

# PATENT LITIGATION PRACTICE

*IT AND RELATED TECHNOLOGIES*

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# PATENT LITIGATION PRACTICE

*IT AND RELATED TECHNOLOGIES*

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### PATENT LITIGATION AT COVINGTON

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**BENCH STRENGTH.** Our patent litigation practice consists of more than 130 patent litigators strongly concentrated on both the East and West Coasts, with more than 80 lawyers in Washington, D.C. and New York, 40 in San Francisco/Silicon Valley, and 10 in San Diego. Collectively, Covington lawyers have litigated in excess of 500 patent cases over a wide range of technologies.

**TRIAL DEPTH.** We have built a successful trial practice. Over the years, our experienced litigators have established a successful track record of trial wins for our clients. Additionally, our attorneys have also obtained great success for our clients in appellate and arbitration venues. Two of our senior patent litigators are members of the American College of Trial Lawyers.

**GEOGRAPHIC REACH.** We have litigated cases in every significant patent jurisdiction in the country, including the Eastern District of Texas, Delaware, California, New York, New Jersey, the Federal Circuit, and the International Trade Commission. The co-chair of our patent litigation practice is a former United States District Court Judge for the District of Delaware who presided over more than 200 patent infringement cases while on the Bench.

**TECHNICAL EXPERTISE.** We have married effective advocacy with substantive expertise. More than 50 of our litigators have clerked for federal trial and appellate judges, and more than 70 of our patent litigators have technical degrees in areas such as computer engineering, computer science, mathematics, mechanical engineering, electrical engineering, chemical engineering, biochemistry, chemistry, immunology, microbiology, molecular and cell biology, pharmacology and physics.

**BROAD RESOURCES.** We draw on Covington's traditional strengths as one of the world's leading law firms, including its litigation, antitrust, FDA, communications, and technology practices. Our depth of experience allows us to handle matters in a cost-effective manner, with lean staffing and cross-office collaboration leading to efficient and complete coverage.

#### ACCOLADES

- In 2012, *The National Law Journal* named Covington to its "IP Hot List."
- In 2012, *California Lawyer* recognized one of our partners as an "Attorney of the Year."
- From 2007 - 2012, *Chambers USA* and *Chambers Global* have recognized Covington patent litigation attorneys as leaders in IP.
- From 2006 - 2012, *Best Lawyers in America* has recognized Covington patent litigation attorneys as leaders in Intellectual Property Litigation, Bet-the-Company Litigation, and Commercial Litigation.
- In 2011, *Chambers Asia* recognized Covington attorneys as leaders in Intellectual Property.
- In 2010, *Managing Intellectual Property* recognized Covington as the ITC Litigation Firm of the Year.
- In 2008, Covington was recognized by *The American Lawyer* magazine as having one of the nation's top five litigation departments.
- In 2007, *Legal Times* recognized one of our partners as the Top Business Litigator in DC.

### TECHNOLOGY, SOFTWARE & RELATED PATENT LITIGATION

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Covington's patent litigation lawyers have been lead counsel in patent infringement cases throughout the country involving disputes over a wide range of technologies, including computer and electronics, software and business methods, telecommunications and financial services. Covington has also prosecuted numerous patents relating to these technologies and has prepared reexamination requests and handled reexaminations on software, electronics, and business method patents.

Below are representations highlighting our attorneys' experience across various technologies and in related litigation.

#### Computer & Electronics

- Representation of **A-DATA Technology** in:
  - a patent infringement suit brought by Ennova Direct involving flash memory drives with retractable USB connectors. *Ennova Direct Inc. v. LG Electronics USA Inc. et al.* (E.D. Tex.)
  - a patent infringement suit brought by Ring Technology Enterprises involving methods and systems for improving access to memory devices. *Ring Technology Enterprises of Texas LLC v. A-DATA Technology (USA) Co. Ltd. et al.* (E.D. Tex.)
- Representation of **Altera** in patent infringement litigation regarding three patents covering various aspects of field programmable logic device technology. *Altera Corporation v. Xilinx, Inc.* (N.D. Cal.)
- Representation of **Applied Precision** in patent litigation against Integrated Technology regarding probe card inspection systems. *Integrated Technology Corporation v. Rudolph Technologies, Inc., et al.* (D. Ariz.)
- Representation of **Associated Industries China** in a case involving a design patent for flat panel monitors. *Hannspree Inc. v. Associated Industries China, Inc. and AG Neovo Technology Corporation* (C.D. Cal.)
- Representation of **Atmel**, a chip designer and manufacturer specializing in non-volatile memories, particularly EPROMS, EEPROMs, and flash memories, and programmable logic devices (PLD's) in:
  - a major victory in a Philadelphia federal court jury trial. Plaintiff Agere claimed that Atmel infringed four semiconductor patents, including what it touted as its key tungsten patents. Agere sought damages of approximately \$200 million as well as enhancement for claimed willful infringement. After a three-week trial, the jury returned a verdict in Atmel's favor; invalidating the tungsten patents, finding the fourth not infringed as well as invalid, and awarding Agere zero in damages. *Agere Systems, Inc. v. Atmel Corp.* (E.D. Penn.)
  - litigation concerning disputes arising out of a development agreement with General Instruments. The issues related to EPROM and EEPROM processes and circuit design. *General Instruments, Inc. v. Atmel Corporation* (S.D. New York); and *Atmel Corporation v. General Instruments, Inc.* (S.D. New York)

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- a case where the Federal Circuit reversed a district court ruling finding Atmel's '811 patent invalid for indefiniteness. The '811 patent was then the basis of a \$36.5 million judgment against SST in another case. *Atmel v. Information Storage Devices* (Fed. Cir.)
- cases involving a PLD circuit patent and an EEPROM cell patent. *Advanced Micro Devices v. Atmel Corporation* (N.D. Cal.); and *Seeq Technology v. Atmel* (N.D. Cal.)
- a patent infringement case involving digital signal processing chips. *Atmel Corporation v. Agere Systems, Inc.* (N.D. Cal.)
- a patent infringement action relating to circuits and memory cell designs for flash memory and EEPROMs. Jury trial resulted in judgment of more than \$36 million in Atmel's favor. *Atmel Corporation v. Silicon Storage Technology, Inc.* (N.D. Cal.)
- a patent infringement action relating to circuits and fabrication processes for flash memory and EEPROMs. *Atmel Corporation v. Macronix America* (N.D. Cal.)
- a patent infringement action where the eight patents in suit relate to semiconductor circuits and processing technologies. *Harris Corporation v. Atmel Corporation* (E.D. Va.)
- a patent infringement and trade secret misappropriation action involving the use of semiconductors in voice recording devices. *Atmel Corporation v. ISD* (N.D. Cal.)
- Representation of **Azul Systems** in a declaratory judgment action involving patent infringement and trade secret allegations; the technologies at issue include transactional memory, use and integration of multiple core processors, distributed processing, garbage collection techniques, and array bounds checking. *Azul Systems v. Sun Microsystems* (N.D. Cal.)
- Representation of **Beyond Innovation Technology** in overturning on appeal a verdict of infringement, handled by another firm, of three patents asserted against inverter controllers used in the backlighting of LCD screens. *O2 Micro International Limited v. Beyond Innovation Technology Co., Ltd., et al.* (Fed. Cir.)
- Representation of **Corsair Components** in patent litigation against Solid State Storage Solutions involving technology related to solid state drives. *Solid State Storage Solutions, Inc. v. STEC, Inc. et al* (E.D. Texas)
- Representation of **Cypress Semiconductor** in:
  - patent infringement litigation. *U.S. Philips v. Cypress* (S.D. New York)
  - the successful defense of patent litigation involving plastic encapsulation patents. *Texas Instruments Incorporated v. Cypress Semiconductor Corporation, LSI Logic Corporation, and VLSI Technology, Inc.* (Fed. Cir.)
  - defense of patent infringement litigation involving a serial bus interface. *U.S. Philips v. Cypress Semiconductor Corp.* (S.D. New York)
- Representation of **DTS, Inc.** in arbitration and related antitrust litigation over obligation to license Blu-ray technology on FRAND terms. *DTS, Inc. v. Zoran, Corp.* (ICDR)
- Representation of **Hewlett-Packard** in:
  - a patent infringement action brought by Acqis involving eight patents concerning blade computer systems. *Acqis LLC v Appro International, Inc. et al.* (E.D. Tex.)

