Patent Litigation Representative Experience

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


- **Data Scape Limited v. Western Digital Corporation et al. (Fed. Cir. 2020)**. Obtained affirmance for Western Digital in the plaintiff's appeal of the district court's order granting Western Digital's motion to dismiss for lack of patentable subject matter. Data Scape Ltd. v. Western Digital Corp., No. 2019-2161 (Fed. Cir. 2020).

- **Blue Spike v. VIZIO (C.D. Cal. 2020)**. Represented defendant VIZIO in a patent infringement lawsuit involving five patents relating to digital rights management, cryptography, steganography, and digital watermarking technologies resulting in a favorable settlement for VIZIO that required the plaintiff to pay VIZIO $100,000 as an initial payment and an additional $650,000 in contingent payments. Case No. 8:17-cv-1172-DOCKES (C.D. Cal. 2020).

- **Data Scape Limited v. Western Digital Corporation et al. (C.D. Cal. 2019)**. Defended Western Digital against a non-practicing entity's infringement allegations involving patents directed to transferring electronic files. The case was dismissed with prejudice after the Court granted Western Digital's motion to dismiss for lack of patentable subject matter and held that the patents were invalid. Data Scape Ltd. v. Western Digital Corp., No. 8:18-cv-02285-DOCKES, 2019 WL 6391616 (C.D. Cal. July 12, 2019) (ECF 41).


- **Electronics for Imaging, Inc. v. RAH Color Technologies LLC (N.D. Cal. 2018)**. Representing Electronics for Imaging asserting a declaratory judgment action of no infringement against a non-practicing entity's patents directed to color calibration software used in wide format printers. The case was stayed following institution of IPRs on the asserted patents. Case No. 18-md-02874-SI (N.D. Cal. 2018).

- **Uniloc USA, Inc. et al. v. Logitech Inc. et al. (N.D. Cal. 2018)**. Defended Logitech against a non-practicing entity's infringement allegations involving patents directed at electronic communications using Bluetooth technology. The case was stayed following invalidation of the asserted patent for lack of patentable subject matter. Case No. 5:18-cv-01304-LHK (N.D. Cal. 2018).
• **Vertical Tank, Inc. v. BakerCorp. (E.D. Cal. 2018).** Defended BakerCorp against a competitor’s infringement allegations directed to vertical tanks used in oil and gas industries. The case settled on confidential terms. Case No. 1:18-cv-00145 (E.D. Cal. 2018).


• **MobileExp, LLC v. Western Digital Technologies, Inc. (E.D. Texas 2016).** Defended Western Digital in a patent infringement involving flash memory devices. Obtained dismissal shortly after filing motion for judgment on the pleadings of patent invalidity. Case No. 2:16-cv-0139-JRG.

• **Canon Inc., et al. v. Papst Licensing GmbH & Co. KG (PTAB 2016).** Represented Panasonic in 10 IPRs challenging the validity of patents directed to a computer interface device for transferring data, which resulted in the challenged claims being held unpatentable. Case Nos. IPR2016-01224, IPR2016-01199, IPR2016-01222, IPR2016-01211, IPR2016-01212, IPR2016-01213, IPR2016-01214, IPR2016-01216, IPR2016-01223, and IPR2016-01225.


• **WCM Industries v. IPS Corporation (W.D. Tenn. Oct. 2015).** Represented WCM Industries in a patent infringement action resulting in a favorable jury verdict which 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. Case No. 2:2013-cv-02019 (W.D. Tenn. 2013).


• **Shimano Inc. v. Globeride, Inc. (PTAB 2015).** Represented Shimano in challenging the validity of a patent directed to the use of magnetic seals in fishing reels, which resulted in the challenged claims being held unpatentable. Case No. IPR2015-00273.

• **Medtrica Solutions Ltd. v. Cygnus Medical, LLC, (W.D. Wash. March 2014).** Represented plaintiff in action for declaratory judgment of non-infringement and invalidity of patent; obtained summary judgment of non-infringement. WL 813897 (W.D. Wash. March 2014).

• **Globeride, Inc. v. Shimano, Inc. (PTAB 2014).** Represented Shimano in challenging the validity of a patent directed to the use of magnetic seals in fishing reels, which resulted in the challenged claims being held unpatentable. Shimano Inc. v. Globeride, Inc., PTAB-IPR2015-00273 (P.T.A.B. 2014).


• **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.* Case No. 2:2012-cv-10322 (C.D. Cal. 2012).


• **TEK Corporation v. Sealant Systems International; Accessories Marketing Inc. v. TEK Corporation (N.D. Cal. 2012).** Defended 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. Case Nos. 3:2011-cv-00774 and 5:2011-cv-01649.

• **Semiconductor Laboratories v. Chimei Innolux (C.D. Cal. 2012).** Defended 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 IPRs before the USPTO Patent Trial and Appeal Board (PTAB), all of which were instituted. In a now widely-cited opinion, Innolux also obtained the first opposed motion to stay the case pending the IPRs. The case settled on confidential terms. Case No. 8:2012-cv-00021.

• **Shimano American Corporation v. VRC Rods et al. (C.D. Cal. 2012).** Represented plaintiff in action for declaratory judgment of non-infringement and invalidity of patent; represented counter-defendants in counterclaim for patent infringement; counterclaims dismissed with prejudice.


• **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. Case No. 6:2010-cv-00069.

• **Hospital Systems Corp. v. Diamedx, Inc. (E.D. Tex. 2010).** Represented client Intuitive Imaging Informatics, LLC 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. Case No. 2:2010-cv-00066.

- **Large Audience Display Systems v. The Los Angeles Lakers, Inc. et al. (E.D. Tex. 2010).** Represented the defendant in patent infringement action; won motion to transfer from E.D. Tex. to C.D. Cal.; case settled. 98 U.S.P.Q. 2nd 1360 (E.D. Texas 2010).


- **Interactive Software v. Artafact (D. Mass. 2009).** Represented 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. Case No. 1-08-cv-10101 (DMA).

- **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. Case No. 1:2010-cv-02139.

- **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. Case No. 9:2007-cv-00076.

- **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.


- **Peregrine Pharmaceuticals v. Cancer Therapeutic (Orange County 2008).** Represented defendant as technology counsel in breach of contract case over revolutionary cancer drug for treating lung cancer. Orange County Superior Court Case No. 07CC00544.


- **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. Case No. 3:2016-cv-05393 (W.D. Wa. 2016) and Case No. 1:2017-cv-00154 (D. Utah 2017).
- **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.* Case No. 3:2007-cv-01667.


- **Medtronic v. Michelson (W.D. Tenn. 2004).** Stan Gibson was one of the lead trial lawyers representing Dr. Michelson, 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. Case No. 2:2001-cv-02373.


- **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 clause. During a six month arbitration, 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.

We welcome the opportunity to discuss your business and your patents, and how we can help you achieve your goals.

For more information, see [https://www.jmbm.com/patent-litigation-group.html](https://www.jmbm.com/patent-litigation-group.html).

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