



## Wesley E. Weeks

Of Counsel



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Wesley is a trial and appellate lawyer who represents pharmaceutical companies and technology companies in patent litigation, licensing and trade secret disputes, and other complex matters. He has deposed numerous fact witnesses and scientific experts, cross-examined witnesses at trial, briefed dispositive motions and appeals, and argued a successful appeal as lead counsel before the Ninth Circuit.

Wesley currently co-chairs the American Bar Association's Intellectual Property Litigation Non-Practicing Entity (NPE) sub-committee and serves on the Intellectual Property Executive Committee for the Federalist Society.

### Representative Matters

- Represents leading technology companies in patent litigations and licensing negotiations involving diverse technologies:
  - Represents defense contractor in defending a patent infringement action in connection with technology developed for NASA.
  - Represented a GPS-manufacturer in defending against a \$60 million willful infringement claim. Non-infringement judgment affirmed by the Federal Circuit.
  - Represented Canadian manufacture in defending its North American customers against a patent assertion campaign by its competitor.
  - Represented Ireland's largest software company in a multi-patent bet-the-company lawsuit in the Eastern District of Virginia.

### Practice Areas

Intellectual Property  
Issues and Appeals  
Litigation

### Credentials

#### Education

J.D., *summa cum laude*, George Mason University School of Law  
B.A., *cum laude*, University of Mary Washington

#### Law Journals

Articles Editor, *George Mason Law Review*

#### Clerkships

Law Clerk for the Honorable Andrew J. Kleinfeld, U.S. Court of Appeals for the Ninth Circuit (2013-2014)

#### Bar and Court Memberships

District of Columbia Bar  
Virginia Bar  
U.S. Court of Appeals for the Seventh, Ninth, District of Columbia, and Federal Circuits  
U.S. District Courts for the Eastern District of Texas, Eastern District of Virginia, and Western District of Virginia  
Supreme Court of Virginia

#### Certifications

Legal Lean Sigma Institute (LLSI) White Belt

- Represents leading pharmaceutical companies in Hatch-Waxman Act patent litigations and licensing negotiations:
  - Represents ANDA filer in litigations over oncologic products.
  - Represented sole ANDA filer in litigation over combination antiretroviral product.
  - Represented ANDA filer in litigation over P2Y12 inhibitor.
  - Represented ANDA filer in litigation over lyophilized injectable hormone formulation.
  - Represented ANDA filer in litigation over injectable hormone depot formulation and in petitioning for *inter partes* review of the patents asserted in litigation.
  - Represented ANDA filer in litigation over atypical antipsychotic.
- Represents defense contractor in litigation with the United States Air Force over rights in technical data under DoD contracts in case presenting important interpretive question of first impression.
- Represented defense contractor in ongoing multi-million dollar litigation over a terminated Foreign Military Sales transaction.
- Represented domain name owner in litigation over ownership of domain names before the Fifth Circuit.
- Represented industry group before the Copyright Royalty Board to set digital sound recording performance fees for Internet streaming for 2016-2020.
- Represented trademark applicants in appeals before the Trademark Trial and Appeal Board.
- Maintains active pro bono litigation practice:
  - Successfully obtained reversal of adverse agency decision on behalf of a family of asylum seekers. *Both v. Sessions*, 705 F. App'x 609, 610 (9th Cir. 2017).
  - Represents a service member in litigation before the Court of Federal Claims to obtain wrongfully withheld military deployment pay.
- Regularly represents public interest groups, trade associations, and pro bono clients in cases before federal appellate courts and the Supreme Court of the United States. Representative cases include *Acorda Therapeutics Inc. v. Mylan Pharmaceuticals Inc.*, 2015-1456 (Fed. Cir.); *RPX Corp. v. ChanBond LLC*, 17-1686 (S. Ct.); *PDR Network, LLC v. Carlton & Harris Chiropractic Inc.*, No. 17-1705 (S. Ct.); *Maryland-National Capital Park and Planning Commission v. American Humanist Association*, No. 18-18 (S. Ct.); *Exxon Mobil Corp. v. Healy*, 18-1170 (2d Cir.).

## Affiliations

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- American Bar Association (ABA), Section of Intellectual Property Law, Patent Litigation Committee
  - Co-Chair, NPE Subcommittee (2018-Present)
- Federal Circuit Bar Association
- The Federalist Society

- IP Practice Group Executive Committee (2018-Present)

## Recognitions

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- Included in *The Best Lawyers of America* directory of "Ones to Watch" for Intellectual Property Law (2024)