

People



## Brian R. Lemon

Partner, Litigation

Wilmington

T: +1 302 596 9202

brian.lemon@akerman.com

vCard

A veteran litigator with experience managing commercial disputes in the Delaware Court of Chancery and intellectual property disputes throughout the United States, including the International Trade Commission, clients rely on Brian Lemon for his versatility and perspective. Well-versed in Delaware law, Brian represents clients, including multinational corporations, limited liability corporations and their directors and officers, small businesses, and entrepreneurs, in a wide range of corporate and commercial disputes in Delaware and across the country. His clients turn to him to advocate for and protect their interests in complex commercial and corporate disputes, including matters involving trade secrets, contractual issues, fraud, breach of fiduciary duty, corporate governance, and corporate control, and disputes arising under agreements governing limited liability companies and partnerships.

A former research scientist for the United States Navy, where he focused his work on acoustics and laser vibrometry, Brian obtained his B.S. in physics and is registered to practice before the U.S. Patent and Trademark Office. His intellectual property experience encompasses litigation involving a diversity of technologies and sectors, including chemical, life science, pharmaceutical, software, medical device, personal care, and consumer products. Given his local experience, knowledge, and perspective in the District of Delaware, Brian is frequently retained to serve as local counsel in intellectual property disputes.

### Notable Work

**Delaware Chancery Court Advancement Case Victory:** Represented a former LLC officer and entity affiliates in an advancement action, which was notable as it litigated a novel theory of exclusion of indemnification for first-party litigation under the Delaware LLC Act. Our clients demanded coverage for defense costs for a parallel breach of contract case in which the 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. Won dismissal of the underlying contract action in

### Areas of Experience

Litigation  
Commercial Disputes  
Intellectual Property Litigation  
Patent Litigation  
Copyrights

### Education

J.D., George Mason University School of Law, 2005  
B.S., University of Central Arkansas, Physics, 2000

### Admissions

#### Bars

Delaware  
U.S. Patent and Trademark Office

#### Courts

U.S. Court of Appeals  
U.S. District Court, District of Delaware

### Related Content

Akerman Establishes Wilmington, Delaware, Office  
July 01, 2024

August 2020. In November 2020, the court ruled that American Rail must advance the attorney fees incurred by our client. *International Rail Partners LLC et al. v. American Rail Partners LLC*.

**Pharmaceutical — Delaware Chancery Court:** Represented a clinical trial provider in expedited litigation in the Delaware Court of Chancery. The plaintiff filed suit to terminate a contract, arguing that contract termination was covered by an arbitration exemption for equitable and intellectual property disputes. After filing a motion to stay for lack of subject matter jurisdiction in favor of mandatory arbitration, the court ruled in our favor, granting the motion.

**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 45 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 a copyright infringement lawsuit in the District of Delaware.

**Patent Litigation:** Serves as Delaware counsel in complex patent disputes for a number of clients in various technology areas, providing legal, technological, and venue-based perspective and experience.

## Related Professional Experience

- United States Navy, Research Scientist, 2000-2005

## Published Work and Lectures

- Association of Corporate Counsel, Greater Philadelphia/Delaware Valley 7th Annual In-House Counsel Conference, Speaker, "Intellectual Property Litigation: Recent Developments and Cost Saving Tips," April 21, 2015
- *Law360*, Co-Author, "Tips For Trying Your 1st Patent Infringement Case," March 13, 2015

## Affiliations

- Delaware State Bar Association, Member
- Federal Circuit Bar Association, Member

## Honors and Distinctions

- *Best Lawyers*, 2023-2024, Listed in Delaware for Litigation—Patent