






Juanita Brooks

Principal

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“Juanita is a quintessential trial lawyer and absolute go-to attorney.”

“She’s very highly regarded for her trial work and has a great reputation.”

— *Client testimonials, 2021 Chambers and Partners USA*

“I refer to her as the judge whisperer. They will always listen to her. She’s one of the best I’ve seen in front of a judge. She owns that courtroom. She should be anyone’s first choice as a first chair trial lawyer. She could do any type of trial, she’s just amazing.”

“Juanita Brooks is very highly regarded here. She has very experienced and skilled trial expertise. She has a deep team, and she appropriately delegates to the team. We very much value diversity, as does she.”

— *Client testimonials, 2019 Chambers and Partners*

“Still at the top of the list is Juanita Brooks, a paradigmatic lead trial lawyer with some of the best narrative skills in the country, sharpened over the course of an incredible 150-plus trials. She is unlimited in terms of her technical range.”

— *2019 IAM Patent 1000*

Overview

About Juanita

Juanita R. Brooks is a nationally recognized trial and appellate attorney who focuses on complex intellectual property, product liability, and mass tort litigation. She is an innovative, formidable litigator with a demonstrated, near-perfect winning record in complex, high-stakes lawsuits that few trial attorneys can match.

A master storyteller, Ms. Brooks paints pictures with words to explain the complex technologies at the center of her matters to judges and juries in a way that is both understandable and compelling and will be remembered throughout the trial. *Law360* named her an “Icon of IP” for her “skill at trying complicated patent cases without getting bogged down in the technical weeds” and said she is a “jury whisperer.” She has also been heralded by the *American Lawyer* as “a titan of the patent bar” upon receiving its “Litigator of the Year” honors.

Her skill at connecting with courtroom audiences has made her a go-to litigator when the stakes are high for companies that range from startups to Fortune 10 corporations. Ms. Brooks’ successes in patent litigation have protected billions of dollars in sales for her clients and have helped define the ever-evolving landscape of patent and IP law. Her clients represent a cross-section of cutting-edge industries including software, medical device, pharmaceutical, and electronics.

Having handled more than 150 trials during her career, Ms. Brooks is highly skilled at cases that rest, in large part, on expert analysis, testing, and testimony. Utilizing Fish’s science and technology-intensive expertise, she crafts novel, outside the box legal strategies. Her ability to present and challenge expert testimony in court has been a decisive factor in courtroom victories. In one case the trial judge noted that the opposing expert’s “credibility was eviscerated on cross-examination” by Ms. Brooks.

Throughout her 41-year career, Ms. Brooks’ numerous trials have resulted in notable wins. In 2018, the Federal Circuit unanimously affirmed a decision for her client Gilead Sciences in which Ms. Brooks successfully wiped out a \$200 million damages award by convincing the court that opposing party Merck was guilty of unclean hands. In defense of client Microsoft, Ms. Brooks scored a huge jury win in 2017 in which the plaintiff originally demanded \$63 million in damages. The jury returned a noninfringement verdict on every claim, awarding nothing to the plaintiff. Also, in 2017, Ms. Brooks represented GlaxoSmithKline (GSK) in a patent infringement lawsuit involving GSK’s highly-successful drug Coreg. By utilizing a novel patent infringement theory, she convinced a jury that the defendant had willfully infringed and GSK was awarded \$235 million in damages. In 2016, she led a team that successfully defended one of the largest mass tort/wrongful death cases in the United States, which included 12,000 cases (some of them class actions representing hundreds of individual plaintiffs).

As a Latina, Ms. Brooks has shattered gender and ethnic barriers to become one of the U.S.’s top IP litigators, having received numerous honors for her courtroom successes and her devotion to the

practice of law. In October 2018, she received a National Women In Law Lifetime Achievement Award from *Corporate Counsel*. In 2017, Ms. Brooks was inducted into the California Bar Trial Lawyer Hall of Fame, the first Latina honoree and only the third inductee from San Diego to receive this honor.

While she tries cases nationally, she is also very active in her local community and played a significant role in drafting the original and the subsequent amendments to local patent rules for the Southern District of California.

As an elected member of the firm's management committee, Ms. Brooks has championed policies that have changed the culture and diversity of Fish and become blueprints for similar policies at other firms.

After graduating from Yale Law School, Ms. Brooks returned to San Diego and worked for Federal Defenders Inc. She eventually opened her own practice, the first Latina to become a criminal defense solo practitioner in the community. She went on to be a partner in a preeminent international law firm before joining Fish in 2000.

