



## *Representative Experience*

## Patent Litigation

Over the years, our trial lawyers have secured over one billion dollars on behalf of clients for infringement of their patented technology and other intellectual property, and have provided vigorous, efficient, and effective defense to clients who are accused of infringing upon others' patents. Susman Godfrey's repeated successful experiences taking case through inception to jury verdict makes it uniquely well-suited to explain technical and complex subject matter to any decisionmaker, be it jury, judge or arbitrator.

### Patent Infringement Prosecution

- ***Paltalk Holdings Inc. v. Cisco Systems Inc.*** Won a \$65.7 million jury verdict after a four-day trial on behalf of Paltalk Holdings, a global communications software innovator, in a patent infringement lawsuit against Cisco Systems in the U.S District Court for the Western District of Texas. [Read more.](#)
- ***Finesse Wireless LLC v. AT&T Mobility LLC (Defendant) and Nokia of America Corporation (Intervenor)***. Won a \$166.3 million jury verdict on behalf of client Finesse Wireless LLC against AT&T Mobility LLC and Nokia Corporation of America over patent infringement claims relating to wireless networks. The jury delivered the verdict after three hours of deliberation following a week-long trial. [Read more.](#)
- ***Board of Regents, The University of Texas System and TissueGen, Inc v. Boston Scientific Corporation***. Obtained a \$42 million jury verdict on behalf of their clients, The Board of Regents of the University of Texas System and TissueGen, Inc., against Boston Scientific Corporation prevailing in the assertion of patent infringement claims relating to a patented biodegradable polymer fiber drug delivery system incorporated into Boston Scientific's SYNERGY™ branded coronary stents. [Read more.](#)
- ***Atlas Global Technologies LLC v. TP-Link Technologies Co., Ltd. et al.*** Won a \$37.5 million verdict for Atlas Global Technologies in its patent infringement case against Chinese telecom equipment manufacturer TP-Link in case related to high-speed Wi-Fi routers. [Read more.](#)
- ***Koninklijke KPN NV v. Telefonaktiebolaget LM Ericsson et al.*** Secured a \$31.5 million jury victory on behalf of Dutch telecommunications company Koninklijke KPN N.V. ("KPN") against Swedish telecom giant Ericsson over patent infringement claims relating to telecom networks. The

verdict concludes a more than five-year dispute between the companies, with the jury awarding KPN the entire damages model outlined by the Susman Godfrey team. [Read more.](#)

- ***The Board of Regents of the University of Texas System v. IDEXX Laboratories.*** Obtained a \$51 million judgment for the Board of Regents of the University of Texas System (UT), in a breach of patent license lawsuit stemming from nearly 20 years of underpaid royalties by IDEXX Laboratories, Inc (IDEXX). UT's patents were drawn to Lyme Disease detection technology, and UT alleged that IDEXX underpaid for the life of the license. The 189<sup>th</sup> District Court in Harris County, Texas concluded that UT's interpretation of the unambiguous contractual language was correct and that IDEXX had underpaid UT royalties owed for sales of IDEXX's SNAP Products, tests used to detect Lyme disease, other tick-borne diseases, and heartworm in animals. The District Court awarded back royalties, contractual interest, and attorneys' fees, resulting in a judgment of over \$51 million.
- ***Green Mountain Glass v. Ardagh Glass.*** Won a \$50.3 million jury verdict on behalf of Green Mountain Glass in its patent infringement lawsuit against Ardagh Glass, Inc. The jury found Ardagh, formerly known as Saint-Gobain Containers, willfully infringed upon Green Mountain's patent No. 5,718,737 for technology that allows glass manufacturers to use recycled glass of mixed colors. A final payment of \$64.5 million was later made to Green Mountain.
- ***3G Licensing SA et al. v. HTC Corp.*** Secured a unanimous jury verdict finding that HTC Corporation infringed two asserted patents declared essential to LTE wireless standards. While HTC urged that damages should be limited to a fair, reasonable and non-discriminatory ("FRAND") rate of less than two cents per device, the jury sided with SG and its clients – awarding 74 cents for HTC's devices that infringed both patents. The jury also found that HTC's infringement was willful, which would enable the court to treble the damages award. [Read more.](#)
- ***Sol IP v. AT&T, Sprint, & Verizon.*** Represented Sol IP in an action asserting several dozen LTE and Wi-Fi telecommunication patents developed at the famed Korean research institute ETRI against the major carriers Sprint, AT&T and Verizon. The case resolved against all defendants the month before trial.
- ***Personalized Media Communications v. TiVo.*** Represented Personalized Media Communications (PMC) in an arbitration to resolve its long-running licensing dispute with TiVo, formerly known as Gemstar-TV Guide International and Rovi Guides. The arbitrator rejected TiVo's interpretation of a license and found in favor of PMC on all issues. The Eastern District of Texas entered Final Judgment in favor of PMC.
- ***Dataquill v. ZTE.*** Secured jury verdict of \$31.5 million for DataQuill Ltd in a patent infringement suit alleging that the US subsidiary of Chinese company ZTE Corp. infringed upon two of DataQuill's patents covering smartphone technology. After deliberating less than 45 minutes, the jury

