

In The News

Top Litigators Share Winning Strategies

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Even in the world of patent litigation, where it can take an engineering degree to understand the technology, occasionally a dispute comes down to old-fashioned trial lawyering. For Jamil Alibhai, who won an \$88 million verdict in a case between rival semiconductor makers, the key was a timeline.

That's how Alibhai showed a jury that a Silicon Valley company stole light-sensing technology that allows screens on iPhones and other devices to adjust their brightness based on surroundings. After nearly six years of litigation, a jury in federal court in Sherman, Texas, returned a verdict for Texas Advanced Optoelectronic Solutions Inc. on its every claim against Intersil Corp.

"They felt like they got cheated and stolen from," Alibhai said of his client, known as TAOS. Alibhai said that the only way TAOS could prove its case was by producing a chronology of events and obtaining emails that showed how Intersil planned to put his client out of business. In 2004, Intersil offered to purchase TAOS and became privy to information about its patented methodology. The deal fell apart, and later TAOS learned it lost an Apple Inc. contract to Intersil for the same light-sensing product.

Alibhai knew that putting together a clear timeline of events, comparing the technology Intersil owned before the failed deal and then what it sold to Apple, versus TAOS' technology, would be important.

"The courtroom strategies aligned with delivering the facts crisply in a manner that diffused misdirection attempts by the defense," said Kirk Laney, chief executive officer of AMS A.G., which acquired TAOS while the deal was pending.

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"A timeline organizes important events and documents and helps the jurors remember the key dates," Jamil Alibhai said. "In a trade-secret or patent-infringement case, a timeline illustrates how a company's products and technology changed before and after the misappropriation or infringement." "Prepare, prepare, then over-prepare," he said.

"Try the case to a mock jury," Alibhai suggested. "A mock trial provides valuable insights regarding trial themes and the strengths and weaknesses of the case."

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