

## Brian D. Matty

Partner, New York



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Brian Matty's practice focuses on intellectual property disputes in federal courts and at the Patent Trial and Appeal Board. He has represented clients in cases relating to a wide range of technologies, including diagnostic genetic testing, catheter technologies, robotic endoscopy, neurostimulation, wireless communications, and media distribution networks.

Mr. Matty is a trial lawyer with extensive experience in all aspects of patent litigation. He was a key member of the team that represented IBM in its first jury trial as a patentee in decades. During the trial, Mr. Matty conducted the examination of an IBM licensing executive. The trial ended in an **\$82.5 million jury verdict** finding all four IBM patents valid and willfully infringed.

Mr. Matty is also a registered attorney at the US Patent Office and helps clients navigate post-grant proceedings, including *inter partes* reviews at the Patent Trial and Appeal Board. As lead counsel, Mr. Matty has led the defense of Ravgen's patents against a series of ten *inter partes* review petitions filed by some of the largest diagnostic testing companies in the country. All ten IPRs have concluded with all claims of Ravgen's patents upheld. The Ravgen patents Mr. Matty defended have also been asserted in district court, with the Desmarais LLP team securing a **\$272.5 million jury verdict against LabCorp.**

Mr. Matty also assists clients with offensive and defensive pre-suit investigations and patent assertion strategy. Mr. Matty has extensive experience advising clients in patent licensing and settlement negotiations, and he regularly advises clients on developing and maintaining patent portfolios.

Prior to joining Desmarais LLP, Mr. Matty was a patent agent and associate at Ropes & Gray, where he gained significant experience in patent prosecution and managing large patent portfolios before focusing on patent litigation. Mr. Matty is also a named inventor on U.S. Patent No. 8,496,655, which covers a catheter-based medical device for removing heart valves during minimally-invasive heart surgery.

### Prior Experience:

### EDUCATION

Fordham University School of Law,  
J.D., 2014

University of Michigan, M.S.E.,  
Biomedical Engineering, 2009

University of Michigan, B.S.E.,  
Biomedical Engineering, 2008,  
*magna cum laude*

### ADMISSIONS

2012, United States Patent and  
Trademark Office

2014, Massachusetts

2016, New York

- Associate, Ropes & Gray LLP, 2014-2016
- Patent Agent, Ropes & Gray LLP, 2009-2014

## Other Distinctions

- New York Metro Rising Star (2018-2023)

## Memberships and Affiliations:

- New York State Bar
- Massachusetts State Bar

## 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 District Court for the District of Massachusetts
- United States Court of Appeals for the Federal Circuit

## Representative Matters

- Represents Ravgen in multiple patent litigations and inter partes reviews against Labcorp, Natera, Quest, Illumina, Roche, Foundation Medicine, Myriad, and Progenity. Secured decisions upholding all claims of Ravgen's patents that were challenged in ten separate *inter partes* reviews.
- Represented IBM in patent litigation against Groupon that resulted in an \$82.5 million jury verdict finding all four IBM patents at issue valid and willfully infringed. Participated in all aspects of the case, including successfully arguing claim construction and summary judgment issues. Conducted direct examination of an IBM licensing executive at trial.
- Represented IBM against Expedia, Hotwire, Orbitz, Traelocity, Homeaway, and Hotels.com in multiple patent litigation cases concerning web technology and e-commerce. Overcame repeated challenges to IBM's patents in district court and before the Patent Trial and Appeal Board before obtaining a favorable settlement.
- Represented IBM in patent litigation against Priceline, OpenTable, and Kayak concerning web technology and e-commerce patents. Defeated repeated challenges to IBM's patents in district court and at the Patent Trial and Appeal Board before obtaining a favorable settlement.
- Represented a leading consumer electronics company in patent infringement litigation involving location-based services software.
- Represented LifeCell Corporation against TELA Bio, Inc. in patent infringement and trade secret cases involving reconstructive tissue matrix products.
- Represented Double Down Interactive LLC, a subsidiary of

International Game Technology, in litigation involving patents directed to electronic gaming.

## Publications

- Inventor, United States Patent No. 8,496,655: System and method for resecting a valve
- “Desmarais LLP Defeats PTAB Challenge to Prenatal Genetic Testing Patent” – Brian is lead counsel for Ravgen in series of ten *inter partes* reviews challenging Ravgen’s patents. All ten of the IPRs have concluded, and all challenged claims of Ravgen’s patents have been upheld.
- “Desmarais LLP Secures \$272.5M Jury Verdict in Prenatal Genetic Testing Patent Trial” – Brian is part of the Desmarais LLP team representing Ravgen in a series of district court litigations, including a dispute with LabCorp in which Ravgen won a \$272.5 million jury verdict in Texas. The verdict was later increased to \$372.5 million with the addition of \$100 million in enhanced damages for willful infringement.
- “Desmarais LLP Secures \$82.5M Patent Win for IBM Over Groupon at Trial” – Brian Matty was part of the Desmarais LLP team that won an \$82.5 million jury verdict for IBM in a patent infringement trial in Delaware. During the trial, Brian examined an IBM licensing executive.
- “Desmarais LLP Finalizes Favorable Settlement for IBM to End Lawsuit Against Priceline”