found that ZTE had infringed US Patent Nos. 6,058,304 and 7,139,591 and held that the patents were not invalid, awarding DataQuill \$31.5 million in damages for ZTE's past infringement. Before the Court entered judgment on the verdict, the case was settled. The verdict was included in the *National Law Journal's* "Top 100 Verdicts & Settlements" of that year—#22 nationally and #6 in Texas. The case later settled for a confidential amount.

- **Rockstar v. Google.** Represented the Rockstar consortium—which was owned by Apple, Microsoft, Blackberry, Ericsson, and Sony—in a lawsuit against Google over infringement of foundational patents purchased from Nortel. The case ultimately resulted in a settlement and sale of the patents for \$900 million
- **Bascom v. AT&T.** Convinced the Federal Circuit to revive a patent infringement lawsuit brought by client, Bascom, against AT&T. The ruling overturned a lower court's decision that the Bascom patent was ineligible when viewed under the test established by the US Supreme Court's Alice decision. This is one of the first cases to uphold a software patent under *Alice*.
- **KPN v. Samsung.** Serve as lead counsel for KPN International in patent litigation against Samsung involving technology related to 3G and 4G wireless standards. The case settled for a confidential sum on the eve of trial. Susman Godfrey was subsequently hired to represent KPN in litigation currently pending in a Delaware federal court against other global handset makers, including HTC, LG, and Lenovo.
- **PACT XPP Technologies v. Xilinx et al.** Obtained a \$15.4 million verdict on behalf of PACT XPP Technologies, AG, in federal court in Marshall, Texas over allegations that Xilinx, Inc. and Avnet, Inc. had infringed two of PACT's patents via their sale of certain Xilinx-branded Field Programmable Gate Array (FPGA) devices. The jury found that both PACT patents were infringed and valid, and it further determined Xilinx's infringement to be willful. After enhancing the jury's verdict and awarding attorney's fees on account of the willfulness finding as well as adding costs and interest, the judgment in PACT's favor totaled approximately \$44 million. The case settled for a confidential amount while on appeal.
- **Two-Way Media v. AT&T.** Won a \$27.5 million verdict on behalf of Two-Way Media LLC in a patent infringement suit in San Antonio against AT&T Inc. related to the streaming of audio and video content over the Internet. Two-Way Media owns patents related to live streaming and recordkeeping technology that is used for broadcasting audio and video over the Internet. Akamai and Limelight previously settled with Two-Way Media in this matter.
- **Fractus v. Samsung.** Won \$38 million judgment for Fractus in its patent infringement lawsuit against Samsung in a case involving internal antennas in cell phones. After the jury verdict, the parties argued an appeal to the Federal Circuit. While the appeal was pending, the parties

reached a settlement, the terms of which are confidential.

