

PTAB Trial Practice at a Glance



The nation's **#1** performing law firm representing patent owners in IPR proceedings from 2012 through 2016 and among the top **10%** best-performing firms overall and the top **5%** most-active firms representing patent owners in IPRs over the past 5 years, as determined by Patexia. Ranked by IAM as being among the top 10 firms at preventing institution of trial on behalf of patent owners in IPR proceedings since 2013.



AT THE FOREFRONT

Our attorneys have been at the forefront of practice in AIA proceedings since they were first instituted in 2012 and stay on top of ever-evolving developments in rules and procedures to better guide our clients at every stage of the proceedings.



HIGHLY FAVORABLE RESULTS

Fitch Even has served as lead counsel in over **140** IPR and CBM cases with consistently positive results.

OUR HOLISTIC APPROACH

With our strong track record, we're well-suited to represent petitioners or patent owners in AIA proceedings. We leverage the adversarial skills of our top-notch patent litigators together with the keen technical analytic skills of our patent prosecutors.



"STRONG REPUTATION"

Fitch Even has a *"Strong reputation for work in the contentious and noncontentious spheres of patent, trademark, and copyright law"* and *"substantial experience handling post-grant, reexamination, and inter partes review at the USPTO."*

—Chambers USA

LITIGATION-TESTED STRATEGIES

We draw from a wealth of winning litigation experience to address the challenges of parallel proceedings, either as primary counsel in both district court and AIA proceedings or in cooperation with separate lead litigation counsel. We are adept at creating and executing innovative strategies that support litigation objectives and ensure positions taken in the proceedings harmonize with litigation positions.



Reported by *IAM* as the **top law firm** representing patent owners at the PTAB, based on research conducted by Unified Patents in 2017.

Representative Results

Google Inc. and Apple Inc. v. ContentGuard Holdings, Inc. **(PTAB 2015)**

Represented ContentGuard in 35 IPR and CBM proceedings filed against numerous digital rights management patents. Five proceedings were dismissed after a partial settlement. After submitting 30 preliminary responses, obtained PTAB decisions denying institution of trial in all but one remaining proceeding. Achieved final decision affirming patentability of amended claims, which was affirmed by the Federal Circuit.

Micron Technology, Inc. v. Limestone Memory Systems LLC **(PTAB 2016)**

Represented Limestone in five IPR proceedings filed against five patents relating to computer memory devices. Filed patent owner preliminary responses in four of these proceedings, electing to pursue claim amendments in the remaining proceeding. The PTAB denied institution of trial for one or more claims in each of the four proceedings, clearing those patents for continued assertion in the corresponding litigation.

HeathCo LLC v. Vaxcel Int'l Co. (PTAB 2016)

Represented petitioner HeathCo in an IPR proceeding related to a patent directed to a lighting control system. The PTAB instituted trial after considering patent owner's preliminary response, enabling HeathCo to secure a settlement with patent owner.

Apple Inc. v. Limestone Memory Systems LLC (PTAB 2016)

Represented Limestone in two follow-on IPR proceedings filed against two of the same patents addressed in the Micron Technology matters. The PTAB denied institution as to all claims in the first patent after preliminary response. The parties settled the second proceeding after briefing had completed.

National Gypsum Corp. v. United States Gypsum Co. **(PTAB 2017)**

Represented USG in seven IPR proceedings filed against its patents directed to gypsum wallboard manufacturing technology. After submission of patent owner preliminary responses, obtained PTAB decisions denying institution of trial in all proceedings.

United Microelectronics Corp., et al. v. Lone Star Silicon Innovations LLC (PTAB 2018)

Represented Lone Star in an IPR proceeding filed against a semiconductor processing patent. After submission of patent owner preliminary response, the PTAB denied institution on all claims.



In 2017 **Timothy P. Maloney** was ranked by Patexia as the **#3 best-performing** attorney representing patent owners in IPR matters and has been ranked in the **top 2%** of most-active attorneys representing patent owners in IPRs over the past 5 years.

"The Fitch Even team brings the rare combination of strong litigation capabilities and tremendous experience to our PTAB matters. They don't cut corners, dig deep into the details, and know the PTAB's unique and highly specialized procedures, so we always feel very well-represented."

— York Eggleston IV
CEO, Quartz Auto Techs. LLC



In 2018 and 2019 **Nicholas T. Peters** was ranked by Patexia among the **Top 10 most-active** attorneys representing patent owners in IPR matters. Over the past 5 years he has consistently been ranked in the **top 2%** of most-active attorneys overall.