




# Ricardo Bonilla

## Principal

 Dallas, TX

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## Overview

### About Riqui

Ricardo Bonilla is a litigation attorney focusing his practice across all areas of commercial and intellectual property litigation, with an emphasis on patents. Mr. Bonilla currently serves as the firm's recruiting principal in Dallas and co-chair of Lawtinios, the firm's Hispanic/Latinx legal staff affinity group. Mr. Bonilla is also head of Fish's Next Gen initiative, which provides a voice and opportunities for newer lawyers and ensures proper training for Fish's associates. He was previously a summer associate with the firm in 2010 and 2011 after joining the firm via its 1L Diversity Fellowship Program.

Mr. Bonilla has represented hundreds of clients in U.S. district courts around the country in intellectual property disputes involving a wide range of technologies, including e-commerce and website systems, computer network architecture, computer software, encryption, telecommunication, and mobile applications. Mr. Bonilla's intellectual property practice has also involved multiple appeals where he has represented clients as both appellants and appellees before the U.S. Court of Appeals for the Federal Circuit. Additionally, Mr. Bonilla has represented many individuals and companies state and federal courts in Texas in commercial disputes and general litigation, as well as class action and *qui tam* litigations.

Mr. Bonilla also served as an assistant district attorney in the Dallas County district attorney's office as part of its lawyer on loan program. The program afforded him an opportunity to serve Dallas County as a misdemeanor prosecutor, where he picked the jury for or first-chaired multiple jury trials, tried cases to the bench, and handled multiple hearings on state and defense motions.

Prior to law school, Mr. Bonilla was a vulnerability research manager at Critical Watch (Achilles Guard Inc.) before interning with Nortel Networks Inc., where he focused on the development and testing of multiple wireless technologies. He was also a software development intern for Eklin Information

Systems, where he developed utilities for the company's proprietary software using various programming languages, including C++, C#, SQL, HTML, and Java.

## Focus Areas

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### **Services**

- Litigation
- Post-Grant
- Trademark
- Appellate
- Commercial Litigation
- False Claims Act and Qui Tam
- ITC Litigation
- Patent Litigation
- Product Liability and Mass Torts
- Trade Secret Litigation
- Trademark, Copyright, and Media Litigation

### **Industries**

- Consumer Products
- Digital Media and E-Commerce
- Electrical and Computer Technology
- Financial and Business Services
- Internet
- Telecommunications
- Transportation

## Education

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J.D. *magna cum laude*, Order of the Coif, Order of Barristers, National Order of Scribes, Texas Tech University School of Law (2012)

B.S. *cum laude*, Software Engineering, University of Texas at Dallas (2009)

## Experience

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*Inventor Holdings, LLC v. Bed Bath & Beyond Inc.* (District of Delaware & United States Court of Appeals for the Federal Circuit): Obtained Federal Circuit affirmance of summary judgment of invalidity under 35 U.S.C. § 101 on behalf of Bed Bath & Beyond in patent infringement lawsuit involving the local processing of payments for orders placed remotely, as well as an award of attorneys' fees after a finding that the case was exceptional under § 285, which the Federal Circuit also affirmed.

*Scott H. Howard et al. v. Chiron Point Investment Fund I, LLC* (Dallas, Texas): Obtained \$2+ million jury verdict for plaintiffs in lawsuit against the purchaser of plaintiffs' business over breach of purchase agreement, along with an award of all attorneys' fees and costs.

*Finnavations LLC v. Payoneer Inc.* (District of Delaware): Obtained grant of Rule 12(b)(6) dismissal under § 101 based on ineligibility of patent directed to a financial management system, along with an award of all of client's attorney fees.

*Opal Run LLC v. C&A Marketing, Inc.* (Eastern District of Texas): After forcing plaintiff to dismiss its case with prejudice without a settlement or payment, obtained grant of exceptional case finding under § 285 in case where plaintiff continued its pursuit of non-viable claims solely in an effort to avoid the risk of having to pay client's attorney's fees.

*Mantis Communications, LLC v. Baskin-Robbins Franchising, LLC, et al.* (Eastern District of Texas): Obtained grant and Federal Circuit affirmance of Rule 12(b)(6) dismissal under § 101 based on ineligibility of patents directed to delivering content to mobile devices.

*BSG Tech LLC v. Buyseasons, Inc.* (Eastern District of Texas): Obtained grant and Federal Circuit affirmance of Rule 12(b)(6) dismissal under § 101 based on ineligibility of patents directed to considering historical usage information while inputting data.

