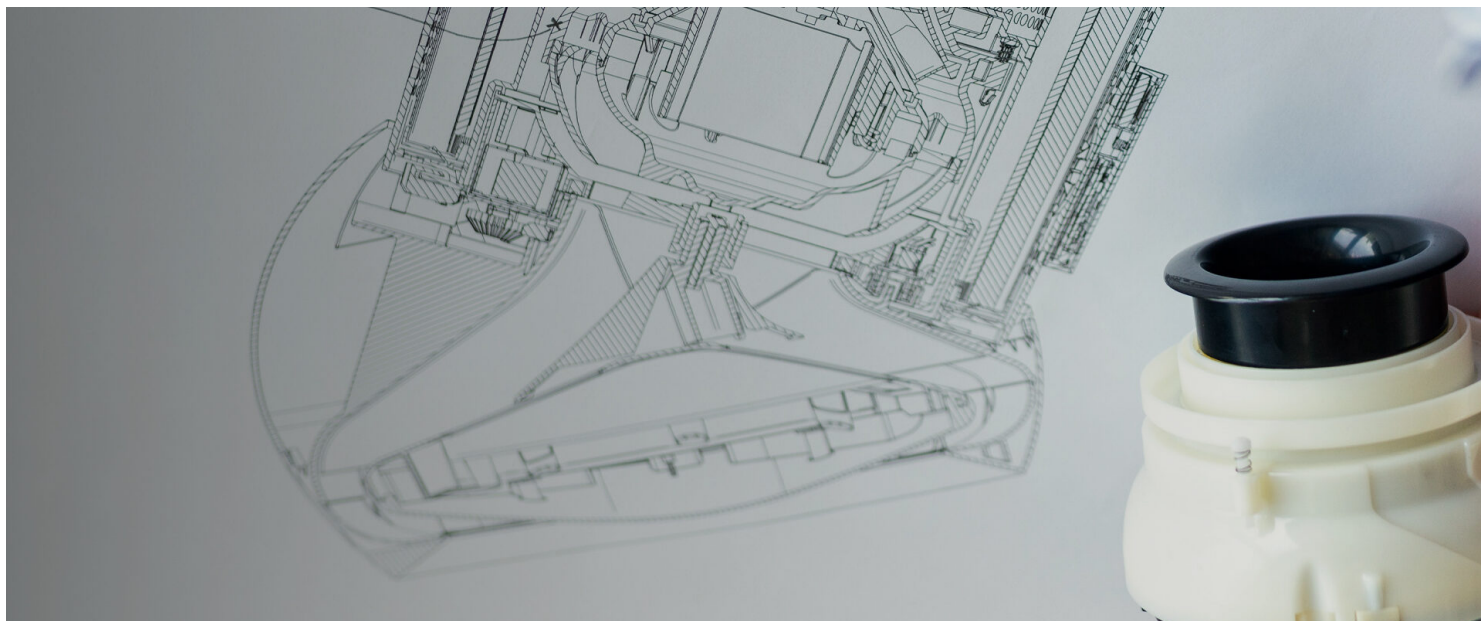


Intellectual Property Litigation



Intellectual property disputes can be challenging and time-consuming. Our attorneys support you every step of the way. We work to understand your unique business and financial goals to discern how to best handle your case and bring it to a timely, favorable and economical conclusion.

Our Intellectual Property Litigation Group is comprised of seasoned professionals with the necessary experience and education to understand highly technical cases. With knowledge across a breadth of disciplines, we are prepared and well-equipped to effectively serve clients across virtually any industry. We have handled scores of cases involving the enforcement of copyrights, trademarks, trade dress, patents, trade secrets and non-compete agreements. We have handled intellectual property cases in courts across the country including district courts, federal [appellate](#) courts, state courts and agency tribunals.

Our team also includes a number with backgrounds in technical fields such as chemical, materials science, biochemical, electro-mechanical and mechanical engineering. This allows us to understand the technicalities of our clients' cases and ensure that we gain comprehensive protection of our clients' intellectual property assets.

Key Contacts



Andrew L. Oltmans
(717) 556-1049
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M. Kelly Tillery
(215) 796-7246
ktillery@saxtonstump.com

Team

[Hon. Lawrence F. Stengel \(Ret.\)](#)
[Hon. Christopher C. Conner \(Ret.\)](#)
[Cherie W. Blackburn](#)
[Amanda D. Dempsey](#)
[Chad G. Goebel](#)
[Thomas J. Kent, Jr.](#)
[Shaun J. Mumford](#)
[Damon Neagle](#)

We are well-equipped to handle cases that are complex and document intensive. Our team's depth of experience allows us to simplify and clearly communicate your matter to judges, juries, mediators and arbitrators.

Pretrial Strategy

From the start, we use our technical and legal experience to determine the best course of action to secure favorable results economically. To understand your case, we formulate appropriate and thorough litigation strategies through witness selection and preparation, oral arguments, depositions, document production and drafting of legal memoranda and motions to find and execute a decisive argument.

