

# PANITCH Intellectual Property Law SCHWARZE

One Commerce Square, 2005 Market Street, Suite 2200, Philadelphia, PA 19103 // Toll free 888-291-5676

## Litigation

Litigation serves as an important legal tool and at Panitch Schwarze, we focus specifically on intellectual property litigation, representing both plaintiffs and defendants.

Our attorneys are widely respected for their legal skills, technical expertise, and trial capabilities. Panitch Schwarze Belisario & Nadel LLP is ranked by *The Best Lawyers in America*® as a Tier 1 Patent Litigation and Intellectual Property Litigation law firm in Philadelphia, and nationally ranked law firm in the same categories. Relying on their professional experiences, our attorneys have successfully litigated all manners of intellectual property cases before administrative agencies, state courts, and federal courts, including litigation involving patent, trademark, copyright, trade secret, trade dress cases, computer fraud and abuse, cybersquatting and licensing/contract disputes.

Knowledge, experience, and preparation distinguish our firm's attorneys within the field of IP litigation. Given that such litigation frequently involves highly technical issues, it is imperative that an attorney be able to fully understand and effectively communicate relevant information to the client, judge, and jury. Our attorneys possess the technical knowledge and communication skills necessary to translate highly complex information to a less technologically versed judge and jury. The professional experiences and academic qualifications of our attorneys place them at the vanguard of their respective fields in terms of technical expertise and makes them well-equipped to engage in successful advocacy for every client.

The value of such expertise is bolstered by meticulous attention to detail. It is not enough to simply understand the technology. While technical understanding and sound legal strategies are required, it is the thorough preparation for trial that often determines success. Such preparation includes assembling the team best suited to handle the case, collecting, producing, and reviewing all necessary documents, and drafting well-written briefs.

These steps lay the foundation for successful litigation and place our attorneys in the best position to defend or obtain the intellectual property rights our clients deserve.

Our widely respected litigation practice has attracted a worldwide clientele. In addition to representing many North American companies, our attorneys also represent a wide array of companies from around the globe. Our attorneys are accustomed to coordinating a multinational approach and are adept at working with counsel in other countries to ensure that litigation efforts both in the U.S. and abroad are successful.

While litigation is sometimes necessary, one particular area of expertise we

## Attorneys / Agents

Martin G. Belisario  
Dennis J. Butler  
Ragi A.I. Elias  
Aaron Ettelman  
Weihong Hsing  
Clark A. Jablon  
Keith A. Jones  
Bridget H. Labutta  
Stephen E. Murray  
Alan S. Nadel  
Ronald L. Panitch  
William W. Schwarze  
Bijal Shah-Creamer  
John D. Simmons  
Frederick A. Tecce

## Industries Served

Agriculture  
Automotive  
Pharmaceuticals / Biotechnology / Chemicals  
Business Services  
Construction  
Consumer Goods / Retail  
Electronics / Manufacturing / Machinery  
Energy  
Entertainment  
Financial / Banking  
Medical / Medical Equipment / Medical Devices  
Technology / Software

have successfully utilized in defending against accusations of patent infringement are challenges in the U.S. Patent and Trademark Office called inter partes reexamination. Our attorneys and patent agents have successfully challenged dozens of patents in this manner resulting in a cost effective result for our clients.

- Computer Fraud and Stored Communications
- Copyright Litigation
- IP Litigation
- Litigation Practice
- Patent Litigation
- Trade Secrets Litigation
- Trademark Litigation
- Trial Practice
- Unfair Competition Litigation

