



Daniel Callaway

Partner

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Dan Callaway has represented numerous companies in all aspects of patent litigation, including patent and portfolio analysis, complex discovery, depositions, expert and witness preparation, pleading and motion practice, *Markman* proceedings, PTAB trials, courtroom argument and trial work.

Prior to attending law school, Dan obtained a master's degree in electrical engineering, and spent four years working as an engineer at a startup semiconductor company. He designed hardware, wrote and debugged source code, and drew great satisfaction from bringing new chips from the lab into full production. He is an inveterate builder and tinkerer, and fascinated by how things work. As a result of his hands-on engineering experience, Dan is particularly effective at working on technical subject matters and with clients who are engineers. He speaks their language, and appreciates the nuance of their work.

Dan's cases have included disputes over patents related to integrated circuit design, storage and networking, power delivery, computer processor and memory design, operating system and application software, and consumer products. He has also worked on cases involving electromechanical devices, security systems, and virus protection. His clients have included semiconductor companies, solar energy companies, computer hardware and software companies, a manufacturer of storage and networking products, a manufacturer of home and automotive electronics, online travel websites, and a non-profit research institute.

Dan has extensive experience with *inter partes* review proceedings before the Patent Trial and Appeal Board. Regardless of the forum, as a practitioner Dan's process involves the careful, thorough examination of the intellectual property in question, and in-depth work with engineers, technologists and inventors to collect the evidence that informs how cases are ultimately resolved. In a legal field where evidence can obscure more than it reveals, Dan excels at locating the needle in the evidentiary haystack that supports his clients' positions, and allows him to be an effective advocate.

Dan is the inventor of U.S. Patent No. 6,794,568, a device for detecting musical gestures using collimated light.

Distinctions

- *Managing Intellectual Property* IP STARS, Patent Star (2022)

Memberships and Affiliations

- Federal Circuit Bar Association
- Bar Association of San Francisco
- Patent and Trademark Bar Association

Experience

Services

- Energy + Infrastructure
- Intellectual Property Litigation
- Patent Litigation
- Patent Office Litigation
- Privacy and Cybersecurity
- Technology

Education

- University of California College of the Law, San Francisco (formerly UC Hastings) (J.D., 2008)
 - Executive Articles Editor, Hastings Business Law Journal
- John Hopkins University (M.S., 2000)
 - Electrical Engineering
- John Hopkins University (B.S., 1999)
 - Electrical Engineering

Bar Admissions

- California
- United States Patent and Trademark Office

Court Admissions

- U.S. District Court (C.D. Cal.)
- U.S. District Court (E.D. Cal.)
- U.S. District Court (N.D. Cal.)
- U.S. District Court (S.D. Cal.)
- District of Colorado
- Court of Appeals for the Federal Circuit
- U.S. District Court (W.D. Texas)
- U.S. District Court (E.D. Texas)

Profectus Technologies v. Google LLC

Represented Google LLC in its complete defense verdict from a Texas federal jury in the Western District of Texas in a case alleging that Google's Nest Hub and Nest Hub Max devices infringed a patent asserted by Profectus Technologies. The jury found that the asserted claims of the patent were invalid and that Google did not infringe.

Networking and Cybersecurity Solutions Company Patent Infringement Lawsuit

Represented a multinational networking and cybersecurity solutions company in a 6-patent infringement lawsuit in the Western District of Texas and in the related IPR proceedings. The lawsuit accused a broad range of data center-related technology, including routers, switches, firewall devices, and the company's operating system of infringement. The matter resolved with a settlement favorable for our client.

Security People, Inc. v. Ojmar US, LLC

Defended Spanish touch-pad lock manufacturer Ojmar SA and its US subsidiary in a series of patent infringement actions filed by its direct competitor in the Northern District of California. We succeeded in getting two cases dismissed outright and defeated the third by successfully challenging the asserted patent in an IPR proceeding in the Patent Office—a decision summarily affirmed by the Federal Circuit Court of Appeals. We then filed a *Walker Process/Handgards* antitrust case on behalf of Ojmar against its dominant competitor. That case settled the week before trial in June 2018.

Blue Spike v. Adobe Systems

Defended Adobe Systems in a five-patent case relating to signal abstraction technology involving 70+ defendants. We successfully obtained a transfer of venue from the Eastern District of Texas to the Northern District of California followed by a judgment of non-infringement. Argued appeal before Federal Circuit seeking recovery of attorney's fees.

Comcast v. Promptu Systems

In response to patent litigation against Comcast, we have filed six IPR petitions challenging the three asserted patents. All six IPRs have been instituted for review on all grounds by the Patent Office. Final decisions will issue in mid-2019.

Goodson v. Titeflex Corp.

In response to patent litigation against Titeflex, we defended the district court litigation and successfully obtained a stay based on two IPR petitions. We prevailed on all claims in both IPRs, and the PTAB's decision cancelling all of the challenged claims was summarily affirmed by the Federal Circuit (two days after the oral argument).

EON Corp. IP Holdings, LLC v. Landis+Gyr Inc., et al.

Defended Trilliant Inc. in this three-patent case in the U.S. District Court for the Eastern District of Texas against smart meter vendors involving wireless mesh network technology. Case ended by settlement for Trilliant though another defendant went to trial and suffered a significant loss (eventually overturned by Federal Circuit).

Rotatable Technologies v. Motorola Mobility LLC and Quickoffice Inc.

Obtained a non-infringement judgment for defendants Motorola Mobility and Quickoffice Inc. on 47 mobile devices in a patent case in the U.S. District Court for the Eastern District of Texas. Judgment was upheld on appeal.

Publications

November 21, 2022

Highlights from 2022 Unified Patents Corporate IP Strategy Conference

July 20, 2022

PTO Director's Fintiv Guidance Gives Petitioners New Tools to Avoid Discretionary Denial

Law360

March 27, 2020

Impacts of Recent PTAB Precedential Opinions Addressing Its Discretion to Reject Petitions for Review of Issued Patents

8/9/2018

Will It Go Forward? First Cannabis Patent Infringement Case Filed in Federal Court

4/27/2018

Supreme Court Tells the Patent Office That IPR Proceedings Are "All-or-Nothing" Affairs

4/25/2018

Supreme Court Upholds Constitutionality of Inter Partes Review of Issued Patents

11/9/2017

Patents in the Burgeoning Cannabis Industry

6/21/2016

Supreme Court Upholds the PTAB's Status Quo in Cuozzo

6/22/2015

Williamson Decision Will Encourage Patent Defendants to Challenge Software Claims

Outside the Office

The father of two small children, Dan devotes what spare time he has to swimming, mountain biking, skiing and cooking for his family. He recently had the unique pleasure of a ski lift conversation about life, with his five-year-old.