

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 pursuing 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

Legal Issue: Patent Eligibility under 35 U.S.C. § 101

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.

Los Angeles

1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067
Phone: 310.203.8080
Fax: 310.203.0567

Orange County

3 Park Plaza, Suite 1100
Irvine, CA 92614
Phone: 949.623.7200
Fax: 949.623.7202

San Francisco

Two Embarcadero Center, 5th Floor
San Francisco, CA 94111
Phone: 415.398.8080
Fax: 415.398.5584

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

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

Result: Settlement on favorable terms.

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

Result: Accused device removed from the marketplace.

Los Angeles

1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067
Phone: 310.203.8080
Fax: 310.203.0567

Orange County

3 Park Plaza, Suite 1100
Irvine, CA 92614
Phone: 949.623.7200
Fax: 949.623.7202

San Francisco

Two Embarcadero Center, 5th Floor
San Francisco, CA 94111
Phone: 415.398.8080
Fax: 415.398.5584