



Vickie L. Henry

Partner
Boston
617 832 1185 direct
617 832 7000 fax
vhenry@foleyhoag.com

Vickie Henry has focused her 15-year litigation career on resolving intellectual property and product liability disputes, with her work in these areas based on a solid background in general commercial litigation. She has tried more than 20 trials to verdict or judgment.

The intellectual property matters that Vickie handles involve both patent litigation and analysis and litigation of trade secrets. She has represented corporate and individual clients as both plaintiffs and defendants in these matters. Her clients come from a diverse range of businesses and industries, including pharmaceuticals, medical devices, telecommunications and food processing equipment. Vickie's product liability work shows a similar wide range of experience, from pharmaceutical and medical device liability to toxic tort cases to consumer product liability. She has tried these matters throughout the country in state and federal courts at both the trial and appellate levels.

Prior to joining the firm, Vickie served as law clerk to the Honorable Denise R. Johnson of the Vermont Supreme Court and practiced law in California.

INDUSTRIES

Life Sciences
Telecommunications
Energy Technology and
Renewables

SERVICES

Intellectual Property Litigation
Litigation
Product Liability & Complex Tort
Business Disputes and
Commercial Litigation

HONORS/AWARDS

Leadership Spotlight, DRI's The
Voice (Jan. 14, 2009)
MLGBA PIONEERING SPIRIT
AWARD (2008)
Listed in MASSACHUSETTS
SUPER LAWYERS (2004-2009)
One of five named by
MASSACHUSETTS LAWYERS
WEEKLY as Massachusetts' "Up
and Coming Lawyers," August
2002

EDUCATION

Wellesley College, B.A., cum
laude, 1988
Boston University School of Law,
J.D., summa cum laude, 1993

BAR AND COURT ADMISSIONS

- ÿ Massachusetts
- ÿ California
- ÿ U.S. Court of Appeals, Federal Circuit
- ÿ U.S. Court of Appeals, First Circuit
- ÿ U.S. Court of Appeals, Ninth Circuit
- ÿ U.S. District Court for the District of Massachusetts
- ÿ U.S. District Court for the Northern District of California
- ÿ U.S. District Court for the Central District of California

REPRESENTATIVE EXPERIENCE

The following is a brief summary of Vickie's experience and accomplishments:

- ÿ In patent litigation, obtained order dismissing client for lack of personal jurisdiction in the Southern District of Texas
- ÿ In patent infringement damages matter against a manufacturer of automated histology equipment, won fifth highest verdict in Massachusetts in 2007
- ÿ In product liability case, successfully obtained dismissal of suit for failure to provide evidence of injury with the dismissal affirmed on appeal
- ÿ Defended a pharmaceutical manufacturer in a patent infringement suit in Illinois (eventually resolved by settlement) involving biodegradable polymers used as pharmaceutical excipients
- ÿ Represented a provider of prepaid wireless services and a wireless carrier in defense of a patent litigation that resulted in a settlement that enabled the provider to obtain licenses under the patent-in-suit
- ÿ Successfully defended an inventor of a patent on artificial vascular grafts from an assertion of ownership or co-inventor status by a former employer
- ÿ Represented a vender of commercial food processing equipment against allegations that it misappropriated a client's alleged trade secrets. After a successful interlocutory appeal to the Ninth Circuit Court of Appeals defeating plaintiff's damages theory, the client obtained a zero dollar settlement. *Cacique, Inc. v. Robert Reiser & Co.*, 169 F.3d 619 (9th Cir. 1999)
- ÿ Secured a favorable settlement for an experimental laboratory of a Massachusetts company in a Massachusetts state court action alleging that the client was negligent in performing genetic testing of

embryonic material

- Ÿ Represented Brown & Williamson Tobacco Corporation in a \$7 billion state court action by the Massachusetts Attorney General to recover Medicaid expenses allegedly incurred to treat tobacco-related illnesses. Played a key role in obtaining summary judgment on the plaintiff's claims for treble damages and attorney fees
- Ÿ Represented a national medical device and biologic processor in multi-district litigation in state and federal courts against plaintiffs' claims that a blood derivative caused them to develop hepatitis C

