

## Stanley M. Gibson

### *Technology and IP Trial Lawyer*

### *Representing inventors, manufacturers and owners*

## Representative Patent and Technology Cases

Stan Gibson, an experienced technology and IP trial lawyer, represents inventors, manufacturers, owners and others in litigation centering on complicated technology. A partner at Jeffer Mangels Butler & Mitchell LLP (JMBM) in Los Angeles, Stan represents both defendants and plaintiffs and has litigated dozens of cases on behalf of his clients, taking many of them to trial. Although most cases settle, Stan's ability to take cases to trial enhances their value and drives favorable verdicts and settlements.

Stan's litigation practice is national in scope, involving major cases in federal courts and arbitrations throughout the United States. Whether Stan is representing an individual or a company, a start-up enterprise or a mature business, he dedicates his time and energy to formulating effective litigation strategy, taking and defending key depositions and winning the trial. While many matters do not need more than one or two experienced and aggressive lawyers with a smart strategy, Stan draws on JMBM's highly experienced litigation and IP teams when necessary.

Stan is also a co-founder of the Firm's Discovery Technology Group, specializing in advising clients on managing electronic information and e-discovery.

Stan's recent representative cases include the following:

### Cases Involving Medical Devices

#### **Medtronic v. Michelson (W.D. Tenn. 2004)**

*Unpaid royalties, breach of contract, patent infringement*

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.

#### **SciCoTec v. Boston Scientific (E.D. Tex. 2009)**

*Patent infringement*

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.

#### **Frey v. Medtronic (D. Col. 2011)**

*Breach of Contract*

Represented medical doctor/inventor in dispute over royalties for patented technology.

#### **Lenox MacLaren v. Medtronic (D. Col./Arbitration 2009)**

*Patent infringement, breach of contract*

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.

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**Terray v. Zimmer (Chicago - Arbitration 2009)***Breach of contract*

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.

**Computers/Internet/Software Cases****Hospital Systems Corp. v. Diamedx, Inc. (E.D. Tex. 2010)***Patent infringement*

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.

**Uniloc USA, Inc. v. Cyberlink Corp. (E.D. Tex. 2010)***Patent infringement*

Represents Diskeeper Corporation in a patent infringement case over the use of activation software. Uniloc dismissed the case with prejudice with no payment from Diskeeper.

**Meade v. Celestron/Celestron v. Meade (C.D. Cal. 2003)***Patent infringement*

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.

**EMG v. Apple (E.D. Tex. 2009)***Patent infringement*

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.

**EMG v. Microsoft (E.D. Tex. 2009)***Patent infringement*

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.

**EMG v. Dr. Pepper (E.D. Tex. 2011)***Patent Infringement*

Represent the owner of patents covering, among other things, a simplified navigation system for browsing the Internet on a mobile device or television. Case is currently pending.

**Landmark v. Zale (E.D. Tex.2009)***Patent infringement*

Represented Landmark in patent litigation over patents covering, among other things, the sale of goods and products over the Internet. All defendants settled before filing an answer.

**Landmark v. Aeropostale (E.D. Tex. 2009)***Patent infringement*

Represented Landmark in patent litigation over patents covering, among other things, the sale of goods and products over the Internet. Case is currently pending.

**Landmark Technology, Inc. v. Blockbuster, Inc. (E.D. Tex. 2010)***Patent infringement*

Represents Landmark in patent litigation over patents covering, among other things, a simplified navigation system for browsing the Internet on a mobile device or television. Case settled.

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**Landmark v. BJs (E.D. Tex 2010)***Patent infringement*

Represented Landmark in patent litigation over patents covering, among other things, the sale of goods and products over the Internet. Case settled.

**Landmark Technology v. Cinemark (E.D. Tex. 2011)***Patent Infringement*

Represented Landmark in patent litigation over patents covering, among other things, the sale of goods and products over the Internet. Case settled.

**Interactive Software v. Artafact (D. Mass. 2009)***Patent infringement*

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.

**Playboy v. Netscape and Excite (C.D. Cal./Ninth Circuit 2000-2004)***Internet advertising*

In one of the first cases involving key word advertising on the Internet, served as technology litigation attorney representing Netscape and Excite in a lawsuit brought by Playboy. Obtained summary judgment on behalf of Netscape and Excite, which was subsequently appealed to the Ninth Circuit and the Ninth Circuit remanded to the district court for a determination as to whether Playboy could show a likelihood of consumer confusion. *Playboy Enterprises v. Netscape Communications*, 354 F.2d 1020 (9th Cir. 2004).

**Satellite Technology****Intraspace Satellite Corporation v. Continental Satellite Corporation (Arbitration)***Breach of contract*

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 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.

