

U.S. International Trade Commission Affirms Perkins Coie Patent Win for Gator Bio Inc.

WASHINGTON, D.C. (July 1, 2024)—Perkins Coie is pleased to announce that the U.S. International Trade Commission (ITC) has issued a final determination of “no violation” for firm client Gator Bio Inc. in a patent case related to biolayer interferometry (BLI) products used in medical research.

The ITC’s ruling comes after a Perkins Coie trial team of intellectual property lawyers successfully tried the case last November and prevailed before the Administrative Law Judge (ALJ), who issued a ruling earlier this year in favor of Gator Bio finding noninfringement and lack of technical domestic industry on multiple independent grounds.

Gator Bio, based in Palo Alto, specializes in making BLI instruments and fiber-optic probes that use changes in optical interference patterns to measure the concentrations of various analytes in biological samples and analyze more complicated reaction dynamics in real time. Gator Bio’s products have applications in medical research, including the development of antibody therapies and gene therapies.

The Perkins Coie team that successfully represented Gator Bio was led by partner [Hari Santhanam](#) and included partner and co-chair of the firm’s ITC litigation practice, [Veronica Ascarrunz](#), senior counsel [Evan Day](#), and associates [Hessam Gharaviram](#) and [Michelle Yocum](#). Partner [Jim Valentine](#) worked on the case.

The four-patent investigation, initially assigned to Chief ALJ Clark Cheney, began in October 2022, and was later reassigned to ALJ Doris Johnson Hines in February 2023. In June 2023, ALJ Hines ruled that the asserted claims of the patent with the longest remaining life were invalid as indefinite, and the remaining three patents were terminated from the investigation. Two months later, however, the Commission chose to reverse ALJ Hines’ indefiniteness ruling over a dissent, and the matter proceeded to trial on the sole remaining patent in late October 2023. Following post-hearing briefing, in which the Commission Investigative Staff supported Gator Bio’s noninfringement defenses among others, ALJ Hines issued an initial determination of no violation in favor of Gator Bio in March 2024. The complainant sought Commission review, and in its final determination, the Commission has now affirmed the ALJ’s finding of no violation.

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