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- patent litigation brought by Data Carriers involving the presenting of features or options on a computer to a user without a user prompt. *Data Carriers, LLC v. Hewlett-Packard Company* (D. Del.)
- a patent infringement action brought by Lochner Technologies concerning modular computer systems. *Lochner Technologies, LLC v. Dell Inc., et al.* (E.D. Tex.)
- a patent infringement case brought by Nomadix that relates to network gateway devices. *Nomadix, Inc. v. Hewlett-Packard Company, et al.* (C.D. Cal.)
- Representation of **Identix** in a patent infringement action where the patent relates to a method of generating a digital representation of fingerprints for law enforcement and related fields from an optical imaging system. *Digital Biometrics, Inc. v. Identix Incorporated, et al.* (Fed. Cir.)
- Representation of **InnoLux Display** in a patent infringement action brought by Guardian Industries relating to LCD technology. *Guardian Industries Corp. v. InnoLux Display Corp.* (D. Del.)
- Representation of **Juniper Networks** in:
  - an appeal at the Federal Circuit in an action brought by Toshiba regarding patents related to the transmission of data among network routers. *Toshiba Corporation v. Juniper Networks, Inc.* (Fed. Cir.)
  - a patent infringement suit against GraphOn and Vertical Marketing involving the data transmission between a host computer and terminal computer through a communications network. *Juniper Networks, Inc. v. GraphOn Corporation et al.* (E.D. Virginia)
- Representation of **Lattice Semiconductor** in a patent infringement matter related to programmable gate array/programmable logic device technology. *Intellectual Ventures I LLC et al. v. Altera Corporation et al.* (D. Del)
- Representation of **Lucent Technologies** and its successor Agere Systems in litigation and arbitration against Lemelson Foundation regarding Agere's rights under a license to the Lemelson bar code patents. *Lucent Technologies Inc. v. Lemelson Medical, Education & Research Foundation* (D. Nev.)
- Representation of **Maxim Integrated Products** in:
  - a patent infringement suit against Freescale Semiconductor involving 13 patents. *Maxim Integrated Products, Inc. v. Freescale Semiconductor Inc.* (N.D. Cal.)
  - defense of a suit brought by Microelectronics Modules regarding voltage regulator patents. *Microelectronic Modules v. Maxim Integrated Products* (E.D. Wis.)
  - the enforcement of computer interface patents adverse to Sipex. *Sipex Corporation, et al v. Maxim Integrated Products* (D. Mass.)
  - a lawsuit alleging infringement of Maxim's voltage regulator patents by Semtech. *Maxim Integrated Products v. Semtech Corp.* (N.D. Cal.)
  - patent infringement litigation related to voltage regulators. *Linear Technology Corp. v. Maxim Integrated Products* (N.D. Cal.)

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- Representation of **Mettler-Toledo** in a patent infringement action against Denver Instrument Company relating to precision electronic laboratory balances. *Mettler-Toledo AG v. Denver Instrument Co.* (E.D. Va.)
- Representation of **Microchip Technology** in:
  - district court patent litigation involving semiconductor devices as well as in a parallel Section 337 investigation. *Microchip Technology Inc. v. Intersil Corporation, et al.* (D. Ariz.) and *Certain Semiconductor Integrated Circuit Devices and Products Containing Same*, USITC Inv. No. 337-840
  - in a declaratory judgment action involving semiconductor design and fabrication technology. *Microchip Technology Incorporated v. LSI Corporation et al.* (D. Ariz.)
  - a lawsuit alleging infringement of three Microchip microcontroller patents by ZiLOG's products. These patents relate to reducing the pin count for microcontrollers. *Microchip v. ZiLOG* (D. Ariz.)
  - a lawsuit alleging infringement of three Microchip microcontroller patents by Luminary Micro's products. These patents relate to reducing the pin count for microcontrollers. *Microchip v. Luminary Micro* (D. Ariz.)
  - patent infringement litigation involving serial bus interfaces. *U.S. Philips v. Microchip* (D. Ariz.)
  - defense of patent infringement litigation involving a serial bus interface. *U.S. Philips v. Microchip Technology, Inc.* (S.D. New York)
  - defense of a suit for infringement of tungsten metallization patent. *LSI Corporation et al v. United Microelectronics Corporation et al.* (E.D. Tex.) and *Certain Semiconductor Integrated Circuits Using Tungsten Metallization And Products Containing Same* (USITC)
- Representation of **Peregrine Semiconductor** in:
  - patent litigation against RF Micro Devices and Motorola Mobility involving high frequency RF switches for 4G access technologies, in district court and a parallel Section 337 investigation. *Peregrine Semiconductor Corporation v. RF Micro Devices, Inc. et al* (S.D. Cal.) and *Certain Radio Frequency Integrated Circuits and Devices Containing Same*, Inv. No. 337-DN2877.
  - in patent litigation against HTC involving RF circuitry. *Peregrine Semiconductor Corporation v. HTC Corp., et al.* (S.D. Cal.)
- Representation of **picoTurbo** in patent infringement litigation brought by ARM alleging infringement of seven patents related to RISC microprocessor core architecture. The case resulted in a highly favorable settlement for our client. *ARM Limited v. Picoturbo Inc.* (N.D. Cal.)
- Representation of **Plextronics** in patent infringement case regarding organic photovoltaics. *Konarka Technologies, Inc. et al. v. Plectronics, Inc.* (D. Del.)
- Representation of **Samsung** in:
  - patent litigation adverse AMD involving various technologies including memory devices, process technology and microprocessors. *Advanced Micro Devices, Inc., et al. v. Samsung Electronics Co., Ltd., et al.* (N.D. Cal.)

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- a patent infringement action brought by BTG involving multi-layer cell flash memory. *BTG International, Inc. v. Samsung Electronics Co., Ltd.* (E.D. Tex.)
- a patent infringement suit brought by Cheetah Omni involving signal processing technology. *Cheetah Omni LLC v. Samsung Electronics America, Inc. and Mitsubishi Digital Electronics America, Inc.* (E.D. Tex.)
- a patent infringement case brought by Genoa relating to DLP television technology. *Genoa Color Technologies, Ltd v. Mitsubishi Electric Corp et al.* (S.D. New York)
- in parallel litigations brought by Graphics Properties Holdings involving technologies related to video display and data processing. *Graphics Properties Holdings, Inc. v. Samsung Electronics Co. Ltd. et al* (D. Del) and *Certain Consumer Electronics and Display Devices and Products Containing Same* (USITC)
- a Federal Circuit appeal in a patent infringement action adverse to Rambus relating to DRAM technology. *Samsung Electronics Co., Ltd. v. Rambus* (Fed. Cir.)
- a patent infringement case brought by Saxon involving microprocessors, encryption, and wireless communications in cell phones, televisions and a variety of other consumer electronics. *Saxon Innovations Corp. v. Nokia, et al.* (E.D. Tex.)
- a patent infringement action against TVI involving the automatic playback feature in Blue-Ray and DVD players. *TV Interactive Data Corporation v. Sony Corporation et al* (N.D. Cal.)
- a patent infringement action brought by Video Enhancement Solutions involving two patents related to decoding and processing compressed digital images. *Video Enhancement Solutions, LLC v. Creative Labs, Inc. et al* (N.D. Georgia)
- Representation of **Samsung Electronics** and **Samsung LED** in parallel litigations involving light-emitting diodes. *OSRAM GmbH v. Samsung Electronics Co Ltd et al* (D. Del) and *Certain Light-Emitting Diodes and Products Containing Same* (USITC)
- Representation of **Samsung LED** in parallel litigations involving LED lights used in a wide range of products and appliances. *Samsung LED Co Ltd. v. OSRAM GmbH et al* (D Del) and *Certain Light-Emitting Diodes and Products Containing Same* (USITC)
- Representation of **Seagate** in:
  - a patent infringement suit parallel to a Section 337 investigation relating to dissipative bonding tool tips used in the manufacture of hard disk drives. *Reiber et al. v. Western Digital Corp., et al.* (E.D. Cal.)
  - a patent infringement action involving solid state drives. *Seagate Technology LLC v. STEC, Inc.* (N.D. Cal.)
- Representation of **Silicon Storage Technology** in a declaratory judgment action involving EEPROM devices. *Silicon Storage Technology, Inc. v. Intersil Corporation, et al.* (N.D. Cal.)
- Representation of **Source Photonics** in a patent infringement suit involving fiber optic components used in telecommunication systems and data communication networks. *Finisar Corporation v. Source Photonics, Inc. et al.* (N.D. Cal.)
- Representation of **Sprint Nextel** in a patent infringement case involving patents that claim systems and methods relating to the creation and use of playlists on programmable

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processor devices. *Premier International Associates, LLC. v. Microsoft Corp. et al.* (E.D. Tex.)

