

## Kerri-Ann Limbeek

Partner, New York



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Kerri-Ann Limbeek is a first-chair trial lawyer who focuses on complex technology disputes, including patent infringement cases. Ms. Limbeek represents both plaintiffs and defendants in a wide variety of industries, including pharmaceuticals, medical and surgical devices, consumer products, semiconductor fabrication, computer hardware, software, telecommunications, and video streaming technology. Ms. Limbeek has extensive experience in all stages of litigation, including before the International Trade Commission, U.S. District Courts, and U.S. Courts of Appeals. She has also represented clients in arbitration proceedings, including before the International Chamber of Commerce.

Ms. Limbeek has been recognized by several leading publications for her trial skills and success. For example, in 2023, Law360 recognized Ms. Limbeek as a "Rising Star"—one of the country's top trial lawyers under the age of 40. Desmarais LLP was also awarded [Law360 IP Practice Group of the Year](#) in 2023 based, in part, on Ms. Limbeek's \$272.5 million jury verdict on behalf of the biotech firm Ravgen against LabCorp. In January 2024, the American Lawyer honored Ms. Limbeek as "Litigator of the Week" for winning a \$57 million verdict for Ravgen against Natera, as lead trial counsel. [\[Read The American Lawyer story\]](#) Law360 also recognized Desmarais LLP in "[Law360's Legal Lions of the Week](#)" for Ms. Limbeek's victory on behalf of Ravgen against Natera.

In her most recent trial in January 2024, as lead trial counsel, Ms. Limbeek won a \$57 million damages verdict for biotech company Ravgen against Natera. At trial, Ms. Limbeek handled both opening and closing, in addition to cross-examining Natera's engineer who developed the accused product and its main technical expert. Ms. Limbeek and her team defeated Natera's arguments that it did not infringe Ravgen's patent claims and that those claims were invalid. Leading up to trial, Ms. Limbeek assumed responsibility for all aspects of the case, including successfully arguing and defeating motions on dispositive issues such as claim construction, non-infringement, and invalidity.

In September 2023, Ms. Limbeek secured a \$272.5 million jury verdict and an additional \$100 million in enhanced damages for a total of \$372.5 million for Ravgen against testing giant LabCorp. Ms. Limbeek tried the case as

### EDUCATION

The University of Chicago Law School, J.D., 2013, IP Law Society, The Chicago Journal of International Law, Staff Member

The University of Pennsylvania, School of Engineering and Applied Science, B.S.E., Chemical and Biomolecular Engineering, 2010, cum laude

### ADMISSIONS

2014, New York

co-lead counsel with John Desmarais, and the jury returned a full plaintiff's verdict, finding that LabCorp had willfully infringed Ravgen's non-invasive prenatal genetic testing patent, and awarding Ravgen its full royalty request of \$100 for each infringing unit, totaling \$272.5 million in damages through trial. After trial, the Court granted an additional \$100 million in enhanced damages based on LabCorp's willful infringement. Leading up to trial, Ms. Limbeek assumed responsibility for all aspects of the case, including successfully arguing and defeating motions on dispositive issues such as claim construction, non-infringement, and invalidity. At trial, Ms. Limbeek examined Ravgen's technical expert and cross-examined LabCorp's technical expert.

Ms. Limbeek and her team also won a clean sweep against ten *inter partes* review (IPR) challenges to Ravgen's patents. Running parallel to the eight district court litigations, Ms. Limbeek oversaw the successful defense of Ravgen's patents in all ten *proceedings*, which included defeating two IPR petitions filed by Quest at the institution phase as well as obtaining final written decisions in instituted IPR proceedings brought by LabCorp, Illumina, and Streck that upheld the validity of every challenged claim.

Ms. Limbeek has also represented Ravgen in achieving settlements with four other defendants, Myriad, Illumina, Quest Diagnostics, and PerkinElmer and continues to represent Ravgen in ongoing lawsuits against defendants Roche and Biora.

Ms. Limbeek's recent work for defendants includes helping Apple achieve a favorable result on defense against AGIS Software Development in a case that was pending in the Eastern District of Texas. In that case, Ms. Limbeek assumed responsibility over claim construction and Apple's technical non-infringement defenses, including presenting arguments on several terms at the Markman hearing, defending the depositions of all of Apple's technical witnesses, and managing expert discovery and trial preparation on those issues.

