

MARK DAVIS, Partner

Mark Davis is an accomplished lawyer with more than 30 years of experience representing multinational, domestic, and start-up companies regarding intellectual property and related international trade, data privacy, unfair competition, and antitrust matters. He has litigated disputes before US district courts throughout the country, the Court of Appeals for the Federal Circuit, and the International Trade Commission (ITC).

Mr. Davis has directed all aspects of these matters, from pre-suit investigation to discovery, trial, and appeal. He has also counseled clients regarding submissions pertaining to proposed rule submissions and comments regarding multiple iterations of the ITC's Rules of Practice on behalf of various companies, and proposed revisions to 19 U.S.C. § 1337 to ease statutory requirements and make the statute G.A.T.T. compliant.

Mr. Davis has also helped clients navigate various transactions, by providing strategic advice to clients regarding intellectual property, unfair competition, and related antitrust laws. His experience includes assisting in the defensive and offensive acquisition of intellectual property portfolios, negotiating intellectual property licenses, and conducting due diligence investigations of intellectual property in corporate transactions. He has teamed with in-house general counsel, litigation and transactional counsel, and business management to create practical and strategic legal plans to advance long- and short-term corporate goals.

Mr. Davis is a thought leader who frequently authors and speaks on intellectual property and international trade-related issues. He co-authored the *Section 337 Patent Investigation Management Guide*, published by the University of California, Berkeley School of Law, and has presented on Section 337 Investigations at the China Chamber of International Commerce and the China Council for the Promotion of International Trade. He is on the planning committee for the Federal Circuit Bar Association's annual Bench & Bar Conference.

Representative matters prior to joining Jenner & Block includes:

Bracco:

- *Certain Strontium-Rubidium Radioisotope Infusion Systems and Components Thereof, Including Generators, 337-TA-1110*
- *Bracco Diagnostics v. Jubilant DraxImage (D.N.J.)*

VisionMounts:

- *Certain Height-Adjustable Desk Platforms and Components Thereof, 337-TA-1125*



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PRACTICE GROUPS

Intellectual Property
ITC Section 337
Japan Practice
Patent Litigation and Counseling

INDUSTRY GROUPS

Life Sciences

EDUCATION

The George Washington University Law School, JD, 1987

The Catholic University of America, BA, International Relations, 1984; *cum laude*

ADMISSIONS

District of Columbia

Texas

COURT ADMISSIONS

US Court of Appeals, DC Circuit

US Court of Appeals, Federal Circuit

US District Court, District of Columbia

US District Court, District of Colorado

US District Court, Northern District of Florida

US District Court, Eastern District of Texas

US District Court, Northern District of Texas

US District Court, Southern District of Texas

US District Court, Western District of Texas

Absen:

- *Certain Modular LED Display Panels and Components Thereof, 337-TA-1114 Ultravision Technologies, LLC v. Shenzhen Absen Optoelectronic Co. Ltd. (E.D. Tex.)*

Samsung:

- *Mobile Telecommunications Technologies, LLC v. Samsung Telecommunications America, LLC (E.D. Tex.)* Part of litigation and trial team that secured client's first ever patent litigation winning jury trial verdict in the Eastern District of Texas.
- *Uniloc USA, Inc. and Uniloc Luxembourg, S.A. v. Samsung Electronics America, Inc. (E.D. Tex.)* Representing client in ongoing litigation.
- *Prisua Engineering Corp. v. Samsung Electronics America, Inc., et al. (S.D. Fl.)*: Representing client in on-going litigation.
- *Global Communications, Inc. v. DirecTV, Inc., et al. (E.D. Tex.)* Achieved settlement on behalf of client. *Dynamic Hosting Co. v. Samsung Electronics America, Inc. (E.D. Tex.)*: Achieved settlement on behalf of client early in the discovery process.
- *Bluebonnet Telecommunications, LLC v. Samsung Electronics America, Inc., et al. (E.D. Tex.)* Achieved settlement on behalf of client early in the discovery process.
- *Tune Hunter Inc. v. Samsung Telecommunications America, LLC, et al. (E.D. Tex.)* Achieved settlement on behalf of client early in the discovery process.
- *Cypaleo LLC v. Samsung Electronics Co., Ltd., et al. (E.D. Tex.)* Achieved settlement on behalf of client. *Albert C. Jones v. Samsung Electronics America, Inc. and Samsung Electronics Co., Ltd. (E.D. Tex.)*: Achieved settlement on behalf of client.
- *Raytheon Company v. Samsung Electronics Co., Ltd., et al. (E.D. Tex.)* Representing client in on-going semiconductor device litigation, that includes a successful IPR.

