

Patent Litigation Representative Experience

The experienced attorneys at Jeffer Mangels Butler & Mitchell LLP have handled the following patent and technology cases:

- ***Eidos v. Innolux (E.D. Cal. 2016)*** Lead trial counsel for Innolux in a patent infringement action filed by Eidos, alleging infringement of a single manufacturing process for LCD modules.
- ***WCM Industries v. IPS corporation (W.D. Tenn. Oct. 2015)*** A favorable jury verdict found that IPS willfully infringed six patent claims across three of WCM's patents directed to bath waste and overflow assemblies, and that all six patent claims were valid.
- ***Emulex Corporation v. Marvell Semiconductor (Cal. Sup. Court July 2015)*** Lead counsel in a three-week jury trial for client Emulex Corporation against Marvell Semiconductor. Marvell failed to indemnify Emulex when a third-party, Broadcom, sued Emulex for patent infringement over a part Emulex purchased from Marvell, Emulex's supplier. Emulex successfully obtained a jury verdict of \$4.7 million in damages, plus prejudgment interest.
- ***TEK Corporation v. Sealant Systems International; Accessories Marketing Inc. v. TEK Corporation (N.D. Cal. 2012)*** Represented Sealant Systems International ("SSI") in patent infringement action brought by TEK Corporation. SSI filed its own action for declaratory judgment against TEK and successfully dismissed the action for lack of personal jurisdiction. SSI's sister company, Accessories Marketing, Inc. ("AMI"), also asserted a patent against TEK. On summary judgment, SSI invalidated TEK's patent based on prior art. AMI proceeded to trial on its patent and a jury awarded AMI damages based on a 7% royalty.
- ***Semiconductor Laboratories v. Chimei Innolux (C.D. Cal. 2012)*** Represent defendants Chimei Innolux, Chi Mei Optoelectronics, Acer, Viewsonic and Vizio in patent litigation relating to the manufacture of liquid crystal displays. Innolux filed seven petitions for Inter Partes Review ("IPR") in the United States Patent and Trademark Office ("PTO"). At the request of Innolux, the district court stayed the case pending the completion of the IPRs. The PTO accepted all seven of the IPRs, which remain pending before the Patent Trial and Appeal Board.
- ***Thinkoptics v. Nyko (E.D. Tex. 2011)*** Represent defendant Nyko in a patent infringement action in the Eastern District of Texas over pointer technology.
- ***Ogma v. Nyko (E.D. Tex and ITC 2011)*** Represented defendant Nyko in a patent infringement action in the International Trade Commission ("ITC") and Eastern District of Texas regarding accelerometer technology. Case settled successfully after minimal discovery and after exchange of infringement and invalidity positions.
- ***Uniloc USA, Inc., et al. v. Cyberlink.com Corp., et al. (E.D. Tex. 2010)*** Defended Diskeeper Corporation against patent infringement claim relating to computer software activation system. Obtained a dismissal with prejudice with no payment or relief of any type to the plaintiff .
- ***Hospital Systems Corp. v. Diamedx, Inc. (E.D. Tex. 2010)*** Represented Intuitive in a patent infringement case over the use of software magnification technology. Case settled with a motion to dismiss for lack of personal jurisdiction pending.

