



## Nathan R. Speed

### Shareholder

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Nathan is a trial and appellate lawyer focusing on complex patent litigation and post-grant matters. Nathan has experience litigating cases in federal district courts across the country as well as the United States International Trade Commission, the Court of Appeals for the Federal Circuit, and the Patent Trial and Appeal Board.

Nathan's deep knowledge of the law and ability to learn new technologies quickly has allowed him to assist clients in protecting their most critical inventions, including in the areas of arthroscopic medical devices, data protection and recovery software, 3D printing technologies, computer and graphics processors, and bionic prosthetics.

Prior to joining Wolf Greenfield, Nathan was a Senior Associate in the Intellectual Property Litigation group at WilmerHale. At WilmerHale, Nathan represented clients in a range of industries including the pharmaceutical, semiconductor, and telecommunication industries.

From 2009 to 2010, Nathan left WilmerHale to clerk for the Honorable Arthur J. Gajarsa of the United States Court of Appeals for the Federal Circuit. While serving as a clerk to Judge Gajarsa, Nathan gained experience in appeals from the federal district courts, the International Trade Commission, the Court of International Trade and the Court of Federal Claims, the Board of Patent Appeals and Interferences, and the Trademark Trial and Appeal Board.

Nathan graduated *summa cum laude* from law school and received several academic awards including the Dean Award for top student in five courses and the Dr. John Ordronaux Prize, given annually to the graduate exhibiting the greatest ability.

## Experience

### Education

Brandeis University, BA

Boston University School of Law, JD, *summa cum laude*

### Practice Groups

#### Litigation

Post-Grant Proceedings

## Litigation:

- Represents Sony before the United States International Trade Commission in patent litigation involving magnetic tape cartridges.
- Represented 3Play Media, Inc. before the United States District Court for the District of Massachusetts in a patent litigation involving interactive transcript technology. Case settled favorably while 3Play's motion to dismiss was pending.
- Represented Formlabs Inc. before the United States District Court for the Eastern District of Virginia in an action seeking a declaratory judgment that Formlabs's Form 2 3D printer did not infringe a patent related to 3D printing. After the Wolf Greenfield team defeated the patent owner's motion to dismiss the complaint, the patent owner provided Formlabs with an unconditional covenant not to sue and the case was subsequently dismissed.
- Represented Formlabs Inc. before the United States District Court for the Central District of California in a two patent litigation involving 3D printing technology. The plaintiff dismissed the case with prejudice after the Wolf Greenfield team successfully invalidated the asserted claims in an inter partes review proceeding.
- Represented Smith & Nephew before the United States District Court for the Eastern District of Texas in a twelve-patent litigation concerning sports medicine devices. Nathan's responsibilities included arguing at the Markman and pre-trial hearings as well as examining technical experts at trial.
- Along with Mike Rader, Nathan represented EMC in a five patent litigation concerning data protection technologies. Mike and Nathan, together with EMC in-house counsel, obtained a jury verdict in EMC's favor on May 8, 2015 against Zerto, Inc. and the Federal Circuit subsequently affirmed the verdict.
- Represented Formlabs Inc. before the United States District Court for the Southern District of New York in an eight patent litigation involving 3D printing technology. Nathan's responsibilities included briefing and arguing successful motion to dismiss certain of the plaintiff's infringement allegations.

- Represented Sony before the United States International Trade Commission in patent litigation involving technologies ranging from graphics and computer processing to liquid crystal displays.
- Represented iWalk, Inc. (now BiOM) before the United States District Court for the District of Massachusetts in offensive and defensive patent litigations against a competitor concerning bionic ankle and foot prostheses. Nathan's responsibilities included drafting Markman briefs and arguing at Markman hearing.
- Managed litigation for a specialty pharmaceutical company in Hatch-Waxman litigation against four defendants, including overseeing all aspects of discovery, drafting successful motion to dismiss, and preparing and defending fact and corporate witnesses for depositions.

