





Daniel A. Tishman

Principal

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Overview

About Daniel

Daniel Tishman is a trial lawyer and trusted advisor to clients, focusing his practice on complex patent litigation in federal district courts and before the International Trade Commission. He has represented and provided strategic counseling to clients (both plaintiffs and defendants) in the battery, consumer electronics, chemical, semiconductor, and automotive industries. Dan's broad patent litigation experience includes all phases of cases, from pre-suit investigation through trial (having appeared in nearly a dozen trials) and appeals.

In addition to his patent litigation practice, Dan dedicates time to pro bono matters, including workplace discrimination and immigration cases. He recently tried a pro bono workplace discrimination case to verdict, following a successful appeal to the Fourth Circuit (leading to reversal of the trial court's dismissal of the claims and making new law) and a petition for certiorari to the Supreme Court of the United States (leaving the Fourth Circuit's decision undisturbed), achieving a significant victory for the firm's client in coordination with the Washington Lawyers' Committee for Civil Rights and Urban Affairs.

From 2011-2013, Dan served as a judicial clerk for the Honorable Yvette Kane of the United States District Court for the Middle District of Pennsylvania. Dan is active in the International Trade Commission Trial Lawyers Associate (ITC TLA) where he is a member of the Executive Committee.

Focus Areas

Services

- Litigation
- Commercial Litigation
- ITC Litigation
- Patent Litigation

Industries

- Chemicals
- Consumer Products
- Electrical and Computer Technology
- Hardware
- Internet
- Software
- Telecommunications
- Transportation

Education

J.D. *summa cum laude*, Order of the Coif, Tulane University Law School (2011) Managing Editor, *Tulane Law Review*

B.S. *cum laude*, Information Science and Technology, Pennsylvania State University (2007) French and Francophone Studies minor

Experience

International Trade Commission

Certain Lithium Ion Battery Cells, Battery Modules, Battery Packs, Components Thereof, and Products Containing Same

, Inv. 337-TA-1181 (ITC) – Represented complainants LG Chem and Toray Industries in patent infringement case. Favorable settlement.

Certain Pouch-Type Battery Cells, Battery Modules, Battery Packs, Components Thereof, and Products Containing Same, Inv. 337-TA-1179 (ITC) – Represented LG Chem respondents in patent infringement case. Favorable settlement.

Certain Subsea Telecommunication Systems and Components Thereof, Inv. 337-TA-1098 (ITC) – Represented respondent NEC against complainant Xtera in multi-patent case involving subsea telecommunication systems. Following trial, obtained determination of no violation.

Certain Batteries and Electrochemical Devices Containing Composite Separators, Components Thereof, and Products Containing Same, Inv. No. 337-TA-1087 (ITC) – Represented complainants LG Chem and Toray against respondent ATL in multi-patent case involving lithium ion battery technology. Favorable settlement following trial.

Certain Hybrid Electric Vehicles and Components Thereof, Inv. No. 337-TA-1042 (ITC) – Represented complainants Paice and Abell against Ford in multi-patent case involving hybrid-electric vehicles. Favorable settlement following trial.

Certain Hybrid Electric Vehicles and Components Thereof, Inv. No. 337-TA-998 (ITC) – Represented complainants Paice and Abell against Volkswagen, Audi, and Porsche in multi-patent case involving hybrid-electric vehicles. Favorable settlement.

Certain Automated Teller Machines, ATM Modules, Components Thereof, and Products Containing Same, Inv. No. 337-TA-972 (ITC) – Represented respondent Nautilus Hyosung against Diebold in multi-patent infringement case involving a wide array of technology associated with ATMs. Obtained finding of non-infringement as to certain products.

Certain Television Sets, Televisions Receivers, Television Tuners, and Components Thereof, Inv. No. 337-TA-910 (ITC) – Represented respondent LG in ITC investigation against complainant CrestaTech in multi-patent infringement case involving television tuner technology. Following trial, obtained determination of no violation.

Certain Microelectromechanical Systems (“MEMS Devices”) and Products Containing the Same, Inv. No. 337-TA-876 (ITC) – Represented respondent InvenSense against complainant STMicroelectronics in multi-patent infringement case involving MEMS technology. Favorable settlement during trial.

District Court

Aire Technology Ltd. v. Samsung Electronics Co., Ltd. et al. (W.D. Tex. 2021) (J.

Albright)—Representing defendants in multi-patent infringement case involving contactless payment technology. Case pending.

Theta IP, LLC v. Samsung Electronics Co., Ltd. et al. (W.D. Tex. 2020) (J. Albright)—Representing defendants in multi-patent infringement case involving transceiver technology. Case pending.

Acorn Semi, LLC v. Samsung Electronics Co., Ltd. et al. (E.D. Tex. 2019) (J. Gilstrap)—Representing defendants in multi-patent infringement case involving semiconductor fabrication technology. Case pending.

LG Chem, Ltd. and Toray Industries, Inc. v. SK Innovation Co., Ltd. and SK Battery America, Inc. (D. Del. 2019) (J. Connolly)—Represented plaintiffs in multi-patent infringement case involving lithium-ion battery technology. Favorable settlement.

SK Innovation Co., Ltd. v. LG Chem Ltd., LG Chem Michigan, Inc. and LG Electronics, Inc. (D. Del. 2019) (J. Connolly)—Represented defendants in patent infringement case involving battery technology. Favorable settlement.

SK Innovation Co., Ltd. v. LG Chem Ltd. and LG Chem Michigan, Inc. (D. Del. 2019) (J. Connolly)—Represented LG Chem in patent infringement case involving battery technology. Favorable settlement.