*Zyrcuits IP LLC v. Universal Electronics Inc.* (District of Delaware): Obtained grant of Rule 12(b)(6)

dismissal under § 101 based on ineligibility of patent directed to grouping spread-spectrum data together with a single code instead of with parallel codes.

*Karamelion LLC v. Intermatic Incorporated* (Northern District of Illinois): Obtained grant of Rule 12(b)(6) dismissal under § 101 based on ineligibility of patent directed to using a network of relays to communicate over a distance.

*Electronic Communication Technologies, LLC v. Minted, LLC* (Southern District of Florida): Obtained grant of Rule 12(b)(6) dismissal under § 101 based on ineligibility of patents directed to automated notifications of travel status.

*Epic IP LLC v. Backblaze, Inc.* (District of Delaware): Obtained grant of Rule 12(b)(6) dismissal under § 101 based on ineligibility of patent directed to online chat technology.

*Tangelo IP LLC v. Tupperware Brands Corporation.* (District of Delaware): Obtained grant of Rule 12(b)(6) dismissal under § 101 based on ineligibility of patent directed to electronic catalog technology.

*Secure Cam LLC v. Tend Insights, Inc.* (Northern District of California): Obtained grant of Rule 12(b)(6) dismissal under § 101 based on ineligibility of patent directed to image recognition technology used in digital cameras.

*Lindsay Corp. v. Valmont Industries Inc.* (USPTO Patent Trial and Appeal Board): Obtained decision not to institute inter partes review in case involving client's patent directed to systems for monitoring and controlling irrigation equipment.

*EMG Technology LLC v. Etsy Inc.* (Eastern District of Texas): Obtained grant of Rule 12(b)(6) dismissal under § 101 based on ineligibility of patents directed to displaying information in a hierarchical tree format on a computer screen.

*Mankes v. Fandango, LLC and Regal Entertainment Group* (Eastern District of North Carolina): Obtained grant and Federal Circuit affirmance of Rule 12(b)(6) dismissal under § 101 based on ineligibility of patent directed to allocating, tracking, and controlling inventory.

*Icon Laser Solutions, LLC v. Abercrombie & Fitch, Co.*(Northern District of Texas): Obtained Rule 12(b)(6) dismissal for clients Abercrombie & Fitch, Aeropostale, American Eagle Outfitters, Ralph Lauren, and Nine West Holdings in patent infringement lawsuit involving methods for using lasers to color and fade textiles.

*Tiffany and Company v. Lazare Kaplan International, Inc.* (USPTO Patent Trial and Appeal Board): Obtained final written decision invalidating claims relating to microinscribing the surface of agemstone using a laser for Tiffany and Company as petitioner in *inter partes* review proceeding.

*TQP Development, LLC v. Intuit, Inc. et al.* (Eastern District of Texas): Obtained summary judgment of non-infringement for Hertz in patent infringement lawsuit involving website encryption technology. Also represented clients Expedia, Orbitz, and Google in earlier cases against TQP, resulting in favorable settlements on the eve of trial.

*ICON Internet Competence Network v. Travelocity.com LP* (Northern District of Texas & United States Court of Appeals for the Federal Circuit): Obtained Federal Circuit affirmance of 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. The plaintiff eventually assigned its patents to Travelocity to end the lawsuit.

*Joshua J. Eisner v. Teletech Services Corporation* (Western District of Missouri): Obtained dismissal with prejudice of claims against defendant Teletech Services Corporation in case involving class-action lawsuit alleging violations of Fair Credit Reporting Act.

*Landmark Technology, LLC v. Assurant, Inc.* (Eastern District of Texas): Obtained Magistrate Judge's Report & Recommendation to grant Rule 12(b)(6) motion to dismiss based on asserted patent's failure to claim patent-eligible subject matter under § 101.

*E2E Processing, Inc. v. Cabela's Incorporated* (Eastern District of Texas): Obtained dismissal with prejudice of Cabela's in case involving end-to-end processing technology.

*Guyzar LLC v. StubHub, Inc.* (District of Delaware): Obtained grant of Rule 12(b)(6) dismissal under § 101 based on ineligibility of patent directed to confidentially authenticating a user by relying on a third party.

*Tenaha Licensing LLC v. Ascom (US) Inc.* (District of Delaware): Obtained dismissals of cases against multiple clients after securing report and recommendation from magistrate judge recommending grant of Rule 12(b)(6) motions under § 101 based on ineligibility of patent directed to relaying notification signals.

