

Contact

Erik Milch

Partner

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Erik Milch is a partner in the Litigation Department, co-head of the Patent Law practice and a member of the Intellectual Property and Trials group.

As a first-chair trial lawyer, Erik brings more than 25 years of experience litigating in key jurisdictions across the U.S., as well as before the International Trade Commission and the U.S. Patent and Trademark Office. Erik litigates complex matters involving medical devices, life sciences instrumentation, pharmaceuticals, electrical and computer technology, and consumer products. He regularly counsels clients in a range of industries in connection with patent procurement, development of patent portfolios, patent licensing, valuation of patent portfolios in business transactions and transactional diligence.

Erik has extensive experience in all aspects of patent litigation from pre-filing through appeal, including enforcement of patents against competitors and defense of patent infringement allegations. His technical background includes microfluidics, lab automation, optical imaging instruments, wound closure, surgical instrumentation, orthopedics, autoinjectors, tissue resection and sealing, pharmaceuticals, haptic feedback systems, computer software, consumer products, fluid mechanics applications, automotive engines and mechanical and electrical components, aerospace propulsion and control systems, weapons systems, and

telecommunications.

Erik has been consistently recognized in *Chambers USA* and *IAM Patent 1000* for his significant expertise in patent litigation. He was also recognized as a “Top Lawyer” by *The Washingtonian*.

Prior to pursuing a legal career, Erik earned a bachelor’s degree in mechanical engineering from Georgia Tech, where he developed a deep appreciation for cutting-edge technology and its potential to drive progress. His background in engineering equips him with a unique ability to comprehend intricate technical concepts. This enables him to effectively navigate the intricate world of patent litigation, combining his legal skills with technical know-how to provide comprehensive and strategic counsel to his clients.

In addition to his academic accomplishments, Erik served as an officer in the United States Navy. His military background instilled in him a strong sense of discipline, leadership, perseverance, and attention to detail; qualities that continue to guide him in his legal practice.

Matters

Representative Matters

- Counsel for Fortune 100 leading broadband connectivity company and cable operator in a dispute before the Patent Trial & Appeal Board in connection with technologies related to the performance of data transmission systems.
- Counsel for leading medical product company in defense of patent infringement allegations related to systems for assessing severity of a stenosis in a blood vessel.
- Lead trial counsel for RSB Spine in *RSB Spine, LLC v. DePuy Synthes Sales, Inc., Life Spine, Inc., Medacta USA, Inc., Precision Spine, Inc.*, and *Xtant Medical Holdings, Inc.* (US District Court for the District of Delaware, PTAB), patent infringement suits involving spinal implant systems, with a $12 million

jury verdict against DePuy Synthes, a Johnson & Johnson Company, in December 2022

- Lead trial counsel for Rex Medical in *Rex Medical, L.P. v. Covidien, L.P.* and *Intuitive Surgical, Inc.* (US District Court for the District of Delaware, PTAB), patent infringement suits involving tissue stapling systems, with a $10 million jury verdict against Intuitive Surgical in October 2022
- Counsel for Liquidia Technologies in *United Therapeutics Corporation v. Liquidia Technologies* (US District Court for the District of Delaware, PTAB), Hatch-Waxman patent infringement litigation involving the formulation and delivery of treprostinil for treatment of pulmonary hypertension
- Lead counsel for kaléo in *kaléo, Inc. v. Adamis Pharmaceuticals Corporation* (US District Court for the District of Delaware), Hatch-Waxman patent infringement litigation involving autoinjectors for naloxone
- Lead trial counsel for SecureNet in *Alarm.com, Inc. v. SecureNet Technologies LLC* (US District Court for the District of Delaware), a patent infringement suit involving home remote monitoring and control of networked security systems, securing a complete defense verdict
- Lead counsel for Cardiva Medical in *St. Croix Surgical Systems, LLC v. Cardiva Medical, Inc.* (US District Court for the Northern District of California), a patent infringement suit involving wound closure devices
- Lead counsel for KFx Medical in *Wright Medical Technology v. KFx Medical Corporation* (US District Court for the District of Delaware), a patent infringement suit involving knotless suture anchors
- Co-lead counsel for Jawbone in *In re Certain Wireless Headsets* (US International Trade Commission Investigation No. 943), an ITC investigation involving Bluetooth headsets

Practices

Restrictive Covenants, Trade Secrets & Unfair Competition, Litigation, Intellectual Property, Patent Law, Trials

Industries

Life Sciences, Technology, Media & Telecommunications

Market Solutions

Proskauer+Tech, Artificial Intelligence

Education

George Mason University, Antonin Scalia Law School, J.D.

Georgia Institute of Technology, B.M.E.

Admissions & Qualifications

District of Columbia

New York

Virginia

United States Patent and Trademark Office

Court Admissions

U.S. District Court, California, Central District

U.S. District Court, California, Northern District

U.S. District Court, District of Delaware

U.S. District Court, Eastern District of Massachusetts

U.S. District Court, Western District of Pennsylvania

U.S. District Court, Eastern District of Texas

U.S. District Court, Northern District of Texas

U.S. District Court, Eastern District of Virginia

U.S. Court of Appeals, Fourth Circuit

Awards & Recognition

Chambers USA: Intellectual Property (2021-2023)

IAM Patent 1000': The World's Leading Patent Professionals (2025)

IAM Patent 1000: Litigation and Prosecution, D.C. Metro Area

Legal 500 US: Intellectual Property: Patents: Litigation (2022)

The Washingtonian: Top Lawyers 2013

The Legal 500 United States: Healthcare: Life Sciences 2024

The Legal 500 United States: Media, Technology & Telecoms: Marketing & Advertising: 2024