**Representative Matters:**

- Advertising Specialty Institute, Inc. v. Landmark Corporate Marketing, et al., represented defendant Landmark Corporate Marketing, trade secrets and contract
- Aletto Brothers, Inc. v. Oscar Heyman & Brothers, Inc., SD of NY, represented defendant, Oscar Heyman, trademark infringement
- AMI Entertainment Network, Inc. v. A&E Television Networks, LLC, E.D. Pa., represented plaintiff, AMI Entertainment Network, Inc., trademark infringement
- AMI Entertainment Network, Inc. v. Big Fish Games, Inc., ED of PA, represented plaintiff, AMI Entertainment, patent infringement
- Aperio Technologies, Inc. v. Olympus America Inc., et al., District of DE, represented Defendants, Olympus/Hamamatsu, patent infringement
- Atomizing Systems, Inc. v. True Fog USA et al., Dis. N.J., represented plaintiff, Atomizing Systems, copyright infringement
- BSES Limited v. LT Industries, Inc., District of MD, represented Plaintiff BSES Limited, patent infringement
- Chia Yi Chin Jwu Enterprises Co. Ltd. v. IDEA Nuova, Inc. et al., S.D.N.Y., represented defendant, Idea Nuova, patent infringement
- Creative Compounds v. S.A.N. Nutrition Corp. and Starmark Laboratories, SD of FL, represented defendants, S.A.N. Nutrition Corp. and Starmark Labs, patent infringement
- Crystal Image Technology, Inc v. Samsung Electronics Co., Ltd, W.D. Pa., represented defendant(s), Samsung Electronics Co., Ltd., patent infringement.
- DMI Sports, Inc. v. Regent Sports Corp., E.D. Pa., represented plaintiff, DMI Sports, Inc., patent infringement
- E.J. Breneman v. Road Science, ED of PA, represented defendant, Road Science, patent infringement
- Fish Net, Inc. v. Foster and Smith, Inc. et al., E.D. Pa., represented defendant, Foster and Smith, trademark infringement and cybersquatting
- Gamajet Cleaning Systems, Inc. v. Spraying Systems Co., E.D. Pa., represented plaintiff, Gamajet Cleaning Systems, Inc., patent and copyright infringement
- Grandeye Limited v. ImmerVision, WD of TX, represented defendant, ImmerVision, patent infringement
- Henry Company v. Stelwagon Roofing Supply, Inc., E.D. Pa., represented plaintiff Henry Company, trademark infringement
- Heraeus Electro-Nite Co. v. Midwest Instrument, E.D. Pa., represented plaintiff, Heraeus Electro-Nite Co., patent infringement
- Heraeus Electro-Nite Co. v. Vesuvius USA Corp., E.D. Pa., represented