- Representation of **Symantec** and **PowerQuest** in a patent infringement case involving technology for computer and network administration. *Symantec Corporation and PowerQuest Corporation v. Altiris, Inc.* (E.D. Tex.)
- Representation of **Tencor Instruments** in a patent infringement suit against Eastman Technology, a subsidiary of Eastman-Kodak. The subject matter of the patent in suit is a wafer inspection system, which scans processed semiconductor wafers for surface imperfections. *Tencor Instruments v. Eastman Technology, Inc., et al.* (N.D. Cal.)
- Representation of **Texas Instruments** in a patent litigation matter involving data and media processing technologies. *MicroUnity Systems v. Acer, Inc., et al.* (E.D. Texas)
- Representation of **Texas Instruments** and **Chips and Technologies** in a patent infringement action brought by Intel where the patents relate to the memory management system in the Intel 386 microprocessor and a breakpoint apparatus for system debugging. *Intel Corp. v. Chips and Technologies, Inc., Texas Instruments* (N.D. Cal.)
- Representation of **United Microelectronics** in a suit where the patents relate to methods employed to fabricate semiconductor integrated chips. *Agere Systems Inc. & LSI Corporation v. United Microelectronics Corporation & UMC Group (USA)* (N.D. Cal.)
- Representation of **Unitrode**, an affiliate of Texas Instruments, in a patent infringement case involving “sleep mode” and current reversal protection aspects of voltage regulators. *Linear Technology Corporation v. Unitrode Corporation* (N.D. Cal.)
- Representation of **Xilinx** and **UMC** in patent litigation brought by Smart Foundry involving salicided MOS devices. *Smart Foundry Solutions LLC v. United Microelectronics Corporation et al.*, (C.D. Cal.)

### Software

- Representation of **ActivCard** in a patent infringement case involving authentication and encryption technology. *ActivCard S.A. v. VASCO Data Security International, Inc.* (D. Del.)
- Representation of **Ariba** in:
  - securing a jury verdict, including a finding that two patents involving online auction technology were valid and infringed. *Ariba v. Emptoris* (E.D. Tex.)
  - patent infringement litigation on two patents relating to automated negotiation software. Case settled favorably two weeks into trial. *Sky Technologies v. Ariba Inc.* (D. Mass.)
- Representation of **AutoTrader.com** in a patent infringement suit relating to the automated creation and publishing of web pages in an HTML environment. This case was in litigation for over two years and, on the eve of trial, settled favorably for our client. *GraphOn Corp v. Autotrader.com, LLC, et al.* (E.D. Tex.)
- Representation of **CA** in:
  - a patent infringement case relating to Internet portal technology, in which CA was seeking declaratory judgment of invalidity, unenforceability, and non-infringement. Obtained summary judgment on both infringement and invalidity on three asserted patents for CA. *Computer Associates v. Simple.com, et al.* (E.D. New York)

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- a patent case involving artificial intelligence technology. *Pavilion Technologies, Inc. v. Computer Associates International, Inc.* (W.D. Tex.)
- Representation of **comScore** in two patent infringement cases involving patents directed to measuring online activities and website traffic. *comScore, Inc. v. The Nielsen Company (US), LLC, et al.* (E.D. Va.) and *The Nielsen Company v. comScore, Inc.* (E.D. Va.)
- Representation of **Coremetrics** in a patent infringement action brought by NetRatings relating to web analytics. *NetRatings v. Coremetrics* (D. Del.)
- Representation of **Cox Enterprises** in a patent infringement suit brought by Aldav relating to radio content broadcast over the internet. *Aldav, LLC v. Cox Radio, Inc., et al.* (E.D. Tex.)
- Representation of **eBay** and **PayPal** in a patent infringement action brought by TecSec involving patents relating to encryption and cryptography technologies. *TecSec, Inc. v. International Business Machines Corporation et al.* (E.D. Va.)
- Representation of **First Data** in a patent infringement action brought by Leon Stambler relating to patents asserted against the issuance of digital certificates and secure payment systems enabling e-commerce transactions. *Stambler v. First Data Corporation* (D. Del.)
- Representation of **Four Seasons** in a patent infringement action involving automatic call tracking and billing technology for the hotel industry. Summary judgment for client affirmed on appeal. *Phonometrics, Inc. v. Four Seasons Hotels* (S.D. Fla.)
- Representation of **Goldman Sachs** and **JPMorgan Chase** in patent litigation filed by EveryMD involving the creation of individual home pages for users of a group networking site. *EveryMD v. Rick Santorum et al* (C.D. Cal)
- Representation of **Huawei Technologies** in a copyright, patent and trade secret case relating to router software. Defeated preliminary injunction seeking worldwide ban on distributing product. *Cisco Systems Inc. v. Huawei Technologies, Co., Ltd.* (E.D. Tex.)
- Representation of **Manheim Auctions** in a patent infringement case brought by Auction Management Solutions relating to a patent covering integration of live and remote bidders at an auction site. *Auction Management Solutions, Inc v. Manheim Auctions Inc, et al* (N.D. Ga.)
- Representation of **Microsoft** in:
  - a patent infringement action brought by Charles Hill involving method patents directed to differentiated methods for the storage and communication of digital information in computer systems in which Microsoft intervened after a number of its customers had been sued. *Charles E. Hill & Associates, Inc. v. Abercrombie & Fitch Co. et al.* (E.D. Tex.)
  - a patent infringement action brought by E-Pass Technologies, relating to operating system software for mobile devices. *E-Pass v. Microsoft* (S.D. Tex.)
  - a patent infringement action brought by MedioStream involving patents relating to video conversion technology asserted against Microsoft's Movie Maker product. *MedioStream, Inc. v. Microsoft* (E.D. Tex.)
  - a patent infringement action brought by Peter Sklar, relating to cluster user interfaces in Windows XP software. *Sklar v. Microsoft Corporation* (E.D. Tex.)

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- Representation of **MySpace** in a declaratory judgment action against GraphOn involving web-accessible databases. *MySpace Inc. v. GraphOn Corp.* (N.D. Cal.)
- Representation of **OPNET** in patent infringement action brought by Compuware related to network communication optimization software. *Compuware Corporation v. Opnet Technologies, Incorporated* (E.D. Mich.)
- Representation of Yahoo! subsidiary **Overture Services** in:
  - a lawsuit alleging infringement of Overture's pioneering paid search patent by Google's top revenue-producing Internet advertising services. In a highly-publicized settlement, Google took a license to this patent and several related patents in exchange for shares of Google stock with a value of approximately \$450 million. *Overture Services, Inc. v. Google Inc.* (N.D. Cal.)
  - litigation relating to Overture's paid search technology; FindWhat took a license to this patent. *Overture Services, Inc. v. FindWhat.com, Inc.* (C.D. Cal.)
- Representation of **Pegasus Technologies**, a maker of power plant control software, in defending against a claim of infringement of 26 neural network and other process control patents. *Pavilion Technologies, Inc. v. Pegasus Technologies, Inc.* (S.D. Tex.)
- Representation of **PHT** in a patent infringement case against CRF and invivodata and a separate but related case brought by invivodata against PHT, relating to electronic patient diaries and a health monitoring system that tracks the state of a patient's health based on data input by the patient into a portable data logger. *Invivodata Inc. v. PHT Corporation* (D. Del.)
- Representation of **RSA** in:
  - a case involving public key encryption technology. *RSA Data Security, Inc. v. Network Associates, Inc. and Pretty Good Privacy, Inc.* (N.D. Cal.)
  - litigation involving patent infringement and related claims involving public key and related encryption software technology that has become central to electronic commerce over the Internet. *RSA Data Security, Inc. v. Cylink Corporation* (N.D. Cal.)
- Representation of **Revenue Science** in a patent infringement action brought by ValueClick relating to online behavioral targeting. *Valueclick Inc v. Revenue Science Inc.* (C.D. Cal.)
- Representation of **Samsung** in:
  - a suit alleging copyright and patent infringement brought by CCP Systems relating to software used by printers. *CCP Systems AG v Samsung Electronics Corp. Ltd. et al.* (D. New Jersey)
  - a multi-defendant patent infringement suit where the patents-in-suit are directed to customer-service and product-enhancement software. *Lodsys, LLC v. Brother International Corporation et al* (E.D. Tex.)
- Representation of a group of defendants, including **SAP, CA, Kodak, Altera, Novell** and **Sonic Solutions**, in patent litigation regarding hyperlink technology. *Disc Link v. Oracle et al.* (E.D. Tex.)
- Representation of **SHOP.COM** in a patent case involving online shopping. *Harrington v. SHOP.COM* (D. Colo.)

