

## It's One Hot Summer

When I sat down to draft this note, our Chicago office still had snow, while Atlanta's trees had just turned green. Now it feels like the newly installed windows in our offices here are melting from the heat.

It's been hot for another reason. Along with managing our litigation docket, we've been working at breakneck speed, preparing and arguing two Federal Circuit cases back-to-back after the July 4 break while preparing for thirteen (!) IPRs and IPR appeals. Phew!

AddyHart has grown to nine attorneys—with three joining this past year. Notable among these is [Brandon Helms](#), an IP litigator with extensive experience in pharmaceutical patent cases, including ANDA litigation.

For the last eight years an Assistant US Attorney with the Department of Justice, he brings us deep experience in taking cases to trial as well as prosecuting civil and criminal cases.

Brandon joins our select group of experienced lawyers, which includes standout IP litigators from AmLaw 100 firms and specialist IP firms, and former senior in-house counsel. In this past year, AddyHart's attorneys have been counsel of record for clients in 54 contentious matters:

- 16 appeals at the US Court of Appeals for the Federal Circuit;
- 17 cases in US district courts and in the US Court of Federal Claims (CFC) (with three more pending);
- 17 proceedings at the Patent Trial and Appeal Board of the USPTO (PTAB);
- Two cases at the USPTO's Trademark Trial and Appeal Board (TTAB); and,
- Two state court actions

In other news, AddyHart represented Philip Morris USA in a patent infringement suit filed by Healthier Choices over e-cigarette patents in 2020, winning on a motion to dismiss because the plaintiff failed to sufficiently plead infringement and pleaded evidence that contradicted its infringement claims; the court awarded our client \$575,000 in legal fees and expenses. We concluded an arbitration proceeding resulting in an outcome favorable to our client. And in a separate matter, partner Chad Pannell III was appointed Special Master in US district court in Georgia.

We're recognized for our Federal Circuit expertise. We've handled multiple cases in the PTAB, the CFC, and the TTAB, along with hundreds of cases in the US district courts. We represent clients with cutting-edge technologies in specialized cases, from companies in the Fortune 1000 to entrepreneurial businesses, including patentees and defendants. And we continue to negotiate licenses and provide IP asset management counsel to companies worldwide.

Below are some snapshots of other achievements and successes. We trust you too are productively busy. Don't hesitate to [send us updates!](#) Stay cool!

**Meredith "Mimi" Addy**  
Co-Founder and Partner  
AddyHart P.C.

### CURRENT CASES & MATTERS

#### Fighting Hard for Wildcat

##### **Patent Licensor Battles GM, Atlas, Others on Infringement**

AddyHart is representing manufacturing and assembly patentee Wildcat Licensing on appeal of two PTAB decisions on obviousness favoring petitioners General Motors LLC; Atlas Copco Tools and Assembly Systems, LLC; Magna International; and Faurecia Automotive Seating. Wildcat maintains petitioners are infringing its patented technology.

#### Thales Flies High After Settlement with US Govt.

##### **Ends 7-Year Battle over Helmet-Mounted Display Systems**

After successive favorable decisions for our client Thales Visionix in the Court of Federal Claims, the PTAB, and at the Federal Circuit, AddyHart in Q4 2021 [finalized a multimillion dollar settlement](#) with the US over for patent infringement claims relating to helmet-mounted displays for the F-35 Joint Strike Fighter. AddyHart also handles multiple indemnity obligations for long-time client Thales DIS AIS, including district court litigations and prosecuting a [remaining 13 of 15 inter partes reviews](#) at the PTAB.

#### Cooperative Entertainment Argues at Fed. Cir.

##### **Peer-to-Peer Content Distributor Seeks Redress on Appeal**

Cooperative Entertainment, Inc. is the patent-holder on innovative technology that allows for streaming live programming while reducing network traffic and the load on an originating content server. CE retained AddyHart to represent it on appeal of an adverse decision on 35 U.S.C. § 101 that its innovations were not patent-eligible. We argued the case at the Federal Circuit in July 2022; the parties await the Court's decision.

#### Sensor Tech Inventor NetzVision in Arbitration

##### **Patentee in JAMS Arbitration against Lockheed Martin for Breach**

AddyHart is representing infrared sensor and semiconductor component technology inventor Shimon Maimon of NetzVision in binding arbitration in JAMS against Lockheed Martin Corp., for breach of its licensing agreement and consequent patent infringement, after Lockheed ceased paying agreed-on royalties.

#### Defense Contractor Joins Case Against Meta

##### **Originator of Motion Detection Tech under License as Plaintiff**

AddyHart is representing a global defense, security, and communications technologies company as an involuntary plaintiff against the company formerly known as Facebook, in a case concerning five patents and over 100 patent claims related to motion detection. After a Markman briefing in the W.D. of Texas, the court granted Meta's motion to transfer venue to N.D. Cal.

