

New England Legal Awards 2024

Litigation Departments of the Year: Specialty Category, Commercial Litigation Winner: Latham & Watkins

By ALM Staff

September 25, 2024

Latham & Watkins is the winner for the Litigation Departments of the Year: Specialty Category, Commercial Litigation category as part of the New England Legal Awards.

What is the name and title of the attorney responding?

Latham & Watkins partner Chris Henry

Please briefly summarize an outcome from the past year that epitomizes exceptional accomplishments of your team for this category.

In the past year, we successfully forced HyperX Networks to withdraw patent infringement claims against Ciena Corporation in the Southern District of Florida. HyperX alleged that Ciena infringed on patents related to “zero touch provisioning” for cable modems and TV set-top boxes. Our team uncovered critical information showing that the patents were derived from work conducted by HyperX’s principal while he worked for a prior employer. Leveraging this information, we filed multiple motions to dismiss the case on various grounds, including lack of standing, improper venue, and patent ineligibility. Faced with these robust legal arguments, HyperX voluntarily dismissed its case, marking a significant victory for our client Ciena.

What was a turning point in the above matter that led to success for your client(s)?



Photo: Jason Doiy

Latham & Watkins offices in San Diego, CA.

The turning point in this matter was when we discovered that the asserted patents were derived from work that the principal conducted while he worked for a different company. This crucial finding allowed the team to argue that HyperX didn’t own the rights to the patents under Colorado’s “hired to invent” doctrine, thereby undermining HyperX’s standing to sue. This discovery formed the basis of a motion to dismiss for lack of standing, which was pivotal in compelling HyperX to voluntarily dismiss its case.

Which attorneys on your team deserve specific mention?

The team who worked on this matter with me included partners Matt Moore and Gabriel Bell and associates Joe Akalski and Nicole Bruner.