

Steven D. Moore

Partner

Two Embarcadero Center

Suite 1900 , San Francisco , CA USA 94111

t 415.273.4741 | f 415.651.8510

1001 West Fourth Street , Winston-Salem , NC USA 27101

t 336.607.7431

smoore@kilpatricktownsend.com

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Steve Moore focuses his practice on patent infringement litigation in a wide variety of industries. Mr. Moore both defends companies accused of patent infringement and represents patent owners harmed by a competitor's infringement in pursuing patent and related claims. Mr. Moore also has experience in successfully coordinating global patent litigation, resulting in favorable rulings for his clients both in the U.S. and abroad. Mr. Moore further has experience in trade dress claims and commercial litigation matters.

Mr. Moore has extensive courtroom experience in patent and commercial litigation cases, including trying

numerous patent and commercial litigation cases to a jury. Mr. Moore's jury trial experience includes handling several multi-week multi-patent cases in which juries have returned verdicts of non-infringement and invalidity for his clients. Mr. Moore further has argued at and examined witnesses in numerous *Markman* hearings, after which courts issued claim construction rulings that have caused cases to resolve favorably for his clients. Mr. Moore also frequently argues before the Federal Circuit, and has argued before the *en banc* Federal Circuit.

Mr. Moore was listed in 2018 by *The Best Lawyers in America*[®] for Intellectual Property Litigation. He was recognized as a "Super Lawyer" in Intellectual Property Litigation in 2014, 2015, 2016 and 2017 by *Super Lawyers* magazine. Mr. Moore was recognized as a 2016 and 2017 "IP Star" by *Managing Intellectual Property* magazine. He was named a top patent practitioner in 2016 and 2017 by *IAM Patent 1000 – The World's Leading Patent Practitioners*. Mr. Moore is listed in the 2009, 2010 and 2011 editions of *Chambers USA: America's Leading Lawyers for Business* for Intellectual Property Law. He was named to *The International Who's Who of Business Lawyers* for Patents in 2013 and 2014 and *The International Who's Who of Patent Lawyers* in 2013.

Experience

The firm served as lead counsel on behalf of a number of defendants, including Motorola, AT&T, and Cox Communications in two parallel patent infringement actions in the Western District of North Carolina and the Eastern District of Texas regarding technology involving wireless telephone handset equipment, and digital cable or satellite set-top boxes. After a favorable claim construction ruling for our clients in the North Carolina matter, the plaintiff agreed to dismiss its claims for infringement with prejudice in both North Carolina and Texas. *Thomas v. Motorola, Inc.*, No. 05-00493 (W.D.N.C. filed Nov. 28, 2005); *Thomas v. Cingular Wireless LLC, et al.*, No. 05-00495 (W.D.N.C. filed Nov. 28, 2005); *Thomas v. Cox Commc'ns, Inc., et al.*, No. 07-0231 (E.D. Tex. filed June 6, 2007); *Thomas v. Adelpia Commc'ns Corp., et al.*, No. 05-00497 (W.D.N.C. filed Nov. 28, 2005); *Thomas v. Alltel, et al.*, No. 05-0506 (W.D.N.C. filed Dec. 6, 2005).

The firm served as lead counsel on behalf of Georgia-Pacific LLC's subsidiaries in a patent infringement suit against two competitors in the Northern District of Georgia involving composite food wrap products. Following a favorable *Markman* ruling in which the court adopted our clients' claim construction arguments, the parties reached a settlement involving cash payment and an ongoing royalty-bearing license. *Fort James Corp. & Fort James Operating Co. v. J.H. McNair, Ltd., et al.*, No. 04-3000 (N.D. Ga. filed Oct. 14, 2004).

We defended Motorola against Fujifilm's assertion of five patents relating to digital cameras and the transmission of files through a cell phone. After summary judgment and a two week jury trial in San Francisco, Motorola prevailed on four of the five patents (proving two of the patents invalid and not infringed, one patent not infringed, and one patent invalid), and excluded willful infringement or injunctive relief. Through *ex parte* reexamination proceedings, Kilpatrick Townsend invalidated the fifth patent. *Fujifilm Corporation v. Motorola*



Mobility LLC, No. 3:12-cv-3587 (N.D. Cal. filed July 10, 2012).

The firm served as lead counsel in the representation of Epic Systems Corporation, a leading Wisconsin-based health care software company, against claims of patent infringement in a suit involving Internet-based doctor-patient communications software. The district court held that Epic and its health care provider customers did not and could not infringe the patent. The case settled while on appeal. *McKesson Info. Solutions v. Epic Sys. Corp.*, No. 06-2965 (N.D. Ga. filed Dec. 6, 2006), No. 2010-1291 (Fed. Cir. Apr. 12, 2011).

Represented Motorola Mobility in an *inter partes* review challenge of U.S. Patent No. 7,516,484 relating to a reader adapted for a portable computer. The Patent Trial and Appeal Board cancelled all claims challenged (as anticipated by prior act). United States Patent and Trademark Office Patent Trial and Appeal Board Case Number IPR2013-00010.

The firm served as lead counsel on behalf of a provider of automatic order fulfillment systems in a patent infringement suit brought by a pharmacy automation company in the Northern District of Georgia. Plaintiff accused our client of infringing a patent related to automated prescription filling systems. Summary judgment was granted in favor of our client and affirmed by the Court of Appeals for the Federal Circuit.

Defended Motorola Mobility LLC against a suit that Intellectual Ventures filed accusing certain smartphones and tablets of infringing six different patents. The case team won one of the patents on summary judgment, tried three others to a jury resulting in a hung jury and mistrial, and then won two of those three patents on post-trial motions. The firm tried another patent to a second jury resulting in a verdict of noninfringement and invalidity as to that patent. *Intellectual Ventures I LLC, et al. v. Motorola Mobility, LLC*, Civ. No. 11-908 (D. Del. filed Oct. 6, 2011).