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- ***Kruse Technology Partnership v. Isuzu Motors Limited, et al.* (C.D. Cal. 2010)** Defended Isuzu in patent infringement claim relating internal combustion engines.
- ***Large Audience Display Systems v. Sports Team et al.* (E.D. Tex. 2010)** Represent the defendant in patent infringement case over the use of screen technology.
- ***Pure Fishing, Inc. v. Sports Equipment Manufacturer* (S.D.S. Carolina 2010)** Defense of patent infringement claim.
- ***Welcome Co., Ltd. v. eBay, Amazon.com, et al.* (C.D. Cal. 2010)** Represent plaintiff in claim of patent infringement by inducement.
- ***EMG Technology, LLC v. Dr. Pepper Snapple Group, Inc. et al.* (E.D. Tex. 2010)** Represent EMG in patent litigation relating to, among other things, a simplified navigation system for browsing the Internet on a mobile device.
- ***Steril-Aire v. First Light, et al.* (C.D. Cal. 2010)** Represented Steril-Aire in a trademark, trade dress and unfair competition suit pertaining to its ultraviolet emitter technology.*
- ***Cardio Access LLP v. Boston Scientific, et al.* (E.D. Tex. 2009)** Defended Edwards Lifesciences in patent infringement claim relating to cannula with hemostatic valves.*
- ***Continental Datalabel, Inc. v. Avery Dennison Corporation, et al.* (N.D. Ill. 2009)** Obtained stay of patent claims pending reexamination of patents in- suit for Avery Dennison in patent litigation relating to office products.*
- ***EMG Technology, LLC. v. Apple* (E.D. Tex. 2009)** Represented the owner of patents covering, among other things, a simplified navigation system for browsing the Internet on a mobile device or television. Case settled on mutually agreeable terms.
- ***Delta Creative, Inc. v. Horizon Group USA, Inc.* (C.D. Cal. 2009)** Represented toy company in infringement matter.
- ***Interactive Software v. Artafact* (D. Mass. 2009)** Represent Artafact in patent infringement case centered on the technology for online focus groups. Successfully stayed the case pending re-examination of the patent at issue, and the case subsequently settled.
- ***Lenox MacLaren v. Medtronic* (D. Col./Arbitration 2009)** Represented a medical device manufacturer in patent infringement and breach of contract action against Medtronic pertaining to a device used in spinal fusion surgery. Arbitration award in favor of client.
- ***SciCoTec v. Boston Scientific* (E.D. Tex. 2009)** Represented the inventor of a revolutionary design change in angioplasty catheters, used in the most advanced catheters for angioplasty procedures. Client brought a patent infringement suit against Boston Scientific, which settled the day before jury selection.
- ***Terray v. Zimmer* (Chicago - Arbitration 2009)** Represented manufacturer of plates used to treat fractures in trauma cases. Patented plates were manufactured by Zimmer internally in breach of contract. Arbitration award in favor of client.

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- ***In Re Katz v. General Electric (C.D. Cal. 2009)*** Defended General Electric against claims of infringement of a large patent portfolio involving interactive voice communication systems.*
- ***Kruse Technology Partnership v. Caterpillar Inc. (C.D. Cal. 2008)*** Defended Caterpillar in patent infringement claim relating to internal combustion engines.*
- ***Peregrine Pharmaceuticals v. Cancer Therapeutic (Orange County 2008)*** Technology counsel representing defendant in breach of contract case over revolutionary cancer drug for treating lung cancer.
- ***The Procter & Gamble Company v. Kraft Foods, Inc. (2008)*** Represented Procter & Gamble in a multiple patent infringement lawsuits relating packaging ground coffee.*
- ***Nautilus v. Icon (W.D. Wash./D. Utah 2007)*** Represented Nautilus in a lawsuit over the Bowflex exercise machine in patent and trademark disputes against its competitor, Icon Health & Fitness. After a trial and two appeals to the Federal Circuit, the case settled before a second trial and while the second appeal to the Federal Circuit was pending.
- ***Semiconductor Energy Laboratory v. Chi Mei Optoelectronics, et al (N.D. Cal. 2007)*** Defended Chi Mei Optoelectronics. Obtained summary judgment of invalidity and noninfringement on multiple patents relating to manufacturing LCDs.*
- ***Park Smith v. Smith & Noble (S.D.N.Y. 2006)*** Patent lawyer representing the defendant in a design patent infringement case. Case settled on favorable terms with no discovery or depositions taking place.
- ***Scantibodies v. Immutopics (C.D. Cal. 2006)*** Patent infringement action involving complex biotechnology directed to immunoassays concerning parathyroid hormone.
- ***Medtronic v. Michelson (W.D. Tenn. 2004)*** Stan Gibson was one of the lead trial lawyers representing the inventor of revolutionary spinal fusion technology and the company he founded in a dispute over unpaid royalties, the scope of certain contracts and patent infringement. After a five-month jury trial, the jury found in favor of Dr. Michelson, awarding \$110 million in damages, \$60 million in patent infringement damages and \$400 million in punitive damages. Medtronic subsequently acquired Dr. Michelson's patents and technology for \$1.35 billion.
- ***Meade v. Celestron/Celestron v. Meade (C.D. Cal. 2003)*** Represented Celestron in a patent infringement dispute over software used to control the positioning of amateur telescopes. After Meade's attempt at a preliminary injunction was denied and with Celestron's motion for summary judgment pending, case settled on favorable terms.
- ***Welcome Co. v. Harriett Carter Gifts Inc. (D.C. Cal. 1998)***, aff'd per curiam (Fed. Cir. 1999) Grant of preliminary injunction enjoining patent infringement affirmed.
- ***Ex Parte Plutsk, (Bd. Pat. Application. & Int. 1996)*** Reversing Patent Examiner's decision of obviousness.
- ***Intraspace Satellite Corporation v. Continental Satellite Corporation (Arbitration)*** Represented a small satellite manufacturer in a breach of contract action in which the defendant, Continental Satellite Corporation, failed to pay milestone payments upon termination of a satellite manufacturing contract due under a termination for convenience

