





# Will Freeman

## Associate

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## Overview

### About Will

Will Freeman is an intellectual property litigation attorney in the Washington, D.C., office of Fish & Richardson P.C. He specializes in patent litigation with a technical emphasis on medical device and imaging technology patents. He represents plaintiffs and defendants in U.S. district courts and in Section 337 investigations at the U.S. International Trade Commission (ITC). He has experience in all major aspects of litigation, from pre-suit diligence through trial.

Will is active in the American Intellectual Property Association, currently serving as the vice chair of the new lawyers' committee and the national operations director and co-chair of the Giles S. Rich Memorial Moot Court Competition. He was the national writing director of the competition from 2017 – 2019.

In his pro bono practice, Will represents clients in immigration court and has helped non-violent drug offenders in federal prison seek clemency through former President Obama's clemency initiative.

Prior to joining Fish, Will was a judicial intern for the Honorable John Bryant of the U.S. District Court for the Middle District of Tennessee, an intern for U.S. Representative Jim Cooper (Tennessee), and an intern at the Nashville Entrepreneur Center.

Will earned his J.D. from Vanderbilt University Law School in 2014, where he was an editor of the *Vanderbilt Journal of Transnational Law*. His first year of law school was completed at Duke University School of Law, where he earned the dean's award.

Will graduated *Phi Beta Kappa*, with honors and with highest distinction from the University of North Carolina in 2011, with a B.S. in business administration and a second major in political science. He

was captain and team president of the UNC water ski and wakeboard team and was the 2010 director of USA Waterski's South Atlantic Conference. He spent the summer of 2009 studying at the London School of Economics.

## Focus Areas

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### Services

- Litigation
- Post-Grant
- ITC Litigation
- Patent Litigation

### Industries

- Medical Devices
- Semiconductors

## Education

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J.D., Vanderbilt University Law School (2014) Member, *Vanderbilt Journal of Transnational Law*

B.S. *with highest distinction*, *Phi Beta Kappa*, Business Administration and Political Science, University of North Carolina at Chapel Hill (2011)

## Experience

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### U.S. District Court Cases

Secured an early settlement on behalf of electronic payment processor in patent infringement case relating to coupon aggregation technology, in the Western District of Texas.

*Bose Corp. v. Goldstein*, No. 1:19-cv-11701-ADB (D. Mass) – secured a permanent injunction for Bose in this trade secret misappropriation case.

*Plastipak Packaging, Inc. v. Niagara Bottling, LLC*, No. 1:17-cv-01463 (E.D. Va.) – managed the claim construction process for plaintiff Plastipak in this patent infringement lawsuit relating to plastic bottles.

*DataTern, Inc. v. MicroStrategy Inc. et al.*, C.A. Nos. 11-11970, 11-12220, (D. Mass.) – secured an exceptional case finding and award of attorneys' fees under 35 U.S.C. § 285, after obtaining a pre-trial dismissal with prejudice on behalf of defendant MicroStrategy.

*MSC Software Corporation v. Altair Engineering, Inc. et al.*, No. 2:07-cv-12807 (E.D. Mich.) – represented defendant Altair during damages expert discovery in this long-running trade secret misappropriation lawsuit.

*Smith & Nephew, Inc. and John O. Hayhurst, M.D. v. Arthrex, Inc.*, C.A. No. 3:08-cv-00714-MO (D. Or.) – secured a settlement shortly before trial on behalf of Smith & Nephew in a long-running patent infringement lawsuit related to arthroscopic shoulder surgery.

*The Johns Hopkins University v. Alcon Laboratories, Inc. and Alcon Research, Ltd.*, C.A. No. 15-525-SLR (D. Del.) – secured a settlement shortly before trial on behalf of plaintiff Johns Hopkins University in a patent infringement lawsuit related to fundamental aspects of modern vitreoretinal surgery.

*EveryScape, Inc. v. Adobe Systems, Inc.*, C.A. No. 10-11597-RGS (D. Mass.) – obtained a jury verdict of invalidity under 35 USC 102 (anticipation) and 35 USC 103 (obviousness) on behalf of Adobe in this patent infringement lawsuit involving photo editing technology.

### **International Trade Commission Section 337 Investigations**

*Certain Semiconductor Devices, Wireless Infrastructure Equipment Containing the Same, and Components Thereof*, 337-TA-1254 – represented Samsung in ITC investigation related to 5G cellular technology.

*Certain Video Processing Devices, Components Thereof, and Digital Smart Televisions Containing the Same*, Inv. No. 337-TA-1222 – represented Samsung in multi-Respondent ITC investigation related to adaptive bitrate streaming and digital rights management technology.

*Certain Semiconductor Lithography Systems and Components Thereof*, Inv. No. 337-TA-1137 – technical lead for one of three asserted patents; case settled favorably before the evidentiary hearing.

*Certain Digital Cameras, Software, and Components Thereof*, Inv. No. 337-TA-1059 – technical lead for one of five asserted patents; case settled favorably after favorable initial determination.

# Insights

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## Speaking Engagements

Presenter, A Conversation on Medical Innovation, a joint event sponsored by the Vanderbilt Intellectual Property Association and Vanderbilt Medical Innovation Lab (March 26, 2018).

Moderator, "Enforcement of Surgical Methods/Techniques," a panel presented by the Boston Patent Law Association (Jan. 31, 2018).

## Recognition

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AIPLA Project Award Winner (2020).

## Memberships & Affiliations

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American Intellectual Property Law Association: Vice-Chair, New Lawyers' Committee (2019 – Present); National Operations Director, Giles S. Rich Memorial Moot Court Competition (2019 – Present); National Writing Director, Giles S. Rich Memorial Moot Court Competition (2017 – 2019)

Giles S. Rich American Inn of Court