

## IP Litigation

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In this highly competitive economy of the information age, successful businesses must leverage and protect their intellectual property in order to maintain a competitive advantage. A vigorous enforcement and defense of IP rights is now crucial to any successful business.

Our experienced team of IP litigators represents clients in matters involving patents, trademarks, copyrights, unfair competition and other related matters (see "Our Experience"). Our highly reputable attorneys are also invited to speak to other groups of lawyers about IP matters, and are periodically quoted in the legal trade press. One also lectures at a Boston law school and an international business school, having served in the technology licensing office of a prominent university.

Collectively, we have appeared in many venues across the country, including California, Massachusetts, New York, Texas and Virginia, and we have argued appeals at the Federal Circuit, as well as other U.S. Circuit Courts of Appeal.

We have also appeared before numerous arbitration panels, mediators and administrative agencies, including the U.S. Patent and Trademark Office and the International Trade Commission.

Our trial advocates also know how to develop creative business solutions to avoid protracted litigation, crafting licensing arrangements and other creative agreements that can serve the interests of both sides in order to settle cases quickly and affordably whenever possible.

When a client does decide that trial is necessary to achieve their objectives, we prepare a case to go all the way, knowing what is necessary to win at trial, or to defend or overturn a verdict on appeal.

### Our Service Difference

We place a cultural emphasis on individualized attention to every case, focusing on responsiveness, lean staffing, efficiency and results. Even in staffing a case, our goal is to utilize lawyers with industry knowledge who will work with clients for the duration of a case so that we have a stable service team that is always keenly aware of the business context in which litigation decisions must be made. We also make special efforts to understand the unique business background of each client as it pertains to any litigation assignment.

We know, for example, that a court ruling or settlement might be good for the patent at issue, but possibly harmful to other patents in a client's portfolio. We are careful to work collaboratively with all members of your business team to reach resolutions that make both business and legal sense.

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We understand and appreciate that a client is entrusting the value of their life's work to us when they turn to us as IP advocates, and we take that seriously. In fact, the very structure of our firm is client-focused, as we provide incentives to work collaboratively and share information to support our clients to the fullest, discouraging any attitudes or behavior that interferes with the rendering of superior client service.

## Our Clients

Our IP Litigation clients include individuals and institutions involved in retail, education, health care, drug manufacturing, medical device development, software development, apparel design, music and entertainment, book and magazine publishing, video game development, radio technology, and photo-imaging.

Our clients also are involved in other enterprises and technologies, and many have a geographic presence that spans across multiple states or countries.

As a result of our service to this diverse group of clients, we have experience dealing with the unique IP problems and concerns of many different industries.

## Our Experience

Goulston & Storrs has a broad range of litigation experience and a proven track record of success in handling a diverse array of IP matters involving patents, design patents, trade secrets, trademarks, trade dress, copyrights, sales of counterfeit goods, false advertising and unfair competition. We have also litigated complex pharmaceutical issues under the Hatch-Waxman Act, which sometimes involve both IP and anti-trust claims.

While our IP Litigation advocates strive to resolve IP disputes without the need for litigation, we aggressively assert and defend our clients' rights when necessary. We have substantial trial expertise in venues throughout the country, including the Eastern District of Texas, Eastern District of Virginia, Central and Northern Districts of California, District of Massachusetts, the Southern District of New York, the Eastern District of New York, and the District of Delaware, as well as appellate courts, including the U.S. Court of Appeals for the Federal Circuit.

Our trial lawyers also appear before various mediators and arbitration panels, including in proceedings under the Uniform Domain Name Dispute Resolution Policy, as well as administrative agencies, including the U.S. Patent and Trademark Office and the International Trade Commission. On a number of occasions, we have also acted as joint counsel for highly specialized patent interference or re-examination proceedings.

We also perform trademark clearance, registration, and brand management services for clients in many industries. See our "Intellectual Property" page in the Business-Corporate section of this site for more information.

## Representative Matters

### **Media Company Dispute With Former CEO and Founder**

Representation of a national media company in connection with a dispute implicating intellectual property, employment, partnership, and other concerns related to the departure of a former CEO and current limited partner and the launch of a competing business.