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- Representation of **Sonic Solutions**, a DVD authoring software manufacturer in defending a lawsuit involving patents on recording video onto disk, as well as trade secret and other claims. *MedioStream, Inc. v. Acer America, et al.* (E.D. Tex.)
- Representation of **Symantec** in patent infringement litigation relating to a patent claiming functionality whereby a system administrator of a network can interrupt the normal boot process and, for example, remotely update computers on the network. *Altiris v. Symantec Corporation* (C.D. Utah)
- Representation of **Thomson Corporation** and **i-Deal LLC** in post-trial motions and an appeal to the Federal Circuit seeking to set aside a \$38.5 million jury verdict, handled by a different firm, relating electronic municipal bond auctions. *Muniauction, Inc v. Thomson Corporation, et al* (Fed. Cir.)
- Representation of **Trend Micro** in:
  - patent litigation regarding computer security software. *Barracuda Networks, Inc. v. Trend Micro, Inc.* (C.D. Cal.)
  - patent litigation concerning anti-virus technology. *Fortinet, Inc. v. Trend Micro, Inc.* (N.D. Cal.)
- Representation of **Yahoo!**, **Match.com**, **Classified Ventures** and **eHarmony.com** in a case involving patents related to automated on-line information services and directories and pay-for-service web sites. *GraphOn Corp. v. Classified Ventures, LLC et al.* (E.D. Tex.)

### Financial Services

- Representation of a leading financial institution in a patent infringement action relating to fraud prevention methods used in connection with credit cards. *Privasys v. Visa et al.* (N.D. Cal.)
- Representation of **JPMorgan Chase** in:
  - a patent infringement case brought by Phoenix Licensing regarding patents alleged to relate to the provision of financial products. *Phoenix Licensing, LLC et al. v. Chase Manhattan Mortgage Co.* (E.D. Tex.)
  - patent litigation brought by LML Patent Corp. on patent claims relating to electronic checking transactions.. *LML Patent Corp. v. JP Morgan Chase & Co.* (E.D. Tex.)
- Representation of **LendingTree** in:
  - patent litigation brought by Block Financial regarding on-line financial services. *Block Financial LLC v. LendingTree LLC* (W.D. Missouri)
  - a patent infringement action filed against multiple defendants where the asserted patents cover computer hardware and software used in facilitating business between computer users and multiple lenders on the Internet. *LendingTree LLC v. Zillow Inc., et al.* (W.D. N.C.)
- Representation of a **Liberty Brokerage** subsidiary in a patent infringement action brought by Cantor Fitzgerald relating to a complex business method patent covering bond trading. *Liberty Brokerage, Inc. v. Cantor Fitzgerald, Inc.* (D. Del.)

## PATENT LITIGATION PRACTICE

- Representation of **Visa International** and **Visa USA** in:
  - a lawsuit over a patent alleged to cover the “Verified by Visa” service for authenticating the identity of a payment cardholder in an online transaction. Defendants won summary judgment of non-infringement, which was affirmed on appeal. *Safeclick LLC v. Visa International Service Association and Visa U.S.A., Inc.* (N.D. Cal.)
  - a lawsuit asserting a patent and trade secret claims against the “Verified by Visa” service. *Starpay v. Visa* (N.D. Tex.)

### Telecommunications

- Representation of **ArrayComm** in a patent infringement suit involving three telecommunications patents relating to spatial multiplexing of signals to/from an antenna array. *ArrayComm LLC v. Atheros Communications Inc.* (E.D. Tex.)
- Representation of **Bermuda Digital Communications** in a patent infringement action. The court granted our motion to dismiss. *Technology Patents LLC v. Deutsche Telekom AG et al.* (D. Md.)
- Representation of **CBS Corp.**, **G4 Media** and **Bravo Media** in a patent infringement action involving patents asserted to cover online content delivery via text messaging. *Helferich Patent Licensing, LLC v. CBS Corp.*; *Helferich Patent Licensing, LLC v. G4 Media, LLC*; *Helferich Patent Licensing, LLC v. Bravo Media, LLC* (N.D. Ill.)
- Representation of **Hewlett-Packard** in a patent litigation suit against Digital Innovation Group allegedly involving technology related to voice command, automatic synchronization and power management software for mobile devices. *Development Innovation Group, LLC v. Nokia Inc., et al.* (S.D. Cal.)
- Representation of **Huawei** in:
  - a declaratory judgment suit with counterclaims alleging infringement of patents involving routing of communications over lowest cost routes. *Huawei Technologies Co. Ltd. v. Rates Technologies, Inc.* (N.D. Cal.)
  - a patent infringement case involving 802.11 technologies. *MOSAID Technologies Incorporated v. Dell, Inc. et al.* (E.D. Tex.)
  - parallel litigations involving 3G wireless technologies. *InterDigital Communications LLC et al v. Huawei Technologies Co. Ltd.* (D. Del.) and *Certain Wireless Devices with 3G Capabilities and Components Thereof* (USITC)
- Representation of **MCI** in:
  - a case involving interactive telephone and computer telephony services. *MCI, et al. v. AT&T Corp.* (E.D. Penn.)
  - a case involving two billing system software patents. *Centillion Data Systems Inc. v. MCI WorldCom Inc., et al.* (S.D. Ind.)
- Representation of **Microsoft** in:
  - a patent infringement action involving international text message systems. *Technology Patents v. Deutsche Telekom AG et al.* (D. Md.)
  - a patent infringement matter brought by NTP relating to the wireless transmission of e-mail. *NTP, Inc. v. Microsoft Corporation* (E.D. Va.)

## PATENT LITIGATION PRACTICE

- Representation of **Palm** and **Hewlett-Packard** in:
  - a patent litigation matter related to navigation technology. *Levine v. Samsung TeleCommunications America, LLC et al.* (E.D. Tex.)
  - a patent-infringement action relating to the Random Access Channel in UMTS and other 3GPP mobile technologies *Golden Bridge Technology, Inc. v. T-Mobile USA Inc., et al.* (D. Del.)
- Representation of **Palm** in:
  - an action against NTP concerning patents alleged to cover wireless data systems. The court granted Palm's motion to stay pending reexamination of the patents at the USPTO. *NTP, Inc v. Palm, Inc.* (E.D. Va.)
  - a case asserting that the use of GPS technology in cellphones in order to locate a user after dialing 911 in an emergency infringed four patents. We successfully moved the Court to transfer the action to the Northern District of California. *Zoltar Satellite Systems, Inc., v. LG Electronics Mobile Communications Company et al.* (E.D. Tex.)
  - a patent infringement action in which Intermec has asserted patents relating to handheld data systems and devices and Palm has asserted patents relating to power management for handheld devices. *Intermec Technologies Corp. v. Palm Inc.* (D. Del.)
  - in a patent infringement action involving international text message systems. *TechPatents v. Deutsche Telekom AG et al.* (D. Md.)
  - a patent infringement action relating to keyboardless handheld data capture computers. *Typhoon Touch Technologies v. Dell, Inc. et al.* (E.D. Tex.)
  - a patent infringement action relating to user interfaces for digital cameras, including as incorporated into cellphones and smartphones. *Flashpoint Technology, inc. v. AT&T Mobility et al.* (D. Del.)
  - a patent infringement action involving systems for using handheld devices as part of a larger system for tracking traffic. *Traffic Information LLC v. HTC USA, Inc. et al.* (E.D. Tex.)
  - a patent infringement suit brought by WiAV Networks involving patents alleged to relate to 802.11 wireless networking. *WiAV Networks v 3Com et al.* (E.D. Tex.)
  - a patent infringement suit brought by SPH America involving several patents alleged to relate to the CDMA physical layer. *SPH America v. Acer, et al.* (S.D. Cal.)
  - in a patent infringement action brought by HPL involving seven patents relating to wireless paging and data access. *Helperich Patent Licensing, LLC v. Palm, Inc.* (N.D. Ill.)
- Representation of **Phoenix Newspapers, Inc.** in a patent infringement action involving patents asserted to cover online content delivery via text messaging. *Helperich Patent Licensing, LLC v. Phoenix Newspapers, Inc. d/b/a The Arizona Republic* (D. Ariz.).
- Representation of **Raychem** in:
  - a patent infringement action regarding three patents related to a line of Raychem telecommunications products. *Raychem v. Thomas & Betts* (N.D. Cal.)

