP Stars"
- 15 August 2024, Nearly 430 K&L Gates Lawyers Named Among 2025 Best Lawyers in America, Ones to Watch
- 10 June 2024, K&L Gates' IP Practice, Lawyers Recognized Among Leaders in 2024 Edition of IAM Patent 1000
- 6 June 2024, K&L Gates Receives More Than 200 Firm, Individual Rankings in 2024 *Chambers USA* Guide
- 23 October 2023, K&L Gates' Intellectual Property Practice, Lawyers Recognized in 2023 *Managing IP* Magazine's "IP Stars"
- 17 August 2023, Nearly 400 K&L Gates Lawyers Named Among 2024 Best Lawyers in America, Ones to Watch
- 1 August 2023, K&L Gates Intellectual Property Practice Listed Among Leaders in 2023 IAM Patent 1000 Rankings
- 1 June 2023, K&L Gates Receives Firm, Individual Rankings in 2023 *Chambers USA* Guide
- 6 October 2022, K&L Gates Recognized in 2022 *Managing IP* Magazine's ‘IP Stars'
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 11 July 2022, K&L Gates Intellectual Property Practice Recognized Among Leaders in 2022 IAM Patent 1000 Rankings
- 1 June 2022, K&L Gates Receives Firm, Individual Rankings in 2022 *Chambers USA* Guide
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch
- 12 August 2021, K&L Gates Intellectual Property Practice Again Ranked Among Leaders in 2021 IAM Patent 1000
- 3 June 2021, K&L Gates Lawyers Ranked as 2021 ‘IP Stars' by Managing IP Magazine
- 21 May 2021, Chambers USA 2021 Guide Recognizes K&L Gates Intellectual Property Practice, Lawyers
- 5 August 2020, K&L Gates Intellectual Property Practice Ranked Among Leaders in 2020 IAM Patent 1000
- 29 June 2020, K&L Gates, Lawyers Ranked as Trademark and Patent ‘IP Stars' by *Managing IP Magazine*
- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 Chambers USA Guide
- 26 April 2019, Chambers USA 2019 Guide Ranks K&L Gates, Lawyers Among Leaders

- 19 July 2016, K&L Gates Among Winners in *The American Lawyer's Global Legal Awards*
- 23 June 2016, K&L Gates, Lawyers Recognized as Leaders in Chambers USA 2016 Guide
- 13 May 2016, How K&L Gates' Winning Strategy Won CMU's Patent Infringement Case
- 18 February 2016, K&L Gates Partners Douglas Greenswag and Patrick McElhinny Named Litigators of the Week for US$750 Million Settlement in Patent Dispute
- 20 May 2015, Chambers USA 2015 Guide Recognizes K&L Gates, Lawyers as Industry Leaders

AREAS OF FOCUS

- IP Litigation
- Appellate Litigation
- Commercial Disputes
- Data Privacy Disputes and Risk Mitigation
- Insurance Recovery and Counseling
- Post-Grant Patents
- Trade Secrets Litigation

INDUSTRIES

- Consumer Goods and Services
- Higher Education Institutions

REPRESENTATIVE EXPERIENCE

- On behalf of Carnegie Mellon University, Mr. McElhinny co-led the team that won one of the largest patent judgments in history in an action against Marvell Technology Group. The technology involved was digital signal processing for computer hard drives. Also, on behalf of Carnegie Mellon University, Mr. McElhinny and his team successfully defended two reexaminations in the Patent and Trademark Office that challenged the patentability of the claims asserted in the CMU v. Marvell litigation. The case ultimately settled for a US$750 million payment to Carnegie Mellon.
- Represents Carnegie Mellon University in district court litigation asserting patents relating to digital signal processing for computer hard drives.
- Represented the University of Minnesota in patent litigation and related IPR involving technology for computer hard drives. After the university prevailed in the IPR and related appeal, the case settled favorably just prior to trial.

- Represented a major state university in several licensing disputes leading to favorable settlements.
- Represented a university health system in a confidential arbitration over a breach of contract claim involving a change in control provision. Secured an award of US$44 million plus control over the disputed entity.
- Represented a provider of consulting and actuarial services, such as data analysis and predictive analytics, in a patent trade secret case in federal court in Massachusetts and secured a favorable settlement after summary judgment rulings.
- Represents Massively Broadband LLC in a 12-patent infringement case pending in the Eastern District of Texas.
- Secured a favorable settlement for a Fortune 100 company in multipatent competitor case involving bar code scanning technology.
- Trial counsel to list compiler in numerous commercial and regulatory actions.
- Trial counsel for oil and gas company and obtained preliminary injunction enforcing letter of intent for lease of property for corporate headquarters.
- On behalf of a publicly traded specialty metals company, Mr. McElhinny prosecuted claims of patent infringement for patents covering nickel-based superalloy ingots and settled that case in the Eastern District of Pennsylvania favorably after winning summary judgment on the opposing party's antitrust claim.
- Mr. McElhinny has handled many trade secret, trademark and copyright cases, as well as cases arising out of non-competition agreements. These cases often involve claims for preliminary injunctive relief. The information at issue includes: software for optimization of purchasing decisions; steel mill equipment; business information and software for industrial coatings, transportation, medical waste disposal and list compilation businesses.
- Mr. McElhinny has litigated other major patent cases involving a broad array of technologies and claims for hundreds of millions of dollars in damages. For example, Mr. McElhinny has pursued patent infringement claims on behalf of a publicly traded manufacturer of semiconductor processing equipment (high-energy ion implanters). He has defended a claim for US$50 million on a patent for power converters and a multipatent suit involving computer networking equipment and a damages claim for US$150 million. He has defended numerous patent cases for a publicly traded entertainment company. Mr. McElhinny also has handled patent cases involving megasonic cleaning of silicon wafers, PVC pipe connections, personal watercraft docking systems, magnetic media for information storage, medical devices, and methods for cleaning contaminated groundwater.