



Jeffrey M. Fisher

Partner

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Jeff Fisher has a diverse practice involving a variety of high-stakes intellectual property and technology disputes, including patent, trade secret, copyright, and trademark infringement, as well as antitrust and unfair competition cases. He is a Fellow of the American College of Trial Lawyers and co-chairs Farella's Litigation Department.

Jeff has been active in all phases of litigation, in both federal and state courts and at both the trial and appellate levels. He has specific experience with a wide variety of technologies, including semiconductor and chip packaging technologies; computer hardware, software, and networking technologies; green energy technologies; internet and encryption technologies; digital data compression technology; and data center cooling and construction technologies. He also represents clients in connection with parallel Patent Trial and Appeal Board (PTAB) proceedings.

Notable engagements include:

- Prevailing in a three-week jury trial in the Eastern District of Texas clearing our client CNEX Labs, Inc. of all allegations of trade secret misappropriation, CFAA, and RICO claims made by Chinese smartphone maker behemoth Huawei Technologies. Instead, the jury found in favor of CNEX on its counterclaims for trade secret misappropriation, claims which CNEX uncovered during the discovery phase of the case.

• Winning a jury verdict following a five-week trial on trade secret and breach of NDA claims including a finding of willful and malicious misappropriation in a case pending in the Northern District of California relating to data center technology.

• Winning a jury verdict following a three-week jury trial for our client Volterra Semiconductor Corporation in the Northern District of California upholding the validity of Volterra's key patents for flip chip integrated power switches against challenges by defendants Infineon and Primarion. Infringement in favor of our client had been determined prior to trial as a result of key rulings we obtained in favor of Volterra in connection with claims construction and summary judgment proceedings.

• Representing Dolby Laboratories in seeking a declaratory judgment that Dolby's AC-3 (Dolby Digital) technology did not infringe patents that Alcatel-Lucent had asserted against Dolby's licensees. Following protracted litigation, in which we obtained discovery sanctions against Alcatel-Lucent on multiple occasions and attorneys' fees at the conclusion of the case, we successfully obtained orders granting summary judgment of non-infringement on the patents-in-suit. The Federal Circuit affirmed the district court's orders awarding summary judgment and attorney's fees.

He has served as a member of Farella's Advisory Board. Jeff managed a congressional campaign in California's 38th Congressional District during the 1996 election cycle.

Distinctions

- *Daily Journal*, "Top Trade Secrets Lawyers" in California (2019, 2020)
- *The Best Lawyers in America* in the area of Litigation- Patent (2019-2022)
- *Managing Intellectual Property's* IP Stars (2013-2021) in the areas of Patent Litigation and Trademark

Services

- Intellectual Property Litigation
- Patent Litigation
- Trade Secrets Litigation
- Antitrust
- Data Analytics
- Data Center
- Energy + Natural Resources
- Healthcare
- Internet Law
- Privacy and Cybersecurity
- Technology

Education

- University of Illinois College of Law (J.D., 1991)
 - *summa cum laude*; Editor, *University of Illinois Law Review*; Order of the Coif; Rickert Award for Excellence in Legal Writing; Harno Scholar
- Northwestern University (B.A.- Political Science & Economics, 1988)
 - Economics and Political Science

Bar Admissions

- California

Court Admissions

- 9th U.S. Circuit Court of Appeals
- U.S. District Court (C.D. Cal.)
- U.S. District Court (S.D. Cal.)
- U.S. District Court (N.D. Cal.)
- California Supreme Court
- U.S. Supreme Court
- 11th U.S. Circuit Court of Appeals
- Court of Appeals for the Federal Circuit

- *Daily Journal* "Top 75 IP Litigators" in California (2012, 2019, 2020)
- *Northern California Super Lawyers* (2011-2021)

Memberships and Affiliations

- Fellow, American College of Trial Lawyers (2021)
- President, Ninth Judicial Circuit Historical Society (2008-2012); board member (2001-present)
- Member, Board of Directors, Legal Aid of Marin (2018-present)
- Board chair, ConnectED: The National Center for College & Career (2014 - present)
- Co-chair, Northwestern University Leadership Circle of the San Francisco Bay Area
- Chair, Intellectual Property Section, Bar Association of San Francisco (2009 - 2010)
- American Intellectual Property Law Association (AIPLA)
- Association of Business Trial Lawyers (ABTL)
- International Trademark Association (INTA)
- San Francisco Bay Area Intellectual Property American Inn of Court

Experience

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.

