

They've Got Next: **The 40 Under 40**40
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Lisa Helem, Executive Editor | Andrea Platten, Editor | August 05, 2026

Please describe two of your most substantial, recent wins in practice.

I played a leading role representing Teva in *Vanda Pharmaceuticals Inc. v. Teva Pharmaceuticals USA Inc.* Vanda accused Teva of infringing patents on methods of administering tasimelteon to treat non-24, a debilitating sleep disorder. We successfully invalidated all the patents, enabling Teva to launch its generic tasimelteon product and bring a low-cost alternative to patients. I drafted Teva's pre- and post-trial briefs, examined its principal invalidity expert at trial, and handled the appeal, including the appellee brief and opposition to rehearing and certiorari.

The expert examination was central to the win. Our obviousness theory involved a large and complex prior-art record. Through exhaustive preparation, the expert and I presented it clearly and credibly—so much so that the district court made a mid-trial on-the-record finding crediting our expert's testimony. I also successfully navigated, mid-examination, a two-hour evidentiary hearing over a key prior-art reference, which included live testimony and real-time FDA website navigation. In short, I built a record that proved decisive on appeal.

I also led the team representing Netlist in three Federal Circuit appeals against Samsung and Micron, spearheading the briefing and arguing the cases. We successfully defended the Patent Trial and Appeal Board's findings that three Netlist memory module patents were not obvious. The technology was complex and the records extensive. But our briefs successfully translated complicated facts into an easily digestible form that gave the Federal Circuit a clear path to affirm. And, at oral argument, I leveraged an encyclopedic knowledge of the record (gained through hours of preparation) to assure the court that the PTAB's findings were correct.

What was your favorite law school class? Did it shape your practice interests?

My favorite law school class was Federal Courts, taught by the late Richard Fallon—the best teacher I've ever had. I loved this class because the law of federal jurisdiction is like a puzzle. Individual doctrines don't always make sense until you recognize how they all fit together. But once you do, the subject is beautifully coherent—like a unifying mathematical proof. That we have created a system of federal jurisdiction that has worked so well for so long is a real testament to human ingenuity.

When I took the class, I thought the issues were interesting but unlikely to come up much in practice. That could not have been more wrong. There is a federal courts issue embedded in almost every case. Fourteen years later, I still consult the outline I prepared for Fallon's final exam. So to say the class shaped my practice would be an understatement.

What is the most important lesson you learned as a first-year attorney and how does it inform your practice today?

Good lawyering requires sweating the details. To produce good work product, you must master every nook and cranny of the relevant factual and legal landscape. You need to know the documents, testimony, case law, etc., inside and out. If there is some unanswered question nagging at you—no matter how minor it seems—don't ignore it. Get to the bottom of it. Once you do, it often turns out that the issue is not so minor after all.

In my experience, as lawyers progress in their career, they tend to delegate the details to others. Delegation is necessary to grow your practice, to be sure. But there are many contexts in which there is no substitute for diving into the details yourself.

Oral argument is a great example. Arguing an appeal is decidedly not a team sport. When I get up to the podium, I am on my own. And to achieve the best outcome for my client, it is essential that I master the details. I must know the record and the law cold. To do that, I have to read it myself; having someone else summarize it for me is not sufficient. That obviously takes a great deal of time and effort. But I believe it shows up in my performance (and my results).

How do you define success in your practice?

I think in this job, success must be measured first and foremost by the quality of your process. Litigation is unpredictable, and only so many things are under your control. Wins and losses are not a perfect (or even necessarily good) barometer of success. Instead, the question should be: Have I done everything that is within my control to maximize my chances of prevailing?

For example, on appeal, you cannot control the record, you cannot (for the most part) control the law, and you cannot control the panel you draw. What you can control is your process. Did you mine the record for every potential winning issue and then mercilessly narrow your list down only to the two or three strongest ones? Did you invest the necessary time and effort to craft a brief that takes the reader by the hand, leads her through the problem step by step, and persuasively explains why your client should prevail? Did you prepare relentlessly for oral argument, ensuring with as much certainty as possible that you have anticipated every potential question and come up with the best answer for each one? If the answer to all those questions is yes, then in my book you have litigated a successful appeal.

Who is your greatest mentor in the law and what have they taught you?

My father. For nearly sixty years, he ran a small general practice firm in Bowling Green, Ky. He did anything that came in the door—contract disputes, will contests, oil and gas cases, criminal defense, you name it.

One thing that did not come in the door was patent cases. So my dad did not practice the kind of law I practice. But he taught me what it means to be a good and conscientious lawyer.

He taught me that competence is a form of respect. He prepared meticulously, returned every call, and treated small matters with the same seriousness as large ones.

He taught me that clients are not case files; they are people—often coming to you at one of the most stressful moments of their lives. This applies to corporate clients too. The in-house lawyer who hires you may believe their job depends on the outcome.

Most of all, he taught me integrity. In a small town, reputation is everything, and credibility is built slowly—through honesty with clients, candor with courts, and

consistency in your word. The same is true in Washington, DC. We are all repeat players in this profession. Although our practices differ, I carry these lessons into my own work every day, approaching my work with the preparation, humility, and integrity that my father exemplified throughout his career.

What are you most proud of as a lawyer?

My pro bono work on behalf of veterans. These matters have been among the most meaningful and consequential of my career. Many of the veterans I have represented were navigating complex benefits issues while facing significant personal and financial hardship. The Veterans Affairs system can be daunting even for sophisticated claimants; for those struggling with health challenges or limited resources, it can feel insurmountable. My role has been not only to advocate effectively within that system but to ensure that each client feels heard, respected, and taken seriously.

I learned early in my career how rewarding this work can be. *Francway v. Wilkie*, the first Federal Circuit case I ever argued—as an associate in 2019—resulted in a sua sponte en banc decision overruling an anti-veteran doctrine known as the “presumption of competency.”

This work is deeply personal for me. My grandfather served in Korea and Vietnam and won three Purple Hearts. From his retirement decades ago until his death in 2023, he and my mother struggled to navigate the byzantine VA benefits system. So I saw firsthand the challenges that veterans face in obtaining the benefits to which their service has entitled them. It is an honor to be able to use my legal training to lessen those burdens for other veterans.

Tell us more about your most impactful pro bono work. How did it make you a better lawyer?

The deck is often stacked against underserved litigants. Successfully representing them requires finding creative paths to win in difficult procedural settings. Working on such cases has sharpened my ability to identify unconventional but persuasive arguments when the obvious ones are unavailable.

For example, in *Military-Veterans Advocacy v. Secretary of Veterans Affairs*, which I briefed and argued, we represented a veterans’ advocacy organization challenging a VA rule governing veterans’ attorneys’ access to VA IT systems. The rule permitted the VA to conduct unannounced inspections of the computer equipment of any veterans’ attorney who accesses certain VA IT systems and of the equipment’s location (meaning the attorney’s home or office). Accessing those systems is critical to effectively represent clients; this rule placed an intolerable condition on such access. We creatively—and successfully—leveraged the then-nascent major questions doctrine to persuade the court the rule was invalid.

Tell us your two favorite songs on your summer music playlist.

“Surface Pressure” (from “Encanto”): Currently my daughter’s favorite song. And a good reminder that anxiety and stress are universal human experiences—not unique to practicing law.

“One Headlight” by the Wallflowers: Just a brilliant song. Bob Dylan (the father of the Wallflowers’ frontman) clearly had a hand in this one.