

Litigators for Innovators[®]



Deep litigation *experience* mixed with *outstanding* scientific and technical *knowledge* set us apart.

Our litigation successes and top-tier reputation make us an exceptional choice to assist you in asserting or defending your intellectual property rights.

We measure success by how well our litigation strategy achieves your business goals. Our trial lawyers are experienced in tailoring and implementing aggressive strategies in front of a judge or jury as well as in a negotiation, mediation, or any other dispute resolution proceeding. This nuanced approach to winning requires close, constant communication with our clients, sound legal and business advice, and overarching technical expertise combined with decades of experience. A successful strategy is a flexible strategy, which we constantly evaluate and revise as a case evolves, with an eye towards your business needs and goals.

The Hamilton Brook Smith Reynolds Advantage

Our firm's strength in handling patent litigation is based on our ability to put together versatile, experienced teams for every contested matter. The teams combine proven reputations in courtrooms throughout the United States, knowledge in science and engineering, and deep experience in obtaining strong patents. From advising on strategies for enforcing a patent or defending against an infringement accusation to retaining the right expert, we have the expertise to handle all aspects of patent litigation. As a result, our teams will be able to "out-litigate," "out-science," and "out-patent" the opposition.

As a full-service intellectual property firm, Hamilton Brook Smith Reynolds provides seamless access to whatever and whomever your case requires. The result is litigation staffed and supported according to your business needs.



Our Expertise

For decades, Hamilton Brook Smith Reynolds litigators have served as lead counsel on complex cases throughout the United States and have coordinated international patent enforcement. Clients recognize that our strategy, commitment, and hard work solve problems, advantageously drawing upon our trial, appeal, and settlement experience.

Look to our firm for handling:

- Patent enforcement and defense against infringement
- Patent ownership disputes
- Contested matters at the United States Patent and Trademark Office
- Trademark enforcement and defense against infringement
- Unfair competition, false advertising and Lanham Act allegations
- Trade secret misappropriation
- Copyright enforcement and defense against infringement
- Cybersquatting
- Actions relating to Internet activity

Our firm integrates first-chair battle-tested lawyers and a team having years of experience in handling complex legal and technical problems. Our deep understanding of the technology and strong hands-on experience with the intricacies of patent prosecution are brought to bear in our handling of patent disputes.

Our Track Record

We represent a diverse range of clients, from Fortune 500 companies and world-class institutions to emerging growth companies. Our client successes span all areas of technology from life sciences, pharmaceuticals, and chemistry through electrical and mechanical engineering, software, business methods and more. Cases have taken us to courts in Massachusetts, Texas, Delaware, Virginia, California, Illinois, Wisconsin, Connecticut, New Hampshire, New York, and New Jersey, to name a few locations, as well as the U.S. Patent and Trademark Office and the International Trade Commission.



Technical Expertise

Biochemistry
Bioinformatics
Biotechnology
Business Methods
Chemical Engineering
Clean Tech
Computer Hardware
Computer Software
Consumer Products
Data Transmission and Storage
Electronics
Financial Services
Immunotherapeutics
Internet
Material Sciences
Mechanical Engineering
Medical Devices
Medical Diagnostic & Scientific Instruments
Networking Infrastructure
Optics
Organic Chemistry
Pharmaceuticals
Physical Chemistry
Telecommunications

Our Experience

Patents - Life Sciences, Pharmaceuticals and Biotechnology

- ❖ Defended several different pharmaceutical companies in numerous patent infringement cases arising under the Hatch-Waxman Amendments in actions in the U.S. District Court for the District of New Jersey and elsewhere, involving pharmaceutical formulations and other pharmaceutical technology. Favorable settlements were each reviewed without objection by the Federal Trade Commission.
- ❖ Represented a Fortune 500 company in enforcement litigation of a group of its biotech assay patents. The case achieved a settlement payment of more than 60% of the infringer's gross revenue on its infringing sales, a permanent injunction, and the issuance of a joint letter to the infringer's customers urging them to make their future purchases from our client.



Patents - Medical Devices and Scientific Technology

- ❖ Defended against allegations of infringement of optical instrument patents against a competitor.
- ❖ Represented the patent owner in an infringement action involving genetic diagnostic testing procedures which included a contempt motion to enforce an injunction entered against the defendant. The defendant agreed to an expanded permanent injunction and a substantial payment toward our client's attorneys' fees.
- ❖ Represented a manufacturer of medical testing equipment in patent litigation against a competitor. The client obtained a judgment of infringement and a permanent injunction against the competitor.