Rothschild Location Technologies v. Popular Ridesharing Company

Defended a popular ridesharing company in Eastern District of Texas patent proceedings from allegations that our client's on-demand transportation services infringe Rothschild's patents relating to GPS technology. Obtained a favorable settlement for our client.

Biotech IP Infringement

Represented a bio-tech company in patent infringement litigation, licensing disputes and IP counseling relating to its pharmaceutical products.

Altbaier v. Down-Lite

In this action, we represented the defendant/employer, Down-Lite, who develops and sells proprietary blends of down and feather, in the California-based companion action brought by the employee/shareholder to a misappropriation of trade secrets and breach of contract action filed in the Southern District of Ohio that had been filed by our client. The employee/shareholder was seeking preliminary injunctive relief to enjoin our client from enforcing a non-compete restriction and non-disclosure of trade secrets limitation in agreements he had signed with our client. Following a court hearing, we successfully defeated plaintiff's emergency motion for a temporary restraining order and obtained a complete dismissal of this action pending further proceedings in the Ohio proceedings brought by 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.

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.

Dolby Laboratories v. Alcatel-Lucent Technologies

We represented Dolby in seeking a declaratory judgment that Dolby's AC-3 ("Dolby Digital") technology does not infringe patents that Alcatel-Lucent had asserted against Dolby's licensees. Following protracted litigation, in which we obtained discovery sanctions against Alcatel-Lucent on multiple occasions and attorneys' fees at the conclusion of the case, we successfully obtained orders granting summary judgment of non-infringement on the patents-in-suit. The Federal Circuit affirmed the district court's orders awarding summary judgment and attorney's fees.

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.

DNA Sequencing IP Dispute

Represented a molecular testing company in connection with patent infringement litigation relating to DNA sequencing testing machine technology in the Northern District of California.

Hall Data v. Dropbox

Defended Dropbox in patent proceedings related to database synchronization technologies initially filed in the Eastern District of Texas. After successfully obtaining transfer of the action from the Eastern District of Texas to the Northern District of California, we obtained a dismissal with prejudice on behalf of our client following a court-ordered settlement conference.

Volterra Semiconductor v. Primarion & Infineon Technologies

We obtained a unanimous verdict in a three-week patent jury trial for our client Volterra Semiconductor in the United States District Court for the Northern District of California upholding the validity of Volterra's key patents for flip chip integrated power switches against challenges by defendants Infineon and Primarion. Infringement in favor of our client had been determined prior to trial as a result of key rulings we obtained in favor of Volterra in connection with claims construction and summary judgment proceedings.

Warner Bros. Records v. SeeqPod

We defended search engine SeeqPod in a copyright infringement matter brought by Warner Brothers Records and several other major music labels in the Central District of California. Warner is alleging that SeeqPod's technology allows the infringement of copyrighted materials, and is seeking a preliminary injunction. We are defending the action based on a number of "safe harbors" under the Digital Millennium Copyright Act ("DMCA").

Zep Solar

Defended Zep Solar (which was later acquired by SolarCity) in patent infringement lawsuits filed in the International Trade Commission and the Northern District of California relating to efficient techniques for mounting solar panels. After obtaining early dismissal of Plaintiffs' claim for declaratory judgment of

noninfringement because there was no subject matter jurisdiction, we sought a stay of the litigation pending an inter partes reexamination of the patent-in-suit in the Patent and Trademark Office. The asserted patents were invalidated virtually in their entirety, and the cases then settled.

