Patent Litigation Group Successes: 2019 Examples

JMBM's experienced patent litigation attorneys achieve successful results for inventors, entrepreneurs, universities, startups, middle-market companies and the FORTUNE 500, whether pursing patent violations or defending infringement claims. Below are some of the favorable outcomes we won for our clients in 2019.

Illinois Tool Works Global Tire Repair
Automotive accessories
Legal Issue: Appeal of Trial Court’s ruling precluding reconsideration of prior art following the Federal Circuit’s reversal and remand in light of new claim construction
Case name: TEK Global S.R.L. et.al. v. Sealant Systems International Inc. et.al
JMBM Attorneys: Stanley M. Gibson, Gregory S. Cordrey, Andrew Shadoff and Jessica Newman
Venue: U.S. Court of Appeals for the Federal Circuit

Result: The Court of Appeals for the Federal Circuit reversed and remanded to U.S. District Court for a new trial on invalidity

Western Digital Corporation
Memory storage devices
Case name: Data Scape Limited v. Western Digital Corporation
JMBM Attorneys: Gregory S. Cordrey, Stanley M. Gibson and Joseph J. Mellema
Venue: U.S. District Court for the Central District of California

Result: The U.S. District Court granted Western Digital’s motion to dismiss and held that the four asserted patents were invalid for lack of subject matter eligibility under 35 U.S.C. § 101.

VIZIO, Inc.
High-definition television and sound bar brand
Legal Issue: Patent Infringement
Case name: WiLAN Inc. v. VIZIO, Inc.
JMBM Attorneys: Rex Hwang, Stanley M. Gibson, and Jessica Newman
Venue: U.S. District Court for the District of Delaware

Result: VIZIO won summary judgment of non-infringement for one asserted patent, and the plaintiff dismissed its claims for a second asserted patent based on a favorable claim construction.
Panasonic Corporation and JVC Kenwood, Inc.
\textit{Digital camera technology}

\textbf{Legal Issue:} Patent invalidity  
\textbf{Case name:} Papst Licensing GMBH & Co. KG v. Canon Inc. et al. and In re: Papst Licensing Digital Camera Patent Litigation – MDL 1880  
\textbf{JMBM Attorneys:} Rachel M. Capoccia and Gregory S. Cordrey  
\textbf{Venue:} PTAB and related litigation in U.S. District Court for the District of Columbia

\textbf{Result:} In 2018, Panasonic, JVC Kenwood, and other defendants won 8 IPRs from the PTAB invalidating two patents asserted by Papst co-pending litigation. Papst later dismissed their appeals rendering the PTAB decisions final.

In 2019, based on Papst's dismissal of the IPR decisions, Panasonic, JVC Kenwood and other defendants obtained a finding from the Federal Circuit that Papst was collaterally estopped from defending the validity claims of a third patent in the co-pending litigation, thus rendering it invalid.

United Rentals, Inc.
\textit{Equipment rental}

\textbf{Legal Issue:} Patent Infringement  
\textbf{Case name:} Vertical Tank, Inc. v. BakerCorp et al.  
\textbf{JMBM Attorneys:} Rod Berman, Stanley M. Gibson, Greg Cordrey and Jessica Newman  
\textbf{Venue:} U.S. District Court for the Eastern District of California

\textbf{Result:} Settlement on favorable terms.

Theragun, LLC
\textit{Percussive massage device}

\textbf{Legal Issue:} Design Patent Infringement  
\textbf{Case name:} Theragun, LLC v. Hyper Ice, Inc.  
\textbf{JMBM Attorneys:} Rod Berman, Greg Cordrey and Remi Salter  
\textbf{Venue:} U.S. District Court for the Central District of California

\textbf{Result:} Accused device removed from the marketplace.