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Patent Litigation Representative Experience

The experienced attorneys at Jeffer Mangels Butler & Mitchell LLP have handled the following patent and technology cases:

- ***Therabody Inc. v. First Health Advantage, LLC*** **(C.D. Cal. 2022)**; ***Therabody Inc. v. E Zee Electronics, Inc.*** **(C.D. Cal. 2022)**; ***Therabody Inc. v. The TJX Companies, Inc*****. (D. Del. 2022)**; ***Therabody Inc. v. Audro (II)*** **(C.D. Cal. 2022)**; ***Therabody, Inc. v. ReAthlete*** **(C.D. Cal. 2021)**; ***Therabody, Inc. v. Audro*** **(C.D. Cal. 2021)**; ***Therabody, Inc. v. Legend Group Inc. and TJX Companies, Inc.*** **(C.D. Cal. 2021)**; ***Theragun, Inc. v. Tzumi, Inc.*** **(S.D. N.Y. 2021)**. Representing Therabody in numerous lawsuits asserting infringement of Therabody's patents.

- ***Therabody Inc. v. Homedics et al.*** **(C.D. Cal. 2021)***; Therabody Inc. v. Njoie et al.* **(C.D. Cal 2021)**; ***Therabody, Inc. v. DJO, LLC dba COMPEX*** **(C.D. Cal. 2021); *Theragun, Inc. v. Echelon*** **(Del. 2021); *Theragun, Inc. v. Complete Recovery et al***, Case No. 2-20-cv-03821 **(C.D. Cal. Apr. 27, 2020)**; ***Theragun, Inc. v. Lifepro Fitness, LLC. et al.***, Case No. 2-20-cv-02442 **(C.D. Cal. Mar. 13, 2020)**; ***Theragun, Inc. v. Achedaway Shenzhen Technology Co., Ltd et al.***, Case No. 2-20-cv-01714 **(C.D. Cal. Feb. 21, 2020)**; ***Theragun, LLC v. Massage Guns, Inc.***, Case No. 2-19-cv-05777 **(C.D. Cal. Jul. 02, 2019)**; ***Theragun, LLC v. Pechiko Designs LLC d/b/a Alyne***, Case No. 4-19-cv-03846 **(N.D. Cal. Jul. 2, 2019)**; ***Theragun, LLC v. Hyper Ice, Inc.***, Case No. 8-19-cv-01258 **(C.D. Cal. Jun. 21, 2019)**. Representing Theragun in numerous lawsuits asserting infringement of Theragun's patents and trade dress related to percussive massage devices and attachments.

- ***Data Scape Limited v. Western Digital Corporation et al.*** **(Fed. Cir. 2020).** Obtained affirmance for Western Digital in the plaintiff's appeal of the district court's order granting Western Digital's motion to dismiss for lack of patentable subject matter. *Data Scape Ltd. v. Western Digital Corp*., No. 2019-2161, 816 Fed. Appx 461 (Fed. Cir. 2020).

- ***Blue Spike v. VIZIO*** **(C.D. Cal. 2020).** Represented defendant VIZIO in a patent infringement lawsuit involving five patents relating to digital rights management, cryptography, steganography, and digital watermarking technologies resulting in a favorable settlement for VIZIO that required the plaintiff to pay VIZIO $100,000 as an initial payment and an additional $650,000 in contingent payments. Case No. 8:17-cv-1172-DOC-KES (C.D. Cal. 2020).

- ***Data Scape Limited v. Western Digital Corporation et al.*** **(C.D. Cal. 2019).** Defended Western Digital against a non-practicing entity's infringement allegations involving patents directed to electronic data transmission. The case was dismissed with prejudice after the Court granted Western Digital's motion to dismiss for lack of patentable subject matter and held that the patents were invalid. *Data Scape Ltd. v. Western Digital Corp*., No. 8:18-cv-02285-DOC-KES, 2019 WL 6391616 (C.D. Cal. July 12, 2019).

- ***Wi-Lan v. VIZIO*** **(D. Del. 2019).** Won summary judgment of non-infringement for defendant VIZIO in a patent infringement lawsuit involving de-interlacing and multimedia encoding system technologies. Case No. 1:15-cv-00788 LPS (D. Del. 2019).

