

## Representative Legal Matters

Kevin O'Brien

The following is a partial listing of district court and International Trade Commission intellectual property litigation matters handled by Kevin M. O'Brien:

- *Enventure Global Technology, Inc. v. Mohawk Energy, Ltd.*, 4:2015 c v01053 (SD. Tx., December 18, 2018). Result: Representing the plaintiff, we received a final judgement of willful infringement of five patents, a permanent injunction, enhanced damages and attorney's fees.
- Investigation No. 337-TA-939 Issue: Patent Infringement – 3D Cinema Systems and Components. Related District Court Case: *Real D, Inc. v. MasterImage 3D, Inc. et al.* Result: Obtained exclusion order and cease & desist order on three patents against all defendants.
- Investigation C-542-801 Issue: Represented the largest Sri Lankan tire manufacturer in a subsidy investigation that resulted in a small margin; succeeded in challenging that margin before the U.S. Court of International Trade.
- Investigation No. 337-TA-892 Principal Issue: Patent Infringement – Network Streaming Devices and Applications. Related District Court Case: *Straight Path IP Group, Inc. v. Vizio, et al.* Result: Complainant withdrew complaint prior to hearing.
- Investigation A-580-889 Issue: Successfully obtained an antidumping order covering imports of phthalate-free plasticizer.
- Investigation No. 337-TA-863 Principal Issue: Trade Secret Misappropriation - Paper Shredders and Components. Related District Court Case: *Fellows Inc. v. New United et al.* Result: Obtained consent judgment against all defendants.
- Represented a copper pipe and tube producer continuously since the 2009 antidumping investigation into imports from China and Mexico; obtained a series of "no dumping" findings, including through federal court litigation; company currently has a zero dumping margin for Chinese imports.
- *Wells Fargo Bank, N.A. v. WMR e-PIN, LLC* (MLW No. 62720/Case No. 09-3800) (U.S. Court of Appeals, 8th Circuit) Result: Obtained affirmance of arbitration panel determination of trade secret misappropriation.
- *Sued Chemie, Inc. v. Multisorb Technologies, Inc.*, 54 F. 3d 1001 (Fed. Cir. 2009) Result: Obtained reversal of lower court decision, patent held invalid.
- *Co-Steel Raritan, Inc. v. United States ITC*, 03-1006, 03-1099, United States Court of Appeals for the Federal Circuit, 357 F.3d 1294; 2004 U.S. App. LEXIS 1097; 25 Int'l Trade Rep. (BNA) 2099, January 26, 2004, On remand, *Co-Steel Raritan v. United States ITC*, 2005

Ct. Intl. Trade LEXIS 65 (Ct. Int'l Trade, June 7, 2005) Result: Obtained reversal of ITC decision, no injury caused by unfair price competition

- Investigation No. 337-TA-548 Principal Issue: Patent Infringement-Tissue Converting Machinery. Related District Court Case: Fabio Perini North America, Inc. v. Chan Li Machinery Ltd., Inc. Result: Case settled while motions for invalidity were pending and complaint withdrawn.
- Investigation No. 337-TA-524 Principal Issue: Patent Infringement-Point of Sale Terminals. Related District Court Case: Verve v. Thales e-Transactions, Inc. Result: Case won on all issues.
- Investigation No. 337-TA-351 Principal Issues: Trade Secret Theft and Trademark Infringement-Removable Disks and Disk Drives. Related District Court Case: Syquest Corp. v. Nomai et al. Result: Obtained partial summary judgment, then case settled.
- Hazani v. United States ITC, 96-1231, 96-1262, 96-1411, 96-1415, United States Court of Appeals for the Federal Circuit, 126 F.3d 1473; 1997 U.S. App. LEXIS 28447; 44 U.S.P.Q.2D (BNA) 1358, October 14, 1997, Rehearing En Banc and Rehearing Denied January 22, 1998, Reported at: 1998 U.S. App. LEXIS 1370. Rehearing, en banc, denied by Hazani v. United States ITC, 1998 U.S. App. LEXIS 1370 (Fed. Cir., Jan. 22, 1998) Result: Affirmance of ITC finding of patent invalidity.