





Seth M. Sproul

Principal

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Overview

About Seth

Seth is a seasoned trial lawyer who has experience in all aspects of complex patent and intellectual property litigation, including trade secret disputes, copyright actions, and RICO claims. He has successfully handled trials in U.S. district courts across the country and in hearings before the U.S. International Trade Commission. He recently co-chaired a trial where he invalidated a utility patent covering Columbia Sportswear's Omni-Heat product lines representing hundreds of millions of dollars. This was also the first design patent damages trial under the Supreme Court's *Samsung v. Apple* opinion allowing apportionment of damages for design patents.

Clients say that Seth's approach is firm but reasonable because he eschews scorched-earth tactics in favor of identifying and focusing on issues that truly matter. He brings to every case a careful attention to detail and a desire to align the litigation strategy with his clients' business objectives. Seth's practice spans multiple high-tech industries for market-leading clients in the cellular handset, software database, semiconductor, high-speed networking, and medical device fields. His recent cases have involved cutting-edge technical advancements in the 5G cellular industry, developing law relating to the determination of FRAND rates, and design patent damages.

Seth's practice also involves counseling clients on licensing and patent due diligence matters, and in patent portfolio management. He has represented clients in high-stakes proceedings before the Patent Trial and Appeal Board (PTAB). He also litigates complex trade secret matters in state and federal court, where he is able to use his extensive technical expertise to help clients resolve often difficult questions of trade secret theft and misappropriation.

Seth's expertise is built on a foundation of rigorous technical achievement starting with a Bachelor of Science degree in nuclear engineering from Oregon State University. Before going to law school, he

worked in fellowships at the Hanford Nuclear Reservation in Richland, Washington, performing Monte Carlo analysis for nuclear transport casks, and later for the Commissariat D'Etude Atomique in Cadarache, France.

Outside the office, Seth enjoys spending time with his wife and three kids. He is an avid cyclist, and has completed the hundred miles of Levi's Gran Fondo in Santa Rosa, California, three times. When the wind and swell are right, you can find him surfing in Encinitas.

Focus Areas

Services

- Litigation
- ITC Litigation
- Patent Litigation
- Trade Secret Litigation

Education

J.D., Lewis and Clark College, Northwestern School of Law (2001)

B.S., Nuclear Engineering, Oregon State University (1997)

Experience

US Ethernet Innovations Inc. v. Acer et al (E.D. Tex. and N.D. Cal.) – Defending Intel Corporation in litigation relating to Ethernet adapters.

Applied Signal v. ViaSat Inc. (N.D. Cal.) – Represented ViaSat in competitor suit relating to Satellite technology achieving successful settlement before trial.

Asustech v. IBM (S.D. Cal.) – Represent computer manufacturer in assertion of patents relating to network devices and defense of patents relating to Ethernet adapters and vehicle control.

Veeco Instruments Inc., et al. v. Asylum Research Corporation (C.D. Cal.) – Represented Asylum

Research in litigation relating to Atomic Force Microscopy.

Renesas v. Samsung (International Trade Commission) – Achieved favorable settlement for Samsung. Patents related to semiconductor process.

z4 Technologies, Inc. v. Microsoft Corp./Autodesk, Inc. (E.D. Tex., Tyler) – Represented Autodesk and Microsoft in litigation relating to software anti-piracy technology.

Lucent v. Gateway, Microsoft, et al. (S.D. Cal.) – Represented Microsoft in pending litigation relating to digital audio technology.

TypeRight Keyboard Corporation v. Microsoft Corporation (S.D. Cal.) – Represented Microsoft in action relating to ergonomic keyboards. Settled favorably.

Intel adv. Broadcom (D. Del. and E.D. Tex.) – represented Intel in multiple cases relating to networking and 3D graphics technology.

Negotiated Data Solutions v. Intel (N.D. Cal.) – represented Intel against patent assertion. Prevailed on appeal.

Predicate Logic v. Distributive Software – Achieved favorable settlement after prevailing at Federal Circuit for software design company in assertion of patent relating to automated software design analysis.

Jardin v. Datallegro (S.D. Cal.) – represented Datallegro in successful defense against patent and theft of trade secret claims relating to database technology.

Insights

Publications

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

- “Unlocking California’s Trade Secret Identification Requirement Under California Code of Civil Procedure Sec. 2019.210 – Part 2,” *Fish IP Law Essentials Blog* (December 2020)
- “Unlocking California’s Trade Secret Identification Requirement Under California Code of Civil Procedure Sec. 2019.210 – Part 1,” *Fish IP Law Essentials Blog* (June 2020)
- Unlocking the Secret of California’s Trade Secret Identification Requirement: Part 2, *The Recorder* (October 2019)
- Unlocking the Secret of California’s Trade Secret Identification Requirement: Part 1, *The Recorder*

(October 2019)

- “Takeaways from the FTC’s Deep Dive on Patent Assertion Entities,” *Corporate Counsel* (October 31, 2016)

Speaking Engagements

- “The Art of the Steal: Bill Belichick & the Houston Astros, as a Way to Understand Trade Secret Misappropriation,” *Association of Corporate Counsel* CLE Event (January 2020)
- “Design Patent Litigation,” *San Diego Office CLE Event* (January 2018)

Media Mentions

- Favorable jury verdict for Fish client Seirus in *Columbia Sportswear North America, Inc. v. Seirus Innovative Accessories Inc.* was featured in the *Daily Journal’s* Verdicts & Settlements column (August 27, 2021)

Recognition

- Named Lawyer of the Year: Litigation – IP, San Diego by *Best Lawyers in America* (2022)
- Named to “Best Lawyers” by *Best Lawyers in America* (2020-2022)
- Named a “Leading Patent Professional” by *IAM Patent 1000* (2020-2021)
- Named as a “Top Young Attorney” by the *San Diego Daily Transcript* (2008)