



Libby Moulton

Senior Associate

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Practice Areas

- Supreme Court & Appellate

Education

- J.D., Columbia Law School
- M.S., The George Washington University
- B.A.S.c., University of Pennsylvania

Clerkships/Externships

- Hon. Ronald M. Whyte, United States District Court, Northern District of California
- Hon. Raymond C. Clevenger III, United States Court of Appeals, Federal Circuit

Elizabeth Moulton is a member of the firm's Litigation Group and Supreme Court and Appellate practice. Libby's practice focuses primarily on high stakes patent appeals in the Federal Circuit. Libby uses her past experience as a patent examiner, district court clerk, and Federal Circuit clerk to help clients with their most important high-tech cases.

Libby represents clients across a wide range of technologies, from antiviral drugs to medical research equipment to artificial intelligence to fitness trackers. In addition to appellate briefing and argument, Libby regularly partners with trial teams on briefing and strategy decisions in district court.

Libby also has an active pro bono practice, representing clients ranging from the Arizona Federal Public Defender's Office to the Animal Legal Defense Fund to individuals seeking asylum.

Prior to joining Orrick, Libby served as a law clerk to Judge Raymond C. Clevenger III of the United States Court of Appeals for the Federal Circuit and to Judge Ronald M. Whyte of the United States District Court for the Northern District of California. Before law school, Libby was a patent examiner in the medical device area at the United States Patent and Trademark Office.

Representative Engagements

- **Synopsys, Inc. v. Mentor Graphics Corp. (Supreme Court)** – Represented Synopsys on a petition for a writ of certiorari challenging the Federal Circuit's assignor estoppel and lost profits doctrines.
- **EMC Corporation v. Clouding Corp. (Federal Circuit)** – Represented EMC (now part of Dell) in an appeal involving artificial intelligence patents. The Orrick team secured a win in the Federal Circuit, which vacated and remanded a Patent Trial and Appeal Board ruling.
- **Idenix Pharmaceuticals LLC v. Gilead Sciences, Inc. (D. Del. and Federal Circuit)** – Represents Gilead Sciences in overturning a \$2.54 billion patent infringement verdict related to Gilead's blockbuster Hepatitis C drug. Orrick served as appellate counsel, assisting with post-trial motions following an adverse jury verdict in the U.S. District Court, District of Delaware, and now represents Gilead on appeal to the Federal Circuit.

- **Bio-Rad Laboratories, Inc. v. 10x Genomics Inc. (D. Del)** – Representing 10x as appellate counsel, assisting trial team with defense of patent infringement claims against 10x's groundbreaking microfluidics platform.
- **PPC Broadband v. Corning Optical Communications RF LLC (Federal Circuit)** – Represented Corning in appeal challenging \$60 million patent infringement verdict in litigation involving coaxial cable connectors.
- **Bayer CropScience AG v. Dow AgroSciences LLC (Federal Circuit)** – Represented DAS in its appeal from the Eastern District of Virginia's affirmance of an arbitration award of based on patents relating to genetic resistance to the herbicide glufosinate.
- **Align Technologies v. Clear Correct (S.D. Tex)** – Represented Clear Correct as appellate counsel, assisting trial team with defense of patent infringement claims against Clear Correct's invisible orthodontic aligners. The case settled favorably.
- **Blasdell v. Space Exploration Technologies (Cal. App.)** – Represented SpaceX on appeal, successfully defending a jury verdict in favor of SpaceX in an individual employee's action alleging whistleblower retaliation.
- **Diana Juan v. UC Regents (9th Circuit)** – Represents the Regents of the University of California on appeal, defending a favorable motion to dismiss claims under the False Claims Act.
- **Dr. Pinter-Brown v. UC Regents (Cal. App.)** – Represents the Regents of the University of California on appeal, challenging an adverse jury verdict on employment claims.
- **New Mexico v. Philip Morris (New Mexico Court of Appeals)** – Represented New Mexico in seeking to enforce terms of Master Settlement Agreement between the state and tobacco companies.

Admissions

- District of Columbia
- California
- United States Patent and Trademark Office

Court Admissions

- Supreme Court of the United States
- **United States Courts of Appeals | Federal Circuit**
- **United States Courts of Appeals | Ninth Circuit**
- **United States District Courts | Northern District of California**