## PATENT LITIGATION PRACTICE

- two cases involving competitors marketing similar products. *Raychem v. Communications Technology Corporation* (N.D. Cal.); and *Raychem v. PSI Telecommunications, Inc.* (N.D. Cal.)
- Representation of **Seaboard Solutions** in a patent infringement suit brought by ArrivalStar and Melvino Technologies involving advance notification and warning systems in transportation logistics systems. *ArrivalStar S.A. et al v. Seaboard Solutions, Inc. et al.* (S.D. Florida)
- Representation of **SnapTrack** and **QUALCOMM** in a patent infringement action involving patents asserted against services that permit calls to the “911” emergency number to be tracked using Global Positioning System (GPS) technology. Won a favorable jury verdict following a three-week jury trial. *Zoltar Satellite Systems, Inc. v. Snaptrack, Inc. and QUALCOMM CORP.*, (N.D. Cal.)
- Representation of **Samsung** in:
  - a patent infringement action brought by DownUnder Wireless involving antenna configurations in wireless communication devices. *DownUnder Wireless, LLC v. Samsung Electronics America, Inc. et al* (E.D. Texas)
  - a patent infringement action brought by Smartphone Technologies involving smartphone devices. *Smartphone Technologies LLC v. Research In Motion Corp. et al.* (E.D. Texas)
  - a patent infringement case involving cellular telephones. *Barry W. Thomas v. Samsung Electronics America, Inc., et al.* (W.D. N.C.)
  - a patent infringement suit brought by UO! IP relating to smartphone technology. *UO! IP of Delaware, LLC v. ABBYY USA Software House et al* (D. Del.)
- Representation of **Superconductor Technologies** in patent litigation involving the application of superconductor technology to the transmission and filtering of wireless telephone transmissions. Obtained a defense verdict for the client after a 3 week jury trial. *ISCO International, Inc. v. Conductus, Inc. and Superconductor Technologies, Inc.* (D. Del.)
- Representation of **Technology for Communications International** (TCI) as a third party in patent infringement litigation brought by Andrews against the United States involving high frequency antennae sold by TCI to the government for military applications. *Andrews Corporation v. United* (Court of Claims)

### Chemical, Metallurgical and Mechanical

- Representation of **AK Steel** in a patent infringement action relating to aluminum coated boron steel products. *ArcelorMittal France et al. v. AK Steel Corporation et al.* (D. Del.)
- Representation of **Bell & Howell** in a patent infringement action brought by Pitney-Bowes relating to mail processing machines. *Pitney Bowes Inc. v. Bell & Howell Co., et al* (D. Del.)
- Representation of **DeMonte Fabricating** in a Federal Circuit appeal obtaining the reversal of an adverse judgment and permanent injunction, and the denial of rehearing in a patent case involving segmented truck covers. *Sundance v. DeMonte Fabricating, et al.* (Fed. Cir.)
- Representation of **Interstar Materials** in a patent infringement case relating to a patent covering methods for dyeing concrete. *Rockwood Pigments, NA, Inc. v. Interstar Materials, Inc.* (N.D. Ill.)

## PATENT LITIGATION PRACTICE

- Representation of **Kanzaki Kogyukoki Manufacturing Co.**, a Japanese manufacturer, in defense of patent infringement allegations related to hydrostatic transaxles, installed in lawn tractors sold by Deere & Co. *Sauer, Inc. v. Kanzaki Kogyukoki Mfg. Co.* (S.D. Iowa).
- Representation of **PACCAR** in a patent infringement case relating to a patent covering technology for reducing aerodynamic drag on tractor-trailers. *Buckley v. Paccar Inc, et al* (D. Md.)
- We have advised **Pechiney Rhenalu** and its successor companies in freedom to operate analyses for its aerospace business and defended the company in a two week patent infringement trial. *Pechiney Rhenalu v. Alcoa Inc.* (D. Del.)
- Representation of **Raychem** in a patent infringement action relating to technology for insulating layers for wire used in aircraft. *Raychem v. Judd Wire* (N.D. Cal.)
- Representation of **Tuff Torq** in a patent infringement action relating to integrated hydrostatic transaxles, used in light lawn mowers. *Tuff Torq Corp. v. Hydro-Gear LP* (D. Del.)

### WALKER PROCESS AND STANDARDS-SETTING ISSUES

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We draw on Covington's traditional strengths as one of the world's leading law firms, including our litigation, antitrust, FDA, communications, and technology practices. We have litigated a number of patent cases involving antitrust and unfair competition claims of fraud on the patent office, sham litigation, and interference with customer relations. We can help you identify the documents and evidence that would support these types of claims, and also mount a defense if such claims are brought

Our breadth of practice also gives us extensive expertise in issues that arise from standards-setting organizations such as RAND commitments, ex ante licensing discussions, patent disclosure obligations and exclusionary conduct. We have represented parties in relation to a vast array of domestic and international bodies including formal standard setting groups such as ANSI, IEEE, W3C, NEMA, ATA, ISO, ECMA and ITU as well as numerous contractually based standard setting consortia, including AACCS, Bluetooth, CableLabs, China AVS, DCP LLC, Plug and Play, and SDMI. The experience we have gained from assisting initial establishment of groups, setting up governance arrangements, revision and clarification of IP and membership policies, and counseling on the full range of issues that arise in day-to day participation, provides a strong base from which to expertly litigate these disputes.

### PATENT REEXAMINATION

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Our patent lawyers have substantial experience in patent litigation and transactional matters, and our patent prosecution work is often a key component of a larger litigation or business strategy. One focus of this practice area is reexamination proceedings in the U.S. Patent and Trademark Office (PTO). Covington patent attorneys have handled both *ex parte* and *inter partes* reexamination proceedings, both as requester and as patentee. We work closely with our litigation colleagues to develop offensive and defensive strategies that involve reexamination proceedings, and then execute the strategy in the PTO, and in the courts. A key to our success has been the close interaction and coordination between the reexamination and litigation teams at Covington.

#### Representative Matters

- Representation of **Alkermes, Inc.**, the top patent owner of Orange Book listed patents in reexamination, in the *ex parte* reexamination proceedings and worldwide opposition proceedings initiated by competitors. Six of the seven patents successfully emerged from reexamination and remain listable for the VIVITROL® and RISPERDAL® CONSTA® products. We also represent Alkermes in worldwide prosecution of patents directed to the BYDUREON™ product (exenatide for extended-release injectable suspension), a new drug formulation for the treatment of Type 2 diabetes.
- Representation of **Trend Micro Incorporated** as patent owner before the U.S. Patent and Trademark Office in *ex parte* reexamination proceedings relating to two patents directed to anti-virus technology. On August 23, 2011, the reexamination certificate for one patent issued. The second proceeding remains pending, with numerous claims confirmed as patentable. Trend Micro and third-party requester Fortinet recently settled state court litigation in which the validity of the patents was at issue.

## PATENT LITIGATION PRACTICE

- Representation of **Verizon Communications Inc.** as patent owner in four *ex parte* reexamination proceedings initiated by TiVo. The claims in two of the patents have already been confirmed as patentable without amendment, and the other two proceedings remain pending.
- Representation of **Fujitsu Limited** as patent owner in *ex parte* reexamination proceeding for a patent related to card type input/output interface devices. The patent is the subject of co-pending patent litigation, in which Covington represents Fujitsu Limited.
- Representation of the **New York Times, CBS Interactive**, and others as third party requester in *ex parte* and *inter partes* reexamination proceedings for three patents owned by Helferich Patent Licensing, LLC. Rejections have led to claim amendments in all three proceedings.
- Representation of **Fougera Pharmaceuticals** (formerly known as Nycomed US Inc.) as third party requester in *ex parte* and *inter partes* reexamination proceedings for patents owned by GlycoBiosciences, Inc. The patents, directed to topical gel compositions, are the subject of co-pending patent litigation, in which Covington represents Fougera. The litigation has been stayed pending the reexamination proceedings.
- Representation of **Verizon Services Corp.** as third party requester in *inter partes* reexamination proceedings for two patents owned by TiVo. All claims subject to reexamination stand rejected on multiple grounds.
- Representation of **Samsung Electronics Co., Ltd.** ("Samsung") in *inter partes* reexamination proceedings for a patent related to LCD color technology. Genoa Color Technologies Ltd. ("Genoa"), the original owner of the patent, sued Samsung for infringement. Samsung requested *inter partes* reexamination of the patent, and the Right of Appeal notice upheld the final rejection of all claims of the patent on a plethora of grounds. Subsequent to the Right of Appeal Notice, the parties settled the litigation.
- Representation of **Verizon Long Distance LLC** as a third-party requester before the U.S. Patent and Trademark Office in *inter partes* reexamination proceedings relating to two patents directed to Voice over Internet Protocol ("VoIP") technology. Shortly after a Right of Appeal Notice issued in one of the proceedings, the corresponding district court litigation against Verizon was dismissed with prejudice, resulting in a favorable settlement for Verizon.
- Advising a digital camera manufacturer regarding reexamination proceedings in the context of a district court litigation and an International Trade Commission investigation.
- Advising a large television manufacturer regarding *inter partes* reexamination proceedings in the context of a multi-defendant district court litigation.
- Advising a large software company regarding reexamination proceedings in the context of a district court litigation.