Focus Areas

Services

- Litigation
- Experts on Experts
- False Claims Act and Qui Tam
- Hatch-Waxman
- ITC Litigation
- Patent Litigation
- Product Liability and Mass Torts

Industries

- Life Sciences

Education

J.D., Yale Law School (1977)

B.A., San Diego State University (1974)

Experience

2018 – Argued for a confidential tech client at the United States Court of Appeals for the Federal Circuit. Having previously prevailed at the Patent Trial and Appeal Board (PTAB), this latest argument was a challenge to the PTAB ruling. As a result, the Federal Circuit issued an affirmation to the PTAB ruling, scoring a complete win for the confidential client.

2018 – *Gilead Sciences Inc. v. Merck & Co.* (N.D. Cal.) Served as lead counsel for Gilead in a case involving Gilead's multi-billion dollar drugs Sovaldi and Harvoni which are cures for Hepatitis C. Initially, the jury sided with Merck finding the asserted claims were not invalid. However, in a June 2016 ruling, the judge agreed that Merck's in-house lawyer's misconduct involved "repeated and fabricated testimony and improper business conduct." As a result, the court found Merck "guilty of unclean hands" and held Merck's patents unenforceable against Gilead, wiping out the \$200 million damages award. In February 2018, appeared on behalf of Gilead before the Federal Circuit in an oral argument lasting almost two hours and in April 2018 the Federal Circuit, in a precedential, unanimous opinion affirmed the June 2016 post-trial wipe-out. The opinion noted that Merck's misconduct "infected this entire case." [Read more about this Federal Circuit decision here.](#) Also, in 2018, Ms. Brooks argued for legal fees from Merck and the court agreed, awarding \$14 million.

2017 – *Parallel Networks Licensing LLC v. Microsoft Corp.* (D. Del.) Parallel Networks sued Microsoft in December 2013 alleging patent infringement of two patents by Microsoft's Windows Server and Windows Sharepoint products, Azure Web Apps, and the Microsoft.com, Bing and MSN websites. After a four-day trial, the jury returned a verdict for Microsoft in under one hour, finding non-infringement on every claim.

2017 – *GlaxoSmithKline v. Teva and Glenmark.* GlaxoSmithKline (GSK) brought a patent infringement lawsuit involving GSK's highly-successful drug Coreg, used to treat congestive heart failure and hypertension. By utilizing a novel patent infringement theory, the Fish team proved that Teva willfully induced infringement of GSK's patent. After several days of trial, but only a half day of deliberations, the jury returned a verdict against Teva, finding that Teva had willfully infringed GSK's patent and awarded GSK \$235 million in damages. The jury also rejected Teva's multiple invalidity

defenses.

2016 – *IPLearn–Focus v. Microsoft*. Defense of Microsoft in this infringement suit regarding three patents for learning and computing methods and systems used in Microsoft’s popular Xbox 360, Xbox 360 Kinect, Xbox One, and Xbox One Kinect products and Xbox Live and Xbox Live Gold services. In 2015 the court found the asserted claims invalid and entered judgment for Microsoft. In 2016 the case was argued at the Federal Circuit resulting in a judgment by the Federal Circuit affirming the decision for Microsoft.

2016 – *In re Fresenius GranuFlo/NaturaLyte Dialysate Products Liability Litigation* (MDL) Served as lead counsel in a case in which Fish used its technical expertise to craft a novel defense strategy that brought a favorable global settlement of product liability mass tort litigation involving the use of acid concentrate products used during dialysis. The plaintiffs alleged that improper use of the product could result in sudden cardiac arrest. The settlement followed Fish’s strategic victory in a motion *in limine* and related *Daubert* motion to exclude, as unreliable science, faulty expert testimony and a complete defense verdict of no causation at the first and only bellwether trial.

2016 – *Gilead Sciences Inc. v. Merck & Co.* (N.D. Cal.) Served as lead counsel for Gilead in a case involving Gilead’s multi-billion-dollar drugs Sovaldi and Harvoni which are cures for Hepatitis C. Initially, the jury sided with Merck finding the asserted claims were not invalid. However, in a June 2016 ruling, the judge agreed that Merck’s in-house lawyer’s misconduct involved “repeated and fabricated testimony and improper business conduct.” As a result, the court found Merck “guilty of unclean hands” and held Merck’s patents unenforceable against Gilead, wiping out the \$200 million damages award. In February 2018, appeared on behalf of Gilead before the Federal Circuit in an oral argument lasting almost two hours and in April 2018 the Federal Circuit, in a precedential, unanimous opinion affirmed the June 2016 post-trial wipe-out. The opinion noted that Merck’s misconduct “infected this entire case.” [Read more about this Federal Circuit decision here.](#)

2015 – *Reihanifam v. Fresenius* (CDCA) Obtained jury verdict in favor of client Fresenius in wrongful termination suit brought by Fresenius’ former President of Research and Development. Reihaney claimed he had been terminated in retaliation for making complaints about alleged safety issues and alleged discrimination against women and minorities.

