



Erik C. Olson

Partner

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Erik Olson is a trial lawyer whose practice focuses, albeit not exclusively, on intellectual property matters.

Erik has an exceptionally broad range of experience with respect to the subject of his cases, the forum in which they're resolved, and the technologies at issue. He has handled cases involving technologies and topics ranging from patents and copyrights to trade secrets and trade dress, as well as disputes over licensing royalties and ownership of intellectual property. He has advocated in numerous different courts and jurisdictions, both in the United States and abroad, including the Eastern District of Texas, a popular venue for patent cases, New York, Switzerland, and elsewhere. He has also represented clients before several arbitration bodies—commercial arbitration involving breaches of development agreements, for example, and international arbitration involving a patent license.

The technologies at issue in Erik's cases have also been exceptionally diverse: biotechnology, nanocrystals, electrochromic glass, data centers, mattresses, corrugated stainless steel tubing (CSST), WiFi, USB, Android software, and other technologies relating to smartphones and tablet computers. In addition to IP matters, he has also litigated a variety of other forms of disputes, ranging from cases that encompass both employment law and IP to family law matters in which trusts and other entities managed by a client became involved in a community property claim following the dissolution of a marriage.

As an advocate, Erik's approach is to work with clients to develop a nuanced understanding of both the legal objective in a dispute, and the business goals to which it is connected. With that in place, he uses it to shape his tactics for the various stages of a case, beginning with discovery and motion practice, and carrying through settlement negotiation, summary judgment and, if necessary, a trial or hearing. As he has represented both plaintiffs and defendants, he is also keenly aware of his opposition's priorities and challenges, which makes him an exceptionally effective tactician. For instance, as a defendant, he strives to put forward an affirmative case rather than just attempting to negate the plaintiff's claims.

In short, Erik brings to his cases the perspective of a seasoned, experienced and above all, strategic trial lawyer, whose specialty happens to be IP, but whose capabilities have proven effective in many kinds of cases, in many different settings.

Distinctions

- Managing Intellectual Property IP Stars - Rising Star (2019)
- Northern California Rising Stars by *Super Lawyers* in the field of Intellectual Property Litigation (2013-2018)

Experience

Level Sleep v. Sleep Number

Representing Level Sleep against Sleep Number in this competitor case concerning infringement of multiple patents relating to mattress technology.

Services

- Intellectual Property Litigation
- Trade Secrets Litigation
- Patent Litigation
- Patent Office Litigation
- Data Center
- Technology

Education

- University of California, Hastings College of the Law (J.D., 2008)
 - . *magna cum laude*; staff editor, *Hastings Business Law Journal*; Order of the Coif; Thurston Honor Society
- Georgetown University (A.B., 2000)
 - . *magna cum laude*

Bar Admissions

- California

Court Admissions

- U.S. District Court (N.D. Cal.)
- U.S. District Court (S.D. Cal.)
- U.S. District Court (E.D. Cal.)
- U.S. District Court (C.D. Cal.)
- U.S. District Court (E.D. Texas)
- 2nd U.S. Circuit Court of Appeals
- 9th U.S. Circuit Court of Appeals
- Court of Appeals for the Federal Circuit

BladeRoom v. Facebook and Emerson

After a five-week jury trial before the U.S. District Court for the Northern District of California, our team won for UK-based BladeRoom a \$30 million verdict against global manufacturing giant Emerson for willful and malicious misappropriation of trade secrets and breach of a non-disclosure agreement relating to BladeRoom's revolutionary new methodology for constructing warehouse-sized data centers. The Daily Journal named this one of the "Top Verdicts" in California in 2018. The Court subsequently awarded BladeRoom an additional \$30 million in exemplary damages and \$17 million in prejudgment interest, for a total judgement exceeding \$77 million. Our client settled with Facebook after the first week of trial.

Bench Trial Defense Verdict in Napa County

After a week-long bench trial in Napa County Superior Court, our team won a complete defense verdict on behalf of one of the largest wine grape growers in Napa County, whose family businesses and trusts had been joined to a marital dissolution proceeding. The opponent had sought damages in the millions of dollars and equitable relief, but our client prevailed on all claims. The court awarded our client \$75,000 in sanctions for the opponent's unreasonable litigation conduct.

BioMarin v. Shionogi

Represented Shionogi against claims brought by BioMarin in San Francisco Superior Court for breach of a pharmaceutical license agreement.

Confidential AAA Arbitration

After a three-week arbitration hearing, our trial team won a \$4 million-plus arbitration award on behalf of a small technology startup against a multinational corporation for breach of a nanotechnology development agreement.

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).

SoftView v. Dell

Defended Dell against software patent infringement claims brought by SoftView against Dell's Android phones and tablets in the United States District Court for the District of Delaware. The case was dismissed after all of SoftView's asserted claims were found unpatentable in *inter partes* review.

Soladigm (View) v. Tarnig

Represented Soladigm (now View, Inc.) against former consultant for breach of a consulting and nondisclosure agreement relating to electrochromic glass technology in United States District Court for the Northern District of California. The case settled favorably, with the court subsequently enforcing the settlement agreement over the objection of the consultant who wanted to unwind the agreement.

UC Regents v. QD Vision

Represented the Regents of the University of California against QD Vision for infringement of patents relating to nanocrystal technology in the United States District Court for the Northern District of California.

Round Rock Research v. Dell Inc.

Defended Dell in the U.S. District Courts for the Eastern District of Texas and the District of Delaware against allegations that its products infringed 20 patents across a wide range of technologies involving DRAM, server

management and monitoring, and BIOS.

Publications

9/26/2016

Mediated Agreements and Magic Words: Admissibility of Mediated Settlements of California State Law Claims in Federal Court

4/20/2016

Keep These Cases in Mind When Segmenting Patents

9/25/2015

Drafting Intellectual Property Agreements: Best Practices From a Litigator's Perspective

5/5/2014

Brilliant Idea. Now Who Owns the Patent?

5/24/2013

Narrow holding in Monsanto leaves open questions

5/14/2013

Patent Exhaustion Does Not Apply to the Reproduction of Patented Seeds

Outside the Office

A lot of people enjoy travel, but not many of them have visited four continents. Erik has – journeys have included everything from the Alhambra to Angkor Wat to Macchu Picchu, as well as a period of time spent living in Istanbul. Even fewer people are also novelists – Erik is the author of *The Black Vulture*, available on [Amazon](#).