



Partner
Chair, Litigation Department

1500 Market St., Suite 3500E
Philadelphia, Pennsylvania 19102
Phone (215) 575-7025
Fax (215) 575-7200
tbiemer@dilworthlaw.com

Assistant:

Veronica McKeage
Direct (215) 575-7141
vmckeage@dilworthlaw.com

Industries

Biotechnology
Financial Services
Construction Litigation

Thomas S. Biemer represents his clients in complex commercial cases, handling matters in state and federal courts involving RICO, corporate governance, construction, ERISA, CERCLA, commercial real estate, patents, healthcare, class actions, trusts and estates, and contract disputes. He also represents both plaintiffs and defendants in a variety of alternative forums designed to expedite resolution and minimize costs.

Practices

Litigation
Intellectual Property
Environmental
Plaintiffs' Rights

As Chair of Dilworth Paxson's Litigation Department, Mr. Biemer is responsible for over 50 attorneys in five offices practicing in state and federal courts in numerous jurisdictions.

Education

J.D., with high honors,
The University of Texas
School of Law,
Associate Editor of
*University of Texas Law
Review*, 1991

B.A., *cum laude*,
Bucknell University,
1984

Licensed in Pennsylvania and New Jersey, Mr. Biemer is also admitted in the State Courts of Pennsylvania, State Courts of New Jersey, United States Supreme Court, U.S. Court of Appeals for the Second Circuit, United States Court of Appeals for the Third Circuit, United States Court of Appeals for the Fourth Circuit, United States Court of Appeals for the Federal Circuit, United States District Court for the Eastern District of Pennsylvania, United States District Court for the District of New Jersey, United States District Court for the Southern District of New York, and the United States Tax Court.

Bar Admissions

Pennsylvania, 1991
New Jersey, 1995
United States Supreme
Court, 1998
United States Court of
Appeals Second Circuit,
2009
United States Court of
Appeals Third Circuit,
2000
United States Court of
Appeals Fourth Circuit,
2002

Representative Experience

- Representation of a technology company in multi-patent litigation against major cell phone manufacturers involving network connectivity and Local Area Networks.
- Represented a national bank in trust matter regarding the retention of a closely-held business in a family trust. Damages were in excess of \$2 billion. Defense verdict obtained in Orphans' Court and affirmed on appeal after a 15-day bench trial.
- Represented an investment advisor in defamation action brought by a publicly-traded company. Damages were in excess of \$90 million. Defense verdict obtained after a 5-week jury trial.
- Represented a regional rail authority in dispute involving claims for design defects arising out of the reconstruction of an elevated rail structure. Claims exceeded \$50 million and involved complex issues of construction management and structural design.
- Represented multiple transportation authorities in CERCLA action seeking contribution

United States Court of Appeals Federal Circuit, 1996

United States District Court Eastern District of Pennsylvania, 1992

United States District Court District of New Jersey, 1996

United States District Court Southern District of New York, 2004

United States Tax Court, 2008

recovery concerning PCBs at the Paoli Rail Yard. Settled case on behalf of clients. Settlement was one of the ten largest commercial cases in the Commonwealth that year.