### JURISDICTION EXPERIENCE HIGHLIGHTS

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#### Eastern District of Texas

Covington attorneys have litigated, and are currently litigating, a number of patent infringement cases in the Eastern District of Texas.

- Representation of **A-DATA Technology** in:
  - a patent infringement suit brought by Ennova Direct involving flash memory drives with retractable USB connectors. *Ennova Direct Inc. v. LG Electronics USA Inc. et al.*
  - a patent infringement suit brought by Ring Technology Enterprises involving methods and systems for improving access to memory devices. *Ring Technology Enterprises of Texas LLC v. A-DATA Technology (USA) Co. Ltd. et al.*
- Representation of **ArrayComm** in a patent infringement suit involving three telecommunications patents relating to spatial multiplexing of signals to/from an antenna array. The suit settled. *ArrayComm LLC v. Atheros Communications Inc.*
- Representation of **Ariba** in securing a jury verdict, including a finding that two patents involving online auction technology were valid and infringed. *Ariba v. Emptoris.*
- Representation of **AutoTrader.com** in a patent infringement suit relating to the automated creation and publishing of web pages in an HTML environment. This case was in litigation for over two years and, on the eve of trial, settled favorably for our client. *GraphOn Corp v. Autotrader.com, LLC, et al.*
- Representation of **Corsair Components** in patent litigation against Solid State Storage Solutions involving technology related to solid state drives. *Solid State Storage Solutions, Inc. v. STEC, Inc. et al*
- Representation of **Cox Enterprises** in a patent infringement suit brought by Aldav relating to radio content broadcast over the internet. *Aldav, LLC v. Cox Radio, Inc., et al.*
- Representation of **Hewlett-Packard** in:
  - a patent infringement action brought by Acqis involving eight patents concerning blade computer systems. *Acqis LLC v Appro International, Inc. et al.*
  - a patent infringement action brought by Lochner Technologies concerning modular computer systems. *Lochner Technologies, LLC v. Dell Inc., et al.*
- Representation of **Huawei Technologies** in:
  - a copyright, patent and trade secret case relating to router software. Defeated preliminary injunction seeking worldwide ban on distributing product. *Cisco Systems Inc. v. Huawei Technologies, Co., Ltd.*
  - a patent infringement case involving 802.11 technologies. *MOSAID Technologies Incorporated v. Dell, Inc. et al.*
- Representation of **JPMorgan Chase** in:
  - a patent infringement suit involving a data retrieval system. The case was pending before Judge Ward, until it recently was made part of a pending MDL proceeding in the District of Arizona. *Phoenix Licensing LLC et al. v. Chase Manhattan Mortgage Co. et al.*

## PATENT LITIGATION PRACTICE

- patent litigation brought by LML Patent Corp. on patent claims relating to electronic checking transactions.. *LML Patent Corp. v. JP Morgan Chase & Co.*
- Representation of multiple parties in defense of suit brought by LSI/Agere for the infringement of a tungsten metallization patent. *LSI Corporation et al v. United Microelectronics Corporation et al. and Certain Semiconductor Integrated Circuits Using Tungsten Metallization And Products Containing Same* (USITC)
- Representation of **Microsoft** in:
  - a patent infringement action brought by Charles Hill involving method patents directed to differentiated methods for the storage and communication of digital information in computer systems in which Microsoft intervened after a number of its customers had been sued. *Charles E. Hill & Associates, Inc. v. Abercrombie & Fitch Co. et al.*
  - a patent infringement action brought by MedioStream involving patents relating to video conversion technology asserted against Microsoft's Movie Maker product. *MedioStream, Inc. v. Microsoft*
  - a patent infringement action brought by Peter Sklar, relating to cluster user interfaces in Windows XP software. *Sklar v. Microsoft Corporation*
- Representation of **Palm** and **Hewlett-Packard** in a patent litigation matter related to navigation technology. *Levine v. Samsung TeleCommunications America, LLC et al.* (E.D. Tex.)
- Representation of **Palm** in:
  - a case asserting that the use of GPS technology in cellphones in order to locate a user after dialing 911 in an emergency infringed four patents. We successfully moved the Court to transfer the action to the Northern District of California. *Zoltar Satellite Systems, Inc., v. LG Electronics Mobile Communications Company et al.*
  - a patent infringement action relating to keyboardless handheld data capture computers. *Typhoon Touch Technologies v. Dell, Inc. et al.*
  - a patent infringement action involving systems for using handheld devices as part of a larger system for tracking traffic. *Traffic Information LLC v. HTC USA, Inc. et al.*
  - a patent infringement suit brought by WiAV Networks involving patents alleged to relate to 802.11 wireless networking. *WiAV Networks v 3Com et al.*
- Representation of **Samsung** in:
  - a patent infringement action brought by BTG involving multi-level cell flash memory. *BTG International, Inc. v. Samsung Electronics Co., Ltd.*
  - a patent infringement suit brought by Cheetah Omni involving signal processing technology. *Cheetah Omni LLC v. Samsung Electronics America, Inc. and Mitsubishi Digital Electronics America, Inc.*
  - a patent infringement action brought by DownUnder Wireless involving antenna configurations in wireless communication devices. *DownUnder Wireless, LLC v. Samsung Electronics America, Inc. et al.*
  - a patent infringement case brought by Saxon involving microprocessors and wireless communications in cell phones, televisions and a variety of other consumer electronics. *Saxon Innovations Corp. v. Nokia, et al.*

## PATENT LITIGATION PRACTICE

- a patent infringement action brought by Smartphone Technologies involving smartphone devices. *Smartphone Technologies LLC v. Research In Motion Corp. et al.*
- a multi-defendant patent infringement suit where the patents-in-suit are directed to customer-service and product-enhancement software. *Lodsys, LLC v. Brother International Corporation et al*
- Representation of a group of defendants, including **SAP, CA, Kodak, Altera, Novell and Sonic Solutions**, in patent litigation regarding hyperlink technology. *Disc Link v. Oracle et al.*
- Representation of **Sonic Solutions**, a DVD authoring software manufacturer, in defending lawsuit involving patents on recording video onto disk, as well as trade secret and other claims. *MedioStream, Inc. v. Acer America, et al.*
- Representation of **Sprint Nextel** in a patent infringement case involving patents that claim systems and methods relating to the creation and use of playlists on programmable processor devices. *Premier International Associates, LLC. v. Microsoft Corp. et al.*
- Representation of **Symantec** and **PowerQuest** in a patent infringement case involving technology for computer and network administration. *Symantec Corporation and PowerQuest Corporation v. Altiris, Inc.*
- Representation of **Texas Instruments** in a patent litigation matter involving data and media processing technologies. *MicroUnity Systems v. Acer, Inc., et al.*
- Representation of **Yahoo!, Match.com, Classified Ventures** and **eHarmony.com** in a case involving patents related to automated on-line information services and directories and pay-for-service web sites. *GraphOn Corp. v. Classified Ventures, LLC et al.*

We note that Covington partner George Pappas, who is a Fellow of the of the American College of Trial Lawyers, has presented 32 educational programs on patent law to federal and magistrate judges at the request of the Federal Judicial Center since 1996, including two recent programs where he appeared on panels with Judge Ward. Other judges from the Eastern District of Texas, including Judge Davis, have attended these patent law programs given by George. At the most recent program, the “Patent Case Management” seminar presented at the Berkeley Center for Law & Technology for a group of 25 federal judges from across the country, one of the topics discussed was the unique aspects of practice in patent cases in the Eastern District of Texas. George also recently worked together with Judge Ward to compile the well-received primer for judges on patent litigation entitled “Anatomy of a Patent Case.”

### District of Delaware

Covington’s patent litigators have litigated and are currently litigating numerous patent infringement cases in the District of Delaware. As a result of the cases we have handled in Delaware, Covington is very current on the practices and procedures of this Court, including its special patent rules.

In addition, Roderick McKelvie, a senior counsel at the firm and co-leader of the Patent Litigation Practice, was a United States District Judge for the District of Delaware from 1992 to 2002. During his tenure on the bench, he presided over 200 patent infringement cases, including over 30 patent infringement trials. Rod retains strong relations with each of the judges on the court.

## PATENT LITIGATION PRACTICE

Listed below are several representations highlighting the depth of our experience in the District of Delaware.