PROFESSIONAL / CIVIC INVOLVEMENT

- Ÿ Trade Secrets Law Committee of the Boston Patent Law Association, Co-Chair
- Ÿ DRI Commercial Litigation Section, Vice Chair
- Ÿ National Foundation For Judicial Excellence, Program Committee
- Ÿ Suffolk University Litigation American Inn of Court, Co-President (2005-2008)
- Ÿ Litigation Counsel of America
- Ÿ MCLE Civil Litigation Curriculum Committee
- Ÿ Massachusetts Lesbian and Gay Bar Association, Co-Chair (2003-2005)
- Ÿ MassEquality, Board of Directors (2006-2008)
- Ÿ Boston Bar Association, Member
- Ÿ Massachusetts Bar Association, Member
- Ÿ American Bar Association, Member

SPEECHES AND CONFERENCES

- Ÿ Speaker, Patent Law Developments, MCLE: 12th Annual Intellectual Property Law Conference 2009 (June 2009)
- Ÿ Speaker, Tips for Getting the Best IP License and for Using Standing as a Defense to Patent Infringement, IPO Conference on Realities and Myths in Patent Litigation Today (May 2009)
- Ÿ Speaker, Recognizing and Defusing Time-Bombs in Today's M&A Environment, Northeast Chapter of the Association of Corporate Counsel (March 2009)
- Ÿ Speaker, Standing as a Defense in Patent Litigation, DRI Intellectual Property Litigation (September 2008)
- Ÿ Speaker, Let's Get Real About Diversity (April 2008)
- Ÿ Co-Chair, Best Practice Tips for Electronic Presentations in Court, MCLE (March 2008)
- Ÿ Speaker, Trial Tips Panel, United States District Court Judicial Conference (June 2007)
- Ÿ Speaker, Understanding Hearsay, MCLE (March 2006)
- Ÿ Speaker, Those Hard to Follow Rules of Evidence: Hearsay & Experts, Boston Bar Association (November 2005)
- Ÿ Speaker, American Conference Institute, Drug & Medical Device Liability Conference (December 2004)
- Ÿ Speaker, American Conference Institute, Freedom to Operate Conference in San Francisco (April 2004)
- Ÿ Speaker, American Conference Institute, Drug & Medical Device Liability Conference (December 2003)
- Ÿ Speaker, American Conference Institute, Litigating Patent Disputes Conferences in Washington, D.C. (February 2003) and San Francisco (March 2003)
- Ÿ Speaker, Massachusetts Business Litigation Conference (2003)

PUBLICATIONS

- Ÿ Massachusetts chapter co-author, 50-STATE COMPENDIUM ON TRADE SECRET LAW AND NON-COMPETE AGREEMENTS, Defense Research Institute (2009)
- Ÿ Contributing author, A Practical Guide to Introducing Evidence, 2nd edition, MCLE (2007 edition)
- Ÿ Massachusetts chapter co-author, UNFAIR TRADE PRACTICES: A COMPENDIUM OF STATE LAW,

Defense Research Institute (2005)

- Y Co-author, The Federal Circuit Ends the Adverse Inference: Do you still need an opinion of counsel?, INTELLECTUAL PROPERTY & TECHNOLOGY LAW JOURNAL (November 2004)
- Y The Key to a Successful Defense? Invention Assignment Agreements and License Agreements, FOR THE DEFENSE (October 2004)
- Y Indemnification Agreements Keep You From Getting Bitten , BOSTON BUSINESS JOURNAL (September 27-October 3, 2004)
- Y Protect Your Company's Proprietary Lifeblood, WOMEN'S BUSINESS JOURNAL BOSTON (March 2003)