Ischemia Research and Educational Foundation v Pfizer, Inc., et al.

We defended Pfizer, Inc. against claims of trade secret misappropriation in Santa Clara County Superior Court. The plaintiffs' misappropriation claims arise out of clinical drug trials for Bextra, a second generation COX-2 inhibitor.

Dainippon Screen Mfg. Co. Ltd. v. CFMT, Inc., et al.

This declaratory relief action requested a judgment of noninfringement and invalidity. We successfully appealed a jurisdiction dismissal (142 F.3d 1266)(reversing dismissal for lack of personal jurisdiction and giving opponent a "Chutzpah Award"). After remand, the patentee counterclaimed on four patents involving semiconductor cleaning and drying technology used in state-of-the-art semiconductor fabrication equipment. We presented claim construction arguments at several Markman hearings. Following a month-long jury trial, this case was successfully settled.

Drexler Technology v. Dolby Laboratories, Inc., et al.

This case, filed in the Northern District of California, involved patent infringement claims asserting that Dolby Digital sound-on-film technology infringed patents held by the plaintiff, Drexler Technology Corporation. In addition to defending Dolby Laboratories, also represented a number of major entertainment companies (including Walt Disney Pictures, Fox, MGM, Universal Studios and Columbia Pictures) in this action. After obtaining a claim construction ("Markman") order supporting virtually every claim construction position advocated on behalf of our clients, the Court entered summary judgment in the defendant's favor on grounds of non-infringement and patent invalidity.

B.C. Bones v. Battat

We represented B.C. Bones in a copyright infringement action relating to the design of three-dimensional dinosaur puzzles. The case settled favorably to our client.

Risk & Value Engineering v. Loan Performance

We represented Risk & Value Engineering in a copyright infringement / breach of licensing agreement action relating to interest rate process software used to simulate and analyze market risk in the mortgage industry. After negotiating a stipulated preliminary injunction preventing the defendant from using the software, we settled this action through mediation.

Wavelink Media v. Stoneground Solutions

Represented three former employees and their start-up website design company in litigation filed by their former employer (another website design company) based on claims of alleged misappropriation of trade secrets (including client lists, marketing strategies and website design techniques and styles), trademark infringement and copyright infringement. The case was settled favorably for our clients through mediation.

Publications

February 9, 2021

Data Center Business Deals Gone Bad, and the Risks of the "Known in the Industry" Defense

6/25/2018

Supreme Court Allows Recovery of Foreign Lost Profits For Shipping Components of a Patented Invention Overseas

12/18/2017

Federal Circuit Tightens Patent Venue Rules

5/23/2017

Supreme Court's Decision in TC Heartland Narrows Patent Venue Selection

2/2/2017

The Northern District of California Seeks to Bring More Clarity to Damages with its Latest Revised Patent Local Rules

6/21/2016

Supreme Court Upholds the PTAB's Status Quo in Cuozzo

5/5/2016

IP and Employment Implications of the Defend Trade Secrets Act to be Discussed at May 24-25 Roundtable Programs

2/16/2016

Federal Circuit Rejects International Exhaustion in Lexmark, Distinguishes Scotus' Copyright Ruling in Kirtsaeng

6/27/2014

Claim Construction: How Should the Supreme Court Weigh In?

11/28/2012

Northern District of California Issues New Guidelines and Model Order on E-Discovery

9/21/2011

What's Hot in Patent Law?

Outside the Office

Jeff is a proud Chicago native, and is a diehard fan of his beloved Chicago Cubs and Northwestern Wildcats. He's also a devoted husband and father of two, a competitive tennis player, and is involved in several nonprofits, including the Ninth Circuit Historical Society, which he presided over for four years, Legal Aid of Marin and ConnectEd, a nonprofit that focuses on helping at-risk students remain in school and attend college.