

Intellectual Property Litigation

Overview

Whether trying to defend a standalone asset or a portfolio of copyrights, trademarks and patents, protecting and enforcing intellectual property (IP) rights within today's ever-evolving environment requires a multi-faceted strategy. At Munsch Hardt, we offer clients access to skilled and trial-tested attorneys with the legal and technical experience required to persuade judges and juries who ultimately make decisions on technologically complex issues.

Our IP Litigation team has a broad range of experience in the following areas:

- Patent infringement
- Inter Partes Reviews
- Copyright infringement
- Trade secrets
- Trademark infringement and dilution
- Trade dress protection

We try cases before juries, judges and regulatory bodies, including the Eastern District of Texas, the United States Court of Appeals for the Federal Circuit, the United States International Trade Commission and the United States Patent Trial and Appeal Board.

While trials are often necessary, our litigators have also had success in resolving disputes to save clients the cost, as well as minimize business disruptions, of proceeding to trial. As part of creatively searching for a resolution to our clients' IP disputes, we thoroughly investigate the possibility of insurance, indemnification and other risk-spreading alternatives. However, one of our greatest strengths is providing long-term plans and solutions for clients, not just litigation advice. By making strategic decisions up front, our attorneys are able to save clients' money, reduce business disruptions and ensure a successful outcome.

PATENTS

Our Patent Litigation team combines Munsch Hardt's traditional strength in litigation with an advanced understanding of the technical aspects of the issues at hand, allowing our lawyers to effectively advocate for our clients at the trial level, in appellate and arbitration venues throughout the country, and in front of various regulatory bodies. These cases often involve a variety of technology and industries, including electronics, semiconductors, software, telecommunications, the Internet, FDA-approved drugs and medical devices, chemical engineering and materials science, and media and entertainment.

Patent rights are also often protected privately through patent licensing arrangements. We assist clients in enforcing their patents and patent portfolios through licensing programs. Before initiating such licensing programs, we conduct substantial patent and claim analysis, and engage potential licensees in face-to-face meetings to discuss the technical and legal issues informing a company's choice between litigation and licensing.

When trial is necessary, Munsch Hardt's attorneys commit to the case from day one and are hands-on in actively developing the case strategy, analyzing the strengths and weaknesses of case, evaluating potential opportunities for resolution and preparing the case for trial. Through this targeted and focused approach, we strive to avoid wasteful litigation, promote efficiency and obtain results.

COPYRIGHTS

Copyrights are valuable assets that must be protected, or they can be lost. In today's information age, controlling rights to works of authorship can be an important part of a client's commercial success, thus compelling companies and artists alike to protect their IP in novel and creative ways.

Whether the victim of infringement or the subject of an infringement accusation, Munsch Hardt's Copyright Litigation Practice helps clients protect all forms of work, including:

- Computer software
- Publishing and literary works
- Music, motion pictures and sound recordings
- Fabric and jewelry designs
- Photography
- Packaging

Munsch Hardt's lawyers provide clients with distinct knowledge of copyright concerns to help clients fight piracy, pursue and defend infringement litigation and increase their level of copyright protection around the world. Whether an individual or business, plaintiff or defendant, our team has represented a number of industries that have tapped the Firm's diverse technical skill sets and our unmatched resources for counsel across subject matters and jurisdictions.

TRADE SECRETS

Regardless of size or location, former employees, vendors, contractors, and other entities with access to private and sensitive information are constant threats to the success of a business, which is why it is imperative to diligently protect and exploit this information. Munsch Hardt partners with clients to do exactly that across a myriad of industries, including technology, telecommunications, energy, health care, financial institutions, hospitality, retail and manufacturing.

Our team of attorneys regularly counsels clients on protecting their trade secrets and other proprietary information from misappropriation. However, should litigation become necessary, we are poised to aggressively prosecute or defend individuals and companies accused of violating covenants not to compete or stealing, using or disclosing confidential information. Our experience representing both companies and employees as plaintiffs and defendants gives us a balanced, practical approach to crafting effective solutions for our clients with as little disruption to their business as possible.

By taking an efficient and cost-effective approach to trade secret violations, our attorneys stand ready to defend, prosecute and enforce the following types of laws:

- Uniform Trade Secrets Act
- Unfair Competition Law
- U.S. Economic Espionage Act
- Unfair Trade Practice (Trade Regulation Law)

- Misuse of Intellectual Property
- Trade Secret Misappropriation
- Trade Secret Theft
- Confidentiality Violations
- Data Security Breach
- U.S. Defend Trade Secrets Act

In any of these unfortunate situations, our attorneys can swiftly obtain restraining orders and injunctions to protect clients' rights and defend similar actions brought by opponents. Most importantly, our attorneys recognize the importance of guarding against the disclosure of proprietary information during the litigation process to ensure it does not fall into the public domain or competitors' hands.

Clients also turn to Munsch Hardt to help them identify whether valuable IP assets are best protected as a trade secret, or whether patent or copyright protection is more appropriate. Our team is experienced in developing and executing a variety of preventive measures, including:

- Restrictive covenants, including non-compete and non-disclosure agreements
- Trade secret and intellectual property audits
- Unfair competition and breach of fiduciary duty
- Comprehensive trade secret protection programs
- Electronic information protection systems
- Trade secret protection policies
- Employee training practices

TRADEMARKS

A trademark is more than a word or symbol – it embodies a company's reputation, brand and business. Whether initiating trademark litigation on behalf of a client or defending it in a lawsuit brought against it, Munsch Hardt is committed to protecting our client's best interests.