SK Innovation Co., Ltd. v. LG Chem Ltd., LG Chem Michigan, Inc. and LG Electronics, Inc. (D. Del. 2019) (J. Connolly)—Represented LG Chem in patent infringement case involving battery technology. Favorable settlement.

Parker v. Reema Consulting Services, Inc. (D. Md. 2017) (J. Albright)—Represented plaintiff in gender discrimination lawsuit (pro bono). Jury trial verdict of \$725,000 in compensatory and punitive damages (see link).

LG Chem, Ltd. and Toray Industries, Inc. v. Ampere Technology Ltd. (E.D. Mich. 2017) (J. Lawson)—Represented plaintiffs in multi-patent infringement case involving lithium-ion battery technology. Favorable settlement.

Realtime Adaptive Streaming LLC v. Sling TV L.L.C. et al. (D. Col. 2017) – Represented defendants Sling and DISH in patent litigation regarding compression technology. Summary judgment of invalidity granted in favor of clients.

Immersion Corp. v. Samsung Electronics (E.D. Tex.) – Represented defendant Samsung Electronics in multi-patent case involving haptics technology. Favorable settlement.

Paice LLC v. Hyundai Motor Co., et al. (D. Md.) – Represented Paice and Abell in multi-patent infringement case involving hybrid-electric vehicles. Favorable settlement following trial, after

obtaining \$28.9 million verdict and finding of willfulness for client Paice and Abell.

SEVEN Networks v. Samsung Electronics (E.D. Tex.) – Represented defendant Samsung Electronics in multi-patent infringement case involving consumer electronics technologies related to power usage algorithms. Favorable settlement.

IMS Health Inc. v. Symphony Health Solutions, Corp. et al. (D. Del.) – Represented IMS Health in multi-patent infringement case involving healthcare analytics and informatics. Favorable settlement.

Ericsson v. Samsung Electronics (E.D. Tex.) – Represented defendant Samsung Electronics in multi-patent infringement case involving a wide array of consumer electronics technologies. Favorable settlement.

Insights

Publications

- “ITC Monthly Wrap-Up: May 2022,” *Fish Litigation Blog* (June 15, 2022)
- “Strategic IP Considerations of Batteries and Energy Storage Solutions,” *Intellectual Property & Technology Law Journal* (January 2022)
- “Powering up,” *Intellectual Property Magazine* (December 2021/January 2022 issue)
- “ITC Monthly Wrap-Up – September 2021,” *Fish Litigation Blog* (October 5, 2021)
- “Navigating Bar To Patentability In 3rd-Party Secret Sales,” *Law360* (September 21, 2021)
- “Strategic IP Considerations of Batteries and Energy Storage Solutions,” *Fish & Richardson, P.C.* (August 31, 2021)
- “PTAB’s Construction Must Be “Reasonable” In Light of All Intrinsic Evidence, PTAB May Require Patentee to Show Amended Claims Are Patentable Over All Prior Art of Record,” *Fish Litigation Blog* (July 2015)
- “District Courts Deciding Whether to Modify a Protective Order to Allow U.S. Discovery to Be Used in Foreign Litigation Must Consider Factors Relevant to Section 1782 Proceedings,” *Fish Litigation Blog* (July 2015)
- “Claims Should Be Broadly Construed to Include Their Full Plain Meaning Where There Is No Disclaimer or Lexicography,” *Fish Litigation Blog* (July 2015)
- “Federal Circuit Highlights Range of Unanswered Questions Regarding Willfulness In Denying Petition for Rehearing *En Banc*,” *Fish Litigation Blog* (April 2015)
- “Anticipatory Reference Need Not Perform Claimed Combination; No Nexus Where Unexpected Results Stem from Something Other Than the Merits of the Claimed Invention,” *Fish Litigation Blog* (March 2015)

- “Judge Bullock Strikes Portions of Complainant’s Case For Inadequate Contentions and Failure to Produce Expert Test Results During Discovery,” *Fish Litigation Blog* (February 2015)

Speaking Engagements

- “Navigating ITC Investigations: What You Need to Know Before Institution and After Initial Determination,” *Fish Webinar* (September 8, 2022)
- “How to Protect Innovation in the Rapidly Evolving Battery Patent Space,” *International Battery Seminar and Exhibit* (March 31, 2022)
- “Strategic IP Considerations of Batteries and Energy Storage Solutions,” *Fish Webinar* (February 10, 2022)
- “ACC NCR Infringement for In-House Counsel,” *ACC National Capital Region CLE Presentation* (November 9, 2021)
- “Energizing Innovation: A Discussion of IP in The Battery Business,” *Battery Brunch* (October 16, 2021)
- “Battery Battles: A Discussion of Recent IP Litigation in the Battery Business,” *Battery Brunch* (August 28, 2021)
- “Winning Expert Strategies at the ITC,” Practitioners’ Think Tank on ITC Litigation and Enforcement, *American Conference Institute* (July 28, 2021)

Media Mentions

- “Pro Bono Spotlight: Daniel Tishman of Fish & Richardson,” *ABA Center for Pro Bono Exchange* (December 22, 2021)
- Quoted, “High Court Won’t Consider 4th Circ.’s Sex Gossip Bias Ruling,” *Law360* (October 2019)

Clerkships

U.S. District Court for the Middle District of Pennsylvania, The Honorable Yvette Kane, 2011 - 2013

Memberships & Affiliations

ITC TLA, Executive Committee

Member, Giles S. Rich American Inn of Court