Ms. Limbeek has also represented clients in state and federal district courts on a pro bono basis, including recently achieving victories in New York Family Court and Immigration Court for a young Ecuadorian immigrant fleeing religious violence in her country. After an evidentiary hearing conducted by Ms. Limbeek, the Court in that case granted Ms. Limbeek's client's petition for guardianship and issued an order with the requisite special findings for the client to apply for special immigrant juvenile status. Ms. Limbeek then won an order in immigration court that fully stopped removal proceedings against her client and will allow the pro bono client to stay in the U.S. with her father going forward. Outside of her work at Desmarais LLP, Ms. Limbeek also acts as a mentor through a legal outreach program.

Before joining Desmarais LLP, Ms. Limbeek was an associate in the Litigation Group in the New York office of Sullivan & Cromwell LLP. While at Sullivan & Cromwell, Ms. Limbeek focused on patent cases, including representing a medical device company in defending infringement claims at a trial before the International Trade Commission.

## Prior Experience

- Associate, Sullivan & Cromwell LLP, New York, New York, 2013-2015

## Courts

- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York
- United States Court Appeals for the Federal Circuit
- United States Court Appeals for the Fourth Circuit

## Representative Matters

- Represented biotech company, Ravgen, in patent litigation against LabCorp resulting in a full plaintiff's verdict, finding that LabCorp had willfully infringed Ravgen's non-invasive prenatal genetic testing patent, and awarding Ravgen its full royalty request of \$100 for each infringing unit, totaling \$272.5 million in damages through trial and \$100 million in enhanced damages. Successfully argued claim construction, and successfully argued and defeated summary judgment motions for non-infringement and invalidity. Examined Ravgen's technical expert and cross-examined LabCorp's technical expert at trial.
- Represented a leading consumer electronics company in numerous patent infringement litigations, including involving computer hardware, VOIP telephony technology, and location services software.
- Represented Dutch biotechnology client in arbitration involving recombinant DNA technology before the International Chamber of Commerce.
- Represented Enzo Life Sciences against, among others, Abbott Laboratories, Affymetrix, Inc., Agilent Technologies, Inc., Becton, Dickinson & Co., Hologic, Inc., Illumina, Inc., Life Technologies, Corp., Roche Molecular Systems, Inc., and Siemens Healthcare Diagnostics Inc. in patent infringement litigations involving nucleic acid based analytical and diagnostic products in a litigation campaign that resulted in over \$100,000,000 of settlements.
- Represented LifeCell Corporation against LifeNet Health in patent infringement litigation involving soft tissue grafts.
- Represented Intellectual Ventures against Canon in patent infringement litigation involving digital camera technology.
- Represented Ferrosan Medical Devices in defending infringement claims in the International Trade Commission.
- Represented Philips Electronics North America in arbitration concerning patent licensing agreements.

## Publications

- Kerri-Ann Limbeek Named [Law360 Rising Star](#)
- "Kerri-Ann Limbeek Named '[Litigator of the Week](#)' for \$57M Patent Trial Victory"
- "Kerri-Ann Limbeek "[Trial-focused Lead counsel on how a strong story helped Ravgen defeat Natera](#)"
- "[Desmarais LLP Wins \\$57M Jury Verdict for Ravgen in Prenatal Genetic Testing Patent Trial](#)"
- "[Desmarais LLP Secures \\$272.5M Jury Verdict in Prenatal Genetic](#)

**Testing Patent Trial** Ms. Limbeek leads the Desmarais LLP team representing Ravgen in a series of district court litigations, and tried this case against LabCorp, along with John Desmarais, in which Ravgen won a \$272.5 million jury verdict in Texas.

- **Desmarais LLP Secures \$100M Enhanced Damages Ruling for Ravgen**
- Desmarais LLP Wins **LMG Life Sciences 2023 Patent Impact Case of the Year** Award For Ravgen v. LabCorp Case. (Ms. Limbeek lead this team)
- “Desmarais LLP Awarded **“Law360 IP Practice Group of the Year”** – Ms. Limbeek was interviewed about the \$272.5 million jury verdict on behalf of Ravgen against LabCorp and highlighted the firm’s training programs.
- **Desmarais LLP Defeats Final PTAB Challenge to Ravgen’s Genetic-Testing Patents** – Ms. Limbeek leads the Desmarais LLP team representing Ravgen and oversaw a series of ten inter partes reviews challenging Ravgen’s patents. All ten IPRs have concluded, and all challenged claims have been found patentable for Ravgen.
- **Desmarais LLP Secures Patent Litigation Settlement for Ravgen**
- *ALM/Law.com* - ***“Litigator of the Week Runners-Up and Shout Outs”*** – highlighted Ms. Limbeek’s success on behalf of client Ravgen
- Ms. Limbeek Wins **Pro Bono Ruling to Halt Deportation of Ecuadorian Immigrant**
- Desmarais LLP’s **Trial Training Program Highlighted in Law360** (Ms. Limbeek interviewed)