

Federal Circuit Practice

Practices and Industries

PRIMARY CONTACTS

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Haynes Boone has one of the nation's leading practices before the U.S. Court of Appeals for the Federal Circuit. Our team has handled over 200 Federal Circuit appeals, and we are consistently ranked in the top ten best performing law firms handling patent appeals. Our group is well-known, well-versed, and successful.

Our group's success is built on our team-focused approach. We capitalize on the broad experiences and knowledge of our team members to provide clients with top-tier legal strategy.

Our team includes attorneys who previously served as Federal Circuit law clerks, as well as attorneys who have practiced before the Federal Circuit for decades. Many of our team members also have technical backgrounds, including in engineering, computer science, biotechnology, and physics. We use this strong foundation of experience to help our clients achieve success on appeal.

Our team works seamlessly with our firm's intellectual property practice groups, including in cases before U.S. District Courts, the International Trade Commission, and the Patent Trial and Appeal Board. We often serve as embedded appellate counsel, working alongside trial teams to address key legal issues, identify and preserve issues for appeal, and prepare post-trial motions.

While we regularly serve as sole counsel for clients before the Federal Circuit, we are also frequently hired to partner with current trial counsel to handle a case through appeal. We enjoy working closely with co-counsel, leveraging the knowledge and expertise of each member of the broader team. This, too, reflects our team-focused approach to achieving the best possible result for our clients.

Consistent with the Federal Circuit's unique subject matter jurisdiction, the majority of appeals handled by our Federal Circuit Practice Group have involved issues of intellectual property law. But we have also assisted with a variety of other appeals within the Court's jurisdiction, including cases from the U.S. Court of International Trade and the U.S. Court of Federal Claims, such as cases involving government contracts, countervailing duties, and the Vaccine Act.

The Federal Circuit Practice Group is part of the firm's broader Appellate Practice Group, which was recently described by *Chambers USA 2023* as "a destination appellate practice." Our appellate

lawyers have handled appeals in most of the U.S. Courts of Appeal, as well as before the U.S. Supreme Court. This broader appellate experience gives our team a distinct advantage in developing creative legal strategies for our clients.

Practice Highlights

- Ranked as the third best performing law firm at the Federal Circuit in 2024 (*Patexia's 2024 CAFC Intelligence Report*)
- One attorney in our group was ranked in the top three best performing attorneys at the Federal Circuit in 2024 (*Patexia's 2024 CAFC Intelligence Report*)
- Another member of our team was ranked in the top ten best performing attorneys at the Federal Circuit in 2024 (*Patexia's 2024 CAFC Intelligence Report*)
- One team member, Dan Geyser, chairs the firm's U.S. Supreme Court Practice and was recently named one of 12 lawyers who are "the future of the Supreme Court bar" (*Law360*, 2024).

Representative Matters

- Successfully obtained reversal in a case that resulted in a precedential decision clarifying the law regarding the scope of design patent claims. *In re SurgiSil, L.L.P.*, 14 F.4th 1380 (Fed. Cir. 2021).
- Successfully upheld on appeal a defense judgment the firm won in a patent jury trial in the Eastern District of Texas. The appellate team also obtained reversal of a breach-of-contract judgment against our client, resulting in a complete defense victory in this bet-the-company case.
- On behalf of a major technology client, successfully obtained vacatur of an unfavorable PTAB decision in an *inter partes* review, based on legal issues regarding obviousness.
- Successfully obtained affirmance in an appeal from an *inter partes* review, resulting in a precedential opinion clarifying procedural requirements for establishing the printed publication status of prior art references.
- Obtained summary affirmance in Federal Circuit appeal involving complex issues of jurisdiction and procedure stemming from an *inter partes* review.