- ***PalTalk v. Microsoft.*** Represented PalTalk in trial against Microsoft, on claims Microsoft was using Paltalk's patented technology for its video game systems, specifically Halo 2 and Halo 3 combined with Microsoft's Xbox Live communications network. On the fourth day of trial, the case settled with Microsoft agreeing to take a license to the two PalTalk patents for a confidential sum of money.
- ***Mass Engineered Design v. Ergotron & Dell.*** Won a jury verdict of infringement and validity on behalf of client, Mass Engineered Design. The firm also secured a permanent injunction for his client. The case has since settled under confidential terms.
- **MicroUnity**
  - ***MicroUnity v. Apple.*** Represented MicroUnity Systems Engineering, Inc., one of the leading innovators in the microprocessor industry, in its patent infringement lawsuit against Apple, Samsung, and major players in the smartphone and tablet industry. The claims arose from infringement of patents covering "mediaprocessor" technology. The case settled with the last of the defendants taking licenses just shortly before trial.
  - ***MicroUnity v. Intel.*** Represented MicroUnity in its suit against Intel relating to infringement of MicroUnity's mediaprocessor patents. Weeks before trial, MicroUnity, Intel, and Dell reached a settlement that was publicly reported to be for \$300 million.
- ***Timeline v. ProClarity.*** Obtained a confidential settlement on behalf of Timeline, Inc., in its claims against ProClarity, Inc., a subsidiary of Microsoft Corporation, for infringement of Timeline's database software patents. Susman Godfrey defeated the defendants' challenge to the validity of the patents and settled the case on the eve of trial.
- **Sky Technologies**
  - ***Sky Technologies v. Ariba.*** Tried a patent case to a jury against Ariba on behalf of Boston-based Sky Technologies seeking \$50 million in damages. The patents at issue relate to online commerce negotiations software. After two weeks of trial, during which invalidity, infringement and damages were tried, and on the verge of a jury verdict, Ariba settled for a confidential amount.
  - ***Sky Technologies v. IBM.*** Settled a lawsuit brought by Sky Technologies alleging patent infringement, breach of contract and misappropriation of trade secrets by IBM. In its trade secrets claim, Sky alleged that, after signing a confidentiality agreement, IBM received access to a broad range of trade secret information related to the operation of Sky's technology for facilitating online negotiation. Sky presented evidence that these trade secrets were later incorporated directly into IBM's own products and services. Under the terms of the settlement, reached two days before the parties were set

to pick a jury, IBM agreed to license Sky's patents and technology for conducting online negotiation. The financial terms of the settlement are confidential.

- ***Sky Technologies v. SAP, Siemens AG, and Microsoft.*** Served as lead counsel for Sky Technologies, in a successful \$70 million patent licensing campaign involving litigation spanning multiple jurisdictions and defendants, including SAP, Siemens AG, and Microsoft. SAP settled for a confidential sum on the eve of trial, while another defendant settled mid-trial. All individual settlement amounts are confidential.
- ***SuperSpeed Software v. Oracle.*** Settled client SuperSpeed Software's patent infringement suit against Oracle Software just after the District Court issued a claim construction opinion that was highly favorable to SuperSpeed. The suit alleged that Oracle's software products, including Oracle Parallel Server and Real Applications Clusters, infringed a number of SuperSpeed patents on technology for increasing data processing speed by caching data in local memory. Details of the settlement are confidential.
- ***Pavilion Technologies v. Computer Associates.*** Represented Pavilion Technologies in a patent suit against Computer Associates regarding neural network and expert system technology. The case settled after claim construction.
- ***Western Atlas v. Motorola.*** Represented Western Atlas in a world-wide licensing and litigation program involving patented GPS technology. Western Atlas received substantial settlements and royalties under this program.
- ***NASDAQ v. IEX.*** Represented NASDAQ, Inc. and related entities in patent litigation against the IEX exchange. The case settled on confidential terms.
- ***Confidential Patent Infringement Matter.*** Represented a confidential company in the first ever patent infringement lawsuit filed against Snap Inc. (parent company of Snapchat). The firm won summary judgment both defensively and offensively when the Court denied Snap's motion for summary judgment for non-infringement and granted the client's motion for summary judgment for non-invalidity. The case settled shortly before trial and after Susman Godfrey obtained a favorable ruling on claim construction.

