



## David A. Simons

### Counsel

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## OVERVIEW

David Simons concentrates in patent infringement litigation and post-grant proceedings. His experience includes patent infringement jury trials in Massachusetts, Delaware, North Carolina, and New York; briefing and arguing appeals before the United States Court of Appeals for the Federal Circuit; and drafting and arguing dispositive motions, preliminary injunction oppositions, and claim construction briefs before federal district courts around the country. David's cases have involved a variety of technologies in the mechanical, electrical, and chemical arts, including computer hardware and software, labeled nucleotides, marine generators, chemical deicers, fiber composite decking, manufacturing processes, carpet dyeing machinery, and various medical devices and methods of treatment.

David has also drafted and defended against Petitions for Inter Partes Review and reexamination before the United States Patent & Trademark Office, has prepared and signed Freedom to Operate, Noninfringement, and Invalidity opinion letters, and has drafted and prosecuted patent applications in the biomedical, mechanical, and electrical arts.

## PROFESSIONAL BACKGROUND

Prior to joining K&L Gates, David was a principal at a Boston law firm that specializes in intellectual property law.

## EDUCATION

- J.D., University of Virginia School of Law, 1997 (*Order of the Coif*)
- B.A., Harvard College, 1993 (*cum laude*)

## ADMISSIONS

- Bar of Massachusetts
- Bar of Virginia (Inactive)
- United States Patent and Trademark Office

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

## NEWS & EVENTS

- 1 September 2020, K&L Gates Secures Win for Lenovo in Patent Infringement Matter (*Noteworthy Work*)

## AREAS OF FOCUS

- IP Litigation
- Post-Grant Patents

## REPRESENTATIVE EXPERIENCE

- Counsel for Belmont in case involving carpet dyeing machinery
- Counsel for Tyco Healthcare in trial involving safety needles
- Counsel for Dako Denmark A/S in patent infringement case and related arbitration involving p63 antibodies.
- Counsel for Ocean Spray in case involving sweetened-dried cranberry manufacture
- Counsel for Lenovo in case involving server technology
- Trial counsel and lead appellate counsel for WBIP in WBIP, LLC v. Kohler Co., a patent infringement case involving marine generators. Secured judgment of willful infringement and damages exceeding \$8M, which was affirmed on appeal. Successfully defended concurrent reexamination of the patents-in-suit before the patent office.
- Counsel for Archer Daniels Midland Co. in patent infringement case in Northern District of New York involving deicers. Drafted successful summary judgment motion for noninfringement of certain claims, and jury returned noninfringement verdict on remaining claims.