### **Claims of Trademark Infringement and Unfair Competition Brought by a Competitor**

Successfully defeated claims of trademark infringement and unfair competition brought by a competitor and obtained award of attorneys' fees for our client, a national retail chain. The judgment was affirmed by the U.S. Court of Appeals for the Federal Circuit, and enabled client to continue marketing products under its valuable brand.

### **Trademark-Infringement Lawsuit Brought Against a Fortune 500 Client's Advertising Campaign**

Successfully obtained summary judgment dismissing trademark-infringement lawsuit brought against a Fortune 500 client's advertising campaign and related consumer products.

### **Design Patent and Trade Dress Infringement of Office Supply Designs**

Represented client against claims of design patent and trade dress infringement of office supply designs. Successfully obtained dismissal all claims, which was affirmed by the U.S. Court of Appeals for the Federal Circuit.

### **Represented Grammy-Award Winning Musician and Major Label Recording Company**

Represented Grammy-award winning musician and major label recording company in litigation protecting copyright and publicity rights.

### **Digital Millennium Copyright "Takedown" Enforcement and Litigation**

On behalf of international video game developer in Digital Millennium Copyright "takedown" enforcement and litigation concerning the scope of copyright and trade dress protections for online video game software, server code and website display, we successfully obtained permanent injunctions and awards of damages and attorneys' fees.

**Misappropriation of Trade Secrets and Inequitable Conduct Brought Against Patent Attorneys**

Obtained a dismissal of claims of misappropriation of trade secrets and inequitable conduct brought against patent attorneys who were our clients.

**Digital Millennium Copyright Act for the Removal of Unauthorized Copies of Its Proprietary Source Code**

Represented and counseled online video game developer with enforcing its rights under the Digital Millennium Copyright Act for the removal of unauthorized copies of its proprietary source code from websites and engaging in multi-jurisdictional trademark and copyright litigations resulting in permanent injunctions, the destruction of infringing materials and winning awards for damages and attorneys' fees.

**Patent Covering Life-Saving Therapeutic Drugs From Claims of Invalidity in Hatch-Waxman/ANDA Litigation**

Represented client in protecting its patent covering life-saving therapeutic drugs from claims of invalidity in Hatch-Waxman/ANDA litigation and secured an award of client's attorneys' fees, which was affirmed by the U.S. Court of Appeals for the Federal Circuit.

**Claims of Design Patent and Trade Dress Infringement**

Defense of a multi-national retailer against claims of design patent and trade dress infringement by successfully dismissing all claims and having the dismissal affirmed on appeal.

**Investigated Unauthorized Disclosure of Client's Confidential and Proprietary Information in a Published Academic Journal**

Investigated unauthorized disclosure of client's confidential and proprietary information in a published academic journal, which included the coordination of successful efforts to remove such information from publicly available sources and enforcement efforts against individuals located in South Africa and India.

**Claims of Misappropriation of Confidential, Proprietary Information and Trade Secrets**

Obtained a jury defense verdict exonerating software consulting firm from claims of misappropriation of confidential, proprietary information and trade secrets under statutory and common law.

**Patent Infringement Case on Behalf of a World-Renowned Teaching Hospital Against a Generic Pharmaceutical Company**

Obtained a jury verdict in a patent infringement case on behalf of a world-renowned teaching hospital against a generic pharmaceutical company. The jury found the patent was valid and willfully infringed, awarding our client over \$10 million.

**Patent Infringement by a Non-Practicing Entity**

Successfully negotiated unconditional dismissal without payment of case alleging patent infringement by a non-practicing entity brought against nearly fifty companies.

## Publications

August 7, 2018

**Massachusetts Federal Court Warns that IP Practitioners Should Anticipate Potential Conflicts Among Existing Clients**

December 12, 2017

**U.S. District Court for the District of Massachusetts Seeks Public Comment on Proposed Revisions to Local Patent Rules**

June 12, 2017

**Intellectual Property Insights Roundtable**

February 27, 2017

**"Jurisdictional Considerations Involving Intellectual Property," MassBar ComCom Quarterly**