We have the capabilities to examine millions of documents through electronic discovery. We work with forensic investigators and former FBI analysts to convert electronically stored information into a format that is usable and effective in litigation through metadata analysis and forensic examination and restoration. The success of high-volume eDiscovery starts early and requires foresight and strategic planning to streamline review and production of what could be an unmanageable quantity of documents. Our attorneys develop an eDiscovery plan which includes management of documents, negotiation of terms and parameters, execution of examining documents, evaluation for privilege, and determination of methods to effectively leverage this information in court. Our capability in handling eDiscovery is extremely useful in intellectual property and complex litigation matters.

While we are always prepared to go to trial, we pursue pre-trial options through creative settlement options and alternative dispute resolutions when appropriate. We have a team of trial attorneys who are comfortable in the courtroom and experienced in trying issues before judges and juries. No matter the method used to resolve your matter, we are cognizant and considerate of your business and financial goals and look for cost-effective and case-effective solutions.

Settlements

Going to trial can be a distressing event. Our team utilizes settlements when appropriate to secure favorable outcomes in a more cost-efficient and time-effective manner. Based on our experience, we can craft settlement agreements that meet your business and financial goals.

[Michael D. Pipa](#)
[Ronald H. Pollock](#)
[Michael Berkowitz](#)
[Bijan K. Ghom](#)
[Lauren A. Green](#)
[Andrew D. Mead](#)
[Steven L. O'Donnell, Ph.D.](#)
[Tyler Donato](#)
[Alec J. Johnson](#)
[Sarah Thompson](#)
[Jessica J. Garcia, CFE](#)
[Jannifer Walters](#)

Related Services and Industries

[Intellectual Property](#)
[Franchising, Licensing and Distribution](#)
[Litigation](#)

Technology Team

By partnering with our firm, you also have access to highly experienced trial technology professionals who possess over four decades of combined national and international experience and have worked on well over 500 trials across the country. Our trial technology professionals help determine the best way to prepare and display critical evidence and exhibits through trial technology. Our use of trial technology allows our attorneys to distill complex issues to facilitate the understanding of the judge and jury.

Intellectual Property Litigation Experience

Our attorneys have previously served in positions in which they gained valuable experience that can be applied to your case:

Former Chief Judge of the United States District Court for the Eastern District of Pennsylvania

During his 28-year career as a state court and federal judge, [Hon. Lawrence F. Stengel \(Ret.\)](#) handled thousands of cases. He oversaw many intellectual property-related cases, including patent, copyright, trademark, anti-trust, trade secret, ANDA/Hatch Waxman, and unfair competition cases. Representative cases include:

- Patent infringement action arising under the Hatch-Waxman Act and involving claims of patent invalidity
- Antitrust litigation relating to accusation of unlawful monopoly over sustained release Wellbutrin ([Med. Mut. of Ohio, Inc. v. GlaxoSmithKline PLC](#))
- Patent infringement case between companies that produce devices to position electronic equipment ([Innovative Office Prods. v. SpaceCo, Inc.](#))
- Trademark infringement case between Philadelphia hoagie shop and national seller of frozen steak ([Steak Umm Co., LLC v. Steak 'Em Up, Inc.](#))
- Patent infringement case between competitors in metallurgy industry ([Carpenter Tech. Corp. v. Allegheny Techs.](#))
- Copyright infringement case between employment and recruiting services company (Kenexa) and management consulting and polling company (Gallup) ([Gallup, Inc. v. Kenexa Corp.](#))

Former Chief Judge of the United States District Court for the Middle District of Pennsylvania

The [Hon. Christopher C. Conner](#) served as a federal judge for 22 years, with seven of those years as the chief judge for the Middle District of Pennsylvania. While on the bench, Judge Conner presided over cases of intellectual property, including patent litigation (from claim construction to jury verdict), Lanham Act claims, unfair competition cases, and trade secret disputes. Select representative cases include:

- Trade secrets cases where an employee misused information first to inform a competitor of a company project, then to start his own company ([Advanced Fluid Systems, Inc. v. Huber](#)).
- Antitrust case against price gouging in the U.S. chocolate industry ([In re Chocolate Confectionary Antitrust Litig.](#)).
- Patent infringement case over an electrical connector ([Arlington Indus. v. Bridgeport Fittings](#)).

Renowned Intellectual Property Litigator

- [M. Kelly Tillery](#) brings more than 40 years of experience clients in entertainment, software and technology and manufacturing industries
- Has tried over 25 significant jury trials, over 30 significant judge/bench trials, and tried over 350 intellectual property injunction proceedings to decision
- Litigated trademark, copyright, patent, anti-counterfeiting, trade secret, domain name, false advertising, trade dress, non-compete disputes and other IP-related matters including over 200 reported decisions

Former Patent Examiner

- IP Chair [Andrew Oltmans](#) previously served in the U.S. Patent and Trademark Office
- Primary examiner that examined metallurgical patent applications including alloy compositions and engineered coatings.
- Extensive experience in ex parte appeals and patent office procedure both as an Examiner and as an attorney
- Conducted, examined or initiated ex parte and inter partes

reexamination proceedings and inter parte reviews

Experienced Litigator and Design Patent Law Leader

[Damon Neagle](#) brings more than 25 years of broad-based experience representing clients in intellectual property prosecution and litigation matters in a variety of technology areas.