- Represented a document solution company against claims of patent infringement relating to the centralized collection of geographically distributed clinical information in the pharmaceutical industry. Award of non-infringement in binding arbitration from the American Arbitration Association.
- Represented a software company in a matter that involved the patentability of business methods, resulting in an extension of patent protection to industries and technologies not previously covered.
- Represented 53 area hospitals and other medical care providers in a litigation matter and recovered over \$40 million on the providers' behalf. This was the first insolvency of a major HMO in America.
- Represented financial associations challenging lead ordinances attempting to regulate subprime lending market in Philadelphia. Represented on a national level against similar challenges in Ohio, Georgia, and California. Also successfully guided clients, AFSA, and Maryland mortgage brokers to obtaining a permanent injunction to prevent the enforcement of a Montgomery County, Maryland lending bill.
- Represented a large, regional healthcare insurer in a series of class actions brought by members and beneficiaries of ERISA plans. The class action claims involved the calculation of the family deductible, the negotiation of discounts regarding co-insurance, coverage for Viagra, subrogation rights, and Medicare supplemental benefits.
- Represented plaintiffs in the squeeze-out of a minority shareholder involving one of the largest closely-held corporations in the Northeast. Successfully obtained a nine-figure settlement.
- Represented a patent owner on claims of patent infringement involving bases for the slot machine industry. Settled on favorable terms.
- Represented a mobile phone provider in patent infringement case arising out of pre-paid cell phone technology.
- Represented technology company as *amicus* on a case pending en banc in the Federal Circuit involving broad issues relating to patentable subject matter. One of two amici selected to participate in oral argument.
- Represented investment company in Blackberry patent litigation in District Court in Virginia and the United States Patent and Trademark Office. Tasked with evaluating and monitoring the litigation for a concerned client.
- Represented multi-national corporation in multiple domain name disputes under the ICANN Uniform Domain-Name Dispute Resolution Policy involving the enforcement of the client's brand name against domestic and international cyber-squatters. All matters resulted in ruling for client.

- Represented *amicus curiae* in case before the United States Court of Appeals for the Federal Circuit. This matter involved the shifting of the burden of proof for willfulness in a patent infringement case. The brief of *amicus* was cited by Judge Dyk in his dissent, which has been referenced in many recent legal publications involving the issue of willfulness in patent infringement cases.
- Represented *amici curiae* in case before the United States Court of Appeals for the Federal Circuit. This matter involves issues relating to the duty to exercise due care when an alleged infringer is placed on notice of a patent owner's rights.
- Represented three separate Special Litigation Committees as lead counsel in litigation arising out of the sale of publicly-traded companies in transactions ranging from \$1-3 billion.
- Represented a large national contractor in bid protest of \$750 million contract with the Commonwealth of Pennsylvania.
- Represented a Pennsylvania corporation as lead trial counsel in a 4-week bench trial arising out of a sale of substantially all of the company's assets.
- Represented a Delaware limited liability company in breach of fiduciary duty and breach of contract claims arising out of the dissolution of the LLC.
- Represented a patent holder in litigation involving laser hair removal against large publicly-traded company.
- Represented Japanese investors in dispute over the purchase of a real estate holding company.

Professional and Community Activities

- General Counsel and Board of Directors, Urban League of Philadelphia, 2009 - 2017
- Instructor, University of Texas, Constitutional Law and Government, 1991
- Captain, U.S. Army Air Defense, 1984 – 1992 (Platoon Leader and Battery Executive Officer for a Patriot Missile Air Defense Battery)

Speeches and Presentations

- Served as mediator in complex intellectual property and contract disputes.
- Presentation at Patent Law Symposium.

NEWS / EVENTS

Press Releases

- Dilworth Partners Thomas Biemer and Gregory Cirillo will Lead Litigation Department,

Succeeding Lawrence G. McMichael

- Dilworth Attorneys Named 2017 Pennsylvania Super Lawyers and Rising Stars
- Twenty-One Dilworth Attorneys Named 2018 Pennsylvania Super Lawyers and Rising Stars
- Nineteen Dilworth Attorneys Named 2019 Pennsylvania Super Lawyers and Rising Stars

Media Coverage

- Dilworth team successfully defends the town of Margate, NJ

Articles

- NJ Beachfront Homeowners Drop Suit Over Storm Project
- City of Philadelphia Sues Opioid Manufacturers for Alleged Role in 'Public Health Crisis'
- Philly DA Accuses Drugmakers Of Deceptive Opioid Marketing
- Halt Medical Case Needs To Go To Trial, Chancery Rules

E-Alerts

- With the Supreme Court's Decision in TC Heartland, Delaware Likely to See Increase in Patent Cases
- Philadelphia Business Journal Ranks Dilworth Among Top Law Firms For IP Practice