




Thomas H. Reger II

Principal

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Overview

About Tom

Described in IAM Magazine as the “last man standing in infringement duels in jurisdictions nationwide,” Tom Reger argues patent and other intellectual property cases in U.S. district and state courts, as well as the U.S. International Trade Commission (ITC). With this litigation experience and a computer science degree from Texas A&M University, Tom manages all aspects of the case from the complaint through trial, whether as a defendant or a plaintiff. Successfully representing defendants in U.S. districts across the country, Tom has won summary judgments of invalidity and patent exhaustion and obtained jury verdicts of non-infringement. And in representing plaintiffs, he has won jury verdicts of infringement, willfulness, and false marking and brought numerous cases involving standard essential patents and FRAND issues. At the ITC, Tom has invalidated asserted patents before the ALJ and the Commission, as well as successfully presented public interest, domestic industry, and other defenses at the evidentiary hearing.

Tom also participated in the Lawyer on Loan program through the Dallas County District Attorney’s office. During his tenure as an assistant district attorney, he picked the jury or led the prosecution in more than 15 jury trials.

In addition to his litigation experience, Tom has technical experience as a patent prosecutor and as a software engineer. His particular focus was in algorithm analysis, optimization, and other software design. He is well-versed in many computer languages (including Java, C, C++, SQL, HTML, COBOL, and Assembler), as well as operating systems, hardware platforms, and databases.

Tom was commissioned as officer in the U.S. Army Reserves in December 1995. He has been married to Nicole Reger for 15 years, and they have two children.

Focus Areas

Services

- Litigation
- ITC Litigation
- Patent Litigation

Industries

- Digital Media and E-Commerce
- Electrical and Computer Technology
- Financial and Business Services
- Hardware
- Internet
- Optics
- Semiconductors
- Software
- Standard Essential Patents
- Telecommunications

Education

J.D., Southern Methodist University Dedman School of Law (2001) Member, *SMU Law Review*

B.S., Computer Science, Texas A&M University (1995)

Experience

In the Matter of Certain Electronic Devices, including Wireless Communication Devices, Computers, Tablet Computers, Digital Media Players, and Cameras (337-952) and Ericsson Inc. et al v. Apple (Case Nos. 289, 291, and 293) (E.D. Tex. 2015) – Represented Apple in multi-jurisdictional dispute involving operating system, radio, touchscreen, and battery technologies with a focus on public interest factors and domestic industry at the ITC hearing.

In the Matter of Certain Mobile Telephones and Wireless Communication Devices Featuring Digital Cameras, and Components Thereof (337-862) and Ericsson Inc. et al v. Samsung Electronics Co. et al (Case Nos. 894 and 895) (E.D. Tex. 2012) – Represented Samsung in multi-jurisdictional dispute involving cellular and wireless networking technology with a focus on fair, reasonable, and non-discriminatory (FRAND) obligations and public interest factors at the ITC hearing.

In the Matter of Certain Mobile Telephones and Wireless Communication Devices Featuring Digital Cameras, and Components Thereof (337-703) and Research In Motion v. Eastman Kodak (N.D. Tex. 2008) – Represented RIM in multi-jurisdictional dispute, including i) Respondent in ITC investigation where 2 ALJs and the Commission invalidated Kodak's asserted patent involving camera technology and ii) as a declaratory judgment Plaintiff in a multi-patent infringement action related to camera technology and data integration technology.

Semcon v. Texas Instruments (E.D. Tex. 2016) – Lead counsel for TI in 5-patent lawsuit involving power management and direct memory access (DMA) technologies, including arguing all dispositive terms for joint defense group at *Markman* hearing.

DeepNines Inc. v. McAfee Inc. (E.D. Tex. 2006) – Represented Plaintiff DeepNines on patent involving network security; obtained a jury verdict of \$18M on willful infringement (both direct and indirect), as well as false marking.

Broadcom Corp. v. Emulex Corp. (C.D. Cal. 2009) – In multi-patent litigation involving different networking technologies, won summary judgment of patent exhaustion and won jury verdict of no infringement on behalf of Emulex.

NXP v. BlackBerry et al. (M.D. Fla. 2012) – Represented Defendant BlackBerry (formerly RIM) against six asserted patents involving various technologies, including computer buses, WiFi, and semiconductor manufacturing; argued the *Markman* hearing that ultimately resulted in three dropped patents and a jury verdict of no infringement, and invalidity of the three remaining patents. The Patent Office subsequently invalidated two of the plaintiff's patents after *inter partes* review (IPR).

