

## **PATENTS: LITIGATION**

### **OVERVIEW**

BCLP has extensive experience handling high-stakes patent infringement litigation throughout the United States in many areas of science and engineering. With more than 30 patent litigators, we have tried utility and design patent cases in well-known federal patent venues in California, Texas, Illinois, New York, Virginia, New Jersey, and Delaware, and in many other jurisdictions.

Our patent litigators have the skills to analyze complicated issues and present them in a way that connects with judges and jurors. We enjoy being in court, but are also dedicated to early development of case strategies to leverage favorable resolutions at the claim construction and summary judgment stages, when that best suits client objectives.

We staff cases effectively, taking advantage of the professional backgrounds of many of our attorneys as chemical, electrical, materials, management, mechanical, and optical engineers and in pharmacology, biochemistry, chemistry, molecular biology, computer science, software and database design, and avionics.

To reduce the uncertainty of litigation expense, we work with our clients to determine the best fee structure for each matter.

## MEET THE TEAM



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## RELATED PRACTICE AREAS

- Food & Agribusiness
- Entertainment & Media
- International Trade

## EXPERIENCE

Our lawyers have handled a wide range of patent infringement suits, including:

***ACCO Brands Inc. v. ABA Locks Mfg. Ltd. et al.*** We represented defendant Belkin in a patent infringement case through two jury trials in the Eastern District of Texas and an appeal to the Federal Circuit. The patents related to key lock and combo lock systems. Three patents were asserted, with one being dismissed on summary judgment, one being dismissed by JNOV after trial, and the third being dismissed after an appeal to the Federal Circuit.

***Every Penny Counts, Inc. v. American Express Company et al.*** We represented Green Dot Corporation in the Middle District of Florida against patent infringement claims relating to prepaid cards. We obtained stipulated judgment of non-infringement following a favorable claim construction ruling, which was affirmed by the Federal Circuit on appeal.

***Dentsply v. Hu-Friedy.*** Lawyers in our group defended Hu-Friedy against claims of patent infringement involving methods of making inserts and transducer activated tools for ultrasonically activated tooth cleaning tools. We obtained judgment of non-infringement (affirmed by the Federal Circuit) in a patent infringement bench trial litigation in the Eastern District of Pennsylvania.

***EazyPower v. Vermont American; EazyPower v. ICC and Target; EazyPower v. Performance Tool.*** Our attorneys represented plaintiff EazyPower Tool Corporation in a number of patent infringement and trade dress infringement cases in the Northern District of Illinois involving a tool extension shaft. In each case, we obtained favorable claim interpretation in the Markman hearing, leading to an advantageous result for the client.

***Fresenius v. Baxter.*** Lawyers in our group represented Baxter in a patent infringement litigation in the Northern District of California relating to four touch screen user interface patents for hemodialysis machines and related disposable products. We won a \$17+ million jury verdict and permanent injunction, plus an ongoing royalty payment.

***Ice House America v. Innovative Packaging Technologies.*** We represented the accused infringer in patent infringement litigation in the Middle District of Florida involving ice vending machines. We received a favorable claim construction ruling, leading to beneficial resolution.

***Igbinador v. Clarion Corporation of America.*** We represented the defendant, Clarion Corporation of America, against allegation of infringement in the Eastern District of New York. We obtained summary judgment of non-infringement on both patents in suit.

***Innovative Solutions & Support, Inc. v. J2 et al.*** We represented plaintiff ISS in a patent infringement and trade secret misappropriation case in the Western District of Tennessee involving aircraft altimeter technology. The patent infringement suit was subsequently severed. A four-week jury trial resulted in a judgment for our client in excess of \$20 million on the trade secret allegations, including treble damages and attorneys' fees. The case was settled after trial.

***Lemelson Medical Ed v. Federal Express Corp, et al.*** The firm represented Express Scripts against patent infringement claims in the District of Arizona. We obtained dismissal following Federal Circuit declaration that all patent claims are invalid.

***Maritz Inc. v. Carlson Marketing Co. et al.***, and several additional cases in the Eastern District of Missouri. One of our attorneys represented Maritz Inc. and The American Express Company in an enforcement campaign for filtered incentive card patents, which has garnered eight-figure payments and ongoing royalties. In the Carlson case, he obtained a claim construction victory on 36 of 38 contested terms, setting the stage for a successful licensing program involving an additional half-dozen lawsuits.

***Roton Barrier, Inc. et al v. The Stanley Works.*** We represented the plaintiff in a patent infringement and misappropriation of trade secret action in the Eastern District of Missouri relating to door hinge technology. We obtained judgment of infringement and misappropriation of trade secrets after a three-week trial, and we obtained affirmance on the finding of misappropriation of trade secrets.

***Usher's Water Works v. The Boeing Company.*** We obtained summary judgment on behalf of defendant Boeing in an action in the Eastern District of Missouri challenging the validity of a patent and accusing Boeing of failing to name a co-inventor on a patent, misappropriating confidential information, and breaching a confidentiality agreement. We successfully obtained affirmance of summary judgment before the Federal Circuit.

***Valleylab v. Fibrasonics.*** Our attorneys represented plaintiff Fibrasonics in patent infringement litigation in the Northern District of Illinois involving an ultrasonic surgical aspirator. We obtained favorable claim interpretation in the claim construction hearing. The court subsequently invited summary judgment motion on infringement and the client obtained a favorable settlement.

***Vardon Golf Company, Inc., v Karsten Mfg. Corp.*** We defended Karsten Manufacturing against patent infringement allegations in the Northern District of Illinois relating to certain of its PING brand golf clubs. We obtained a \$2.1 million jury verdict on behalf of Karsten, with findings of non-infringement, inequitable conduct against the plaintiff, and partial invalidity.

***W.A.R.F. v. General Electric Company.*** Lawyers in our group defended GE in patent infringement and breach of license litigation involving a medical imaging device. We obtained judgment of non-infringement and no breach of license at a jury trial in the Eastern District of Wisconsin.

***Zevo Golf CO Inc v. Karsten, et al.*** We defended Karsten Manufacturing against patent infringement allegations relating to golf clubs. We obtained summary judgment of non-infringement of all claims in the Southern District of California, and we subsequently obtained affirmance from the Federal Circuit on appeal.

## **Technical Experience Areas**

Just as we are comfortable in front of judges and juries, we are also comfortable dealing with a vast array of technologies. Please see our detailed list of [Technical Experience Areas](#).

## RELATED INSIGHTS

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