**Intraspace Satellite Corporation v. Lockheed Martin (Santa Clara 2001)***Contract interference*

Represented Intraspace in a case against Lockheed Martin for intentional interference with contractual relationships in which Lockheed had Intraspace's contract to build four direct broadcast satellites terminated so that it could give the contract to its own subsidiary. After proving that Intraspace had the ability to manufacture the satellites, the jury found that Lockheed had interfered with the contract and awarded Intraspace \$8.5 million in damages.

**Intraspace v. Loral and Rainbow DBS (Santa Clara 2001)***Fraudulent transfer and alter ego*

Lead trial attorney in action for fraudulent transfer and alter ego against Loral and Rainbow DBS, a subsidiary of Cablevision and joint venture with Loral. Case centered on the transfer of a valuable FCC license out of a subsidiary of Loral and into Rainbow DBS. The case settled a couple of weeks before trial with a favorable result for the client.

**Other Technology****TEK Corporation v. Sealant Systems International; Accessories Marketing Inc. v. TEK Corporation (N.D. Cal. 2012)***Patent Infringement*

TEK Corporation filed a patent infringement action against Sealant Systems International ("SSI") in the Southern District of New York. SSI filed its own action for declaratory judgment against TEK in the Northern District of California and successfully dismissed the New York action for lack of personal jurisdiction. SSI's sister company, Accessories Marketing, Inc. ("AMI"), also asserted a patent against

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TEK in the California action. 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 a 7% royalty.

**Semiconductor Energy Laboratories v. Innolux (C.D. Cal. 2012)***Patent Infringement*

Lead trial counsel for Innolux in patent case filed by Semiconductor Energy Laboratories ("SEL") alleging infringement of six patents pertaining to fabrication of LCD Modules used in flat screen TVs and computer monitors, among others. 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.

**Aramid Entertainment v. Fortress and Relativity (Cal. Superior Court 2012)***Breach of Contract*

Lead trial counsel for Aramid Entertainment in a breach of contract, intentional interference, fraud and fraudulent transfer case against Fortress Investments and Relativity Media over the orchestrated and improper termination of a Sony Pictures film slate financing structure. The case is currently pending.

**Semiconductor Laboratories v. Chimei Innolux (C.D. Cal. 2012)***Patent Infringement*

Represent defendants Chimei Innolux, Chi Mei Optoelectronics, Acer, Viewsonic and Vizio in patent litigation relating to the manufacture of liquid crystal displays; case is currently pending in the Central District of California.

**Thinkoptics v. Nyko (E.D. Tex. 2011)***Patent Infringement*

Represent defendant Nyko in a patent infringement action in the Eastern District of Texas over pointer technology; case is currently pending.

**Ogma v. Nyko (E.D. Tex and ITC 2011)***Patent Infringement*

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.

**Sealant Systems International v. TEK Global (S.D. N.Y 2010/N.D. Cal. 2011)***Patent infringement*

Represent the defendant in a patent infringement case over an onboard tire repair system. Case was successfully transferred from New York. Case is currently pending.

**Pure Fishing v. Shimano (D. S.C./Columbia Division 2010)***Patent infringement*

Represent the defendant in a patent infringement case over fishing line. Case settled.

**4522958 Canada v. KY Wholesale (E.D. Cal 2009)***Patent infringement*

Represent the plaintiff in a patent infringement case over hedge trimmers. Case is currently pending.

**Large Audience Display Systems, LLC v. The Los Angeles Lakers (E.D. Tex. 2010 C.D. Cal. 2011)***Patent infringement*

Represent The Los Angeles Lakers, Inc. in a patent infringement case over the use of screen technology. Case was successfully transferred to the Central District of California. Case is currently pending.

**Nautilus v. Icon (W.D. Wash./D. Utah 2007)***Patent infringement and trademark infringement***Los Angeles**

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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.

#### **Park Smith v. Smith & Noble (S.D.N.Y. 2006)**

##### *Design patent infringement*

Patent lawyer representing the defendant in a design patent infringement case. Case settled on favorable terms with no discovery or depositions taking place.

#### **Peregrine Pharmaceuticals v. Cancer Therapeutic (Orange County 2008)**

##### *Breach of contract*

Technology counsel representing defendant in breach of contract case over revolutionary cancer drug for treating lung cancer. Case is still pending.

#### **Straman v. Volkswagen of America (Orange County 2003)**

##### *Antitrust and unfair competition*

Represented Volkswagen of America in antitrust and unfair competition case brought by modifiers of Volkswagen New Beetles into convertibles. Case involved proving that re-engineering of New Beetles was not safe and did not meet federal safety standards. Case settled favorably after expert discovery.

## **Contact Us**

I am committed to enforcing and defending the technology, patent and intellectual property rights of my clients. I would be pleased to discuss your technology and your legal issues, and invite you to contact me.

### **Stan Gibson**

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