2014 – *Fresenius v. Baxter* (US Supreme Court) Writ of certiorari by Baxter denied, effectively ending this 10-year patent infringement litigation and scoring a complete victory for Fresenius. The petition was heralded as one of the top five to watch in 2014.

2014 – Won bench verdict and injunction for a leading pharmaceutical company in Hatch-Waxman case involving its ocular drug. Judgment affirmed on appeal in 2015.

2013 – *Gilead, Roche, Genetech v. Lupin* (D. NJ) Settlement after a three-week patent infringement

bench trial that will block Lupin's generic version of Ranexa from entering the market until 2019.

2013 – *Fresenius v. Baxter* (Federal Circuit Court of Appeals) Significant appellate decision in patent infringement case for Fresenius, ending long-standing litigation which included reexamination by the PTO.

2013 – The Federal Circuit affirmed the district court's judgment in a precedential opinion involving our client's glaucoma drug, assuring exclusivity for the drug until 2022.

2012 – *Multimedia Patent Trust v. LG Electronics, et. al.* (SDCA) Defense of infringement claims of video compression patents involving multiple LG and another large technology company's products. Won complete jury verdict with finding of no infringement on any patents.

2012 – *Baxter International Inc., et al. v. Fresenius Medical Care Holdings Inc.* (Federal Circuit Court of Appeals) Federal Circuit affirmed jury's 2010 verdict of non-infringement of Fresenius' peritoneal dialysis machine.

2011 – Won bench verdict for a leading pharmaceutical company in Hatch-Waxman case involving its glaucoma drug.

2011 – Won bench verdict for a leading pharmaceutical company in Hatch-Waxman case involving its ocular drug.

2010 – *Gonzalez ex. rel. v. Dr. Alphonso Chavez and Fresenius Medical Care*, (WDTX) qui tam case involving allegations of Medicare Fraud. Won jury verdict for Fresenius.

2010 – *Cephalon v. Watson, et. al.*, (D. Del.) Hatch-Waxman case involving Cephalon's drug, Fentora®. Won bench verdict for Cephalon.

2010 – *Baxter and DEKA v. Fresenius*, (NDCA) patent case involving peritoneal dialysis cyclers, won jury verdict for Fresenius.

2010 – *Eurand, Cephalon and Anesta v. Mylan and Par Pharmaceuticals*, (D. Del.) Hatch-Waxman case involving Eurand's drug, Amrix®. Represented Plaintiffs. District Court returned verdict for Defendants, but Federal Circuit reversed and entered judgment on behalf of Plaintiffs in a frequently cited precedential opinion.

2010 – *B. Braun v. Terumo*, (D. Del.) patent infringement case involving safety IV catheter sets. Won jury verdict for Terumo.

2009 – Won bench verdict for a leading pharmaceutical company in Hatch-Waxman case involving its ocular drug.

2008 – *MPT and Alcatel-Lucent v. Microsoft*, (SDCA) patent case involving multiple technologies including video-compression and decompression software. Won jury verdict for Microsoft on three out of four patents, adverse verdict on one patent reversed by Federal Circuit.

2008 – *MPT, Alcatel-Lucent v. Microsoft*, (SDCA) patent case involving video-compression and decompression software in Windows Media Player, won jury verdict for client Microsoft.

2007 – *MIT/Repligen v. ImClone*, (D. Mass) represented MIT and Repligen, patent infringement case involving monoclonal antibodies. Case settled on morning of opening statements when ImClone agreed to pay MIT and Repligen \$64 million.

2007 – *Beckton Dickenson v. Tyco*, (D. Del.) represented Tyco in patent infringement case involving safety syringes. Jury returned verdict for plaintiff, but Federal Circuit reversed jury's verdict and entered judgment on behalf of Tyco.

2006 – *Avid v. Datamars*, (EDTX) patent infringement and Lanham Act case involving RFID technology, won jury verdict for client Avid. 2006 – *Fresenius v. Baxter*, (NDCA) patent case infringement case involving hemodialysis machines, won jury verdict for client Fresenius.

