



Alex Aiken Associate

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Overview

Alex Aiken represents clients in high-stakes commercial litigation nationwide. He has handled disputes in an array of practice areas, including patent infringement, antitrust, breach of contract, and bankruptcy.

Alex plays a pivotal role in each of his cases and often leads the development and execution of key case strategies. He has briefed, argued, and won a range of motions, including motions to dismiss, motions for summary judgment, motions for class certification, motions to exclude expert opinions, motions to compel critical discovery, and claim construction motions. Alex has also taken and defended dozens of depositions, including of both fact and expert witnesses, and has worked closely with experts on case-critical expert reports.

Noteworthy Litigation

Alex represented Barkan Wireless IP Holdings, L.P. in two separate patent infringement lawsuits in the Eastern District of Texas against industry leaders T-Mobile, Nokia, Sprint, and CommScope. The cases alleged that the defendants infringed three patents held by Barkan Wireless related to femtocell technology. Both cases settled on the eve of trial for favorable, confidential sums.

Alex currently represents a proposed class of home sellers in litigation against the four largest national real estate services conglomerates, and their trade association, pending in the Northern District of Illinois. The class alleges that the defendants violated federal antitrust law by conspiring to require sellers to pay the broker representing the buyer of their homes (and to do so at an inflated level).

Alex also currently represents two separate putative classes of professors and textbook authors in lawsuits against leading textbook publishers McGraw Hill and Cengage Learning, pending in Federal Court in New York. The lawsuits allege that McGraw Hill and Cengage Learning have underpaid royalties for electronic textbook offerings.

While working at another firm, Alex represented Credit Suisse in the Lehman bankruptcy in a case related to the early termination of derivative trades. In June 2018, Credit Suisse obtained a settlement providing it with allowed claims of \$385 million for derivative claims and \$363 million for guarantee claims.

Background

Alex joined Susman Godfrey after clerking for the Honorable Ronald M. Gould on the United States Court of Appeals for the Ninth Circuit and starting his career at Cravath, Swaine & Moore LLP in New York. He graduated *summa cum laude* from the University of Oregon, where he majored in History. He earned his J.D. Order of the Coif and *magna cum laude* from the University of Pennsylvania Law School, where he was the Online Managing Editor of the University of *Pennsylvania Law Review* and a member of the national moot court team. While at law school Alex received the David Werner Amram Prize, the P. Pemberton Morris

Prize, and a Distinguished Pro Bono Service Award.

Education

University of Pennsylvania Law School
(J.D., *magna cum laude*, Order of the Coif, 2017)

University of Oregon (B..A, History, 2014)

Clerkship

Honorable Ronald M. Gould, United States Court of Appeals for the Ninth Circuit

Honors and Distinctions

- Order of the Coif
- Magna Cum Laude
- *University of Pennsylvania Law Review*, Vol. 165 Online Managing Editor
- David Werner Amram Prize (best paper in civil procedure or a related area)
- P. Pemberton Morris Prize (highest grades in the examinations in evidence, pleading, and practice)
- Distinguished Pro Bono Service Award
- N.Y. City Bar Association National Moot Court Finalist
- Keedy Cup (intramural moot court) Semifinalist
- Wharton Certificate in Management
- James Wilson Scholar (merit scholarship)

Professional Associations and Memberships

Washington State Bar

New York State Bar

U.S. District Court for the Eastern District of Texas

Publications

Alexander W. Aiken, Comment, Class Action Notice in the Digital Age, 165 U. PA. L. REV. 967 (2017)