- Representation of **ActivCard** in a patent infringement case involving authentication and encryption technology. *ActivCard S.A. v. VASCO Data Security International, Inc.*
- Representation of **Agere Systems** in a patent infringement suit alleging that various Local Area Network (“LAN”) products imported and sold by Proxim infringed three of Agere’s patents. *Agere Systems Guardian Corp. v. Proxim, Inc.*
- Representation of **AK Steel** in a patent infringement action relating to aluminum coated boron steel products. *ArcelorMittal France et al. v. AK Steel Corporation et al.*
- Representation of **AstraZeneca** in patent litigation against Barr and Mylan concerning Entocort® EC, used for the treatment of Crohn’s disease. *AstraZeneca LP v. Barr Laboratories, AstraZeneca LP v. Mylan Pharmaceuticals*
- Representation of **Auxilium Pharmaceuticals** in a Hatch-Waxman case involving transdermal testosterone gel for treatment of male hypogonadism. *Auxilium Pharmaceuticals, Inc. and Cpex Pharmaceuticals, Inc. v. Upsher-Smith Laboratories, Inc.*
- Representation of **Bell & Howell** in a patent infringement action brought by Pitney-Bowes relating to mail processing machines. *Pitney Bowes Inc. v. Bell & Howell Co., et al.*
- Representation of **Coremetrics** in a patent infringement action brought by NetRatings relating to web analytics. *NetRatings v. Coremetrics*
- Representation of **First Data** in patent infringement litigation relating to patents asserted against the issuance of digital certificates and secure payment systems enabling e-commerce transactions. *Stambler v. First Data Corporation*
- Representation of **Hewlett-Packard** in patent litigation brought by Data Carriers involving the presenting of features or options on a computer to a user without a user prompt. *Data Carriers, LLC v. Hewlett-Packard Company*
- Representation of **Huawei** in patent litigation involving 3G wireless technologies. *InterDigital Communications LLC et al v. Huawei Technologies Co. Ltd.*
- Representation of **InnoLux Display** in a patent infringement action brought by Guardian Industries relating to LCD technology. *Guardian Industries Corp. v InnoLux Display Corp.*
- Representation of Johnson & Johnson subsidiaries **Janssen Pharmaceutica** and **Synaptech** in patent infringement litigation against seven ANDA filers concerning Janssen’s Alzheimer’s treatment Razadyne®. *In Re '318 Patent Infringement Litigation*
- Representation of **King Pharmaceuticals** in patent litigation against Teva enforcing King’s patents which covered King’s life-saving EpiPen® Auto-Injector products. *King Pharmaceuticals Inc. et al v. Teva Parenteral Medicines Inc.*
- Representation of **Lattice Semiconductor** in a patent infringement matter related to programmable gate array/programmable logic device technology. *Intellectual Ventures I LLC et al. v. Altera Corporation et al.* (D. Del)
- Representation of a **Liberty Brokerage** subsidiary in a patent infringement action brought by Cantor Fitzgerald relating to a complex business method patent covering bond trading. *Liberty Brokerage, Inc. v. Cantor Fitzgerald, Inc.*

## PATENT LITIGATION PRACTICE

- Representation of **Monsanto** in:
  - a patent infringement action brought by Mycogen Plant Sciences related to genetically modified crops. *Mycogen Plant Sciences, Inc. v. Monsanto*
  - a patent infringement action against Novartis Seeds related to genetically modified crops. *Novartis Seeds, Inc. v. Monsanto Company*
- Representation of **Palm** and **Hewlett-Packard** in a patent-infringement action relating to the Random Access Channel in UMTS and other 3GPP mobile technologies *Golden Bridge Technology, Inc. v. T-Mobile USA Inc., et al.*
- Representation of **Palm** in:
  - a patent infringement action in which Intermec has asserted patents relating to handheld data systems and devices and Palm has asserted patents relating to power management for handheld devices. *Intermec Technologies Corp. v. Palm Inc.*
  - a patent infringement action relating to user interfaces for digital cameras, including as incorporated into cellphones and smartphones. *Flashpoint Technology, Inc. v. AT&T Mobility et al.*
- We have advised **Pechiney Rhenalu** and its successor companies in freedom to operate analyses for its aerospace business and defended the company in a two week patent infringement trial. *Pechiney Rhenalu v. Alcoa Inc.*
- Representation of **PHT** in a patent infringement case against CRF and invivodata, and a separate but related case brought by invivodata against PHT, relating to electronic patient diaries and a health monitoring system that tracks the state of a patient's health based on data input by the patient into a portable data logger. *Invivodata Inc. v. PHT Corporation*
- Representation of **Plextronics** in patent infringement case regarding organic photovoltaics. *Konarka Technologies, Inc. et al. v. Plectronics, Inc.*
- Representation of **Samsung**:
  - in litigation brought by Graphics Properties Holdings involving technologies related to video display and data processing. *Graphics Properties Holdings, Inc. v. Samsung Electronics Co. Ltd. et al*
  - in a patent infringement suit brought by UO! IP relating to smartphone technology. *UO! IP of Delaware, LLC v. ABBYY USA Software House et al.*
- Representation of **Samsung Electronics** and **Samsung LED** in patent litigation involving light-emitting diodes. *OSRAM GmbH v. Samsung Electronics Co Ltd et al*
- Representation of **Samsung LED** in parallel litigations involving LED lights used in a wide range of products and appliances. *Samsung LED Co Ltd. v. OSRAM GmbH et al*
- Representation of **sanofi-aventis** in patent litigation against Hospira and Apotex and Accord Healthcare, Sandoz, and Sun Pharmaceuticals concerning concerning Sanofi's Taxotere® cancer treatment. *sanofi-aventis U.S. v. Hospira and Apotex; sanofi-aventis v. Accord Healthcare, sanofi-aventis v. Sandoz, sanofi-aventis v. Sun Pharmaceuticals*
- Representation of **Superconductor Technologies** in patent litigation involving the application of superconductor technology to the transmission and filtering of wireless telephone transmissions. Obtained a defense verdict for the client after a 3 week jury trial. *ISCO International, Inc. v. Conductus, Inc. and Superconductor Technologies, Inc.*

## PATENT LITIGATION PRACTICE

- Representation of **Tuff Torq** in a patent infringement action relating to integrated hydrostatic transaxles, used in light lawn mowers. *Tuff Torq Corp. v. Hydro-Gear LP*
- Representation of **Unilever** in:
  - defense of patent infringement claims brought by Kao related to Pond's cosmetic pore strips. *Kao Corp. v. Unilever U.S., Inc.*
  - enforcing Unilever's patents against Pfizer's EPT pregnancy test kits and Princeton Biomeditech Corp.'s pregnancy test kits in US District Courts in New Jersey and Delaware and at the Federal Circuit. While on appeal from a ruling of non-infringement, and after filing briefs in the Federal Circuit, the Unilever subsidiary that owned the technology and patents was sold and the new owner, Inverness, substituted in its longtime patent counsel. On appeal the Federal Circuit agreed with the positions we advanced in our briefs and reversed the district court's erroneous claim construction. *Inverness Medical Switzerland GmbH & Unipath Diagnostics, Inc., v. Princeton Biomeditech Corp.*, (Fed. Cir.) and *Inverness Medical Switzerland GmbH & Unipath Diagnostics, Inc., v. Warner Lambert Co.* (now known as Pfizer Inc) (Fed. Cir.)
- Representation of **Validus Pharmaceuticals** in patent infringement litigation against Actavis concerning Equetro®, used for the treatment of bipolar disorder. *Validus Pharmaceuticals, Inc. v. Actavis South Atlantic LLC*
- Representation of **Warner Chilcott** in patent litigation against Zydus Pharmaceuticals relating to Asacol® HD. *Warner Chilcott Company LLC v. Zydus Pharmaceuticals (USA) Inc. et al.*
- Representation of **Wyeth** in patent infringement litigation against Watson and Sandoz concerning Lybrel®, an oral contraceptive. *Wyeth v. Watson Pharmaceuticals Inc., Wyeth v. Sandoz*

### Northern District of California

Covington's patent litigators have litigated and are currently litigating numerous patent infringement cases in the Northern District of California. In addition, one of our partners is a member and former chair of the Northern District of California patent rules committee. As a result, Covington is very current on the practices and procedures of this Court, including its special patent rules.

Listed below are several representations highlighting the depth of our experience in the Northern District of California.

