



## Daniel Callaway

Partner

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Dan Callaway focuses his practice on intellectual property litigation and counseling, including patents and patent portfolios, trade secrets, and trademarks. His courtroom experience includes jury and bench trials in federal courts in California and Texas, appeals at the Court of Appeals for the Federal Circuit, and trials before the Patent Trial and Appeal Board.

Dan holds bachelor's and master's degrees in electrical engineering, and spent years working as an engineer. He brings this background and a deep curiosity to every matter he works on. Dan's cases have involved integrated circuit design, storage and networking, power delivery, processor and memory design, operating system and application software, virus protection, and security. He has also worked on energy-related cases involving solar, wind, battery, and geothermal technologies.

Dan recently took a leading role in a [two-week bench trial](#) for Trilliant Networks in which our team secured a full victory. Dan also had a significant role in a [jury trial](#) in the Eastern District of Texas in which Farella secured a jury verdict in favor of our client CNEX Labs against Huawei Technologies Co., Ltd.

Representing Comcast, Dan and our Farella team obtained a dismissal of a complaint asserting infringement of three patents in the District of Colorado, coupled with multiple invalidations of patents at the Patent Trial and Appeal Board.

Representing Google, Dan was part of a [trial team](#) that secured a complete defense verdict in Judge Albright's court in the Western District of Texas, including a verdict that the patent was invalid.

Dan works to achieve results for his clients from the outset of a case. For example, in addition to trial victories, he has helped secure "walk-away" dismissals on behalf of his defense clients, successful summary judgment rulings, and beneficial *Markman* rulings that have driven settlement. For trademark clients, he has obtained settlements including co-existence agreements and agreements by defendants to change their logos.

### Distinctions

- *Managing Intellectual Property* IP STARS, Patent Star (2022-2023)

### Memberships and Affiliations

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

## Experience

### Services

- Energy + Infrastructure
- Intellectual Property
- 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)
- Johns Hopkins University (M.S., 2000)
  - Electrical Engineering
- Johns 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)

#### **KT Imaging v. Dell**

Represented Dell on three patents related to imaging technology in the Western District of Texas.

#### **Trial Victory for Smart Meter Technology Company**

Defended a smart meter technology company in a federal bankruptcy court bench trial against billion-dollar damage claims asserted by a technology licensor. Following the two-week trial, the court found for our client on all counts, not only rejecting the licensor's damage claims but fully vindicating our client's rights under the license agreement.

#### **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.

#### **Huawei Technologies and Futurewei Technologies v. Yiren "Ronnie" Huang and CNEX Labs, Inc.**

After a 3-week jury trial in Eastern District of Texas, successfully defended start-up CNEX Labs in a bet-the-company case against all claims of trade secret misappropriation, CFAA, RICO, and tortious interference brought by Huawei Technologies and Futurewei Technologies and attained a finding of misappropriation of trade secrets against Huawei in the field of SSD controller technology.

#### **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. The case settled shortly 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. Pursued recovery of attorneys' fees through appeal.

#### **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.

#### **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.

**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.

**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.

**Cioffi, et al. v. Google Inc**

Defended Google in the U.S. District Court for the Eastern District of Texas in a four-patent case relating to multi-process web browsers. The case is currently pending a post-trial invalidity decision based whether the reissue patents improperly recaptured disclaimed subject matter under 35 USC section 251.

## Publications

July 30, 2024

**What Have We Learned From the First Six Months Under the New Federal Rule of Evidence 702?**

*Daily Journal*

February 12, 2024

**Hsu Untied Interview With Dan Callaway**

August 7, 2023

**What Patent Bills Would Mean for Infringement Litigation**

*Law360*

July 20, 2023

**Takeaways From the Proposed Patent Eligibility Restoration Act of 2023**

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.

Dan was a guest on *Hsu Untied*, an award-winning podcast hosted and produced by Richard Hsu featuring entrepreneurs, venture capitalists, best-selling authors, and more. During the podcast, Dan shared the story of his decision to pursue bachelor's and master's degrees in electrical engineering. He also shared how he came to work for a California startup semiconductor company and how that experience evolved into an IP law career focusing on patent litigation.