Hebei Iron & Steel:

- *Certain Carbon and Alloy Steel Products, ITC Inv. 337-TA-1002* Represent Hebei Iron & Steel Respondents in expansive ITC investigation seeking to bar from entry into the US all carbon and alloy steel products from China. Investigation is ongoing.

Renesas Electronics Corporation:

- *Tessera, Inc. v. Renesas Electronics Corporation* Acted as lead counsel for Renesas in a patent infringement action brought by Tessera in the District of Delaware.
- *Invensas v. Renesas Electronics Corporation*. Acting as lead counsel for Renesas in a patent infringement action brought by Invensas in the District of Delaware.
- *Certain Digital Televisions Containing Integrated Circuit Devices and Components Thereof, ITC Inv. No. 337-TA-806* Obtained multimillion-dollar settlement for complainant Renesas.
- *Certain Digital Televisions and Components Thereof, ITC Inv. No. 337-TA-789* Obtained multimillion-dollar settlement without exclusion for Renesas even though Renesas was the respondent.

Ergotron, Inc. and Nortek:

- *Certain Height-Adjustable Desk Platforms and Components Thereof, ITC Inv. No. 337-TA-992* Received favorable settlement for Respondents Ergotron, Inc. and Nortek, Inc.

LaRose Industries LLC:

- *Certain Toy Figurines and Toy Sets Containing the Same, ITC Inv. No. 337-TA-948* Received favorable settlement for Respondent LaRose Industries LLC.

Microsoft:

- *Certain Set-Top Boxes and Hardware and Software Components Thereof, ITC Inv. No. 337-TA-761* Represented complainant Microsoft in ITC investigation seeking exclusion of TiVo's DVRs. Investigation favorably settled after hearing.

Universal Electronics Inc.:

- *Certain Digital Television Set-Top Boxes, Remote Control Devices, and Components Thereof, ITC Inv. No. 337-TA-1041*. Representing Universal Electronics Respondents.

Apple Inc.

- *Mobile Telephones and Wireless Communication Devices Featuring Digital Cameras, and Components Thereof, ITC Inv. No. 337-TA-703* Represented Apple against Kodak. Commission found that Apple did not infringe.
- *Certain Electronic Devices with Multi-Touch Enabled Touchpads and Touchscreens, ITC Inv. No. 337-TA-714* Represented Respondent Apple Inc. Commission found no violation.
- *Certain Digital Imaging Devices and Related Software, ITC Inv. No. 337-TA-717*. Represented Complainant Apple Inc. Case settled.
- *Certain Wireless Communication Devices, Portable Music and Data Processing Devices, Computers and Components Thereof, ITC Inv. No. 337-TA-745* Represented Respondent Apple Inc. Case settled after Apple prevailed before the Commission.
- *Certain Mobile Devices and Related Software, ITC Inv. No. 337-TA-750* Represented Complainant Apple Inc. in Section 337 investigation against Motorola. Case settled.

Hitachi:

- *Hitachi Global Storage Technologies v. G. S. Magic* Acted as lead counsel for HGST. Case settled before trial in Northern District of California.
- *Certain Zero-Mercury-Added Alkaline Batteries, ITC Inv. No. 337 TA 493* Acted as lead counsel for respondent Hitachi Maxell. Case settled.
- *Certain Data Storage Systems, ITC Inv. No. 337 TA 471*. Acted as lead counsel for respondent Hitachi Ltd. Settled after first motion for sanctions was granted in part and second motion was pending.

