Tucker Ellis LLP

Patent Litigation

Overview

The trial lawyers in the Tucker Ellis IP group have decades of experience in all aspects of patent litigation. We handle all types of matters for our clients, including filing actions when their competitors have copied their technology, defending them in “bet the company” lawsuits, and responding to patent troll claims. Most importantly, we have a proven record of trying cases for clients to protect their rights and obtaining favorable outcomes for them.

Setting the Tucker Ellis team apart is our trial lawyers: experienced IP lawyers who actually try cases to verdict. We treat every case as if it will go to trial. We design our litigation plans around our trial strategy so that we can best position our clients for optimal results, whether through settlement, summary judgment, or trial. We also have obtained substantial post-judgment attorneys’ fee awards, and we have significant experience before the United States Court of Appeals for the Federal Circuit.

With the expanded role of the Patent Trial and Appeal Board (PTAB) in administrative trial proceedings, such as inter partes reviews and post-grant reviews, we incorporate PTAB strategies into all of our trial plans in order to achieve our clients’ goals most effectively. Multiple patent attorneys in our IP group have extensive experience in front of the PTAB.

Our IP trial attorneys have achieved success for clients – on both the plaintiff and defendant sides – in cases involving a broad scope of technologies, products, and services. With our diverse technical backgrounds and assorted expertise, we are best able to defend, protect, enforce, and advocate for our clients’ rights.

Because Tucker Ellis recognizes that patent litigation can be expensive, we work with our clients to establish and stay within realistic budgets, while still obtaining the same great results. In many cases, our firm offers alternative fee arrangements that can provide our clients the most cost-effective litigation and trial strategies.

Experience

- Lead trial counsel in a patent infringement dispute involving a mechanical device; matter resolved favorably after a two-week jury trial
- Lead trial counsel in a design patent and trademark dispute; matter resolved after favorable ruling on motion for preliminary injunction
- Lead trial counsel in numerous software patent infringement disputes, many involving non-practicing entities and venued in the Eastern District of Texas; obtained summary judgment on both infringement and invalidity in one of these matters that was pending in the Eastern

District of Texas; used previous litigation success to resolve subsequent matters on favorable terms

- Lead trial counsel in an action alleging patent infringement involving semiconductor design; obtained order dismissing claims and awarding attorney's fees
- Lead trial counsel in a patent infringement action involving pneumatic control systems; matter settled as the result of admissions obtained during the depositions of plaintiff's experts
- Lead trial counsel in a patent infringement action in Massachusetts involving laser technology; matter settled after trial had begun
- Obtained summary judgment of noninfringement and a subsequent award of attorneys' fees against plaintiff and its attorneys in an action alleging infringement of several patents relating to the manufacture of blankets
- Successfully represented the manufacturer of premium denim apparel in an International Trade Commission investigation alleging infringement of six patents covering laser technology
- Defended a major telecommunications company in patent infringement actions brought by a patent holding company after prevailing on numerous jurisdictional challenges, motions to dismiss, and motions to compel
- Obtained summary judgment of noninfringement in a longstanding patent infringement action against a major cosmetics company
- Successfully represented a recreational vehicle furniture manufacturer in a patent infringement action against major RV manufacturers; secured a favorable Markman ruling that led to a beneficial settlement for client
- Obtained summary judgment on behalf of a custom wheel manufacturer sued for patent, trademark, and trade dress infringement
- During trial in the Eastern District of Texas, negotiated a highly favorable settlement for a client sued for patent infringement in two separate actions by the same non-practicing entity
- After defeating motion for summary judgment of infringement in a patent infringement action involving induction lighting technology, secured judgment that the asserted patent was invalid
- Represented a medical device manufacturer in separate patent cases where the plaintiff in each case agreed to dismiss its claim following claim construction
- Obtained a retrial on patent invalidity resulting in a favorable settlement of all claims after an adverse jury verdict obtained by a different firm
- Obtained the largest 2011 Arizona jury verdict with a judgment of willful infringement, treble damages, and attorney fees of nearly $40 million
- Defended a snow plow manufacturer in a jury trial that resulted in a finding of noninfringement and a low damages verdict on other claims

- Obtained a finding of noninfringement of four patents in a jury trial in which plaintiff sought approximately a quarter of a billion dollars in damages; obtained an award of attorney fees against plaintiff and its law firm
- Obtained a jury verdict of willful infringement resulting in a multimillion-dollar settlement for an individual inventor
- Successfully prosecuted multiple lawsuits involving the payment of ongoing royalties to a client through summary judgment for a specialty chemical client against competitors in the District of Delaware, resulting in settlement shortly before trial
- Won a preliminary injunction against defendants for violating the terms of a settlement agreement of a patent infringement case in the U.S. District Court for the Western District of Tennessee
- Obtained summary judgment of invalidity of all means-plus function claims involving telecommunications patents against a payment provider in a patent infringement case before the U.S. District Court for the Western District of Tennessee
- Won dismissal of complaint, leading to a favorable settlement in a patent infringement action involving a business method patent in the U.S. District Court for the Eastern District of Missouri
- Obtained a denial of a preliminary injunction following a bench trial in the U.S. District Court for the Eastern District of Missouri in a patent infringement litigation action involving concrete flooring technology
- Represented a professional sports team in a patent infringement action; successfully resolved the matter through settlement
- Defended a major sporting goods manufacturer in an action accusing it of infringement of knee saver; obtained summary judgment in favor of client; following appeal to the Federal Circuit, the court unanimously affirmed the decision within 24 hours of the oral argument
- Defended an international manufacturer of disc brakes after the lower court entered judgment against client for willful infringement and awarded treble damages and attorney's fees; after developing an effective strategy on appeal, the matter settled far more favorably than the judgment
- Defended an importer of pesticides in an infringement action related to the chemical formulation of pesticide; matter was resolved through a favorable settlement for client
- Defended a consumer appliance manufacturer in an action alleging infringement of six patents related to features of wet/dry vacuums; matter settled favorably for client days before trial
- Successfully represented a manufacturer of premium apparel accused of infringing six patents covering laser technology for distressing denim in an International Trade Commission investigation
- Obtained summary judgment in the United States District Court for the Eastern District of Texas invalidating as obvious a patent asserted against garment manufacturers and

retailers; decision affirmed on appeal