## Patent Infringement Defense

- ***Diamondback Industries v. Repeat Precision.*** Won a nearly \$40 million judgment for the defendant in a complex patent-related dispute. Diamondback Industries, Inc. sued our client Repeat Precision LLC in an attempt to void a patent licensing agreement. Repeat Precision responded with its own counterclaims. After a three-day bench trial, the court awarded a judgment in our client's favor, ruling that Diamondback had "acted with wanton and malicious intent."

- ***Finjan v. Bitdefender.*** Defended cyber-security provider Bitdefender against claims of patent infringement by Finjan in the Northern District of California. The case resolved shortly before trial.
- ***Flexuspine v. Globus Medical.*** Secured a complete victory in Tyler, Texas, on behalf of client Globus Medical in spinal insert patent infringement litigation brought by Flexuspine, Inc., a local Tyler company. A jury in the US District Court for the Eastern District of Texas issued a defense verdict entirely in Globus Medical's favor. Susman Godfrey has continued to represent Globus in several separate ongoing patent matters.
- ***Apple v. Burst.com.*** Achieved a confidential settlement on behalf of Burst.com, Inc., which was sued by Apple Inc. in a declaratory judgment action seeking to invalidate Burst's patents for the transmission of compressed audio and video. On behalf of Burst, Susman Godfrey responded to Apple's lawsuit with counterclaims for infringement of Burst's patents by Apple's immensely popular iPod, iTunes, and iTunes Store.
- ***Soverain Software v. Amazon.*** Successfully defended Amazon in a patent infringement lawsuit filed by Soverain Software over allegations that Amazon's websites infringed patents relating to basic e-commerce technology, including electronic shopping carts. Days before trial, and just after the Court granted one of Amazon's summary judgment motions, Susman Godfrey obtained a successful settlement of the case.
- ***Wearable Fitness Tracker Litigation.*** Represented Jawbone in various patent infringement and trade secret cases involving wearable devices against competitor Fitbit. Successfully defended Jawbone in a separate ITC action for patent infringement brought by Fitbit.
- ***Trinity Industries v. Road Systems.*** Served as lead counsel and defended Road Systems in a patent suit brought by Trinity Industries regarding roadway safety devices. The case settled favorably after the firm obtained a summary judgment of non-infringement.
- ***ViaSat, Inc. v. Space Systems/Loral, Inc. et al.*** Vacated award of damages against client Space Systems/Loral for alleged infringement of satellite communications patents.
- ***Stross v. Zillow Inc.*** Won motion to dismiss claims that client Zillow infringed 106 real estate photographs.
- ***com v. DDR Holdings LLC.*** Convinced PTAB to affirm patentability of all challenged claims of client DDR Holdings' e-commerce technology patent.
- ***VariLite v. High-End Systems.*** Defended High-End Systems in a patent and trade secret suit brought by VariLite in the Northern District of Texas regarding computer-controlled lighting systems. The case settled after claim construction.
- ***Defense of GTE Sprint Communications.*** Successfully defended GTE Sprint Communications against a service mark infringement suit brought by Texaco v. Pennzoil attorney Joe Jamail. SG persuaded the court to uphold the validity of our client's "Sprint" service mark and to enter a take-

nothing judgment against the plaintiff.