#### Going Global, Getting Results

##### **AddyHart Extends Reach Worldwide in Patent Infringement Actions**

Alongside our work for Paris-based international defense, digital security and avionics provider Thales, which has subsidiaries in the US and worldwide, AddyHart has engagements for litigations on behalf of conglomerates based in Europe, Asia, and Mexico. Clients Sidel Inc. (formerly Gebo Cermex) and Novemba are subsidiaries of Switzerland's Tetra Laval group, which operates globally in food and beverage processing, packaging, and distribution. Orbia, a Mexican conglomerate named to Fast Company's 2020 List of the World's Most Innovative Companies, is a global leader in specialty products and infrastructure solutions. Other international clients' work is described below.

#### Dental Restructuring Innovator Defends IP

##### **Pursues Infringers of Dental Imaging & Restoration Technology**

Canadian dental imaging and dental restructuring technology company Centre de Recherche Médico Dentaire has patent assets throughout North America and Europe. CRMD retained AddyHart to enforce its patents against competitors in the Americas and Europe. Parties to some actions are completing damages discovery and have agreed to mediation.

#### Gaming Company Defends Trademark at USPTO

##### **Competitor DraftKings Files Opposition to Application**

The US subsidiary of an overseas-based online gaming company is engaged in a dispute with competitor gaming company DraftKings over the latter's having filed in 2020 an opposition to the former's application to register a mark with the US Patent and Trademark Office. Our client asked us to represent it in the opposition proceeding; AddyHart co-founder Robert Hart leads the team. The parties are pursuing discovery.

### PEOPLE NEWS

#### IP Litigator Brandon Helms Joins as Partner

##### **Brings 15+ Years' Experience in Civil Proceedings, Pharma IP, More**

Brandon C. Helms, a litigator and patent attorney who has split his 15-year career between private practice and federal service, as an Assistant US Attorney joined AddyHart P.C. as a partner in Chicago in July. Helms has litigated multiple cases in the pharmaceutical and biotechnology sectors and has varied experience in a full range of civil proceedings. [More >>](#)

#### AddyHart P.C. in Best Lawyers, US News

##### **Addy Recognized for 16th Consecutive Year**

AddyHart P.C. is ranked in the 2022 edition of "Best Law Firms in America" by U.S. News & World Report. The firm is ranked in Tier 3 nationally for Litigation – Patent and in Tier 2 for Litigation – Patent and for Patent Law in Chicago. Meredith Addy is herself again ranked Tier 1 in Illinois in Patent Litigation. [More >>](#)

Addy has been included in the annual Best Lawyers rankings every year from 2007 until this year. This latest recognition sits alongside multiple legal industry accolades, including for much of the last decade being the [only female attorney named to Band 1 for IP Law in Illinois by Chambers USA](#).

#### Addy One of Top Five Female Fed. Cir. Litigators

##### **Report Recognizes Women Attorneys Who Have Argued Most**

A recent study by professors at Temple University's Beasley School of Law identified Addy as one of five female private-sector litigators who argued most frequently in the past decade before the U.S. Court of Appeals for the Federal Circuit. [More >>](#)

### EVENTS & NOTABLE

#### AddyHart Headlines Litigation Conference

##### **Addy, Hart, Pannell Featured at Patent Litigation Masters 2022**

AddyHart co-founders Meredith Addy and Robert Hart were joined by fellow partner and patent litigator Charles "Chad" Pannell III as featured speakers and panelists at the second annual Patent Litigation Masters program, part of IPWatchdog's Masters Symposia Series, May 23–24, 2022. Addy was event co-chair. [More >>](#)

#### Revivacor Presents on Transplantable Organs

##### **AddyHart Hosts Biotechnology Leader in Xenotransplantation**

Biomedical innovation promises to change the critical shortage of organs for life-saving transplants. In April, AddyHart hosted David Ayares, President and CEO of Blacksburg, Va.-based Revivacor, who presented the company's breakthrough technology for [developing transplantable organs from animals](#). Dr. Ayares discussed the implications for improved patient outcomes near-term after a transplant of a genetically modified pig's heart into a human patient [in January 2022](#).

#### Gulliver Joins Founders at PTAB Conference

##### **Patent Attorney Addresses Uphill Battles after 37 CFR 42.108(c)**

Meredith Addy and Robert Hart were joined by AddyHart partner and patent attorney Gregory Gulliver as presenters at the second annual PTAB Masters program, presented by IPWatchdog®, Jan. 24–27, 2022. Gulliver focused on implications of 37 CFR 42.108(c), which invites the PTAB to view a petition in a light favorable to the petitioner, and offered defensive tactics for patent-holders involved in IPRs. [More >>](#)

#### AddyHart P.C.

Founded by experienced AmLaw100 corporate attorneys and intellectual property litigators, AddyHart specializes in complex intellectual property litigation from discovery and claim construction to settlement and trial, and appeals to the U.S. Court of Appeals for the Federal Circuit. Our team is experienced in patent and trademark infringement matters, including litigation in U.S. district courts across the country, the Federal Circuit, the USPTO's Patent Trial and Appeal Board, the International Trade Commission and the Court of Federal Claims.

Our full-service corporate practice assists entrepreneurial companies throughout all phases of their growth and development. AddyHart's clients range from Fortune 1000 companies to mid-tier and smaller entrepreneurial businesses, and it represents clients from around the world. AddyHart has offices in Atlanta, Chicago, and Irvine, Calif.

More information is at [www.AddyHart.com](http://www.AddyHart.com).