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

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

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

- ***Electronics for Imaging, Inc. v. RAH Color Technologies LLC* (N.D. Cal. 2018).** Representing Electronics for Imaging asserting a declaratory judgment action of no infringement against a non-practicing entity's patents directed to color calibration software used in wide format printers. The case was dismissed following institution of IPRs on the asserted patents. Case No. 18-md-02874-SI (N.D. Cal. 2018).

- ***Uniloc USA, Inc. et al. v. Logitech Inc. et al.* (N.D. Cal. 2018).** Defended Logitech against a non-practicing entity's infringement allegations involving patents directed at electronic communications using Bluetooth technology. The case was dismissed following invalidation of the asserted patent. Case No. 5:18-cv-01304-LHK (N.D. Cal. 2018).

- ***Vertical Tank, Inc. v. BakerCorp.* (E.D. Cal. 2018).** Defended BakerCorp against a competitor's infringement allegations directed to vertical tanks used in oil and gas industries. The case settled on confidential terms. Case No. 1:18-cv-00145 (E.D. Cal. 2018).

- ***Edwards Lifesciences Corporation v. Boston Scientific SciMed, Inc.* (PTAB 2017).** Represented Edwards Lifesciences in challenging the validity of a patent directed to a transcatheter heart valve, which resulted in the challenged claims being held unpatentable. *Edwards Lifesciences Corp. v. Bos. Sci. SciMed, Inc.,* Case No. IPR2017-00060, 2018 WL 1508704 (P.T.A.B. Mar. 23, 2018). The Federal Circuit affirmed the PTAB's decision. *Boston Scientific Scimed, Inc. v. IANCU*, Case No. No. 2018-2004, 811 Fed. Appx. 618 (May 6, 2020).

- ***MobileExp, LLC v. Western Digital Technologies, Inc.* (E.D. Texas 2016).** Defended Western Digital in a patent infringement involving flash memory devices. Obtained dismissal shortly after filing motion for judgment on the pleadings of patent invalidity. Case No. 2:16-cv-01339-JRG.

- ***Canon Inc., et al. v. Papst Licensing GmbH & Co. KG* (PTAB 2016).** Represented Panasonic in 10 IPRs challenging the validity of patents directed to a computer interface device for transferring data, which resulted in the challenged claims being held unpatentable. Case Nos. IPR2016-01224, IPR2016-01199, IPR2016-01222, IPR2016-01211, IPR2016-01212, IPR2016-01213, IPR2016-01214, IPR2016-01216, IPR2016-01223, and IPR2016-01225.

- ***Eidos v. Innolux et al.* (E.D. Texas 2016).** Defended Innolux in a patent infringement action filed by Eidos alleging infringement of a single manufacturing process for LCD modules. The case settled on confidential terms. Case No. 6:2011-cv-00201.

- ***Palomar Technologies, Inc. v. MRSI Systems, LLC* (S.D. Cal. 2015-2016); *MRSI Systems, LLC v. Palomar Technologies, Inc.* (PTAB 2015).** Represented Palomar Technologies, Inc. in patent infringement action and related inter-partes review before the Patent Trial & Appeal Board involving pick and place devices and processes for high-precision placement of workpieces including microelectronic and electro-optical devices. Successfully defended motion to dismiss based on patent eligibility under *Alice Corp. v. CLS Bank.** Case No. 3:2015-cv-01484 (S.D. Cal. 2015).

- ***WCM Industries v. IPS Corporation* (W.D. Tenn. Oct. 2015).** Represented WCM Industries in a patent infringement action resulting in a favorable jury verdict which found that IPS willfully infringed six patent claims across three of WCM's patents directed to bath waste and overflow assemblies, and that all six patent claims were valid. Case No. 2:2013-cv-02019 (W.D. Tenn. 2013).

- ***Medtrica Solutions Ltd. v. Cygnus Medical, LLC, (Fed. Cir. 2015.***) Represented appellee in appeal of summary judgment of non-infringement in patent case; summary judgment affirmed by the Federal Circuit. Fed. Appx. 991 (Fed. Cir. 2015).

- ***Targus Group International, Inc. v. Logitech, Inc. et al.* (C.D. Cal. 2015).** Defended Logitech in a patent infringement action filed by Targus alleging infringement of certain computer accessories. The case settled on confidential terms. Case No. 8:2015-cv-01407 (C.D. Cal. 2015).

- ***Data Carriers, LLC v. Edwards Lifesciences US, Inc.* (E.D. Texas 2015).** Defended Edwards Lifesciences in a patent infringement action against a non-practicing entity. The case settled on confidential terms. Case No. 2:2015-cv-01345 (E.D. Texas 2015).

