

Paul B. Gaffney

Partner

Paul Gaffney handles a wide variety of complex litigation, with an emphasis on intellectual property and licensing disputes, media litigation, and professional liability defense.

In 2014, Mr. Gaffney was trial counsel for AstraZeneca in the first “pay-for-delay” antitrust case tried following the Supreme Court’s decision *FTC v. Actavis*. The jury returned a defense verdict.

Mr. Gaffney has represented MedImmune since 2007. He was lead counsel for the company in its October 2012 trial against the University of Massachusetts to resolve a dispute over royalty obligations under a 1989 licensing agreement. He represented MedImmune as lead counsel in a licensing dispute with Mt. Sinai Medical Center in 2010-2011 involving flu vaccine technology. Mr. Gaffney also represented the company in *MedImmune v. Genentech*, which led to a 2007 Supreme Court decision granting patent licensees the right to sue patent holders, and *MedImmune v. PDL BioPharma*, in which MedImmune secured both a summary judgment invalidating a key biotechnology patent and a nine-figure settlement resolving other claims.

Since 2012, Mr. Gaffney has represented Genentech, Inc. in a number of patent licensing disputes.

Outside of the biopharmaceutical industry, Mr. Gaffney’s intellectual property representations include serving as lead counsel to iHance, Inc. in a software patent infringement case that settled shortly before trial in July 2012; lead counsel for the whistle-blower in a federal False Claims Act lawsuit relating to wireless spectrum auctions that resulted in a nine-figure settlement; and lead counsel in a Lanham Act lawsuit between competing Internet greeting card firms in which his client obtained a jury verdict of \$4 million in compensatory and punitive damages.

Mr. Gaffney’s media practice includes the representation of Discovery Communications as lead counsel in several matters, including its contract litigation against Jon Gosselin as well as other disputes arising from the company’s “reality television” programming. Mr. Gaffney was lead counsel for the major television networks in *ABC, et al. v. Flying J*, a suit successfully challenging the use of advertisement substitution software in commercial establishments; lead counsel for film industry plaintiffs in a series of lawsuits directed against distributors of DVD-copying software; and lead counsel for film industry plaintiffs in a series of lawsuits directed against the proprietors of unauthorized film downloading software and websites.



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Education

The University of Chicago Law School,
J.D., with honors, 1991
Duke University, A.B., 1986

Practice Focus

Civil Litigation and Trial Practice
Commercial Litigation
First Amendment and Media
Patent Litigation
Supreme Court and Appellate
Litigation
Trademark and Copyright

Recognitions

"IP Star," *Managing Intellectual
Property*, 2019-2020

"Life Science Star," *LMG Life
Sciences*, 2018

Selected to *Super Lawyers*, 2014-
2019

Admissions

District of Columbia
Texas

Mr. Gaffney's other media work includes representing MediaNews Group, Inc. during the 2000s in its long-running litigation in Utah over ownership of *The Salt Lake Tribune*, and representing *CNN* and *Time* in litigation arising from their 1998 report that the U.S. military used nerve gas in Vietnam, among other things arguing the appeal in *Van Buskirk v. CNN*, 284 F.3d 977 (9th Cir. 2002). Mr. Gaffney, who spent two years as a newspaper reporter before going to law school, has represented the Washington Post, Fox, ABC, and other publications in libel, privacy, and other media-related disputes.

Mr. Gaffney has also defended several law firms facing legal malpractice claims.

Mr. Gaffney graduated from Duke University in 1986 and received his J.D., with honors, from the University of Chicago Law School in 1991. He clerked for Judge James B. Loken of the U.S. Court of Appeals for the Eighth Circuit before joining Williams & Connolly in 1992. Mr. Gaffney has served on the Boards of Catholic Charities of Washington, the Washington Area Lawyers for the Arts, and the Duke Student Publishing Corporation.

United States Supreme Court
United States Court of Appeals for the
District of Columbia, Third, and
Ninth Circuits
United States District Court for the
District of Columbia and Maryland