#### Post-Grant Proceedings:

- Currently represent petitioner Sony in two pending IPR trials involving a patent related to magnetic tape cartridges. (IPR2018-00876, IPR2018-00877).
- On behalf of client Smith & Nephew, Nathan and Rich Giunta secured a final written decision of unpatentability against a competitor's medical device patent that was asserted in co-pending litigation. The decision is currently on appeal to the Federal Circuit and Nathan is lead counsel for the appeal. (IPR2016-00918).
- In four separate decisions, Nathan convinced the Board to institute IPR trials against 68 out of 68 challenged claims concerning medical device technologies. The institution decisions lead, in part, to the patent owner dismissing the challenged patents with prejudice from a co-pending litigation. (IPR2016-00505, -00506, -00507, and -00508)
- Represented petitioner Smith & Nephew in IPR proceedings concerning suture anchors. Patent owner statutorily disclaimed all challenged claims prior to institution, and the Board entered adverse judgment against the patent owner. Nathan defended the Board's decision at the Federal Circuit, and the Federal Circuit subsequently affirmed in a precedential decision.

(IPR2016-00917).

- Represented patent owner EMC Corporation in four IPRs proceedings. Obtained denial of institution in all four proceedings. (IPR2014-01329, -01332, -01295, -01254).
- Represented patent owner BTG International, Inc. in an IPR proceeding. Obtained denial of institution. (IPR2015-01305).
- Represented patent owner Saint-Gobain Performance Plastics Rencol Ltd. in an IPR proceeding (IPR2014-00309). Obtained final written decision finding challenged claims patentable.

Appellate:

- Currently serving as lead counsel for appellee Smith & Nephew in appeal from the Patent Trial and Appeal Board (CAFC 2018-1584).
- Currently serving as counsel for appellee EMC Corp. in an appeal of an ongoing royalty order that the United States District Court for the District of Delaware awarded EMC.
- Served as lead counsel for appellee Smith & Nephew in an appeal from the Patent Trial and Appeal Board. The Board, at Smith & Nephew's request, had entered adverse judgment against the patent owner following the patent owner's decision to statutorily disclaim claims for which Smith & Nephew had sought *inter partes review*. In a precedential decision, the Federal Circuit affirmed the Board's decision, finding that 37 C.F.R. § 42.73(b) permits the Board to enter an adverse judgment when a patent owner statutorily disclaims all claims at issue after an IPR petition has been filed, but before an institution decision. *Arthrex, Inc. v. Smith & Nephew, Inc.*, 880 F.3d 1345 (Fed. Cir. 2018). Law360 identified the decision as one of four decision that IP attorneys "[need to know.](#)"
- Served as lead counsel for appellee Cirrus Logic in an appeal from an *inter partes* reexamination that Wolf Greenfield successfully handled on behalf of Cirrus. The Federal Circuit affirmed our client's victory. *Knowles Electronics LLC v. Cirrus Logic, Inc.*, 883 F.3d 1358 (Fed. Cir. 2018).
- Represented cross-appellant EMC Corp. in an appeal from its trial victory before the United States District Court for the District

of Delaware. The Federal Circuit summarily affirmed the jury verdict in EMC's favor.

## Activities

- PTAB Bar Association
- Boston Patent Law Association

## Recognition

While in law school, Nathan received several academic awards including the Dean Award in five courses and the Dr. John Ordronaux Prize, given annually to the graduate exhibiting the greatest ability, based on grades, coursework, extracurricular activities, and general character and conduct. In addition, he also received the following academic awards: G. Joseph Tauro Distinguished Scholar, Paul J. Liacos Distinguished Scholar, and Edward F. Hennessey Distinguished Scholar.

Nathan has also been repeatedly named to the Massachusetts Super Lawyers Rising Stars list in the field of intellectual property law and included in *The Best Lawyers in America*©.