Our Trademark Litigation team includes seasoned trial lawyers with the technical knowledge to handle complex cases, and the business knowledge to understand what these cases mean to our clients. We litigate every kind of dispute in this field – from trademark, service mark and trade dress infringement to cyber piracy, trade secrets and unfair competition – in all cases, bringing both experience and creativity to bear.

Munsch Hardt's extensive experience in trademark litigation includes dozens of proceedings in the Federal district court, including the Eastern District of Texas and before the U.S. Trademark Trial and Appeal Board. Our trial-tested attorneys handle all phases of trademark litigation, including applications for emergency injunctive relief (temporary restraining orders, preliminary injunctions and seizures), declaratory judgment proceedings, trials and appeals. We also litigate cases in courts throughout the United States and assist with cases in tribunals around the world.

Experience

Patent Litigation

Represented an oil field services company in patent infringement lawsuit involving monitoring equipment used on oil well reworking rigs. Case resulted in a jury trial in the Eastern District of Texas and a favorable outcome for client.

Patent Litigation

Represented manufacturers of bus converters and other power management devices in a patent infringement lawsuit involving power conversion technology. Case resulted in a jury trial in the Eastern District of Texas, appeal to the Federal Circuit and subsequent bench trial.

Copyright + Trade Secret Litigation

Represented a provider of software and services directed to online newspaper publisher in a lawsuit against a former employee and competitor who stole software source code and business trade secrets. Case resulted in entry of judgment in excess of \$1 MM and permanent injunction against the former employee and competitor. Case is presently on appeal to the Fifth Circuit.

Patent Litigation

Represented an oil field services company in a patent infringement lawsuit in the Northern District of Texas involving a patent related to equipment used in oil well fracking operations. Case resulted in a favorable outcome for client.

Patent Litigation

Represented a Chinese telecommunications manufacturer in a patent infringement lawsuit in the Eastern District of Texas involving a patent related to camera lenses used in smartphones and other devices. Case resulted in the Court granting summary judgment in favor of the defendants.

Trade Secret Litigation

Represented a Taiwanese manufacturer of electronic video equipment in commercial arbitration. The matter involved allegations of misappropriation of trade secrets under the Texas Uniform Trade Secrets Act and the federal Defend Trade Secrets Act.

Patent Litigation

Represented a local business that manufactures and sells health and beauty products in a series of patent infringement lawsuits in the Northern District of Texas to enforce a patent related to a hair styling device against a number of competitors. Cases resulted in the recovery of significant sums for client and the entry of permanent injunctions against a number of infringing competitors.

Patent Litigation

Represented the owner of a patent related to the evaluation and grading of diamonds and gemstones in a patent infringement lawsuit in the Eastern District of Texas against companies engaged in grading the qualities of diamonds and gemstones. Client obtained favorable results from the cases.

Patent Litigation

Represented a Texas-based company in a patent infringement case filed in the Eastern District of Texas involving a patent related to the remote operation of building thermostats and temperature control devices. Our team succeeded in getting the case transferred to the Northern District of Texas, after which the case was resolved favorably for client.

Patent Litigation

Represented a local manufacturer of air filters and air purification devices in a patent infringement lawsuit filed in the Central District of California involving a patent related to UV light devices used in HVAC systems. Our team succeeded in getting the case transferred to the Eastern District of Texas, after which the case was resolved favorably for client.

Copyright Litigation

Represented a regional manufacturer and seller of Western-themed jewelry and accessories in a copyright infringement lawsuit filed in the Eastern District of Texas involving copyrighted designs of jewelry pieces. Case was resolved favorably for client.

Practice Leaders



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Related People

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Jordan Curry
William Zac Duffy
Jay Evans
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James Jordan
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James Ray
Robert Rhodes
Brandon Stendara
Steven Williams

Related Practices

Intellectual Property
Intellectual Property Transactions & Development

Related Industries

Financial Services
Construction
Energy
Health Care
Hospitality
Insurance
Manufacturing
Real Estate
Retail
Technology & Telecommunications
Transportation

Achievements

- *Best Lawyers*® “Best Law Firms”, published by *Woodward/White, Inc.* – Litigation – Intellectual Property, Metropolitan Tier Ranking (2022-2024)

Newsroom

Press Release: Munsch Hardt Ranks Among Nation’s Top Firms in 2023 “Best Law Firms” List by U.S. News - Best Lawyers®

In The News: Violate My Patents? See you in Texas

In The News: 5th Circ. Won't Nix \$1.4M Arbitral Award To Taiwanese Co.

Article: Cyber Resilience and the Importance of a Plan: How Law Firms Can Defend Against Cybersecurity Risks

In The News: Williams Shares Insights On Cybersecurity With Managed Healthcare Executive

Article: Trademark Enforcement: A More nuanced game than whack-a-mole

In The News: Munsch Hardt To Absorb Dallas Trial And IP Boutique

In The News: Munsch Hardt Doubles IP Litigation Practice through Acquisition

In The News: Dallas Trial Boutique to Close as Munsch Hardt Hires Its Lawyers

Press Release: Munsch Hardt Joins Forces with McDole Williams, Strengthening Its Commercial Litigation and IP Practices

Press Release: Experienced Trial Lawyer Craig Harris Joins Munsch Hardt's Growing Litigation Practice

Speech: The Good, the Bad, and the Ugly of Early Damage Disclosures. A Look at the New California Approach

Speech: 2017 Eastern District of Texas Bench Bar Conference, Planning Committee

Speech: 2016 Eastern District of Texas Bench Bar Conference, Planning Committee

Article: Successfully Defending Against False Marking Claims