*Semantic Search Technologies, LLC v. Aldo US, Inc.* (Eastern District of Texas): Obtained grant of Rule 12(b)(6) motions under § 101 based on ineligibility of patents directed to iteratively searching for and presenting information based on user feedback.

*Orostream LLC v. Actiontec Electronics, Inc.* (Northern District of California): Obtained grant of Rule 12(b)(6) motions under § 101 based on ineligibility of patent directed to transmitting targeted

information to users over a network.

*Checksum Ventures LLC v. Dell Inc.* (Northern District of Illinois): Obtained grant of Rule 12(b)(6) motions under § 101 based on ineligibility of patent directed to the manipulation of data to enable checksum technology.

*Rondevoo Technologies, LLC v. Aernos, Inc.* (District of Delaware): Obtained grant of Rule 12(b)(6) motions under § 101 based on ineligibility of patent directed to a sensor that detects and changes in reaction to the presence of a gas, chemical, or biological object.

## Insights

### Publications

Mr. Bonilla is a contributing author to Fish's IP Law Essentials

- "Empowering Our Future Litigation Leaders," *Corporate Counsel Business Journal* (November 2020)
- "What is Patentable Subject Matter?," *Fish IP Law Essentials Blog* (May 2020)
- "Patent Local Rules: Knowing Them Well Can Make Litigating Your Case Smoother," *Fish IP Law Essentials Blog* (April 2020)
- "Federal Circuit Rules No "Prevailing Party" for Attorneys' Fees under § 285 after Plaintiff's Voluntary Dismissal – Even Where Defendant Invalidates Patent-in-Suit," *Fish Litigation Blog* (April 2020)
- EDTX & NDTX Monthly Wrap-Up — September 2019, *Fish Litigation Blog* (September 2019)
- "Shifting the § 101 Burden," *Fish Litigation Blog* (February 2016)
- "Social Media Do's and Don'ts – Discussing Ongoing Litigation," *Fish Litigation Blog* (June 2015)
- "Social Media Dos and Don'ts for Lawyers," *State Bar of Texas, Business Disputes* course book (September 2014)
- "Contention Discovery Requests in Federal Cases in Texas: Punting in the First Quarter Could Lead to Disaster in the Fourth," *Texas Young Lawyers Association eNews* (October 2013)
- "A Patented Lie: Analyzing the Worthiness of Business Method Patents After *Bilski v. Kappos*," *43 Texas Tech Law Review* 1285 (Summer 2011)

### Speaking Engagements

- "NPE Litigation: Trends & Strategies," *Fish Litigation Webinar* (April 2020)

## Media Mentions

- “Partners step aside. It’s time to let associates shine in court,” *Reuters Legal News* (August 3, 2021)
- “Ricardo ‘Riqui’ Bonilla is One to Watch,” Profile for *Dallas Association of Young Lawyers* (December 2020)
- “They’ve Got Next: Intellectual Property Fresh Face Ricardo Bonilla,” Profile in *Bloomberg Law* (October 2020)

## Recognition

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- “Best Lawyers in America” by *The Best Lawyers in America*© (2022)
- “Best Lawyers: Ones to Watch” by *The Best Lawyers in America*© (2021)
- “Top Lawyer Under 40” by Hispanic National Bar Association (2021)
- Texas Rising Star by *Super Lawyers* (2016-2021)
- Best Lawyer Under 40 by *D Magazine* (2018-2019)
- On the Rise – Texas Lawyer (2018)
- On the Rise – Top 40 Young Lawyers by American Bar Association – *Young Lawyers Division* (2018)
- Leadership Council on Legal Diversity – Pathfinder (2018)
- Named to *Lawyers of Color’s* Hot List (2014)

## Memberships & Affiliations

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American Bar Association, Patent Litigation Committee, NPE Subcommittee.

Leadership Council on Legal Diversity, City Lead – 1L Diversity Mentorship Program (Dallas); Executive Committee Member, Vice-Chair of 2021 Leadership Symposium.

Dallas Bar Association.

Dallas Association of Young Lawyers, Co-Chair of Lawyers Promoting Diversity Committee; 2016 Leadership Class.

Dallas Hispanic Bar Association.

Hispanic National Bar Association.

Texas Association of Young Lawyers.

Patent Trial and Appeal Board Bar Association.

## Languages

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- English
- Spanish