- ***Venadium LLC v. Logitech Inc.* (E.D. Texas 2015).** Defended Logitech in a patent infringement action against a non-practicing entity. The case settled on confidential terms. Case No. 5:2015-cv-00130 (E.D. Texas 2015).

- ***Emulex Corporation v. Marvell Semiconductor* (Cal. Sup. Court July 2015).** Represented Emulex as lead counsel in a three-week jury trial against Marvell Semiconductor. Marvell failed to indemnify Emulex when a third party, Broadcom, sued Emulex for patent infringement over a part Emulex purchased from Marvell, Emulex's supplier. Emulex successfully obtained a jury verdict of $4.7 million in damages, plus prejudgment interest. Santa Clara County Superior Court Case No. 1:13-CV-251215.

- ***Shimano Inc. v. Globeride, Inc.* (PTAB 2015).** Represented Shimano in challenging the validity of a patent directed to the use of magnetic seals in fishing reels, which resulted in the challenged claims being held unpatentable. Case No. IPR2015-00273.

- ***Medtrica Solutions Ltd. v. Cygnus Medical, LLC, (W.D. Wash. March 2014).*** Represented plaintiff in action for declaratory judgment of non-infringement and invalidity of patent; obtained summary judgment of non-infringement. WL 813897 (W.D. Wash. March 2014).

- ***Globeride, Inc. v. Shimano, Inc.* (PTAB 2014).** Represented Shimano in challenging the validity of a patent directed to the use of magnetic seals in fishing reels, which resulted in the challenged claims being held unpatentable. *Shimano Inc. v. Globeride, Inc*., PTAB-IPR2015-00273 (P.T.A.B. 2014).

- ***Bill & Melinda Gates Foundation v. Teachscape, Inc.* (W.D. Wa. 2014).** Represented Bill & Melinda Gates Foundation in breach of contract action against Teachscape, Inc. involving teacher evaluation software and rubrics. Successfully obtained favorable settlement for client.* Case No. 2:2015-cv-00680 (W.D. Wa. 2015).

- ***Medtrica Solutions Ltd. v. Cygnus Medical, LLC*, 2014 WL 11906650 (W.D. Wash. July 2014.)** Represented plaintiff in action for declaratory judgment of non-infringement and invalidity of patent; obtained award of attorneys' fees following summary judgment of non-infringement in patent case.

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

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

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

- ***McRo, Inc. d/b/a Planet Blue v. Bandai Namco Games America, Inc. et al.* (C.D. Cal. 2013-2016).** Represented defendant Valve Corporation in multi-defendant patent infringement action involving lip-synchronization processes for interactive entertainment and video game developers. As part of joint-defense group, successfully obtained summary judgment based on Alice Corp. v. CLS Bank that the patents were not patent-eligible subject matter.* Case No. 2:2012-cv-10322 (C.D. Cal. 2012).

- ***Patent Harbor, LLC v. Asus Computer Int'l et al.* (E.D. Tex. 2013-2014).** Represented defendant Hewlett-Packard Company in multi-defendant patent infringement action involving third-party bundled software package for video and photo editing and multimedia playback, obtaining favorable settlement for client.* Case No. 6:2013-cv-00024 (E.D. Texas 2013).

- ***Advanced Printing Solutions, LLC v. Hewlett-Packard Co*. (C.D. Cal. 2013).** Represented Hewlett-Packard Company in patent infringement action involving printer with internal document data construction. Successfully obtained favorable settlement for client. Case No. 8:2013-cv-00931 (C.D. Cal. 2013).

- ***Essociate, Inc. v. LeapLabCorporation* (C.D. Cal.); *Essociate, Inc. v. Blue Whaler, Inc. et al.* (C.D. Cal. 2012-2013).** Represented defendant Accelerize New Media, Inc. (CAKE Marketing) in patent infringement action involving advertising technology software.* Case No. 8:2012-cv-00444 (C.D. Cal. 2012) and Case No. 2:2010-cv-02107 (C.D. Cal. 2010).

