




Nitika Gupta Fiorella

Principal

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Overview

About Nitika

Nitika Gupta Fiorella is a principal in the Delaware office of Fish & Richardson P.C. Her practice focuses on complex patent litigation, spanning a wide range of technologies. Nitika has worked on cases involving pharmaceuticals (including Hatch-Waxman litigation), oil and gas technology, software, medical devices, and polymer chemistry. She has experience in all phases of litigation, including pre-suit diligence, case management, preliminary injunctions, document collection and production, fact and expert discovery, claim construction, summary judgment and *Daubert* hearings, trial, and appeal. Nitika also has courtroom experience, including examining expert witnesses at hearings, arguing discovery and summary judgment motions, and arguing jury instructions at trial. In addition to district court litigation, Nitika has worked on post-grant proceedings, including *inter partes* review, and matters before the U.S. International Trade Commission.

Nitika rejoined the firm in 2016 after serving as a law clerk for the Honorable Kent A. Jordan of the U.S. Court of Appeals for the Third Circuit (2014-2015) and for the Honorable Chief Judge Sharon Prost of the U.S. Court of Appeals for the Federal Circuit (2015-2016). Prior to attending law school at New York University, Nitika attended the University of Delaware as a Eugene DuPont Scholar, where she obtained dual degrees in chemical engineering and political science. She is also fluent in Hindi.

Focus Areas

Services

- Litigation

- Post-Grant
- Appellate
- Hatch-Waxman
- Patent Litigation

Industries

- Chemicals
- Electrical and Computer Technology
- Energy and Petrochemical
- Internet
- Life Sciences
- Medical Devices

Education

J.D., New York University School of Law (2013) Articles Editor, *New York University Law Review*; Robert McKay Scholar; David Friedman Memorial Award;

B.S.C.E, Chemical Engineering, University of Delaware (2009) Eugene DuPont Memorial Distinguished Scholar Award

B.A., Political Science, University of Delaware (2009) Best Attorney in Region, Mock Trial Competition; Stanley Jacob Schechter Award

Experience

Parallel Networks Licensing, LLC v. Microsoft Corporation (D.Del., trial and appeal to Fed. Cir.)

Represented leading pharmaceutical company in Hatch-Waxman trial (E.D. Tex.)

In the Matter of Certain Sleep-Disordered Breathing Treatment Systems and Components Thereof (Investigation No. 337-TA-879, ITC, trial)

Insights

Selected to participate in the Delaware Federal Trial Practice Seminar, an intensive litigation seminar sponsored by the U.S. District Court for the District of Delaware.

Publications

“Lessons For 2021 From Fed. Circ. Post-Grant Review Cases,” *Law360* (January 3, 2021).

“Empowering Our Future Litigation Leaders,” *Corporate Counsel Business Journal* (November 2020).

“Federal Circuit Faces Pressure From Four Directions in New Year,” *Bloomberg Law* (December 30, 2020).

Speaking Engagements

Panelist, Richard K. Herrmann Technology Inn of Court (November 16, 2020).

“Post-Grant for Practitioners Webinar | Post-Grant Appeals,” co-speaker, *Fish Post-Grant Webinar* (November 5, 2020).

“Intellectual Property Litigation – Strategies and Stories From Practice During the Pandemic,” co-speaker, *Philadelphia Intellectual Property Law Association’s (PIPLA) September Meeting* (September 16, 2020).

Clerkships

U.S. Court of Appeals for the Federal Circuit, The Honorable Sharon Prost, 2015 - 2016

U.S. Court of Appeals for the Third Circuit, The Honorable Kent A. Jordan, 2014 - 2015

Memberships & Affiliations

South Asian Bar Association, Board Member

Federal Civil Panel, pro bono

Immigration Equality, pro bono

Languages

- English
- Hindi