

NICK G. SAROS, Partner

Nick Saros focuses his practice on complex intellectual property matters, primarily patent infringement and trade secret litigation. He is co-chair of the firm's Trade Secrets and Restrictive Covenants practice group. Clients also seek his counsel on patent licensing and other intellectual property and technology-related issues. He has experience representing clients involved in a wide array of technologies, including software, electronic health records, ticketing applications, cameras and lenses, motion control systems, semiconductor technology, medical devices, menu generation applications, lighting control, internet content delivery, and turbochargers.

In 2016, Mr. Saros was a lead member on the Jenner & Block team that won a \$940 million jury verdict based on claims of misappropriation of trade secrets, breach of contract, fraud, and violations of state and federal law involving the client's leading healthcare software. This Wisconsin federal court verdict is believed to be the largest verdict of any kind in Wisconsin history and one of the largest trade secret verdicts in US history. Mr. Saros and the team received a 2017 *California Lawyer* "Attorney of the Year" award for the verdict.

Mr. Saros also played a substantial role in a \$130 million trade secret settlement in 2016. He also routinely represents Japanese companies in patent infringement and trademark matters in US courts.

Before law school, he earned a B.S. in mechanical engineering and worked as a design engineer on various projects including satellite structures and the B-2 stealth bomber. Mr. Saros is a member of the firm's Patent Litigation and Counseling Practice.

Among his significant cases, Mr. Saros has:

- Served as 2nd chair trial counsel in *Epic Systems Corp. v. Tata Consultancy Services*, resulting in a \$940 million jury verdict.
 - ["India's Tata Consultancy Services to Appeal Jury Verdict: U.S. Jury Ordered Tata Consultancy to Pay Nearly \\$1 Billion in Intellectual Property-Infringement Case,"](#) *The Wall Street Journal* (Apr. 18, 2016).
- Represented a leading provider of process control and motion control systems in a patent infringement case in the Eastern District of Texas. Obtained summary judgment of unpatentability on all asserted claims of four patents, which was affirmed on appeal.
- Represents the leading provider of ticketing and entertainment services in a patent infringement case in the Western District of Texas. The matter is currently ongoing.
- Represents the world leader in electronic health records software and services in the Western District of Texas along with two of the client's customers.
- Represents one of the world's largest hotel companies in a patent infringement case in the Southern District of California. After invalidating three patents in patent office proceedings, won summary judgment of



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PRACTICE GROUPS

Intellectual Property
ITC Section 337
Japan Practice
Patent Litigation and Counseling
Trade Secrets and Restrictive Covenants

EDUCATION

Loyola Law School, Los Angeles, J.D., 2000;
Order of the Coif; Fritz Burns Scholarship

Michigan State University, B.S. (Mechanical Engineering), 1993

ADMISSIONS

California, 2000

COURT ADMISSIONS

US Court of Appeals, Federal Circuit, 2001

US District Court, Central District of California, 2000

US District Court, Northern District of California, 2000

unpatentability for claims of the remaining patent.