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- clause. During a six month arbitration, we presented testimony of the client and experts proving that the client had performed a significant amount of reliable engineering work. At the conclusion of the arbitration, the arbitrator awarded \$16.7 million, which was later confirmed by the Court in a judgment against Continental.
- ***Essociate, Inc. v. LeapLabCorporation (C.D. Cal.); Essociate, Inc. v. Blue Whaler, Inc., et al. (C.D. Cal. 2012-2013)*** Represented defendant Accelerize New Media, Inc. (CAKE Marketing) in patent infringement action involving advertising technology software.*
- ***Patent Harbor, LLC v. Asus Computer Int'l, et al. (E.D. Tex. 2013-2014)*** Represented defendant Hewlett-Packard Company in multi-defendant patent infringement action involving third party bundled software package for video and photo editing and multimedia playback, obtaining favorable settlement for client.*
- ***McRo, Inc. d/b/a Planet Blue v. Bandai Namco Games America, Inc., et al. (C.D. Cal. 2013-2016)*** Represented defendant Valve Corporation in multi-defendant patent infringement action involving lip-synchronization processes for interactive entertainment and video game developers. As part of joint-defense group, successfully obtained summary judgment based on *Alice Corp. v. CLS Bank* that the patents were not patent-eligible subject matter.*
- ***Palomar Technologies, Inc. v. MRSI Systems, LLC (S.D. Cal. 2015-2016); MRSI Systems, LLC v. Palomar Technologies, Inc. (PTAB 2015)*** Represented Palomar Technologies, Inc. in patent infringement action and related inter-partes review before the Patent Trial & Appeal Board involving pick and place devices and processes for high-precision placement of workpieces including microelectronic and electro-optical devices. Successfully defended motion to dismiss based on patent eligibility under *Alice Corp. v. CLS Bank*.*
- ***Bill & Melinda Gates Foundation v. Teachscape, Inc. (W.D. Wa. 2014)*** Represented Bill & Melinda Gates Foundation in breach of contract action against Teachscape, Inc. involving teacher evaluation software and rubrics. Successfully obtained favorable settlement for client.*
- ***Advanced Printing Solutions, LLC v. Hewlett Packard Co. (C.D. Cal. 2013)*** Represented Hewlett-Packard Company in patent infringement action involving printer with internal document data construction. Successfully obtained favorable settlement for client.*

**These matters were handled by members of the Patent Litigation Group before they joined Jeffer Mangels Butler & Mitchell LLP.*

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