



## 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. He has won at trial, argued appeals for his clients, and 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 recently served on a trial team that won a \$37.5 million verdict for Atlas Global Technologies in its patent infringement case against Chinese router manufacturer TP-Link—the number 1 global provider of WLAN devices. A Texas federal jury found that TP-Link infringed five patents that are essential to the “Wi-Fi 6” wireless standard, which was developed to provide increased capacity, higher efficiency, and improved coverage and performance over prior standards. Following a five-day trial (where Alex argued various motions and issues before the Court) and just a few hours of deliberations, the jury determined TP-Link owes Atlas \$37,481,264 in damages. Over the course of the case, Alex took significant depositions that were played at trial and successfully briefed numerous motions, including convincing the Court to deny TP-Link’s motion to exclude the testimony of Atlas’s damages expert.

In addition to its case against TP-Link, Alex currently represents Atlas in other pending litigation in the Western and Eastern Districts of Texas against Acer,

ASUSTeK, D-Link, Dell, HP, OnePlus, and Zyxel alleging infringement of Atlas's Wi-Fi 6 standards essential patents.

Alex also represents a certified 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 has taken numerous depositions in the case, including of defendants' executives, and played an instrumental role in successfully briefing the class certification motion.

In addition, Alex 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. Alex led efforts to brief and argue the appeal in one of the cases before the Second Circuit. Audio of the oral argument is available [here](#).

Alex previously represented Barkan Wireless 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.

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 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.

Alex 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. He graduated *summa cum laude* from the University of Oregon, where he majored in History.

- Order of the Coif

## *Honors & Distinctions*

- 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)

## *Clerkships*

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

## *Education*

**Penn Carey Law at University of Pennsylvania** (J.D., magna cum laude, 2017)

- Order of the Coif

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

## *Admissions*

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### **Bar Admissions**

- Washington
  - New York
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### **Court Admissions**

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