

Nick G. Saros

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Areas of Focus

Patent Litigation and
Counseling

Trade Secrets and
Restrictive Covenants

Technology

Intellectual Property

Japan Practice



Overview

Nick Saros is no stranger to high-value, unique technology design. A former design engineer on projects like satellites and the B-2 stealth bomber, he brings singular insight to intellectual property challenges and opportunities. Nick focuses his practice on complex intellectual property matters, primarily patent infringement and trade secret litigation, as well as patent licensing and other technology-related issues.

Market leaders and some of the world's largest companies across a wide range of technologies have called on Nick for his counsel on intellectual property issues and disputes. These include software, electronic health records and medical devices, ticketing applications, cameras and lenses, motion control systems, semiconductor technology, menu generation applications, lighting control, internet content delivery, and turbochargers. Nick also routinely represents Japanese companies in US courts in patent infringement and trademark matters.

Nick's trade secret work has been lauded as landmark. He was a lead member on the Jenner & Block team that won a \$940 million jury verdict based on claims of misappropriation of trade secrets, breach of contract, fraud, and violations of state and federal law involving the client's leading healthcare software. This win is one of the largest trade secret verdicts in US history.



My mechanical and design engineering backgrounds give me special insights into my clients' technologies, IP portfolio opportunities, and the challenges my clients face.”

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- Trade Secrets and Restrictive Covenants
- Technology
- Intellectual Property
- Japan Practice

Representative Matters

- Represented a leading provider of process control and motion control systems in a patent infringement case in the Eastern District of Texas. Obtained summary judgment of unpatentability on all asserted claims of four patents, which was affirmed on appeal.
- Represents the leading provider of ticketing and entertainment services in a patent infringement case in the Western District of Texas. The matter is currently ongoing.
- Represents the world leader in electronic health records software and services in the Western District of Texas along with two of the client's customers.
- Represents one of the world's largest hotel companies in a patent infringement case in the Southern District of California. After invalidating three patents in patent office proceedings, won summary judgment of unpatentability for claims of the remaining patent.
- Represented News Corp. subsidiary Move, Inc. and the National Association of Realtors in a trade secret case against online real estate portal Zillow and two of its senior executives. Based on claims of trade secret misappropriation, breach of contract, and breach of fiduciary duty, among others, the case resolved with a \$130 million settlement on the first day of trial.
- Represented Japanese broadcast and video system manufacturer in a patent infringement case in the Eastern District of Texas. After a motion to dismiss based on Section 101 unpatentability, the matter settled.
- Represented the world's leading supplier of consumer lighting control products in the Central District of California for patent infringement against competitors and knock-off vendors. Obtained injunctions or agreements to modify existing products against all defendants.
- Represented Japanese consumer food product manufacturer in a trademark infringement lawsuit in the Western District of Michigan, resulting in a dismissal of all claims against the client.

- Represented Japanese video game manufacturer in a patent infringement lawsuit in the Central District of California, resulting in an early minimal settlement after which the case continued against numerous other defendants for years.
- Represented a prominent surgeon and inventor in a patent infringement dispute against a large biomedical device company that produces spinal instrument systems. After a three-month trial, the jury delivered a \$560 million verdict against the medical device company, as well as findings of breach of various licensing agreements and infringement of all six asserted patents. The case was featured in *The American Lawyer* and *Corporate Counsel* magazines.
- Represented a Japanese video surveillance product manufacturer in a patent infringement action in the District of Delaware that resulted in a settlement before any substantial discovery or motion practice.
- Represented a leading internet content delivery provider in a patent infringement action brought by a competitor in the District of Massachusetts. The plaintiff asserted more than 200 claims in connection with three patents. Mr. Saros achieved successful claim constructions that led to a summary judgment ruling of noninfringement for two of the asserted patents. After a jury trial on the remaining patent, the Court granted a post-trial motion for judgment as a matter of law of non-infringement. Following the conclusion of Mr. Saros' representation, the case continued through multiple Federal Circuit and Supreme Court appeals.
- Represented a major supplier of automotive and consumer products in a patent infringement action in the Northern District of California regarding trench metal oxide semiconductor field-effect transistor (MOSFET) technology. Mr. Saros led a joint defense team of all co-defendants in the action and argued on behalf of the joint team at the technology tutorial and claim construction hearings before the Court. Mr. Saros achieved a successful claim construction on the disputed terms, convincing the Court to change its previous construction of a claim term in an earlier case. All claims against the client were dismissed with prejudice after a favorable *Markman* order.
- Represented a leading internet content delivery provider in a patent infringement action in the Eastern District of Virginia involving three patents and more than 150 asserted claims. Mr. Saros defeated one claim before trial, following a dispositive claim construction order. After a three-week trial, a jury found noninfringement of the remaining two patents. On appeal, the Federal Circuit affirmed.

Credentials

Admissions

- California, 2000

Education

- Loyola Law School, Los Angeles, JD, Order of the Coif; Fritz Burns Scholarship, 2000
- Michigan State University, BS, Mechanical Engineering, 1993

Court Admissions

- US Court of Appeals, Federal Circuit, 2001

- US District Court, Central District of California, 2000
- US District Court, Northern District of California, 2000

Service / Recognition

Awards

- *California Lawyer & Daily Journal*, California Lawyer Attorney of the Year (CLAY) Award, 2017
- *Southern California Super Lawyers*, Intellectual Property Litigation, 2011-2018; Rising Star, 2010
- *Legal 500*, Next Generation Lawyer, Trade Secrets Litigation and Non-Contentious Matters, 2021