Trend Micro:

- *Barracuda v. Trend Micro*. Acted as lead counsel for declaratory judgment defendant Trend Micro. Case settled before trial in Northern District of California.
- *Trend Micro v. Fortinet*. Acted as lead counsel for plaintiff Trend Micro. Settled before trial in Northern District of California.
- *Fortinet v. U.S.I.T.C*. Acted as lead counsel for intervener Trend Micro that settled before oral argument in Federal Circuit appeal.
- *Systems for Detecting and Removing Viruses or Worms, Components Thereof and Products Containing Same, 337-TA-624*. Acted as lead counsel for complainant Trend Micro in patent-based Section 337 investigation involving network gateway anti-virus solutions. Settled night before the hearing.
- *Certain Systems for Detecting and Removing Viruses or Worms, ITC Inv. No. 337-TA-510*. Lead counsel for complainant Trend Micro. The case settled in enforcement phase after finding of violation and grant of partial summary judgment of violation of cease and desist order.

Linear Technology:

- *AATI v. U.S.I.T.C*. Acted as lead counsel for intervener Linear Technology in still pending appeal to Federal Circuit.
- *Certain Voltage Regulators, ITC Inv. No. 337-TA-564*. Lead counsel for complainant Linear Technology. Commission issued exclusion order after finding violation.
- *Certain Voltage Regulator Circuits, ITC Inv. No. 337-TA-521*. Lead counsel for complainant Linear Technology. Case settled upon entry of consent judgment on eve of hearing.

Nike:

- *Nike v. Adidas*. Acted as lead counsel for appellant Nike that settled prior to oral argument in Federal Circuit appeal.

Fresenius:

- *Transonic v. Fresenius I*. Acted as lead counsel for appellee Fresenius upholding denial of preliminary injunction sought against Fresenius in Federal Circuit appeal.
- *Transonic v. Fresenius II*. Acted as lead counsel for appellee Fresenius upholding grant of summary judgment of no infringement by Fresenius in Federal Circuit appeal.

Awards

- *Benchmark Litigation*: “Local Litigation Star” in antitrust and intellectual property law
- *Legal 500*: “Recommended for Patent Litigation”
- *Managing Intellectual Property*: “IP Star”
- *The Best Lawyers in America*: “Recognized for work in Litigation-Patent”
- *Chambers Global*: “International Trade: Intellectual Property (Section 337 – USA)”
- *Chambers USA*: Washington, D.C. “Patent Litigation”

- *IAM Magazine*: “IAM Patent 1000”; “Patent Litigation”; and “Patent Litigation and International Trade Commission”
- *Super Lawyers*: Washington, DC for “Patent”

Service to Bar

- Federal Circuit Bar Association, Vice Chair of the Annual Meeting Committee
- International Trade Commission Trial Lawyers Association, Member
- Austin Intellectual Property Law Association, Member
- Eastern District of Texas Bar Association, Member

Publications

- Co-Author, *Section 337 Patent Investigation Management Guide*, Matthew Bender & Co., 2012, 2012

Speaking Engagements

- “Section 337 Actions at the International Trade Commission – The Year in Review,” Jenner & Block Webinar, December 16, 2021
- Panelist, “Life Science-Related Investigations at the US International Trade Commission,” Jenner & Block Webinar, August 12, 2021
- “Litigating Trade Secret Claims at the International Trade Commission: The Advantages, Disadvantages, and Special Requirements of Trade Secret-Based Section 337 Investigations,” Webinar, April 27, 2021
- 2020 ITC Webinar Series - Part I: Non-Patent Cases at the ITC, 2020
- 2019 ITC Webinar Series - Part 3: Post-Remedy Issues at the ITC, 2019
- 2018 Federal Circuit Bench and Bar - Current Developments in ITC Section 337: Patent and Non-Patent Based Investigations, Interplay with the PTAB, and More, 2018
- Speaker, China Council for the Promotion of International Trade sponsored training on US Trade Policies and Section 337 Investigations hosted in Foshan, China, 2017, 2017
- Speaker, Chongqing State-owned Assets Supervision and Administration Commission sponsored training on US Trade Policies and Section 337 Investigations hosted in Chongqing, China, 2017, 2017
- Speaker, China Chamber of International Commerce and China Council for the Promotion of International Trade sponsored training on US Trade Policies and Section 337 Investigations hosted in Beijing, China, 2017, 2017