






# Richard A. Sterba

## Principal

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## Overview

### About Richard

Richard A. Sterba, a principal in the Washington, D.C., office of Fish & Richardson P.C., leads, manages and tries complex patent cases in U.S. district courts, from the Eastern District of Virginia to the Southern District of California, and the U.S. International Trade Commission (ITC). Experienced in all phases of litigation, his specialty is handling and trying cases at the ITC, having worked on nearly thirty Section 337 investigations, including more than a dozen trials. Mr. Sterba has received several accolades for his ITC trial experience, including having been named a *Law360* International Trade Rising Star and having been recognized by *The Legal 500* for his impressive ITC experience and track record. Beyond his trial work, he also has successfully argued a case to the U.S. Court of Appeals for the Federal Circuit obtaining complete vindication for a small business owner whose entire business had previously been permanently enjoined.

A courtroom lawyer with first-chair experience, Mr. Sterba's litigation experience runs the gamut from representing some of the largest and most respected companies in the U.S. and Asia to representing start-up companies and individuals, and from the highest-stakes litigation involving competitors to "nuisance" litigation often involving non-practicing entities. He recognizes that in litigation one size does not fit all, and that "winning" can take on many different forms. By partnering with his clients to define success and identify goals, he is able to lead cases of varying scopes appropriately consistently producing successful results while managing cases with remarkable efficiency.

Mr. Sterba's background in physics and mathematics enables him to handle cases spanning a wide range of technologies including mobile phones, telecommunications, networking, digital signal processing, microprocessors, integrated circuits, display devices, semiconductors, memory, medical devices, and various mechanical and software inventions. He also has been involved in cases

implicating various technical standards, and is experienced in handling the unique issues, such as FRAND requirements, associated with litigating standards-essential patents.

Mr. Sterba is a leader of Fish's ITC practice. He regularly speaks and lectures, in the U.S. and Asia, on the ITC, its practices and procedures, and related strategic considerations for both complainants and respondents.

Prior to joining Fish's litigation group, he spent several years preparing and prosecuting patent applications, primarily in the fields of semiconductor fabrication and MEMS. His patent prosecution background facilitates a deeper understanding of patents, helping him to spot both their strengths and weaknesses.

Outside the courtroom, Mr. Sterba is active in the American Inns of Court. He has served as president of the Giles S. Rich American Inn of Court, the largest and oldest Intellectual Property Inn of Court in the U.S. and assisted in the formation of the Pauline Newman IP American Inn of Court, where he is currently an officer. He is also an instructor for the National Institute of Trial Advocacy (NITA).

## Focus Areas

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### **Services**

- Litigation
- ITC Litigation
- Patent Litigation

### **Industries**

- Electrical and Computer Technology
- Manufacturing
- Medical Devices
- Semiconductors
- Standard Essential Patents
- Telecommunications

## Education

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J.D., George Washington University Law School (1998)

B.S. *magna cum laude*, Physics, Mathematics, Westminster College (1995)

## Experience

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### U.S. District Court

*NEC Corp. v. Xtera Inc., et al. (D. Del.)* – Representing plaintiff NEC Corporation in a patent infringement case related to subsea telecommunications technology.

*Xtera Inc., et al. v. NEC Corp., et al. (NDTX)* – Representing defendant NEC Corporation in a patent infringement case related to subsea telecommunications technology.

*Huawei Technologies Co. Ltd v. T-Mobile US, Inc. and T-Mobile USA, Inc. (EDTX)* – Represented plaintiff Huawei in a series of 4 related cases related to 3GPP/LTE standards and standard essential patents (SEPs) for core network equipment.

*Advanced Micro Devices, Inc., et al. v. LGE, et al. (NDCA)* – Defended LG defendants in a patent infringement case concerning a variety of integrated circuit technology.

*EON Corp. IP Holdings, Inc. v. LGE, et al. (D. Del. & EDTX)* – Defended LGEMU through successful summary judgment of invalidity of the asserted patent in a patent infringement case accusing LG's video-capable mobile phones.

*Multimedia Patent Trust v. LG Electronics, Inc., et al. (SDCA)* – Defended LGE through jury trial and appeal in a patent case accusing LG's video-capable cellular telephones.