Served as lead counsel on behalf of Molnlycke Health Care Group AB in a patent infringement suit against two competitors in the Northern District of Georgia involving silicone-based wound dressings. The court entered a favorable claim construction ruling for our clients, and the case settled while summary judgment motions were pending after the manufacturer of the accused products removed them from the U.S. marketplace. *Molnlycke Health Care Group AB v. Ossur & Medline*, No. 06-1027 (N.D. Ga. filed Apr. 28, 2006).

Kilpatrick Townsend was successful on behalf of Motorola Mobility in winning summary judgment against EON Corp. IP Holdings, LLC in the Northern District of California. In a strongly-worded opinion, the Court found that EON had presented no admissible evidence to defend against summary judgment, and further that its theories both flatly contradicted positions EON had taken earlier in the litigation as well as the constructions in the Court's *Markman* Order. On March 6, 2015, two days after oral argument, the Federal Circuit unanimously



affirmed.

We represented Motorola Mobility in defending patent infringement claims related to wireless earpiece technology in the Western District of Texas. After winning summary judgment on certain of the claims and forcing plaintiffs' voluntary dismissal of others before trial, we presented a defense that led the jury to return a verdict of non-infringement and invalidity against the remaining claims that were at issue. *Effingo Wireless, Inc. v. Motorola Mobility LLC*, No. 5:11-cv-00649 (W.D. Tex.) We also invalidated the patent in a re-examination proceeding.

We represented Interface Inc., a leading manufacturer of carpet tile, in patent litigation filed by one of its largest competitors alleging hundreds of millions of dollars in damages as a result of infringement of two patents. After a three-week jury trial, the jury took less than one hour to find that the competitor's patents were invalid and that Interface did not infringe them. During the hearing on inequitable conduct issues, Interface reached a confidential settlement with the competitor resolving these issues as well as resolving Interface's counterclaims for infringement of two of its own patents.

On March 5, 2014, Kilpatrick Townsend was successful on behalf of Motorola Mobility in winning summary judgment against EON Corp. IP Holdings, LLC less than three weeks before trial, in a case that had been pending in the District of Delaware for nearly three and one-half years. The court's grant of summary judgment was decided on the relatively uncommon ground of invalidity by indefiniteness, and entirely invalidated EON's patent, ending the case at the district court. On May 6, 2015, the Federal Circuit, in a unanimous opinion, affirmed summary judgment granted by the District of Delaware. *EON Corp. IP Holdings, LLC v. FLO TV Inc.*, No. 10-812-RGA, 2014 WL 906182 (D. Del. Mar. 4, 2014).

Successfully defended patent infringement case in the Northern District of California for client Oracle against Thought, Inc. involving seven patents for object-to-relational mapping technology. Over a three-year period, we defeated a claim for \$130 million dollars in damages by (1) invalidating three patents in IPR proceedings; (2) obtaining voluntary dismissals of three more patents; and (3) obtaining summary judgment of non-infringement of the final patent affirmed by the Federal Circuit. *Thought, Inc. v. Oracle Corporation*, No. 3:12-cv-05601-LB (N.D. Cal. filed Oct. 31, 2012)

Representation of Kennametal Inc., a \$2 billion per year NYSE company, in a patent litigation action that its biggest global competitor filed in the United States District Court for the Western District of North Carolina, alleging that Kennametal infringed certain metal cutting tool patents. We successfully transferred the case to the United States District Court for the Western District of Pennsylvania – Kennametal's home jurisdiction – pursuant to 28 U.S.C. §1404(a). We forced a voluntary dismissal of one of the two patents. We then obtained a



favorable claim construction ruling in which the remaining patent was found invalid for indefiniteness. The parties later entered an agreement resolving their disputes in this action and other related actions. Also represented Kennametal in a patent litigation matter in the United States District Court for the Western District of Pennsylvania alleging that Kennametal's largest global competitor and related entities infringe claims of two patents owned by Kennametal. We obtained an agreement for one entity to cease infringing one of the patents. The parties were still litigating the other patent, which related to metal cutting tools, at the time of settlement. Also served as global coordinating counsel in a patent litigation action that Sandvik filed in the High Court of Justice, Chancery Division, Patents Court, United Kingdom. After a bench trial, the Court found Sandvik's patent invalid for indefiniteness, lack of enablement, and obviousness. *Sandvik Intellectual Prop. AB v. Kennametal Inc.*, No. 09-0163 (W.D.N.C. filed Apr. 27, 2009); *Sandvik Intellectual Prop. AB, v. Kennametal Inc.*, No. 10-654 (W.D. Pa. filed May 13, 2010); *Kennametal Inc. v. Sandvik, Inc. d/b/a Sandvik Coromant Co., et al.*, No. 09-cv-00857, (W.D. Pa. filed June 29, 2009); *Sandvik Intellectual Property AB, Claimant and Kennametal UK Limited, Kennametal Inc., Kennametal Europe GMBH, Defendants*; Claim No. HC 10 C02090, High Court of Justice, Chancery Division, Patents Court.

Education

Duke University School of Law, J.D. (1996) *magna cum laude*

Duke University, A.B., Economics (1993) *cum laude*

Admissions

California

Georgia

North Carolina

Court Admissions

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. District Court for the Northern District of California

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Eastern District of North Carolina

U.S. District Court for the Northern District of Georgia

U.S. District Court for the Middle District of Georgia

U.S. District Court for the Western District of North Carolina

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