



McKool Smith  
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#### EDUCATION

- J.D., with honors, The University of Texas at Austin School of Law, 2006. American Journal of Criminal Law, Executive Editor; Texas Intellectual Property Law Journal, Staff Editor.
- B.A., summa cum laude, The University of Texas at San Antonio, 2002. 2002 Harry S. Truman Scholar.

#### COURT ADMISSIONS

- State of Texas
- U.S. District Courts for the Northern, Southern, Eastern, and Western Districts of Texas
- The U.S. Court of Appeals for the Federal Circuit

#### BAR ADMISSIONS

- State Bar of Texas

## GRETCHEN K. HARTING

### ASSOCIATE

Gretchen Harting is an Associate in the Austin office of McKool Smith, whose practice deals with patent litigation, intellectual property, and commercial litigation.

Ms. Harting worked as a Graduate Research Assistant for Sr. Professor Olin G. Wellborn, University of Texas at Austin. She was involved in researching, selecting, and presenting replacement cases and in the revising and critiquing of Sr. Professor Wellborn's 3rd edition of *Cases and Materials on the Rules of Evidence*.

Ms. Harting also served as a Graduate Research Assistant to Professor Oren Bracha, University of Texas at Austin, focusing on legal history and intellectual property and as a Graduate Research Assistant to Professor Alan Rau, University of Texas at Austin, focusing on arbitration. She also served as a Graduate Research Assistant to Professor Melvin Eisenberg, during her first year of law school at Boalt Hall School of Law at Berkeley, California, focusing on contract law.

#### REPRESENTATIVE MATTERS

**MagSil Corp. & Mass.Institute of Tech.** *MagSil Corp. & Mass. Institute of Tech. v. Seagate Tech., et al.* (D. Del). Represents MagSil and MIT in a patent infringement case against Defendants involving hard drives and/or hard disk drive components using Tunneling Magnetoresistive (TMR) technology.

**BTG International, Inc.** *BTG International, Inc. v. Samsung Electronics Co., Ltd., et al.* (E.D. Tex.); *BTG International Inc. v. Apple Inc., et al.* (E.D. Tex.); *Certain MLC Flash Memory Devices and Products Containing Same* (USITC). Represents BTG International Inc. in a suit filed against Samsung et al., a suit filed against Apple et al., and a complaint filed in the United States International Trade Commission against numerous respondents for patent infringement involving Multi-Level Cell flash memory chips.

**i4i Limited Partnership and Infrastructures for Information Inc.** *i4i Limited Partnership v. Microsoft Corporation* (E.D. Tex.). Represents i4i Limited Partnership and Infrastructures for Information Inc. in a suit filed against Microsoft Corporation for patent infringement involving a method and system for manipulating architecture and content of a document separately from each other. After an eight-day trial, the jury found the patent valid and infringed, rendering a verdict in favor of i4i Limited Partnership and Infrastructures for Information Inc.

**Wi-LAN, Inc.** *Marvell Semiconductor, Inc. v. Wi-LAN, Inc.* (N.D. Cal.) Represented Wi-LAN, Inc. in a declaratory judgment action brought by Marvell. The parties stipulated to a dismissal of the action with prejudice.

**Wi-LAN, Inc.** *Quanta Computer, Inc. v. LG Electronics, Inc.*, was a member of the team that filed an *amicus* brief on behalf of Wi-LAN, Inc. at the U.S. Supreme Court in this important patent exhaustion case.

**Wi-LAN, Inc.** *Commonwealth Scientific and Industrial Research Organisation v. Buffalo Technology (USA), Inc.*, was a member of the team that filed an *amicus* brief on behalf of Wi-LAN, Inc. at the Federal Circuit in this important post-*eBay* case on the availability of injunctive relief for non-practicing entities.

**Ciphergen Biosystems, Inc.** *Health Discovery Corporation v. Ciphergen Biosystems, Inc.* (E.D. Tex. / N.D. Cal.). Represented Ciphergen Biosystems, Inc. in the defense of allegations of patent infringement involving the use of learning machines for examining differential protein expression in the search for biomarkers to use as drug targets or for use in designing diagnostic tests. Ms. Harting's team successfully moved for a transfer of venue to the Northern District of California. The case settled prior to the case management conference on terms favorable to Ciphergen Biosystems, Inc.

**Texas MP3 Technologies, Ltd.** *Texas MP3 Technologies, Ltd. v. Samsung et al.* (E.D. Tex.). Represented Texas MP3 Technologies, Ltd. in a suit filed against Samsung, Apple, and SanDisk for patent infringement involving portable audio devices capable of reproducing MPEG-encoded data. The case settled prior to a *Markman* hearing.

## **PROFESSIONAL ACTIVITIES**

Texas Young Lawyers Association; Austin Intellectual Property Law Association.