*InterDigital Communications, LLC v. LG Electronics, Inc. (D. Del.)* – Represented LG entities in a patent infringement case relating to mobile phone technology.

*Pragmatus AV, LLC v. Huawei Technologies Co., Ltd. and Futurewei Technologies Inc. (D. Del.)* – Represented Huawei defendants in a patent infringement case concerning video conferencing technology.

*Select Retrieval v. LG Electronics, USA, Inc. (D. Del.)* – Represented defendant LG Electronics USA

in a patent infringement case concerning website technology.

*LG Electronics, Inc. v. Sony Corporation (S.D. Cal. & C.D. Cal.)* – Represented LGE in a patent case against Sony relating to Blu-ray disc players and digital television products.

*Anvik Corp. v. Chi Mei Optoelectronics Corp. (S.D.N.Y.)* – Represented defendant Chi Mei Optoelectronics in suit alleging infringement of patents related to a scanning microlithography system used in the production of liquid crystal displays (LCDs).

*Reactrix Systems, Inc. v. GestureTek, Inc. (N.D. Cal.)* – Represented GestureTek in patent infringement litigation concerning video image based control systems.

*The Saunders Group, Inc. v. ComforTrac, Inc. and Care Rehab and Orthopaedic Products (E.D. Va.)* – Represented defendants ComforTrac and Care Rehab and Orthopaedic Products in a case alleging infringement of a patent directed to a cervical traction device.

*MicroStrategy Incorporated v. Harry & David Operations Corp. (E.D. Va.)* – Represented plaintiff MicroStrategy Incorporated in a case asserting copyright infringement and breach of contract.

*Guardian Industries Corp. v. Hewlett Packard Co.* – (D. Del.) – Represented defendant Hewlett Packard in a case alleging infringement of patents related to the use of retardation films in twisted nematic liquid crystal displays (LCDs) to improve viewing angles.

*Commissariat À L’Energie Atomique v. Chi Mei Optoelectronics Corp.* – (D. Del.) – Represented defendant Chi Mei Optoelectronics in case alleging infringement of patents directed to compensating the birefringence of liquid crystal materials to improve the viewing angle of liquid crystal displays.

### **International Trade Commission, Section 337 Investigations**

*Certain Sleep-Disordered Breathing Treatment Mask Systems and Components Thereof*, Inv. No. 337-TA-1134, and *Certain Obstructive Sleep Apnea Treatment Mask Systems and Components Thereof*, Inv. No. 337-TA-1136 – Represented ResMed as Complainant and Respondent, respectively, in investigations concerning CPAP therapy masks.

*Certain Subsea Telecommunication Systems and Components Thereof*, Inv. No. 337-TA-1098, and *Certain Submarine Telecommunication Systems*, Inv. No. 337-TA-1113 – Representing NEC Corporation as Respondent and represented NEC Corporation as Complainant, respectively, in investigations concerning subsea telecommunication equipment.

*Certain Sleep-Disordered Breathing Treatment Mask Systems and Components Thereof*, Inv. No. 337-TA-1022 – Represented Complainant ResMed in an investigation concerning CPAP therapy masks.

*Certain Network Devices, Related Software and Components Thereof I & II*, Inv. No. 337-TA-944 & -945 –

Represented respondent Arista Networks in investigations concerning network devices.

*Certain Non-Volatile Memory Chips and Products Containing the Same*, Inv. No. 337-TA-916, and *Certain Devices Containing Non-Volatile Memory*, Inv. No. 337-TA-922 – Represented Macronix as Respondent and Complainant, respectively, in investigations concerning non-volatile memory, such as Flash memory.

*Certain Television Sets, Television Receivers, Television Tuners, and Components Thereof*, Inv. No. 337-TA-910 – Represented LG in ITC investigation against complainant CrestaTech and its infringement assertion of patents related to television tuner technology.

*Certain Sleep-Disordered Breathing Treatment Systems and Components Thereof*, Inv. No. 337-TA-890 – Represented Complainant ResMed in an investigation concerning CPAP therapy systems.

*Certain Microelectromechanical Systems (“MEMS Devices”) and Products Containing the Same*, Inv. No. 337-TA-876 – Represented respondent InvenSense against STMicroelectronics in patent litigation concerning various MEMS technologies.

