

Rising Star: WilmerHale's Nina S. Tallon

By Kevin Penton

Law360, New York (April 19, 2016, 12:42 PM ET) -- WilmerHale's Nina S. Tallon has never lost a case before the U.S. International Trade Commission and recently co-chaired a case in which McAfee Inc. ducked \$13 million in patent infringement claims, distinctions that earned the litigator a spot among Law360's top 10 intellectual property attorneys under 40.

Tallon, 39, attributes the success that led her to be included on the 2016 Rising Stars list in part to not having a technical background, as her own deep dives into the nuances of each case give her the advantage of seeing firsthand what judges or jurors may struggle to understand.

A lover from the start of her career of the “hand-to-hand combat” and “chess maneuvering” involved in litigation, Tallon said she quickly recognized that intellectual property presented an excellent practice area for her to be a successful trial lawyer.

“I found the learning curve to be a bit steep at first, but I also found the work to be really challenging and interesting and dynamic,” Tallon said. “If you come into it with a level of knowledge similar to a judge or a juror, I think it can really help you break it back down and teach it to the judge and the juror ultimately when you get to trial.”

Tallon has prevailed in seven cases before the ITC in which she was extensively involved, playing a major role in WilmerHale's current string of 20 victories in Section 337 matters before the commission, including its representation of Apple Inc. in the technology giant's smartphone wars with Samsung Electronics Co. Ltd., according to the firm.

Patent litigation at the ITC is relatively rare when compared to the thousands of suits argued annually in federal courts — in 2015, the commission instituted just 36 cases, according to a Law360 analysis of agency data. But it also packs an arguably strong punch — its sole remedy if infringement is found is an order banning imports of the infringing product into the U.S., creating a grave risk for accused infringers that can also give patent owners strong leverage in settlement negotiations.

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Nina Tallon
WilmerHale

While Tallon values the expertise she has developed in litigating ITC cases, she has also strived during the past five years to diversify her practice so that approximately half of it is devoted to matters in federal courts, she said.

For example, she co-chaired the case in which WilmerHale attorneys swayed a jury in July to find that McAfee didn't infringe TVIIM LLC's patent on computer security software and that three patent claims were invalid.

The verdict came after less than a day of deliberations, following more than a week of testimony on TVIIM's allegations that several of McAfee's popular software products, including Antivirus Plus, Internet Security, Total Protection, LiveSafe and All Access, infringed U.S. Patent No. 6,889,168. The case is currently on appeal.

Tallon received her undergraduate degree from Princeton University and her law degree from Georgetown University Law Center. She is admitted to practice in the District of Columbia and in Massachusetts, according to the firm.

WilmerHale has approximately 1,000 attorneys who work out of 12 offices in the U.S., Europe and Asia, according to the firm. Its IP practice includes more than 120 lawyers and secured more than 2,000 U.S. and foreign patents for clients from 2012 to 2014, according to the firm's website.

--Editing by Emily Kokoll.

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