- ***TEK Corporation v. Sealant Systems International; Accessories Marketing Inc. v. TEK Corporation (*N.D. Cal. 2012).** Defended Sealant Systems International ("SSI") in patent infringement action brought by TEK Corporation. SSI filed its own action for declaratory judgment against TEK and successfully dismissed the action for lack of personal jurisdiction. SSI's sister company, Accessories Marketing, Inc. ("AMI"), also asserted a patent against TEK. On summary judgment, SSI invalidated TEK's patent based on prior art. AMI proceeded to trial on its patent and a jury awarded AMI damages based on a 7% royalty. Case Nos. 3:2011-cv-00774 and 5:2011-cv-01649.

- ***Semiconductor Laboratories v. Chimei Innolux* (C.D. Cal. 2012).** Defended Chimei Innolux, Chi Mei Optoelectronics, Acer, Viewsonic and Vizio in patent litigation relating to the manufacture of liquid crystal displays. Innolux filed seven petitions for IPRs before the USPTO Patent Trial and Appeal Board (PTAB), all of which were instituted. In a now widely-cited opinion, Innolux also obtained the first opposed motion to stay the case pending the IPRs. The case settled on confidential terms. Case No. 8:2012-cv-00021.

- ***Shimano American Corporation v. VRC Rods et al.* (C.D. Cal. 2012.)** Represented plaintiff in action for declaratory judgment of non-infringement and invalidity of patent; represented counter-defendants in counterclaim for patent infringement; counterclaims dismissed with prejudice.

- ***Thinkoptics v. Nyko* (E.D. Tex. 2011).** Defended Nyko in a patent infringement action in the Eastern District of Texas over pointer technology. Case No. 6:2015-cv-00046.

- ***Ogma v. Nyko* (E.D. Tex. and ITC 2011).** Defended Nyko in a patent infringement action in the International Trade Commission ("ITC") and Eastern District of Texas regarding accelerometer technology. Case settled successfully after minimal discovery and after exchange of infringement and invalidity positions. Case No. 2:2011-cv-00302.

- ***Uniloc USA, Inc. et al. v. Cyberlink.com Corp. et al.* (E.D. Tex. 2010).** Defended Diskeeper Corporation against patent infringement claim relating to computer software activation system. Obtained a dismissal with prejudice with no payment or relief of any type to the plaintiff. Case No. 6:2010-cv-00069.

- ***Hospital Systems Corp. v. Diamedx, Inc.* (E.D. Tex. 2010).** Represented client Intuitive Imaging Informatics, LLC in a patent infringement case over the use of software magnification technology. Case settled with a motion to dismiss for lack of personal jurisdiction pending. Case No. 2:2010-cv-00066.

- ***Kruse Technology Partnership v. Isuzu Motors Limited et al.* (C.D. Cal. 2010).** Defended Isuzu in patent infringement claim relating internal combustion engines. The case settled on confidential terms. Case No. 2:2009-cv-03710.

- ***Large Audience Display Systems v. The Los Angeles Lakers, Inc. et. al.* (E.D. Tex. 2010).** Represented the defendant in patent infringement action; won motion to transfer from E.D. Tex. to C.D. Cal.; case settled. 98 U.S.P.Q. 2nd 1360 (E.D. Texas 2010).

- ***Pure Fishing, Inc. v. Shimano American Corporation and Innovative Technologies, Inc.* (S.D. S. Carolina 2010).** Represented defendants in action for patent infringement; case settled on confidential terms. Case No. 3:2010-cv-02139.

- ***Interactive Software v. Artafact* (D. Mass. 2009).** Represented Artafact in patent infringement case centered on the technology for online focus groups. Successfully stayed the case pending re-examination of the patent at issue, and the case subsequently settled. Case No. 1-08-cv-10101 (DMA).

- ***Lenox MacLaren v. Medtronic* (D. Col./Arbitration 2009).** Represented a medical device manufacturer in patent infringement and breach of contract action against Medtronic pertaining to a device used in spinal fusion surgery. Arbitration award in favor of client. Case No. 1:2010-cv-02139.

- ***SciCoTec v. Boston Scientific* (E.D. Tex. 2009).** Represented the inventor of a revolutionary design change in angioplasty catheters, used in the most advanced catheters for angioplasty procedures. Client brought a patent infringement suit against Boston Scientific, which settled the day before jury selection. Case No. 9:2007-cv-00076.

- ***Terray v. Zimmer* (Chicago - Arbitration 2009).** Represented manufacturer of plates used to treat fractures in trauma cases. Patented plates were manufactured by Zimmer internally in breach of contract. Arbitration award in favor of client.