- Represented News Corp. subsidiary Move, Inc. and the National Association of Realtors in a trade secret case against online real estate portal Zillow and two of its senior executives. Based on claims of trade secret misappropriation, breach of contract, and breach of fiduciary duty, among others, the case resolved with a \$130 million settlement on the first day of trial.
- Represented Japanese broadcast and video system manufacturer in a patent infringement case in the Eastern District of Texas. After a motion to dismiss based on Section 101 unpatentability, the matter settled.
- Represented the world's leading supplier of consumer lighting control products in the Central District of California for patent infringement against competitors and knock-off vendors. Obtained injunctions or agreements to modify existing products against all defendants.
- Represented Japanese consumer food product manufacturer in a trademark infringement lawsuit in the Western District of Michigan, resulting in a dismissal of all claims against the client.
- Represented Japanese video game manufacturer in a patent infringement lawsuit in the Central District of California, resulting in an early minimal settlement after which the case continued against numerous other defendants for years.
- Represented a prominent surgeon and inventor in a patent infringement dispute against a large biomedical device company that produces spinal instrument systems. After a three-month trial, the jury delivered a \$560 million verdict against the medical device company, as well as findings of breach of various licensing agreements and infringement of all six asserted patents. The case was featured in *The American Lawyer* and *Corporate Counsel* magazines.
- Represented a Japanese video surveillance product manufacturer in a patent infringement action in the District of Delaware that resulted in a settlement before any substantial discovery or motion practice.
- Represented a leading internet content delivery provider in a patent infringement action brought by a competitor in the District of Massachusetts. The plaintiff asserted more than 200 claims in connection with three patents. Mr. Saros achieved successful claim constructions that led to a summary judgment ruling of noninfringement for two of the asserted patents. After a jury trial on the remaining patent, the Court granted a post-trial motion for judgment as a matter of law of non-infringement. Following the conclusion of Mr. Saros' representation, the case continued through multiple Federal Circuit and Supreme Court appeals.
- Represented a major supplier of automotive and consumer products in a patent infringement action in the Northern District of California regarding trench metal oxide semiconductor field-effect transistor (MOSFET) technology. Mr. Saros led a joint defense team of all co-defendants in the action and argued on behalf of the joint team at the technology tutorial and claim construction hearings before the Court. Mr. Saros achieved a successful claim construction on the disputed terms, convincing the Court to change its previous construction of a claim term in an earlier case. All claims against the client were dismissed with prejudice after a favorable *Markman* order.
- Represented a leading internet content delivery provider in a patent infringement action in the Eastern District of Virginia involving three patents and more than 150 asserted claims. Mr. Saros defeated one claim before trial, following a dispositive claim construction order. After a three-week trial, a jury found noninfringement of the remaining two patents. On appeal, the Federal Circuit affirmed.

Awards

- *California Lawyer & Daily Journal*
California Lawyer Attorney of the Year (CLAY) Award, 2017
- *Southern California Super Lawyers*
Intellectual Property Litigation, 2011 - 2018
"Rising Star," 2010
- *Legal 500*
"Next Generation Lawyer", Trade Secrets (Litigation and Non-Contentious Matters), 2021

Publications

- Co-Editor, Trade Secret Update: Key Developments and Issues to Watch in Trade Secret Law | Spring 2021 Update, March 24, 2021
- Co-Author, Client Alert: *In re Adobe*: Federal Circuit Directs Transfer of Patent Suit from Western District of Texas, July 29, 2020
- Co-Author, Client Alert: Federal Circuit Strictly Applies §315(b) IPR One-year Time-Bar, March 19, 2020
- Co-Author, Trade Secret Update: Key Developments and Issues to Watch in Trade Secret Law | Winter 2018 Update, December 18, 2018
- Co-Author, Trade Secret Update: "Key Developments and Issues to Watch in Trade Secret Law", Fall 2016
- Hospitality and Gaming Legal Review 2015, February 5, 2015
- "Recent Update on Important Patent Cases in the U.S. Supreme Court," *The Lawyers*, June 2014
- Hospitality and Gaming Legal Review 2013, February 25, 2014

Speaking Engagements

- Panelist, "New Developments in Trade Secret Law and Cyber Security," Association of Corporate Patent Counsel, Winter Meeting 2020
- Panelist, "Trade Secrets in Your IP Strategy: Business Alignment, Implementation and People," 4th Annual IP Strategy Summit Series, March 06, 2018
- Panelist, Judge Paul R. Michel IP American Inn of Court, October 30, 2017
- Panelist, IP Value Summit, October 17, 2017
- "Trade Secrets Litigation and Life after DTSA," Duff & Phelps IP Value Summit, October 16, 2017
- "Intellectual Property Issues Facing Japanese Companies and Cross Border Business," California Bar Association and Daiichi Tokyo Bar Association, Los Angeles, CA, November 04, 2011