He is an experienced litigator of copyright, trademark, patent, and trade secret disputes who has earned a reputation for practical, business-focused strategies. Representative cases include:

- [Innovative Office Products LLC v. ESI Ergonomic Solutions LLC](#) – Represented the patent owner in a utility patent case involving articulating monitor arms. Obtained a favorable settlement involving the defendant taking a license of the patents in suit.
- [FLSmidth A/S et al. v. Fiber Quest Composites et al.](#) – Represented the defendant in a trade secret misappropriation and breach of contract case involving carbon fiber vanes for concrete pumps. Obtained a favorable settlement after fact discovery.
- [Apollo Metals, Ltd. v. Electroplating Technologies, Ltd.](#) – Represented the owner of patented electroplating technology in a utility patent, breach of contract, and trade secret case. Successfully moved to compel arbitration of the dispute.
- [Giacomo's, Inc. v. Giacomo's Italian Market LLC et al.](#) – Represented the plaintiff in a trademark and unfair competition case. Obtained a favorable settlement pursuant to which, the defendant changed its name.

He is also a leader in design patent law and policy, with substantial experience as a design patent litigator, non-testifying design patent expert, and author of amicus curiae briefs on appeals of significant design patent issues. Representative cases include:

- [Samiam Group LLC v. Coopersburg Associates Inc](#) – Represented the defendant in a design patent, trademark, and unfair competition case involving beverage containers. Obtained favorable summary judgment decisions on the trademark and unfair competition claims. Obtained a favorable settlement on the design patent claims after jury selection.

- [Skull Shaver, LLC v. Global Distribution Network, LLC](#) – Represented defendant in a design patent infringement case involving electric shavers. Executed a strategy to have the case moved to a more desirable venue, then obtained a favorable settlement that enabled the defendant to continue to sell the accused product.
- Retained as a non-testifying design patent expert on behalf of a major retailer in design patent cases involving footwear.
- [Columbia Sportswear North America, Inc. v. Seirus Innovative Accessories, Inc.](#) – Authored an amicus curiae brief on behalf of the Industrial Designers Society of America, Inc. in a design patent appeal before the Court of Appeals for the Federal Circuit.
- [North Star Technology Int’l Ltd. et al. v. Latham Pools, Inc.](#) — Authored an amicus curiae brief on behalf of the Institute for Design Science and Public Policy in a design patent appeal before the Court of Appeals for the Federal Circuit. The brief was favorably cited in a dissenting opinion.

District Court Litigation

As a firm, we provide a foundation that includes more than 400 jury trials in both state and federal courts. Many have involved highly technical issues:

- Medical devices
- Trade secrets
- Multidistrict litigation
- Constitutional litigation
- Medical professional liability
- Complex commercial
- Injunctions
- [Insurance](#)
- ERISA
- Product liability
- [Construction](#)
- Environmental
- [Banking](#)

Patent and Trademark Office Appellate and Post-Grant Proceedings

Our attorneys have experience in appeals and post-grant proceedings before the U.S. Patent and Trademark Office. We can handle appeals, including ex parte appeals and post-grant proceedings including ex parte reexaminations, inter partes reviews, covered business method patent proceedings, reissues and supplemental examination, as well as trademark oppositions, cancellations and post-registration proceedings.

We comprehensively assist clients during trial by coordinating between the Patent and Trademark Office trials and any concurrent district court trials.

Appeals

Through collaboration with our [Appellate Advocacy Practice group](#), we are able to craft thorough and effective written and oral presentation of issues to secure a favorable outcome.

Our team has extensive experience with the post-trial process which allows us to strategically preserve where necessary and present the issues on appeal that will give you the best chance at prevailing.

Litigation Successes

Trade Secrets Protected (No Court Required)

- Resolved dispute for a technology client with tech supplier **without** litigation.
- Resolved dispute for a food industry client with **no** money paid or significant trade dress change by the client.

Copyrights Defended

- Resolved dispute for an internet provider client with a creative business solution.

Trademark/Trade Dress Victories

- Cigar and tobacco sales client received a \$450,000 payment and the defendant's name/mark change.
- Defended an education company client in dispute that was resolved

without the client's mark change, and **without** litigation.

- Stopped numerous retail/online businesses from selling counterfeit goods for a nationwide pizza company client, **without** litigation.
- Stopped defendant's use of a patented trademark for a refrigeration company, **without** litigation.
- Convinced a lubrication company to walk away from a lawsuit against our client, avoiding litigation.
- Persuaded a company to change its name to avoid confusion with a client's company name without litigation.
- Forced Philadelphia area cigar store to stop using the trademarks of a cigar company client.