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When it comes to intellectual property litigation, *Law360*, *Managing IP*, *Chambers USA*, *Legal 500*, and *Benchmark Litigation* all agree — McKool Smith delivers.

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**McKool Smith**

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# Recent IP Awards and Honors

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Named a Finalist for “National Boutique/Specialty Litigation Department of the Year” at The American Lawyer Industry Awards (2021)

Awarded “U.S. Patent Plaintiff Firm of the Year” by Managing IP (2020)

Ranked as a leading U.S. Patent Litigation firm by Chambers USA, Chambers Global, The Legal 500, Benchmark Litigation, and U.S. News-Best Law Firms (2018-2022)

Ranked as a leading U.S. Firm for PTAB (USPTO) Disputes by Managing IP (2018-2021)

Ranked as a Top National and Regional Firm by Intellectual Asset Management (IAM) “Patent 1000” (2018-2022)

Highest Patent Challenger Win rates among PTAB Petitioner’s firms by Intellectual Asset Management (IAM) (2022)

Ranked among Most Active and Best Performing ITC Firms by Patexia (2023)

Awarded “Litigation Department of the Year – Intellectual Property” by Texas Lawyer (2022)

Awarded “Litigation Department of the Year” (midsize) by Texas Lawyer (2022)

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# Intellectual Property Litigation

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In IP cases, McKool Smith's courtroom track record is unrivaled. The firm has secured 13 nine-figure patent infringement verdicts—more than any other law firm—and 15 eight-figure patent infringement verdicts.

Our trial lawyers convert highly complex technical issues into straightforward concepts to persuade judges and juries, and we pride ourselves on having technology specialists in every subject matter that we litigate. The firm represents clients across all areas of intellectual property litigation including patent, copyright, trademark, false advertising, and trade secret disputes.

Matters encompass a broad range of technologies and industries including electronics, semiconductors, software, telecommunications, the internet, FDA-approved drugs and medical devices, chemical engineering and materials science, and media and entertainment. Because most cases require court construction of numerous patent claim types and claim terms, we have extensive experience in handling claim construction issues.

We represent clients in district courts, International Trade Commission (ITC)/Section 337 disputes and investigations, appeals to the Patent Trial and Appeal Board (PTAB) at the U.S. Patent and Trademark Office (USPTO), and the U.S. Court of Appeals for the Federal Circuit. We have significant experience in patent litigation hotspots including the Eastern District of Texas, Western District of Texas, District of Delaware, and the Northern District of California. Our ranks include former clerks from the Federal Circuit and regional circuits as well as district court clerks from across the country.

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# Why McKool Smith?

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- Home to many of the nation's most respected patent trial lawyers
- Reputation for securing large verdicts, driving successful settlements, and providing a vigorous defense in litigation
- 60+ patent litigators firm-wide
- 30+ attorneys with science & technical degrees (15+ advanced degrees)
- 20+ attorneys admitted before the USPTO
- 1 former Acting General Counsel of the USPTO
- 5 former clerks for the U.S. Court of Appeals for the Federal Circuit
- 5+ former regional Circuit Court clerks
- 20+ former U.S. District Court clerks
- IPR practice synchronized with trial teams
- In-house expertise
  - Shadow jury team
  - Jury study team
  - Trial logistics team
  - Financial experts

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# Leaders in Litigation

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**PanOptis.** Secured a \$300 million verdict in a patent damages retrial against Apple, which was found to have willfully infringed five PanOptis patents that cover wireless communication technology essential to the 4G LTE wireless standards.

**Nokia Technologies.** Represented Nokia in several patent infringement actions against Apple concerning alleged infringement of Nokia patents directed to video coding and other technologies. Settled when Apple agreed to pay Nokia \$2 billion.

**Sanofi and Regeneron.** Amgen subsidiary Immunex sued Sanofi and Regeneron in the Central District of California, alleging that Dupixent infringes a single patent. Defendants challenged that patent in an IPR, and the infringement case was stayed pending the outcome of the PTAB case. Secured a victory in the IPR proceedings when the USPTO found all claims of Immunex's patent to be unpatentable for obviousness. Affirmed by the Federal Circuit and the U.S. Supreme Court denied cert.

**Dr. Ford Albritton IV.** Went to trial in the Northern District of Texas against Acclarent, a division of Johnson & Johnson, alleging that Acclarent infringes a patent related to a revolutionary, single-handed surgical device often used on patients suffering from chronic sinusitis. Favorably settled in the middle of trial.

**Ericsson.** Secured a \$75 million verdict against TCL Communications Technology Holdings Ltd. in a patent infringement suit concerning a system for controlling access to resources in a platform in a mobile terminal.

**Rovi Corp.** Claimed victory for TiVo's Rovi Corp. (now part of Xperi) against Comcast in the ITC regarding two Rovi patents relating to set-top boxes. Obtained an exclusion order prohibiting importation and distribution of infringing devices. Affirmed by the Federal Circuit and the U.S. Supreme Court denied cert.

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# Results Matter Most

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**BMC Software.** Settled with ServiceNow to resolve patent infringement disputes in the U.S. and Germany. In public filings, ServiceNow later revealed that it took aggregate charges of \$270 million related to the settlement.

**Versata.** Long-running patent litigation against SAP relating to enterprise pricing software. Won a \$345 million jury verdict and the final judgment of \$391 million was upheld by the Federal Circuit, and the U.S. Supreme Court denied cert.

**i4i.** In a dispute against Microsoft concerning markup language software, won a \$200 million verdict and an additional \$90 million in enhanced damages. The \$290 million judgment was unanimously affirmed by the U.S. Supreme Court.

**WiLAN.** Secured an \$85 million jury verdict in a damages retrial against Apple in a patent infringement suit concerning two WiLAN patents that cover voiceover LTE wireless communication technology used in Apple iPhones, Watches, and iPads.

**Medtronic.** Obtained a \$250 million verdict against Boston Scientific concerning infringement of Medtronic patents covering angioplasty catheters and balloons.

**ParkerVision.** Tried to a \$173 million verdict an action against Qualcomm involving numerous patents related to direct conversion receiver technology for use in high-performance wireless telecommunications devices.

**Visto Corp.** Represented Visto against RIM in multiple U.S. and foreign patent litigation cases over smartphone synchronization software, resulting in a settlement payment in the amount of \$268 million.

**Pioneer Corp.** Won a \$59 million verdict against Samsung in a dispute concerning two Pioneer patents covering plasma display technology.

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# About McKool Smith

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With 130 trial lawyers across offices in Austin, Dallas, Houston, Los Angeles, Marshall, New York, and Washington, D.C., McKool Smith has established a reputation as one of America's leading trial firms. The firm has secured 13 nine-figure jury verdicts and 15 eight-figure jury verdicts, obtaining more VerdictSearch and The National Law Journal "Top 100 Verdicts" than any other law firm.

These courtroom successes have earned McKool Smith critical acclaim and helped the firm become what The Wall Street Journal describes as "one of the biggest law firm success stories of the past decade." McKool Smith represents clients in complex commercial litigation, intellectual property, bankruptcy, insurance recovery, and white collar defense matters.

## McKool Smith

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