

Intellectual Property Litigation

The Intellectual Property Litigation attorneys at Lowenstein Sandler understand how innovation and creativity influence businesses today. Valued for providing strategic advice from a legal perspective, our lawyers help clients navigate business relationships, opportunities, and liability. When disputes arise concerning patents, trademarks, copyrights, trade secrets, or other types of intellectual property, Lowenstein Sandler is a powerful and steady-handed partner, measuring our strength in the courtroom against alternative solutions that best serve our clients' goals and interests.

As noted by *Chambers USA*, our team "impresses clients with a creative approach ... accessibility and diligence." We consider how each legal matter is aligned with corporate strategy, knowing that the costs of winning a case can sometimes exceed the benefits of an amicable resolution. We have successfully litigated many types of cases to completion, including licensing disputes; patent, trademark, trade secret, and copyright infringements; disputes regarding IT projects; and patent reexaminations, trademark oppositions, and cancellation proceedings in the U.S. Patent and Trademark Office.

As an Intellectual Property Law firm we run lean, multidisciplinary teams with experience across several industries, products, and services. Many of our clients are on the leading edge of technology, including businesses in biotech and life sciences, semiconductor and LED technologies, biometrics, and software. Our patent prosecutors hold degrees in physics, chemistry, biology, electrical engineering, and mathematics, allowing key insights into the processes that create virtually every imaginable product and patentable method or process. We counsel businesses in media and safeguard the rights of professional authors, artists, and other creatives, including inventors. We provide a full range of trademark and trademark-related services to ensure the protection of valuable client products, services, and business names, symbols, slogans, domain names, and trade dress.

The IP Litigation team integrates the work of complementary practices at the firm to best serve a business. By working with colleagues focused on transactions or financing, for example, we are empowered to lend a dealmaker's perspective to litigation and a litigator's perspective to making deals. In every representation, our lawyers offer comprehensive counsel, protection, and strategic legal guidance.

EXPERIENCE

- Represented a leading public university in defending an antitrust, RICO, and declaratory judgment action in which plaintiff alleged that the university had fraudulently obtained certain patents and entered into exclusive license agreements premised on those patents. Motion to dismiss granted.
- Defended Rutgers University in a patent and antitrust matter in which a terminated patent licensee sued Rutgers to invalidate 24 of Rutgers' patents, and asserted antitrust and RICO claims based on alleged anticompetitive licensing practices and unlawful enforcement of invalid patents. Case was dismissed in a published decision, *Jersey Asparagus Farms, Inc. v. Rutgers Univ.*, 803 F. Supp. 2d 295 (D.N.J. 2011), which was not appealed.
- Prevailed at jury trial in obtaining for Joyal Products an \$18 million judgment of patent infringement against a Chinese motor manufacturer; after successfully defending an appeal of the judgment before the Federal Circuit, settled for more than the amount of the judgment.
- Represented an international corporation to preserve its right as a licensee of intellectual property.
- Represents an international corporation in a high-stakes federal litigation relating to copyright infringement and unfair competition allegations.
- Achieved a favorable ruling for Rutgers University against Scan-Tech following a nine-week bench trial in which the court ruled in favor of Rutgers' claim for money damages and dismissed the defendant's counterclaim for the misappropriation of trade secrets related to cutting-edge X-ray technologies that are now used in airports.
- Successfully defended a subsidiary of Warner Music Group against copyright, trademark, and breach of license agreement claims brought by the Estate of Frank Zappa relating to digital distribution rights; obtained summary judgment on counterclaims finding that the plaintiff had infringed the record label's rights, which led to a settlement.
- Litigated and settled numerous cases on behalf of many clients in patent infringement litigations brought by non-practicing patent-holding corporations throughout the U.S.
- Represented Rutgers University for many years in disputes with licensees of Rutgers' patent rights.
- Successfully defended the estate of the deceased inventor of the popular Super Soaker water gun against claims of theft of ideas and trade secret misappropriation, obtaining summary judgment dismissing all claims against our client.
- Successfully defended retailer Daffy's against trademark infringement and counterfeiting claims by Gucci. After a bench trial finding Daffy's to be an innocent infringer and denying Gucci's requests for an accounting of profits, a recall, and a permanent injunction, successfully defended the judgment on appeal, reported at *Gucci America, Inc. v. Daffy's, Inc.*, 354 F.3d 258 (3d Cir. 2003).
- Prevailed for Joyal Products following a 50-day hearing in an AAA international arbitration. The panel ruled that the respondent violated a trade secret and know-how license that Joyal granted to Axis, an Italian company, in connection with Axis's purchase of commutator fusing machines for incorporation in the automated assembly machinery that it manufactured.
- Prevailed in a jury trial on Joyal Products's patent infringement claim against Johnson Electric Company, including willful infringement, resulting in the court awarding all our attorneys' fees and trebling the jury verdict.

- > Settled a bitterly fought patent case for Dicar after defeating Stafford Products Inc.'s antitrust claims.
- > Coordinating the litigation defense of a \$150 million copyright claim brought against SNL Financial in New Jersey federal court.
- > Successfully represented a record label in a case involving copyright and trademark infringement, breach of contract, and related claims brought by a major recording artist. The case settled favorably for our client.

HONORS & AWARDS

- > **Chambers USA: America's Leading Lawyers for Business: (2018-2019)**

Ranked in Band 2 for Intellectual Property in New Jersey

- > **IAM Global Leader (2020)**

Recognizing experience relating to creating, protecting, managing, transacting, and enforcing critical patent rights as well as ability to innovate and inspire in delivering for clients

- > **Juristat: Juristat (2016, 2019, 2021)**

Ranked #1 on the list of top patent firms for Technology Center 2400 (2016)

Ranked among the top patent firms for Technology Center 2400 (2019, 2021)

Ranked among the top patent firms for Technology Center 2100 (2016, 2019, 2021)