- ***Kruse Technology Partnership v. Caterpillar Inc.* (C.D. Cal. 2008).** Defended Caterpillar in patent infringement claim relating to internal combustion engines.* The case settled on confidential terms. Case No. 2:2004-cv-10435.

- ***Peregrine Pharmaceuticals v. Cancer Therapeutic* (Orange County 2008).** Represented defendant as technology counsel in breach of contract case over revolutionary cancer drug for treating lung cancer. Orange County Superior Court Case No. 07CC00544.

- ***The Procter & Gamble Company v. Kraft Foods, Inc.* (2008).** Represented Procter & Gamble in multiple patent infringement lawsuits relating to packaging ground coffee.* Case Nos. 4:07-cv-04413 and 4:2008-cv-00930. The cases settled on confidential terms.

- ***Nautilus v. Icon* (W.D. Wash./D. Utah 2007).** Represented Nautilus in a lawsuit over the Bowflex exercise machine in patent and trademark disputes against its competitor, Icon Health & Fitness. After a trial and two appeals to the Federal Circuit, the case settled before a second trial and while the second appeal to the Federal Circuit was pending. Case No. 3:2016-cv-05393 (W.D. Wa. 2016) and Case No. 1:2017-cv-00154 (D. Utah 2017).

- ***Semiconductor Energy Laboratory v. Chi Mei Optoelectronics et al.* (N.D. Cal. 2007).** Defended Chi Mei Optoelectronics. Obtained summary judgment of invalidity and noninfringement on multiple patents relating to manufacturing LCDs.* Case No. 3:2007-cv-01667.

- ***Park Smith v. Smith & Noble* (S.D.N.Y. 2006).** Represented the defendant in a design patent infringement case. Case settled on favorable terms with no discovery or depositions taking place. Case No. 2:2005-cv-04975.

- ***Scantibodies v. Immutopics* (C.D. Cal. 2006).** Represented Scantibodies in patent infringement action involving complex biotechnology directed to immunoassays concerning parathyroid hormone. Case dismissed and affirmed on appeal. Case No. 2:2004-cv-08871.

- ***Medtronic v. Michelson* (W.D. Tenn. 2004).** Stan Gibson was one of the lead trial lawyers representing Dr. Michelson, the inventor of revolutionary spinal fusion technology, and the company he founded in a dispute over unpaid royalties, the scope of certain contracts and patent infringement. After a five-month jury trial, the jury found in favor of Dr. Michelson, awarding $110 million in damages, $60 million in patent infringement damages and $400 million in punitive damages. Medtronic subsequently acquired Dr. Michelson's patents and technology for $1.35 billion. Case No. 2:2001-cv-02373.

- ***Meade v. Celestron/Celestron v. Meade (C.D. Cal. 2003).*** Represented Celestron in a patent infringement dispute over software used to control the positioning of amateur telescopes. After Meade's attempt at a preliminary injunction was denied and with Celestron's motion for summary judgment pending, case settled on favorable terms. *Meade v. Celestron* Case Nos. 8:2001-cv-00976, 8:2002-cv-00544 and 8:2002-cv-00558 *Celestron v. Meade* Case Nos. 8:2002-cv-01097 and 2:2002-cv-08929.

- ***Welcome Co. v. Harriett Carter Gifts Inc.* (D.C. Cal. 1998).** Represented Welcome Co. in patent infringement action. The grant of a preliminary injunction enjoining patent infringement was affirmed per curiam.* (Fed. Cir. 1999). Case No. 2:1998-cv-00598 or 2:1998-cv-06047.

- ***Ex Parte Plutsky,* (Bd. Pat. Application. & Int. 1996).** Reversing Patent Examiner's decision of obviousness.*

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

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

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

- ***Intraspace Satellite Corporation v. Continental Satellite Corporation* (Arbitration).** Represented a small satellite manufacturer in a breach of contract action in which the defendant, Continental Satellite Corporation, failed to pay milestone payments upon termination of a satellite manufacturing contract due under a termination for convenience clause. During a six month arbitration, presented testimony of the client and experts proving that the client had performed a significant amount of reliable engineering work. At the conclusion of the arbitration, the arbitrator awarded $16.7 million, which was later confirmed by the Court in a judgment against Continental.

We welcome the opportunity to discuss your business and your patents, and how we can help you achieve your goals.

For more information, see https://www.jmbm.com/patent-litigation-group.html.

**These matters were handled by members of the Patent Litigation Group before they joined Jeffer Mangels Butler & Mitchell LLP.*

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

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

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