



## Patrick J. McElhinny

### Partner

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### OVERVIEW

Mr. McElhinny is a partner in the firm's Pittsburgh office. He handles major patent cases involving various technologies. He co-led the team that won 2012's largest verdict in the U.S. as reported by the National Law Journal. The \$1.5 billion judgment in favor of Carnegie Mellon University was one of the largest ever in a patent case. The Pittsburgh Business Times published the linked profile of Mr. McElhinny and his work on the Carnegie Mellon case. Mr. McElhinny also has litigated cases involving trademarks, copyrights, trade secrets, non-competition agreements and other complex commercial disputes. Those cases often involved claims for preliminary injunctive relief. He has 30 years of trial experience and is registered to practice before the USPTO.

### PROFESSIONAL BACKGROUND

Partner, associated with K&L Gates since 1988. Since 2006, Chambers and Partners has ranked Mr. McElhinny annually as a leading lawyer in intellectual property litigation in its *Chambers USA Guide*. *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* edition, 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

- Listed in *The Best Lawyers in America*®, 2018-2021
- Listed as a leader in Pennsylvania IP Litigation, *IAM Patent 1000*, 2020-2021

### PROFESSIONAL / CIVIC ACTIVITIES

- Master, Intellectual Property Inn of Court for the Western District of Pennsylvania
- Graduate of Leadership Pittsburgh, Class XXVI

- Member of Steering Committee of K&L Gates Trial Academy
- 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 (*Alerts/Updates*)
- 26 June 2018, Supreme Court Protects Patent Owners Facing Challenges of Globalization (*Alerts/Updates*)
- 5 June 2017, U.S. Supreme Court Limits Rights of Patent Owners (*Presentations*)
- 25 May 2017, Supreme Court Restricts Where Plaintiffs Can Sue for Patent Infringement (*Alerts/Updates*)
- 23 March 2017, Supreme Court Eliminates Laches Defense in Patent Cases (*Alerts/Updates*)

## 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

- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch (*Rankings & Recognitions*)
- 12 August 2021, K&L Gates Intellectual Property Practice Again Ranked Among Leaders in 2021 IAM Patent 1000 (*Rankings & Recognitions*)
- 3 June 2021, K&L Gates Lawyers Ranked as 2021 'IP Stars' by Managing IP Magazine (*Rankings & Recognitions*)
- 21 May 2021, Chambers USA 2021 Guide Recognizes K&L Gates Intellectual Property Practice, Lawyers (*Rankings & Recognitions*)
- 5 August 2020, K&L Gates Intellectual Property Practice Ranked Among Leaders in 2020 IAM Patent 1000 (*Rankings & Recognitions*)
- 29 June 2020, K&L Gates, Lawyers Ranked as Trademark and Patent 'IP Stars' by *Managing IP Magazine* (*Rankings & Recognitions*)
- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 Chambers USA Guide (*Rankings & Recognitions*)

- 26 April 2019, Chambers USA 2019 Guide Ranks K&L Gates, Lawyers Among Leaders (*Press Release*)
- 19 July 2016, K&L Gates Among Winners in *The American Lawyer's Global Legal Awards* (*Press Release*)
- 23 June 2016, K&L Gates, Lawyers Recognized as Leaders in Chambers USA 2016 Guide (*Press Release*)
- 13 May 2016, How K&L Gates' Winning Strategy Won CMU's Patent Infringement Case (*Noteworthy Work*)
- 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 (*Noteworthy Work*)
- 20 May 2015, Chambers USA 2015 Guide Recognizes K&L Gates, Lawyers as Industry Leaders (*Press Release*)

## AREAS OF FOCUS

- IP Litigation
- Appellate Litigation
- Complex Commercial Litigation and Disputes
- Insurance Recovery and Counseling
- K&L Gates Trial Academy
- Post-Grant Patents

## INDUSTRIES

- Consumer Products
- Higher Education Institutions

## REPRESENTATIVE EXPERIENCE

- Secured a favorable settlement for a Fortune 100 Company in multi-patent 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.
- Represents Carnegie Mellon University in district court litigation asserting patents relating to digital signal processing for computer hard drives.

- 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.
- 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.
- Represents the University of Minnesota in district court litigation and related IPR involving patented technology for computer hard drives.
- 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 \$50 million on a patent for power converters and a multi-patent suit involving computer networking equipment and a damages claim for \$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.