



## Brian R. Lemon

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Intellectual Property | IP Litigation | Business Litigation | Delaware Corporate, LLC & Partnership Law

*A litigator with a scientific background, clients value the technical insight Brian brings to his national practice.*

Brian Lemon, a trial lawyer, has litigated a variety of commercial cases in courts across the country. He has represented clients ranging from multinational corporations to small local companies in IP disputes involving specialty chemicals, life sciences, personal care, mechanical devices, pharmaceuticals, and consumer products. Brian is also experienced in litigating for corporations and alternative business entities in complex commercial and corporate matters.

Prior to becoming a lawyer, Brian was a research scientist for the United States Navy. His research focused on acoustics and laser vibrometry.

### Representative Matters

**Former LLC officers and entity affiliates—Delaware Chancery Court advancement case win**

*International Rail Partners LLC et al. v. American Rail Partners LLC.* Represented former LLC officers and their entity affiliates in an advancement action, demanding coverage for defense costs for a parallel breach of contract case in which adverse party American Rail alleged that the officers and entities breached their contract duties to properly manage American Rail pursuant to a certain management agreement. We won dismissal of the underlying contract action in August 2020 and In November 2020, the Court ruled that American Rail must advance the attorney fees incurred by our client. The advancement case is notable as it litigated a novel theory of exclusion of indemnification for first-party litigation under the Delaware LLC Act.

**Medical equipment manufacturer—ITC investigation**

Served as lead counsel for a medical equipment manufacturer in an ITC investigation in connection with a patent for micro-needle dermatological treatment devices and components.

**Medical equipment manufacturer—Patent litigation**

Prevailed on summary judgment of invalidity for a New Jersey medical device manufacturer and its international distributor on over forty-five patent claims asserted against it by its chief rival in the Southern District of California.

**Lighting fixture manufacturer—Patent litigation**

Served as lead counsel for a lighting fixture manufacturer in a patent litigation in the Southern District of New York.

**Software—Copyright litigation**

Secured payment of attorneys' fees for discovery in an ongoing copyright infringement lawsuit in the District of Delaware.

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## **Education**

George Mason University School of Law, JD, 2005

University of Central Arkansas, BS Physics, 2000

## **Bar Admissions**

Delaware

U.S. Patent & Trademark Office

## **Court Admissions**

U.S. Court of Appeals, Federal Circuit

U.S. District Court, District of Delaware

## **Memberships and Certifications**

Delaware State Bar Association

Federal Circuit Bar Association

## **Recognitions\***

*The Best Lawyers in America*, Litigation–Patent, Delaware, 2023 and 2024

\* No aspect of this or any advertisement has been approved by the Supreme Court of New Jersey. For ranking methodologies, please see [here](#).

### **Alerts**

Delaware Law Update 2021 Year in Review, Delaware Law Update, 4.1.2022

### **Articles**

Tips for Trying Your 1st Patent Infringement Case, Law360, 3.13.2015

### **Speaking Engagements**

Intellectual Property Litigation: Recent Developments and Cost Saving Tips, ACC Greater Philadelphia/Delaware Valley 7th Annual In-House Counsel Conference, 4.21.2015