




Carl Bruce

Principal

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Overview

About Carl

Carl Bruce protects his clients and their innovations by creating intellectual property programs and patent portfolios and by strategically developing and managing their patent litigation matters. Mr. Bruce uses his chemical engineering and polymer composites background, combined with experience in a number of other technical fields, to build legal strategies that take into account the technological and business realities necessary to position his clients to be successful inside and outside of the courtroom.

Mr. Bruce's technical experience includes experience in oil and gas, software and internet, electrical, petrochemical, and opto-electrical technologies. Prior to law school, he conducted research focusing on polymer composites as a graduate research assistant at the University of Washington (Seattle) and zero-gel research at the University of New Mexico.

Mr. Bruce has led the teams and crafted the arguments and briefs and eliciting the facts that have resulted in, for example, three summary judgment wins in patent cases in the Eastern District of Texas, a U.S. district court where it is notoriously difficult to obtain summary judgment. Mr. Bruce also led a team of Fish attorneys representing multiple clients and co-counsel for other co-defendants in developing the facts and strategy that resulted in a jury finding all asserted claims of four patents invalid, thus saving his clients an estimated \$400 million in damages and royalties sought by the plaintiff.

Mr. Bruce has worked with both large and small clients to help develop patent protection strategies. For example, Mr. Bruce has worked with a small opto-electrical custom engineering and consulting company to build its patent program and portfolio. Mr. Bruce was also selected as a 2017 "Energy & Environmental Trailblazer" by The National Law Journal for the work he has done in the energy

space, including helping a large national petro-chemical company build a patent portfolio to protect its groundbreaking research.

Mr. Bruce has been a member of the IPO Asian Practice Committee since 2013. He has participated in two of the committee's Asia fact finding trips, meeting with representatives of the Chinese State Intellectual Property Office, the National Development and Reform Commission (NDRC) AML Division, the Legal Affairs Office of the State Council (SCLAO), National People's Congress Legislative Affairs Commission, and judges with the Supreme People's Court and Beijing Intellectual Property Court. Mr. Bruce travels to China regularly to meet with existing and prospective clients.

As a trusted advisor and partner, Mr. Bruce's clients are located throughout the U.S., Europe, and Asia. Mr. Bruce strives to forge long-term relationships with clients so that together they can build innovative solutions that address both the overarching business goals and the legal realities. For example, Mr. Bruce has worked with Premier Reticles (now part of Tangent Theta Corp.) since it developed its first complete product – a rifle scope for the U.S. Marine Corps.

From bet-the-company litigation to standard patent litigation to preparation of single patents or portfolios to protect key innovations, the bottom line for Mr. Bruce is to develop strategies and achieve results for clients that efficiently and effectively contribute to the business goals of each client.

When not helping clients, Mr. Bruce enjoys spending time with his wife of 18 years and five children. Mr. Bruce was selected by his peers as a Super Lawyers "Rising Star" from 2011-2015.

Focus Areas

Services

- IP Licensing, Transactions, and Agreements
- Litigation
- Opinions and Strategic Counseling
- ITC Litigation
- Patent Litigation
- Trade Secret Litigation

Industries

- Chemicals
- Electrical and Computer Technology
- Energy and Petrochemical

- Manufacturing
- Semiconductors
- Software

Education

J.D., University of Chicago Law School (2002)

M.S., Chemical Engineering, University of Washington (1999)

B.S., Chemical Engineering, Oklahoma State University (1997)

Experience

Website and Software

CEATS, Inc. v. Orbitz Worldwide, Inc. (D. Nev. 2014): Defended Orbitz in a patent infringement case related to online ticketing. Case settled.

ICON Internet Competence Network v. Travelocity.com LP (N.D. Tex. 2012): Obtained summary judgment of non-infringement for Travelocity in patent infringement lawsuit involving web site systems for generating a virtual reality scene, where the plaintiff sought damages of over \$25 million.

DDR Holdings, LLC v. Hotels.com, L.P. (E.D. Tex. 2012): Defended Travelocity, Expedia, and Orbitz in a patent infringement lawsuit involving a web site system for matching the look and feel of an affiliate website.

CEATS, Inc. v. Continental Airlines, et al. (E.D. Tex. 2012) Represented defendants in patent infringement case related to online ticketing. Jury returned verdict of invalidity on all claims.

Eolas v. Go Daddy (E.D. Tex. 2012) Represented Go Daddy in a suit by Eolas in multi-patent case involving web browser and application technology. Case favorably settled on the eve of trial.

Realtime Data v. Citrix Systems Inc. (E.D. Tex. 2009) Defended Citrix in multi-patent case involving data compression technology. Case settled shortly before trial.

Accolade Systems LLC v. Citrix Systems Inc. (E.D. Tex. 2009) Obtained summary judgment in favor of client Citrix releasing Citrix from all asserted claims in software patent infringement suit.

Petrochemical, Oil and Gas

Chevron Phillips Chemical Company LP v. INEOS Group Ltd., et al. (Galveston, TX County Court, 2010) Obtained temporary injunction against world's third largest chemical company in Texas state court, to prevent use and disclosure of trade secrets involving high density polyethylene manufacturing technology. Suit arose from defendant's licensing of confidential polyethylene technology to various manufacturers in other countries, in contravention of licensing agreements. Injunction was affirmed on appeal by the Houston Court of Appeals. The case settled before trial, but after the successful appeal.

