



# Archana Nath

Partner

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Archana is a business litigator and appellate lawyer who represents clients throughout the country in complex commercial matters.

Her experience spans a wide range of disputes and industries, with an emphasis on financial disputes, the healthcare sector, employee benefits and intellectual property.

She represents and defends clients in breach of contract actions, payment disputes, business disputes, royalty disputes, unfair competition claims, fraud claims, Medicare/Medicaid/Commercial health care litigation, ERISA matters, RICO claims and intellectual property disputes, including patent infringement actions and validity challenges.

## Services

- Litigation
- Life, Health & Disability Litigation
- Employee Benefits & Compensation
- Health Law
- Intellectual Property
- Appellate Practice
- ERISA Litigation

## Representative Matters

- Obtained arbitration award in excess of \$70 million relating to underpaid royalties.
- Successfully defended validity of client's several challenged patents in inter partes review proceedings before Patent Trial & Appeal Board, affirmed by the Federal Circuit.
- Obtained dismissal through summary judgment, affirmed by the Ninth Circuit on appeal, of federal case seeking tens of millions of dollars for alleged RICO, Securities Fraud, and unfair competition claims. *Uthe Technology Corp. v. Aetrium, Inc.*, D.C. No. 3:95-cv-02377-WHA (9th Cir. July 2, 2018).
- Successfully defended a national Medicare Managed Care insurer in a two-week confidential arbitration against a claim of \$20 million owed on a risk contract with a managed services organization in South Florida, and defeated appeal of the arbitration award through petition for certiorari to the U.S. Supreme Court.

- Defends national health insurance companies and third-party administrators (TPAs) in multimillion-dollar Medicare, Medicaid and commercial health care disputes with providers and managed services organizations (MSOs) in multiple jurisdictions.
- Defends plans and administrators against ERISA breach of fiduciary and denial of benefits actions in federal courts nationwide.
- Represents patentees and accused infringers in several complex patent infringement and invalidity matters, including management of claim construction, *Markman* hearings and expert reports on mechanical/electrical patents.

## Beyond Fox Rothschild

Archana is Co-Chair of the firm's Pro Bono Committee and a member of the Firm's Partnership Advancement Committee. She is actively involved in a number of charitable, community and pro bono activities. She volunteers at the Children's Law Center, which helps to solve an array of legal challenges facing low-income children and their families such as issues related to custody, special education services and basic utilities.

Archana participates in the Tubman Safety Project, which provides pro bono legal representation to low-income victims of domestic violence seeking orders of protection. She also led a team of volunteer attorneys in her office that provide representation to a defendant in a death penalty case through the American Bar Association's Death Penalty Project.

Archana also serves as a reading volunteer at St. Joseph's Home for Children.

## Before Fox Rothschild

Prior to joining Fox, Archana was a partner at Oppenheimer Wolff & Donnelly LLP. Before starting her practice, Archana was a judicial law clerk for Paul H. Anderson of the Minnesota Supreme Court. While attending law school, Archana was editor of the *Minnesota Journal of Law and Inequality* and a member of the Order of the Coif.

## Bar Admissions

- Minnesota

## Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, District of Minnesota
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Northern District of Illinois

## Education

- University of Minnesota Law School (J.D., *magna cum laude*, 2007)
- Colgate University (B.A., *magna cum laude*)
  - Philosophy

## Memberships

- Minnesota State Bar Association
- Federal Bar Association

## Board of Directors

- Minnesota Justice Foundation, Executive Committee (Past President)
- NARAL Pro Choice Minnesota (Past Member)

## Honors & Awards

- Selected to the "Super Lawyers" list for Business Litigation in Minnesota (2018-2020)
- Named to the "Super Lawyers - Rising Stars - Women's Edition" list for Business Litigation in Minnesota (2016-2018)
- Selected to the "Super Lawyers - Rising Stars" list for Business Litigation in Minnesota (2015-2017)
- Named to the "Super Lawyers - Women's Edition" list for Business Litigation (2019)
- Named to the "Up & Coming Attorneys" list by *Minnesota Lawyer* (2013)
- Selected to the "North Star Lawyers" list for pro bono work by The Minnesota State Bar Association (2012, 2013, 2017)

## Representative Matters

- Defends national health insurance companies in multimillion-dollar Medicare, Medicaid and commercial health care disputes with providers, third-party administrators (TPAs), Accountable Care Organizations (ACOs), and managed services organizations (MSOs) in multiple jurisdictions.
- Defends plans and administrators against ERISA breach of fiduciary and denial of benefits actions in federal courts nationwide.
- Represents patentees and accused infringers in several complex patent infringement and invalidity matters, including management of claim construction, *Markman* hearings and expert reports on mechanical/electrical patents.
- Represents a *Fortune* 500 health insurance company in litigation and arbitrations across the country against providers submitting fraudulent/improper health insurance claims.
- Obtained dismissal through summary judgment, affirmed by the Ninth Circuit on appeal, of federal case seeking tens of millions of dollars for alleged RICO, Securities Fraud, and unfair competition claims. *Uthe Technology Corp. v. Aetrium, Inc.*, D.C. No. 3:95-cv-02377-WHA (9th Cir. July 2, 2018).
- Successfully defended a national Medicare Managed Care insurer as co-lead counsel in a two-week confidential arbitration against a claim of \$20 million owed on a risk contract with a managed services organization in South Florida, and served as lead counsel in defeating appeals of the arbitration award, including a petition for certiorari to the U.S. Supreme Court.
- Successful summary judgment and defeat of appeal to Iowa Court of Appeals relating to a national health insurance payor's denial of benefits under the Iowa Insurance Code.
- Obtained summary judgment in federal court relating to an ERISA plan sponsor's denial of benefits.
- Defended large insurer in a confidential arbitration defending an insurer against a \$5 million contract claim by a managed services organization and the counterclaim that the managed services organization's new plan improperly enrolled the payor's members.