- Representation of a leading financial institution in patent infringement suit relating to fraud prevention methods used in connection with credit cards. *Privasys v. Visa et al.*
- Representation of **Allergan** and **Syntex (U.S.A.)** in a patent infringement case against Apotex involving an ophthalmic drug formulation. *Syntex (U.S.A.) LLC and Allergan, Inc. v. Apotex, Inc., et al.*
- Representation of **Altera** in patent infringement litigation regarding three patents covering various aspects of field programmable logic device technology. *Altera Corporation v. Xilinx, Inc.*
- Representation of **APS** and other individual defendants in an action seeking, *inter alia*, to invalidate four APS patents related generally to the use of a certain type of porous

## PATENT LITIGATION PRACTICE

polymeric substrate for, among other things, the timed release delivery of pharmaceuticals or cosmetics. *Patterson v. Advanced Polymer Systems, Inc., et al.*

- Representation of **Atmel**, a chip designer and manufacturer specializing in non-volatile memories, particularly EPROMS, EEPROMs, and flash memories, and programmable logic devices (PLD's) in:
  - cases involving a PLD circuit patent and an EEPROM cell patent. *Advanced Micro Devices v. Atmel Corporation*, and *Seeq Technology v. Atmel*
  - a patent infringement case involving digital signal processing chips. *Atmel Corporation v. Agere Systems, Inc.*
  - a patent infringement action relating to circuits and memory cell designs for flash memory and EEPROMs. Jury trial resulted in judgment of more than \$36 million in Atmel's favor. *Atmel Corporation v. Silicon Storage Technology, Inc.*
  - a patent infringement action relating to circuits and fabrication processes for flash memory and EEPROMs. *Atmel Corporation v. Macronix America*
  - a patent infringement and trade secret misappropriation action involving the use of semiconductors in voice recording devices. *Atmel Corporation v. ISD*
- Representation of **Azul Systems** in a declaratory judgment action involving patent infringement and trade secret allegations; the technologies at issue include transactional memory, use and integration of multiple core processors, distributed processing, garbage collection techniques, and array bounds checking. *Azul Systems v. Sun Microsystems*
- Representation of **Biotek Solutions** in a patent infringement action relating to the field of immunohistology or immunohistochemistry, and particularly to a claimed method of anitgen retrieval in formalin fixed tissues. *Biogenex Labs v. Biotek Solutions, et al.*
- Representation of **Caliper** in:
  - two related patent infringement actions concerning microfluidic devices. Both cases settled after a \$52M verdict was obtained for our client Caliper in the companion trade secrets case, also handled by Covington. *Caliper v. ACLARA Biosciences/ ACLARA Biosciences v. Caliper Technologies, Inc.*
  - asserting patent claims related to kinase enzyme assay methods and kits. The case settled favorably for our client after we secured a claim construction order in which the disputed terms were construed in our client's favor. *Caliper Technologies, Inc. v. Molecular Devices Corp.*
- Representation of **Depomed** in patent infringement litigation against IVAX involving oral drug delivery systems. *Depomed, Inc. v. IVAX Corporation, et al.*
- Representation of Johnson & Johnson subsidiary **Ethicon** in:
  - defense from allegations of infringement of four U.S. Patents covering electrosurgical devices used for arthroscopic and gynecological applications. After construing the claims, the Court denied Arthrocare's motion for a preliminary injunction, finding that Ethicon had raised a substantial question as to the validity of the patents-in-suit. After the judge announced several favorable tentative rulings on Ethicon's motions for summary judgment, the case was resolved on very favorable terms for Ethicon just prior to trial. *Arthrocare v. Ethicon, Inc.*

## PATENT LITIGATION PRACTICE

- defense from a claim of patent infringement brought by Cryogen relating to a cryosurgical device used in gynecological applications. Ethicon successfully obtained a summary judgment ruling of non-infringement under 35 U.S.C. § 271(e)(1), but continued to seek a declaration that Cryogen's patents were invalid, unenforceable and not infringed. Shortly thereafter, the case was resolved on favorable terms to Ethicon. *FemRx, Inc., et al. v. Cryogen, Inc.*
- Representation of **Huawei** in a declaratory judgment suit with counterclaims alleging infringement of patents involving routing of communications over lowest cost routes. *Huawei Technologies Co. Ltd. v. Rates Technologies, Inc.*
- Representation of **Maxim Integrated Products** in:
  - a patent infringement suit against Freescale Semiconductor involving 13 patents. *Maxim Integrated Products, Inc. v. Freescale Semiconductor Inc.*
  - a lawsuit alleging infringement of Maxim's voltage regulator patents by Semtech. *Maxim Integrated Products v. Semtech Corp.*
  - a patent infringement litigation related to voltage regulators. *Linear Technology Corp. v. Maxim Integrated Products.*
- Representation of **Multilyte** in a patent infringement case involving DNA microarray technology. *Affymetrix, Inc. v. Multilyte Ltd.*
- Representation of **MySpace** in a declaratory judgment action against GraphOn involving web-accessible databases. *MySpace Inc. v. GraphOn Corp.*
- Representation of Yahoo! subsidiary **Overture Services** in a lawsuit alleging infringement of Overture's pioneering paid search patent by Google's top revenue-producing Internet advertising services. In a highly-publicized settlement, Google took a license to this patent and several related patents in exchange for shares of Google stock with a value of approximately \$450 million. *Overture Services, Inc. v. Google Inc.*
- Representation of **Origin Medsystems** (now a part of Guidant) in a patent infringement and trade secret action involving a patent on a laparoscopic medical instrument, a retracting tip trocar. *U.S. Surgical v. Origin Medsystems, Inc.*
- Representation of **picoTurbo** in patent infringement litigation brought by ARM alleging infringement of seven patents related to RISC microprocessor core architecture. The case resulted in a highly favorable settlement for our client. *ARM Limited v. Picoturbo Inc.*
- Representation of **Raychem** in:
  - a patent infringement action regarding three patents related to a line of Raychem's telecommunications products. *Raychem v. Thomas & Betts.*
  - two other cases involving competitors marketing similar products. *Raychem v. Communications Technology Corporation* and *Raychem v. PSI Telecommunications, Inc.*
  - in a patent infringement action relating to technology for insulating layers for wire used in aircraft. *Raychem v. Judd Wire*
- Representation of **RSA** in:
  - a case involving public key encryption technology. *RSA Data Security, Inc. v. Network Associates, Inc. and Pretty Good Privacy, Inc.*

## PATENT LITIGATION PRACTICE

- litigation involving patent infringement and related claims involving public key and related encryption software technology that has become central to electronic commerce over the Internet. *RSA Data Security, Inc. v. Cylink Corporation*
- Representation of **Samsung** in
  - patent litigation adverse AMD involving various technologies including memory devices, process technology and microprocessors. *Advanced Micro Devices, Inc., et al. v. Samsung Electronics Co., Ltd., et al.*
  - a patent infringement action against TVI involving the automatic playback feature in Blue-Ray and DVD players. *TV Interactive Data Corporation v. Sony Corporation et al*
- Representation of **Seagate** in a patent infringement action involving solid state drives. *Seagate Technology LLC v. STEC, Inc.*
- Representation of **Silicon Storage Technology** in a declaratory judgment action involving EEPROM devices. *Silicon Storage Technology, Inc. v. Intersil Corporation, et al.*
- Representation of **SnapTrack** and **QUALCOMM** in a patent infringement action involving patents asserted against services that permit calls to the “911” emergency number to be tracked using Global Positioning System (GPS) technology. Won a favorable verdict following a three-week jury trial. *Zoltar Satellite Systems, Inc. v. Snaptrack, Inc. and QUALCOMM CORP.*
- Representation of **Source Photonics** in a patent infringement suit involving fiber optic components used in telecommunication systems and data communication networks. *Finisar Corporation v. Source Photonics, Inc. et al.*
- Representation of **Tencor Instruments** in a patent infringement suit against Eastman Technology, a subsidiary of Eastman-Kodak. The subject matter of the patent in suit is a wafer inspection system, which scans processed semiconductor wafers for surface imperfections. *Tencor Instruments v. Eastman Technology, Inc., et al.*
- Representation of **Texas Instruments** and **Chips and Technologies** in this patent infringement action brought by Intel. The patents related to the memory management system in the Intel 386 microprocessor and a breakpoint apparatus for system debugging. *Intel Corp. v. Chips and Technologies, Inc., Texas Instruments*
- Representation of **Thoratec** in a patent infringement action involving an artificial heart device. *Comora v. Thoratec Laboratories Corporation*
- Representation of **Trend Micro** in patent litigation concerning anti-virus technology. *Fortinet, Inc. v. Trend Micro, Inc.*
- Representation of **United Microelectronics** in a suit where the patents relate to methods employed to fabricate semiconductor integrated chips. *Agere Systems Inc. & LSI Corporation v. United Microelectronics Corporation & UMC Group (USA)*
- Representation of **Unitrode**, an affiliate of Texas Instruments, in this patent infringement case involving “sleep mode” and current reversal protection aspects of voltage regulators. *Linear Technology Corporation v. Unitrode Corporation*
- Representation of **Visa International** and **Visa USA** in a lawsuit over a patent alleged to cover the Verified by Visa service for authenticating the identity of a payment cardholder in an on-line transaction. Defendants won summary judgment of non-infringement, which was affirmed on appeal. *Safeclick LLC v. Visa International Service Association and Visa U.S.A., Inc.*

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