Polymer Solvents LLC v. PPG Industries, Inc. (E.D. Tex. 2007) Obtained favorable settlement on behalf of defendant PPG involving solvent-resin composition technologies.

CNX Gas Co. LLC Et Al v. CDX Gas, LLC (W.D. Pa. 2008) Counsel for counterclaim plaintiff CDX in suit alleging infringement of multiple patents directed to improved drilling methods and systems for accessing subterranean zones to, for instance, drain coal bed methane from coal seams. Case settled shortly before scheduled trial.

Dresser, Inc., v. Industrial Valve Sales & Service, Inc. (E.D. Tex. 2006) Contract, trademark, and unfair competition suit to protect Dresser's trademarks and business; case settled.

Touchcom Technologies Inc v. Dresser, Inc. (E.D. Tex. 2005) Obtained summary judgment of invalidity of all asserted claims for Dresser in software patent infringement suit alleging infringement across all primary products sold in the United States with damages alleged to exceed \$100 mil. Case subsequently resolved favorably in lieu of appeal.

Electronics, Semiconductor Chips, Telecommunications

Huawei Technologies v. T-Mobile, et al. (E.D. Tex. 2016-2017) – Represented Huawei technologies in multiple litigation matters against T-Mobile asserting patents related to core network technologies. Ongoing.

Research In Motion v. Eastman Kodak (N.D. Tex. 2008-2012) and *In the Matter of Certain Mobile Telephones and Wireless Communication Devices Featuring Digital Cameras, and Components Thereof (337-703)* – Represented RIM in multi-jurisdictional dispute, including i) as a declaratory judgment plaintiff in a multi-patent infringement action related to camera technology and data integration technology, and ii) respondent in ITC Investigation involving camera technology. Case settled.

Broadcom v. Emulex, (C.D. Ca. 2011) Defended Emulex against six patents asserted involving multiple technologies including serializers/deserializers, clock recovery and Fibre Channel. Won jury verdict for Emulex on Fibre Channel patent. Mistrial declared on remaining patents after jury was deadlocked in favor of Emulex.

MHL Tek v. Nissan et al. (E.D. Tex. 2009) Obtained summary judgment of non-infringement on all claims for clients Subaru and Porsche before Judge Ward in case concerning tire pressure monitoring systems. Defense win affirmed on appeal by the Federal Circuit.

DeepNines Inc. v. McAfee Inc. (E.D. Tex. 2008) Represent plaintiff DeepNines on patent involving network security. Obtained a jury verdict of \$18 Million on direct infringement, induced infringement, and contributory infringement, as well as false marking.

Disc Link Corporation v. H&R Block Digital Tax Solutions, et al (E.D. Tex. 2007) Obtained a favorable settlement for defendant Corel in patent infringement suit by Acacia subsidiary involving portable read-only-media.

Motorola, Inc. v. STMicroelectronics, Inc. / STMicroelectronics, Inc. v. Motorola, Inc. (E.D. Tex. Marshall and Beaumont Divs., 2004) Represented a large semiconductor manufacturer in contemporaneous litigation matters filed in separate forums involving 13 patents pertaining to microelectronics, video, and telecommunications technology; case settled.

Other Technologies

Fiber Optic Polymer Coatings – Corning Inc. v. DSM Desotech Inc. et al. (D. Del. 2014-2015) / *DSM Desotech Inc. et al v. Corning Inc.* (N.D. Ill. 2014-2015) Represent Corning Inc. in multi-patent cases involving patent and contract claims; case settled.

Trampolines – JumpSport, Inc. v. Springfree L.P. et al. (E.D. Tex. 2013) Represent Springfree trampoline defending against infringement claims related to trampoline safety nets and in asserting counterclaims of unfair competition, false advertising, injury to business reputation, defamation, tortious interference with a business relationship, and unjust enrichment; case settled.

Contact Lenses – Rembrandt Vision Technologies, L.P. v. CIBA Vision Corp. (E.D. Tex., 2008) Represent Rembrandt in the assertion of a patent on silicon hydrogel contact lenses. Won jury trial verdict of \$41 million and all claims valid and infringed.

Food Processing – Cargill Meat Solutions Corp. v. Swift & Co. (N.D. Tex., 2006) Represent Cargill Meat Solutions in patent case involving electrical stimulation to improve tenderness of beef and beef processing health and safety technologies.

Insights

Speaking Engagements

“Top 10 Intellectual Property Mistakes by Start-Ups,” with Britnee Reamy (currently in-house counsel with Texas Instruments), American Institute of Chemical Engineers 2006 National Meeting.

Recognition

Named to “The Best Lawyers in America” list by *The Best Lawyers in America*® (2020, 2021).

Recognized as a 2011, 2012, 2013 and 2015 *Super Lawyers* Rising Star.

2017 – Selected to Super Lawyers

2017 – Selected to The National Law Journal Energy & Environmental Trailblazers

Memberships & Affiliations

American Institute of Chemical Engineers.

Intellectual Property Owners Association.