2005 – *3M v. Avery*, (D. Minn.) patent infringement case involving graphic film, won jury verdict for client 3M.

2004 – *KLA v. ADE*, (D. Del.) patent infringement case involving laser inspection machines, won jury verdict for client ADE.

Insights

Featured Videos

5 For 5: EMPOWER Series with Women Who Lead | Juanita Brooks

Juanita Brooks Shares Her Thoughts on Working for Fish & Richardson

A Conversation about Diversity

Presentations

- “Little Mexican Girl, Art of Trial, & We’re Crying,” *Heels of Justice podcast* (March 2019)
- “Cross Examining Experts,” *California Lawyers Association Annual Meeting* (2018)
- “Mock Trial Showdown,” *American Bar Association Litigation Conference* (2018)

- “Effective Cross Examination: Case Studies from Recent Trials,” *Women in Litigation Joint Conference* (2017)
- “Recent Flip Flops in IP Law/Legal Ethics and Unclean Hands,” *LEAD* (2017)
- “Critical Issues at the Forefront of the Pharmaceutical, Biotechnology, and Life Sciences Industries, Life Sciences Summit,” *Berkeley Center for Law & Technology-High Tech Law Institute-Fish & Richardson* (2016)
- “Issues and Trends in How Patent Jury Trials are Conducted,” *NYU Law: Trial by Jury of Patent Cases Conference* (2016)
- “Strategy and Tactics from the Grand Masters on Presenting Case Themes,” *American Bar Association Annual Meeting* (2014)
- “Relief: Damages, Injunctions and Compulsory Licenses,” *Patent Litigation Seminar – Federal Judicial Center* (2014)

Recognition

Ms. Brooks has been honored for her successful trial career, superior legal skills and numerous contributions to the legal profession. Her many recent awards include:

- Named to The Best Lawyers in America (2022)
- Top 100 Lawyers in California, *Daily Journal* (2013, 2016-2018, 2021)
- Named a “Leading Patent Professional” by *IAM Patent 1000* (2021)
- *Chambers Global* Leading Attorneys (2020-2021)
- Top IP Lawyers, *Daily Journal* (2016-present)
- *Chambers USA* Leading Attorneys (2014-2021)
- Life Sciences Star, *LMG Life Sciences* (2012-2014, 2018-2021)
- IP Leader, *World Intellectual Property Review* (2018, 2021)
- Lifetime Achievement Award, *American Lawyer* (2020)
- San Diego Top Lawyers 2020, *San Diego Magazine* (2020)
- Leading Patent Professional in California, *IAM Patent 1000* (2018, 2020)
- Trademark IP Star, *Managing Intellectual Property* (2017, 2019-2020)
- Top 250 Women in IP, *Managing Intellectual Property* (2016-2018, 2020)
- Top 250 Women in Litigation, *Benchmark Litigation* (2012-2015, 2018-2020)
- Patent Litigator of the Year – California, *LMG Life Sciences* (2019)
- SD500 Most Influential People in San Diego, *San Diego Business Journal* (2019)
- Women Leaders in Tech Law, *The Recorder* (2019)
- *Super Lawyers* (2007-2019)
- Top 10 Female Litigators in the U.S., *Benchmark Litigation* (2018)
- National Women In Law Lifetime Achievement Award, *Corporate Counsel* (2018)
- Top Women Attorneys, *Daily Journal* (2014, 2016-2018)

- California State Bar Litigation Section's Trial Lawyer Hall of Fame (2017)
- Game Changer, *The Recorder* (2017)
- Influential Woman, *Daily Transcript* (2017)
- Winning: High Stakes, Significant Victories, *National Law Journal* (2016)
- 100 Influential Leaders in San Diego, *Daily Transcript* (2016)
- Intellectual Property (IP) Trailblazer, *The National Law Journal* (2016)
- Trial Ace, *Law360* (2015)
- Litigator of the Year, *American Lawyer* (2014)
- IP Star Attorney, *LMG Life Sciences North America* (2014)
- 20 Most Influential Women In IP Law, *Law360* (2014)
- Client Service All-Star, *BTI* (2014)
- San Diego's Best Attorneys, *San Diego Metro* (2014)
- Best of the Bar, *San Diego Business Journal* (2014)

Memberships & Affiliations

Board Member and pro bono counsel, Western Center on Law & Poverty 2005-2014.

Founding member, Wallace Inn of Court 2005-present.

Member, Fish & Richardson Management Committee 2005-2008, 2016 – present.

Member, Lawyers Club of San Diego, 1978 - present.