Touchcom Technologies Inc v. Dresser, Inc. (E.D. Tex. 2005) – Obtained summary judgment of

patent invalidity for Dresser in software patent infringement suit with damages alleged to exceed \$30M.

Huawei Technologies Co. Ltd v. T-Mobile US, Inc. and T-Mobile USA, Inc. (E.D. Tex. 2016) Filed a series of 4 related cases concerning T-Mobile's infringement of 14 standard essential patents (or SEPs) related to 3GPP/LTE standards for core network equipment, as well as a declaratory judgment case regarding FRAND licensing obligations.

Nokia Solutions and Networks US LLC and Nokia Solutions and Networks Oy v. Huawei Technologies Co. Ltd. and Huawei Device USA, Inc. (E.D. Tex. 2016) After successfully obtaining an order severing Nokia's counterclaims from another series of cases, defended Huawei in a series of 4 related lawsuits brought by Nokia alleging infringement of 9 patents concerning 3GPP/LTE standards for cellphones and tablets.

In the Matter of Certain Non-Volatile Memory Chips and Products Containing the Same (337-916) and *In the Matter of Certain Devices Containing Non-Volatile Memory (337-922)* – Represented Macronix as Respondent and Complainant, respectively, in investigations concerning non-volatile memory, such as Flash memory.

TronTech Licensing Incorporated v. Uniden America Corporation (E.D. Tex. 2006) – After invalidating 8 claims based on indefiniteness at *Markman* hearing, obtained favorable settlement for Uniden in patent infringement suit involving cordless telephone answering machine technology.

Cheetah Omni LLC v. Alcatel-Lucent USA Inc. et al. (E.D. Tex. 2011) – Obtained favorable settlement for Huawei in multi-patent litigation involving optical networking components.

Alcatel USA Sourcing, Inc v. Microsoft Corporation (E.D. Tex. 2006) – Represented Microsoft in multi-patent litigation involving image and video processing.

DataTern, Inc. v. Avis Budget Group, Inc. and Hertz Corporation (E.D. Tex. 2009), *DataTern, Inc. v. The Allstate Corporation et al.* (E.D. Tex. 2009), *DataTern, Inc. v. Suntrust Banks, Inc. et al.* (E.D. Tex. 2010) – Represented Halliburton, Avis Budget, Hertz, and ConocoPhillips in patent infringement suits concerning middleware software that facilitates communication between an object oriented program and a relational database.

Summit 6 LLC v. Research In Motion (N.D. Tex. 2011) – Represented RIM in a patent infringement action related to web-based media submission tools; obtained favorable settlement after *Markman* ruling.

SaniJet Corp. v. BeautyMall Ltd. et al. (N.D. Tex. 2006) – Argued *Markman* hearing before Judge Furgeson and obtained favorable settlement for Beauty Mall in patent infringement litigation involving

pipeless spa jet technology.

Landmark Graphics Corp. et al. v. Paradigm Geophysical Corp. et al. (S.D. Tex. 2006) – Obtained favorable settlement for Plaintiffs in patent infringement litigation involving 3D seismic imaging, while defending against breach of contract, trade secret, and other counterclaims.

Choicepoint Public Records v. Seisint et al. (Fifteenth Judicial Circuit Court, Palm Beach County 2002) – Represented Seisint against breach of contract, trade secret, and other allegations involving data brokerage software and related data.

Blumenau v. Avid Technology, Inc. (N.D. Tex. 2007) – Obtained favorable settlement for Avid Technology in patent infringement litigation involving audiovisual data editing environment manipulating symbols or icons representing individual transformation processes.

Constellation IP, LLC v. Travelocity.com, LP and Sabre Holdings Corporation (E.D. Tex. 2006) and *Constellation IP, LLC v. Avis Budget LLC* (E.D. Tex. 2007) – Obtained dismissal for Sabre and favorable settlements for Travelocity and AvisBudget by defending patent infringement suits concerning an electronic, customized, presentation system that creates a visual impression characteristic that the customer associates with the seller.

Insights

Speaking Engagements

- “Current and Recurrent Ethical Issues in Intellectual Property Practice” *University of Texas’ 10th Annual Intellectual Property Symposium* (2009)

Recognition

- Selected by peers for inclusion in *The Best Lawyers in America* (2022)
- Named by *IAM Patent 1000: The World’s Leading Patent Practitioners* as one of the “top patent practitioners” in Texas for litigation in (2012-2017)
- Named a “Texas Rising Star” by *Super Lawyers* (2005-2006, 2010-2013)
- Fellow in the Texas Bar Foundation

Memberships & Affiliations

ITC Trial Lawyers Association

Member of The Honorable Barbara M.G. Lynn American Inn of Court