

Greta A. Fails

Counsel

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Greta Fails is a member of Choate's Intellectual Property Litigation Group. She focuses her practice on representing a broad range of clients, including technology, life sciences, and software companies, in high-stakes patent, trade secret and antitrust litigation and other complex IP and commercial disputes.

In 2018, Ms. Fails served as a Special Assistant District Attorney with the Suffolk County District Attorney's Office, where she gained significant first-chair criminal trial and motion practice experience.

Prior to joining Choate, Ms. Fails was an associate at Hughes Hubbard & Reed LLP, where she assisted in representing corporations and financial institutions in complex commercial litigation, including cross-border bankruptcy work.

During law school, she served as the Managing Editor of Production for *Annual Survey of American Law*, and interned with the United States Attorney's Office, Eastern District of New York, Civil Division and the Office of the New York State Attorney General, Claims Bureau.

Ms. Fails has been named a *Massachusetts Super Lawyers Rising Star*.

EDUCATION

New York University of Law
JD, 2012, *cum laude*
Managing Editor of Production,
Annual Survey of American Law

Yale University
BA, 2008, Economics

PRACTICE FOCUS

Complex Commercial Litigation

Antitrust, unfair competition, contract, and other complex commercial litigation for corporations and financial institutions

Complex Intellectual Property Disputes

Complex patent infringement and trade secret litigation within technology and life sciences, and software industries.

REPRESENTATIVE ENGAGEMENTS

- Represented biotechnology company in trade secret misappropriation dispute involving RNAi therapeutics.
- Represented pharmaceutical company in patent infringement and related antitrust litigation involving innovative methods of processing therapeutic polysaccharides.
- Represented corporations in various industries in arbitrations of contract disputes.
- Represented insolvency administrators of Nortel group's European, Middle Eastern, and African affiliates in cross-jurisdictional dispute over allocation of over \$7 billion in asset sale proceeds.
- Represented trustees of bankruptcy trust established to resolve asbestos personal injury claims.

ADMISSIONS

Massachusetts

New York

U.S. District Courts,
Massachusetts,
Southern & Eastern New York

U.S. Court of Appeals,
First Circuit

PRACTICE AREAS

Litigation

Complex Intellectual
Property Disputes

- Represented Japanese corporation in civil antitrust litigation alleging a conspiracy to fix prices of electrolytic and film capacitors.
- Represented senior executives in connection with criminal antitrust investigations in the auto parts industry.
- Represented pharmaceutical company before the Federal Trade Commission with respect to a \$9.5 billion acquisition.
- Represented retail warehouse club in patent infringement dispute involving replacement windshield wiper blades.
- Represented non-profit corporation in contract and trademark dispute with its subsidiary.

PUBLICATIONS AND PRESENTATIONS

- “Supreme Court Preview,” *panelist*, Boston Intellectual Property American Inn of Court, January 2019.
- “Mass. Appeals Court Says No To Legal Stipulations,” *co-author*, *Appellate Law360*, May 2016.
- “Could Your Cure Walk Out the Door,” *co-author*, *Corporate Counsel*, January 2016.
- “Indirect Information Exchanges to Hub-and-Spoke Cartels: Enforcement and Litigation Trends in the United States and Europe,” *co-author*, *Competition Law & Policy Debate*, 2015.
- “The Boundary Between Zealous Advocacy and Obstruction of Justice after Sarbanes-Oxley,” *author*, *Annual Survey of American Law*, 2012.