



## Richard F. Giunta

### Shareholder

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Rich Giunta chairs the firm's [Post-Grant Proceedings Group](#).

Rich has successfully represented patent owners and petitioners in more than 100 contested matters before the US Patent Office, including inter partes review (IPR), covered business method (CBM) review, and inter partes and ex parte reexamination. Rich's track record of success is first-rate. He has prevailed on issues of first impression numerous times, and in matters with more than one billion dollars at stake. In its 2018 IPR Intelligence Report, Patexia Inc. ranked Rich in the top one percent of all attorneys in the United States based on winning percentage in IPR proceedings, as well as based on number of IPRs handled. He represents a full spectrum of clients, including industry leading multi-national corporations like EMC, Sony, Google, Nuance Communications, C.R. Bard, and Smith & Nephew, and leading academic institutions like the University of Florida and the University of Minnesota.

In practice for almost 30 years, Rich also has extensive patent prosecution, counseling and litigation experience. He has advised clients on the development of commercially valuable patent portfolios, and led the firm's Electrical and Computer Technologies practice group for more than 15 years. He has written and prosecuted patents that have been successfully asserted in litigation and withstood post-grant attacks, and has successfully architected the infringement and validity aspects of patent litigation.

As a former senior design engineer, Rich is particularly skilled at handling all types of computer and software related technologies. He has also handled other technologies in the electrical, medical device, and consumer products fields, including storage systems, digital rights management systems, automatic availability systems, databases, automatic speech recognition, text-to-speech generation, natural language understanding, semiconductor processing, imaging

### Education

Tufts University, BS,  
Electrical Engineering,  
*summa cum laude*

Suffolk University Law  
School, JD, *summa cum  
laude*

### Practice Groups

Electrical & Computer  
Technologies

Litigation

[Post-Grant Proceedings,  
Chair](#)

devices, healthcare systems, wireless networking systems, computer aided tomography, explosive detection devices, graphics systems, guidewires, stents, catheters, surgical patches, suture anchors and endoscopes.

## Experience

### Patent Owner Representations:

- Led multi-firm effort to overcome rejections in reexamination of a medical device patent owned by C. R. Bard, Inc. on which there was an outstanding judgment in excess of \$1 billion. Developed strategy that resulted in immediate withdrawal of the rejections and secured the judgment.
- In a case of first impression, served as lead counsel for the University of Florida Research Foundation (UFRF) in successfully asserted sovereign immunity, persuading the PTAB to dismiss three IPRs filed against UFRF's patent. State universities had previously had patents challenged before the PTAB, but none had ever asserted that sovereign immunity renders a state entity immune to those challenges. (IPR2016-01274, IPR2016-01275, IPR2016-01276)
- Persuaded the PTAB to deny institution on five patents being asserted in litigation by our client EMC. (IPR2014-01295, IPR2014-01254, IPR2014-01329, IPR2013-00458, IPR2014-01332)
- Persuaded the PTAB to deny institution on two patents being asserted in litigation by our client Solarflare. (IPR2016-01908)
- Represented patent owner Nuance Communications, Inc. in ten reexamination proceedings resolved with all claims confirmed.

### Patent Challenger Representations:

- Since 2016, Rich has taken ten petitioner-side cases to final hearing and is a perfect 10/10 in having all challenged claims found unpatentable. (IPR2015-01750, IPR2015-01751, IPR2015-01752, IPR2016-00431, IPR2016-00432, IPR2016-00433, IPR2016-00285, IPR2016-00918, IPR2017-00800, IPR2017-00809)
- For our client Smith & Nephew, filed sixteen IPRs challenging

162 claims across several patents and achieved a perfect institution record of 16/16 IPRs and 162/162 claims.

- For our client, RPX, a leading provider of patent risk solutions, obtained final written decisions cancelling all challenged claims in three IPRs challenging two patents, and obtained the first ever sanction of attorneys' fees awarded by the PTAB against a party. Sanctions were imposed for a protective order violation. (IPR2015-01750, IPR2015-01751, IPR2015-01752)
- For our client, RPX, filed three IPRs against a patent asserted by a non-practicing entity against 29 large technology companies. The petition exposed a fatal defect in patent's priority claim and led to dismissal of all lawsuits and disclaimer of the patent. (IPR2017-00208, IPR2017-00209, IPR2017-00212)

#### Appellate – Federal Circuit Representations:

- For our client Smith & Nephew, persuaded the PTAB to enter adverse judgement against a patent owner that disclaimed all claims prior to institution, and defended that ruling on appeal to the Federal Circuit, resulting in affirmance by the Federal Circuit in a precedential opinion. *Arthrex, Inc. v. Smith & Nephew, Inc.*, 2017-1239 (Fed. Cir. Jan. 24, 2018).
- For our client, Cirrus Logic, prevailed in an *inter partes* reexamination that rejected all challenged claims, and defended that ruling on appeal to the Federal Circuit, resulting in a precedential opinion affirming the PTAB's decision. *Knowles Elecs. LLC v. Cirrus Logic, Inc.*, 2016-2010 (Fed. Cir. March 1, 2018).
- For our client Smith & Nephew, persuaded the PTAB to reverse a decision from the central reexamination unit rejecting all claims in a patent as a result of an *inter partes* reexamination, and defended that ruling on appeal to the Federal Circuit, resulting in affirmance by the Federal Circuit in a precedential opinion. *Hologic, Inc. v. Smith & Nephew, Inc, Covidien, LP*, 2017-1389 (Fed. Cir. March 14, 2018).

#### Activities

- Boston Patent Law Association

## Recognition

- **IAM Patent 1000:** Recommended nationally for post-grant proceedings
- **Managing IP:** Recognized as an "IP Star"
- **Patexia IPR Intelligence Report:**
  - Ranked in top 1% of all U.S. attorneys practicing before the PTAB for overall success rate since 2017
  - Ranked in top 1% of most active U.S. attorneys at the PTAB since 2017
- **Law360:** Recognized as a "Legal Lion" after a significant win at the Federal Circuit
- **Best Lawyers in America:** Included since 2017
- **Super Lawyers:** Included since 2014
- **Daniel J. Fern Award:** In law school, graduated first in class
- **David J. Sargent Fellowship:** In law school, received full tuition scholarship awarded to one member of each entering class

## Interests

Rich was the lead inventor on a patent for a memory diagnostic system.

Rich has always had a passion for athletics (captaining his high school football and lacrosse teams and his college football team) and continues that involvement by coaching his children's youth teams. He was an Academic All-American Football Player at Tufts University and a recipient of the Alumni Association Seniors Award, awarded to 12 graduating seniors based on academic performance and demonstrated leadership, and the Frederick Melvin Ellis Prize, awarded to students showing marked athletic versatility, a modest manner, successful academic achievement, and the potential for effective leadership of youth.