*Certain Wireless Consumer Electronics Devices and Components Thereof*, Inv. No. 337-TA-853 – Represented LG in ITC investigation through trial and final Commission review against complainants TPL, Patriot Scientific, and Phoenix Digital System and their infringement assertion of a patent related to variable speed system clocks in microprocessors.

*Certain Wireless Devices with 3G Capabilities and Components Thereof* Inv. No. 337-TA-800 – Defending Respondent LGE against patent infringement claims brought by InterDigital seeking exclusion of LGE’s mobile phone products.

*Certain Electronic Devices Having A Digital Television Receiver and Components Thereof*, Inv. No. 337-TA-774 – Represented Complainant Zenith Electronics Ltd. against Sony entities seeking exclusion of Sony digital television receivers.

*Certain Display Devices, Including Digital Televisions and Monitors II*, Inv. No. 337-TA-765 – Defended Respondent LGE against patent infringement claims brought by Sony Electronics seeking exclusion of LGE’s digital television products.

*Certain Digital Televisions and Components Thereof*, Inv. No. 337-TA-764 – Represented Complainant LGE against Sony entities seeking exclusion of Sony’s PlayStation3 and digital television products.

*Certain Digital Televisions and Components Thereof*, Inv. No. 337-TA-742 – Represented complainant LG Electronics in investigation enforcing patents related to digital televisions.

*Certain Liquid Crystal Display Devices and Products Containing The Same*, Inv. No. 337-TA-699 –

Represented complainant Samsung Electronics in investigation enforcing patents related to liquid crystal display.

*Certain Video Displays, Components Thereof, and Products Containing the Same*, Inv. No. 337-TA-687 – Represented complainant LG Electronics in investigation enforcing patents related to digital televisions.

*Certain Electronic Devices Having Image Capture or Display Functionality*, Inv. No. 337-TA-672 – Represented complainant LG Electronics in investigation enforcing patents related to image capture and display.

*Certain Liquid Crystal Display Modules and Products Containing the Same, and Methods for Using the Same*, Inv. No. 337-TA-634 – Defended Samsung respondents in a patent infringement action relating to liquid crystal displays.

*Certain Liquid Crystal Display Devices and Products Containing the Same*, Inv. No. 337-TA-631 – Represented complainant Samsung Electronics in a patent infringement action relating to liquid crystal displays.

*Certain Dynamic Random Access Memory Devices and Products Containing Same*, Inv. No. 337-TA-595 – Defended Samsung respondents in an investigation defending against patent infringement claims brought by Renesas Technology Corp. accusing Samsung's DRAM products.

## **U.S. Court of Appeals**

*ERI v. Hauge* – (*Fed. Cir.*) – represented and argued for appellant Hauge in appeal related to contempt finding and entry of injunction. Obtained full reversal of adverse district court ruling.x

## Insights

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### **Publications and Presentations**

“The 5th LES Asia-Pacific Regional Conference” (November 5-6, 2014 – Seoul, Korea).

“ACI 6th Expert Forum on ITC Litigation & Enforcement” (February 25-26, 2014 – Washington, DC).

“Overview of 2011 Patent Reform: What You Need to Know About The Leahy-Smith America Invents Act,” (September 30, 2011 – Washington, DC).

“Guide to The Leahy-Smith America Invents Act,” (February 3, 2012 – Washington, DC).

“Patent Litigation at the ITC,” with Joseph V. Colaianni, Jr., George Washington University Law School (March 10, 2010 – Washington, DC).

“Small Entity Status: Who’s Small, Who Isn’t, Who Should be, and Why?”, *AIPLA Q.J.*, 25, 425 (1997).

## Recognition

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Selected as a 2012 International Trade “Rising Star” by *Law360*, and recognized by The Legal 500 for his impressive ITC experience and track record, Mr. Sterba is considered one of the top patent litigators practicing at the U.S. International Trade Commission.

## Memberships & Affiliations

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Mr. Sterba served as Executive Managing Editor of the American Intellectual Property Law Association Quarterly Journal (1997-1998).

Mr. Sterba is active in several professional organizations including having served as a President of The Giles S. Rich American Inn of Court, the largest and oldest Intellectual Property Inn of Court in the United States (having previously served as Inn Administrator for six years); The Pauline Newman IP American Inn of Court; and International Trade Commission Trial Lawyers Association (ITCTLA).