



# Insights: Top Disputes & Investigations

Trial Services





## Trial Services

Once courts open in the wake of the shutdown induced by the COVID-19 pandemic, FTI Consulting will be ready to assist litigants with nationwide trial services, including jury research, presentation graphics, and complete in-court technology services. Whether by creating a single graphic or supporting a multi-jurisdictional litigation, we help make arguments more persuasive and ease the challenges of litigation by leveraging our extensive litigation support experience. Our clients engage us for our expertise in a wide range of settings, including class certification hearings, mediations, IPR presentations, presentations to government regulators, and domestic and international arbitrations.

In this section, of our **2020 Insights: Top Disputes & Investigations**, we highlight our work that demonstrates the critical contributions of thoughtful graphics and sophisticated, experienced technology in achieving a favorable outcome at trial.



# Pharmaceutical Patent Error Leads to Infringement Trial

FTI's Trial Services was retained to assist with all presentation logistics at an IPR proceeding at the U.S. Patent and Trademark Office. Our client, a research lab financed by a large pharmaceutical company, owned a patent being challenged by a competitor. The dispute hinged on a typographical error in a DNA sequence that was a key part of the invention. Our client submitted a correction, but when the patent office made the correction, an additional typo was introduced, taking more time to correct. The Defendant's position in this dispute was that it did not infringe the patent until the typo was finally corrected four years after it issued.

Our client won the IPR argument, the patent was reaffirmed to be valid and the dispute between the two companies proceeded to trial. FTI, working closely with two law firms representing the plaintiff, assisted with a technology tutorial, a markman hearing, a Daubert motion, a Motion for Summary judgment hearing, a focus group, and mock trial and trial presentation. Over a three-week period, FTI handled all presentation logistics at trial, working closely with experts and witnesses, creating 3-D animations, and other presentations to help the jury better understand our client's position. The jury deliberated for two days and returned a full verdict for our client. They also found that the Defendant infringed willfully and a few months later, the judge doubled the amount of owed damages. The case is currently being reviewed by the Federal Circuit.

## Subject Matter Experts



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