Whether you are a Fortune 500 multinational corporation, a major research institution, a small-to-midsize company, or an individual, our breadth of practice allows us to address your business needs.

Patents - Business Methods and the Internet

- ❖ Represented a leader in the entertainment promotion industry and patent owner in various actions against an industry competitor involving a patented promotional method and device in the U.S. District Courts for the Southern District of New York and District of Delaware.
- ❖ Represented key players in the entertainment ticketing and credit card ticket transaction industry in various actions against industry competitors involving a patented promotional and ticketing methods in the U.S. District Courts for the Southern District of New York and Delaware.



Patents - Computer Software/Hardware and Network Technology

- ◆◆ Defended a patent infringement action involving LED backlight technology and light enhancing films in the U.S. District Court for the District of Delaware. Formulated a defense strategy that included expedited discovery and mediation to achieve a quick and favorable resolution for our client on the eve of our taking the inventor's deposition.
- ◆◆ Represented a leading maker of data storage devices against a "Non-Practicing Entity" that involved filing a declaratory judgment action in a favorable jurisdiction and aggressively pursuing non-infringement defenses. The strategy resulted in a very favorable settlement for our client early in the litigation.
- ◆◆ Enforced a large patent portfolio covering innovative circuit designs for computer memories (such as DRAMs) and CMOS image sensors against multiple infringers. After obtaining a favorable *Markman* decision and needed discovery, the case settled favorably for our client.
- ◆◆ Represented a network hardware manufacturer against claims of patent infringement regarding Power Over Ethernet switches and powered devices, such as IP phones, in the U.S. District Court for the Eastern District of Texas. After four days of trial, the case settled in our client's favor.
- ◆◆ Represented a plaintiff in successive patent jury trials in the Northern District of California involving components for printed circuit boards. The first trial resulted in a finding of validity and infringement in the liability phase and subsequent contempt citations against the defendant for new designs. The case settled prior to the damage phase with the defendant agreeing not to market any infringing product. The second trial resulted in the jury finding willful infringement of a redesigned product, with increased damages and attorneys' fees awarded by the court.
- ◆◆ Represented the defendant in patent infringement litigation regarding networking hardware, such as switches, routers, and IP phones. The patent was found invalid.

With over 30 years of litigation experience, our firm is well positioned to support our clients in all aspects of intellectual property litigation.

Patents - Other

- ◆◆ Defended a patent infringement action involving oil refinery technology in the U.S. District Court for the Southern District of Texas. After summary judgment of patent invalidity was affirmed on appeal, the patent owner paid our client a high six-figure amount. Identified insurance policies which led to our client's receiving a further mid-six figure amount.
- ◆◆ Defended an action in the District of New Hampshire involving alleged infringement of several patents directed to a chemical composition for stripping metal brought by the industry leader. The action successfully concluded with a reformulation of the compounds to avoid any infringement and without any payment by our client to the patent holder.
- ◆◆ Represented a Taiwan-based manufacturing firm against infringement claims under two patents asserted by a multinational company. Succeeded in obtaining summary judgment of non-infringement on one of the patents, which led to successful mediation that resolved the claims under the other patent.
- ◆◆ Defended a company accused of patent infringement involving bioprocess equipment and achieved a favorable settlement as a result of an aggressive discovery strategy that called into question the enforceability of the asserted patent.
- ◆◆ Represented a company in co-pending multi-jurisdictional and interrelated patent infringement disputes related to technologies for fluid sampling. Developed, orchestrated, and executed an enforcement strategy, achieving a favorable result.

Our Experience

Trademarks, Copyrights Unfair Competition and Internet Abuse

- ❖ Represented the owner of a skincare service mark in an infringement action. The action resulted in a favorable outcome with the defendant taking a license under the control of our client, thereby protecting our client's brand.
- ❖ Represented a developer to enforce copyright in architectural plans against an architectural firm. We successfully resolved the matter with each of the defendants prior to trial, resulting in a recovery for our client based on the defendants' profits from the infringing units.
- ❖ Represented an equipment manufacturer in an unfair competition action against an unauthorized reseller. The litigation came to a settlement that induced the defendant to cease its unauthorized sales of our client's products.
- ❖ Represented a trademark owner in an infringement action in which we obtained a preliminary injunction that forced a settlement that included a permanent injunction and payment of our client's attorney fees.
- ❖ Represented a brand manufacturer of communication and computer peripheral hardware against a new retailer that adopted a similar name. We developed a strategy to send a cease & desist letter at the same time we filed an infringement action, which led to a quick settlement in which the infringer stopped all use of the infringing name and phased over to a new identity.



