



## Craig McLaughlin

J.D.

senior counsel

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### practice areas

Corporate

IP & Commercial Litigation

Craig McLaughlin is an accomplished trial lawyer and patent attorney who has litigated a wide variety of cases from inception through trial and beyond, in state and federal courts including United States Customs, the United States International Trade Commission and against the United States Department of Justice.

Craig has significant experience representing clients with legal issues, many of which have involved patents, trademarks, trade dress, trade secrets, and copyrights as well as clients with claims of false advertising and unfair competition. He has litigated cases in courts across the country, and his technological foundation and patent prosecution background have provided added value in patent litigation.

Craig is a member of the State Bar of California and numerous federal district and appellate courts including the US Supreme Court. As a result of his success, he has been honored with lifetime membership in the Million Dollar Advocates Forum.

## representative matters

- Obtained \$390K judgment in favor of business owner against co-owner for fraud and breach of fiduciary duty. *Robert Bergin vs. Dennis Sabadin* (Sup. Ct. of Calif., 2016).
- Represented patent owner Tivoli, LLC in inter partes proceeding and appeal brought by Tempo Lighting, Inc. challenging decision of Board of Patent Appeals which had agreed with Tivoli's construction of claim term. In precedential opinion, U.S. Court of Appeals for the Federal Circuit upheld the construction and remanded to Board to make further findings. *Tempo Lighting, Inc. vs. Tivoli, LLC*, 742 F.3d 943 (Fed. Cir. 2014).
- Defended business sued for allegedly infringing trademark of karaoke disc manufacturer and obtained judgment in client's favor. Of the many dozens of defendants in this case, and hundreds of defendants plaintiff has sued across the country, client was the only defendant to obtain court-awarded attorney's fees as a prevailing party. In the order awarding fees, the court found that plaintiff "takes trolling to the next level" and plaintiff's "conduct was both vexatious and in bad faith." *Slep-tone Entertainment Corporation v. Backstage Bar and Grill, Kelly C. Sugano, Taka-O, et al.* (C.D. Cal. 2013).
- Represented patent owner Tivoli, LLC in inter partes proceeding initiated by patent infringement defendant Tempo Lighting, Inc. challenging Tivoli's patent concerning theater stair coverings. Convinced Board of Patent Appeals to reverse USPTO Reexaminer who had adopted dictionary definition of claim term and rejected all claims based thereon where claim term was specifically defined in prosecution history. *Tempo Lighting, Inc. vs. Tivoli, LLC*, Board of Patent Appeals and Interferences, Appeal No. 2011- 012102 (decided Feb. 24, 2012).
- In forfeiture lawsuit brought by United States, convinced U.S. Justice Dept. to enter into agreement and court order to return all of client's funds seized from its bank account by U.S. Department of Homeland Security. *United States of America vs. \$490,918 in U.S. currency* (U.S. Dist. Ct. ED NY, 2010).
- Convinced California Court of Appeal to reverse trial court's dismissal of counterclaim lawsuit by medical lienholder. (4th District Third Div., May 2010).
- Obtained favorable jury verdict with co-counsel awarding ownership of business to client. *Quadri vs. Alkayali* (Superior Court of California, June 2009).

- Led defense team in successful representation of four defendants accused of trademark, design and utility patent infringement in handheld lighting market. Case settled under confidential terms. (U.S. Dist. RI, 2008).
- Led defense team in successful representation of defendant accused of design and utility patent infringement in remote-controlled toy helicopter market. Defeated Plaintiff's motion for preliminary injunction. Case settled shortly thereafter under confidential terms. (U.S. Dist. C.D. Cal., 2008).
- Represented importer charged by U.S. Customs with importing articles that were misdescribed and were beyond quota and included demand for significant fine. Persuaded U.S. Customs to greatly reduce fine, (2007).
- Won appeal to U.S. District Court vacating bankruptcy court's injunction which had restrained judgment creditor from collecting judgment from non-bankrupt co-judgment debtor. *In re Teknek LLC and Phillip D. Levey v. Systems Division, Inc.* (U.S. Dist. N.D. Illinois 2007).
- Led defense team in successful representation of two defendants accused of design patent infringement for computer case designs. Case settled under confidential terms. *A-Top Technology, Inc. v. Broadway Com Corp., et al.* (U.S. Dist. C.D. Cal., 2006).
- Led plaintiff's litigation team in a patent infringement case involving a medical device for excising tissue in the back of the human eye. Case settled under confidential terms. *Scieran Technologies, Inc. v. Bausch & Lomb Incorporated* (U.S. Dist. Del., 2005).
- Represented plaintiff in a patent infringement case involving fluorescent venue lighting systems. Case settled in 2006 under confidential terms. *Targetti North America, Inc. v. Electrix, Inc.* (U.S. Dist. C.D. Cal., 2005).
- Led plaintiff's litigation team in a patent infringement case involving theater floor lighting systems. *Tivoli, LLC v. Tempo Lighting, Inc.* (U.S. Dist. C.D. Cal., 2004).
- Represented plaintiff in trade dress and copyright infringement action and obtained, as first chair trial counsel, federal jury verdict of over \$3.5M. The court also awarded attorney's fees to the client. *Perine Lowe, Inc. v. Dolly, Inc.* (U.S. Dist. C.D. Cal., 2003).
- Represented plaintiff in action against major municipality for damages to real property. Won the trial despite assertion by city of 22 affirmative defenses. *Elaine Valles Key v. City of Long Beach* (Sup. Ct. of Calif., 2000).

## education

- J.D., Whittier Law School, 1995
  - Dean's List, Trial Advocacy Honors Board
- B. A., Biology, CSU Fullerton, 1979

## bar admissions

- California
- Colorado (inactive)

## admissions to courts

- US Dist. Ct. – ND Cal.
- US Dist. Ct. – CD Cal.
- US Dist. Ct. – SD Cal.
- US Ct. of Appeals, 9th Circuit
- US Ct. of Appeals for the Fed. Circ.
- US Supreme Court
- USPTO

## professional memberships

- State Bar of California
- Million Dollar Advocates Forum

## publications

- Special contributing author, "Socially Close: Social Media Marketing for Small Business", July 2014.
- "Enforcement of a Judgment Can Include Intangible Property," *Business Law News*, 4 – 2007, Publication of the Business