Trade Secrets and Contract Disputes

- ❖ Represented a client against a software developer for breach of a contract relating to a digital publishing platform. After we uncovered the defendant's violation of a preliminary injunction that we had secured, we had the defendant held in contempt of court and were able to settle the matter with a seven-figure payment to our client that included legal fees.
- ❖ Represented a Fortune 500 company in an action for misappropriation of trade secrets that had a value of tens of millions of dollars. We developed evidence of the misappropriation through an analysis of e-discovery obtained from the defendant, which resulted in a successful resolution under a confidential settlement agreement.
- ❖ Defended a manufacturer of oxygen flow valves in a trade secret, trade dress and unfair competition action in the District of Indiana. After a two-day evidentiary hearing, the judge refused to enter a preliminary injunction, and as a result, the plaintiff voluntarily dismissed all of its claims, thereby enabling our client to continue in business and become the leading company in the field.

Regardless of the size of the claim or the type of intellectual property, our lawyers have earned a reputation for responsiveness and outstanding client satisfaction, for producing the highest quality work, for handling bet-the-company disputes at trial and appellate levels and for building strong relationships.



In addition to Litigation, Hamilton Brook Smith Reynolds can help you with...

Litigation Assessment and Avoidance

Pharmaceuticals

- ❖ Represented a client in a patent infringement matter involving a multi-billion dollar drug. Our client had valuable “first filer” status and, thus, rights to limited market exclusivity. Persuaded the brand pharmaceutical company that our client did not infringe its patents. No suit was ever filed and our client was able to go to market with very valuable 180-day exclusivity rights.
- ❖ Represented numerous brand pharmaceutical companies in “war games,” allowing companies to evaluate and strengthen their patent estates before competitors instigated litigation.

Biotechnology

- ❖ Represented a biotechnology company in a dispute regarding ownership of patent rights. We developed an informal litigation approach in which both sides presented evidence and viewpoints over several months. This approach resulted in a favorable settlement for our client in an amicable context that enabled our client to have continued business relations with the other party.
- ❖ Assessed patent portfolios for numerous financial institutions and venture capital firms in order to determine “litigation health” of target companies before sizable investments were made.



IP Creation and Protection

- Patents
- Trademarks
- Copyrights
- Design Patents
- Trade Secrets
- International IP Protection
- IP Portfolio Strategy and Counseling

IP Evaluation and Business Counseling

- IP Due Diligence
- IP Opinions
- Validity and Infringement Studies
- Freedom to Operate Studies
- IP Audits
- Inventorship Investigations

Contesting and Defending IP Rights

- IP-Related Alternative Dispute Resolution
- Internet Defamation and Abuse
- IP Aspects of FDA Strategy
- Consulting and Employment Agreements
- Opposition and Cancellation Proceedings
- Reexaminations and other Administrative Proceedings
- Patent Office Post Grant Proceedings

Monetizing IP Value

- Licensing
- Technology Transfer
- Nondisclosure Agreements
- IP Aspects of Franchising

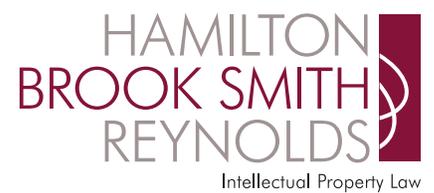
For more information, please contact us at:

530 Virginia Rd.
Concord, MA 01742
978-341-0036

155 Seaport Blvd.
Boston, MA 02210
617-607-5900

Hamilton Brook Smith Reynolds
The Innovation Firm®

www.hbsr.com | www.LitigatorsForInnovators.com
info@hbsr.com



Concord, MA: 530 Virginia Rd., Concord, MA 01742 T: 978-341-0036
Boston, MA: 155 Seaport Blvd., Boston, MA 02210 T: 617-607-5900

www.hbsr.com | www.LitigatorsForInnovators.com