- plaintiff, Heraeus Electro-Nite Co., patent infringement
- Illinois Tool Works Inc. v. Ion Systems, E.D. Pa., represented plaintiff, Illinois Tool Works, Inc., patent infringement
  - Karl Storz Endoscopy-America, Inc. v. Richard Wolf Medical Instruments Corp., ND of IL, represented defendant Richard Wolf, patent infringement
  - Medicis Pharmaceutical Corporation et al. v. Activis MidAtlantic LLC, District of DE, represented plaintiff Alyzan, Inc., patent infringement
  - Medicis Pharmaceutical Corporation, et al. v. Stiefel Laboratories, Inc., WD of TX, represented plaintiff, Alyzan, Inc., patent infringement
  - Merit Industries, Inc. v. JVL Corp, E.D. Pa., represented plaintiff, Merit Industries, Inc., patent infringement
  - Patent Group v. Vesdia Corporation, ED of TX, represented defendant Vesdia Corporation, patent infringement
  - Penn Emblem Company v. World Emblem International, SD of FL, represented plaintiff, Penn Emblem Company, patent infringement
  - Playworld v. BCI Burke, LLC, ED of PA, represented defendant, BCI Burke, trade dress and trademark infringement
  - Prism Technologies, LLC v. VeriSign, Inc. et al., Dist. Del., represented defendant, VeriSign, Inc., patent infringement
  - SAP v. Graphics SAP, Inc., District of DE, represented plaintiff, SAP, trademark infringement
  - Schiller Grounds Care, Inc. v. The Toro Company, E.D. Pa., represented plaintiff, Schiller Grounds, patent infringement
  - ScriptPro, LLC v. Yuyama USA et al., Dis. Kansas, represented defendants, Yuyama Mfg. Co., Ltd., Yuyama USA, and AutoMed Technologies, Inc., patent infringement
  - Source, Inc. v. Access Development, Inc. et al., E.D. Texas, represented defendant(s), Mall Networks, patent infringement
  - SRL, LLC v. Munchkin Inc., District of MA, represented defendant, Munchkin, trademark infringement.
  - T.C. Millwork, Inc. et al. v. KGM Gaming, LLC, E.D. Pa., represented defendant(s), KGM Gaming, LLC, patent infringement and state law tort claims
  - Viskase Companies, Inc. v. World PAC Int'l AG et al., ED of VA, represented defendants, World PAC, patent infringement and state law tort claims
  - Yuyama Manufacturing Company, Ltd. V. JVM Limited, District of MD, represented plaintiff, Yuyama Mfg., patent infringement
  - Zenith Products Corp. v. Elite Home Fashions, LLC et al., E.D. Pa., represented plaintiff, Zenith Products Corp., design patent infringement
  - Zenith Products Corp. v. Splash Home, Inc., E.D. Pa., represented plaintiff, Zenith Products Corp., design patent infringement
  - Zenith Products Corporation v. Carnation Home Fashions, Inc., District of DE, represented plaintiff, Zenith Products Corporation, trademark and copyright infringement
  - Zenith Products Corporation v. Design Home Solutions, LLC, SD of FL, represented plaintiff, Zenith Products Corporation, patent infringement
  - Zenith Products Corporation v. DHI Corp., WD of WI, represented plaintiff, Zenith Products Corporation, patent infringement
  - Zenith Products Corporation v. Hardware Resources, MD of PA, represented plaintiff, Zenith Products Corporation, patent infringement
  - Zenith Products Corporation v. Kenney Manufacturing, District of RI, represented plaintiff, Zenith Products Corporation, patent and trade dress infringement
  - Zenith Products Corporation v. Organize-It-All, Inc., District of NJ, represented plaintiff, Zenith Products Corporation, copyright infringement

- Zenith Products Corporation v. Popular Bath, District of DE, represented plaintiff, Zenith Products Corporation, patent infringement

## MEDIA CENTER

### **John D. Simmons to Lead Philadelphia IP Law Association // May 18, 2017**

Panitch Schwarze Belisario & Nadel is proud to announce that partner John D. Simmons has been elected to serve as president of the Philadelphia Intellectual Property Law Association (PIPLA). [Read more](#)

### **Corporate Counsel Publishes Panitch Schwarze Attorneys' Article on Venue // February 23, 2017**

Panitch Schwarze partner John D. Simmons, along with associate Keith A. Jones, wrote an article entitled, "Is Change on the Way for Patent Litigation Rules?" [Read more](#)

### **PTAB Grants Rehearing of Patent in Delaware Litigation // February 4, 2016**

**In a rare move**, the U.S. Patent Trial and Appeal Board recently granted rehearing of its denial to institute *inter partes* review of Greatbatch Ltd.'s U.S. Patent No. 7,327,553. [Read more](#)

### **Partner Alan Nadel Speaks On U.S. Patent and Trademark Office Patent Litigation Alternatives // September 11, 2015**

Patent attorney Alan Nadel of Panitch Schwarze Belisario & Nadel LLP will present a CLE on effective strategies to manage patent and trademark litigation. [Read more](#)

### **Panitch Schwarze Attorneys Recognized as 'Leaders in their Field' in Chambers USA 2015 // June 16, 2015**

Panitch Schwarze Belisario & Nadel LLP is pleased to announce that Ronald L. Panitch, William W. Schwarze, Martin G. Belisario, Alan S. Nadel, and Clark A. Jablon have been ranked as "Leaders in their Field" in the 2015 Chambers & Partners USA Directory in the field of Intellectual Property law. [Read more](#)

### **10 Panitch Schwarze Attorneys Named Pennsylvania 'Super Lawyers' and 'Rising Stars' for 2015 // May 15, 2015**

Panitch Schwarze Belisario and Nadel LLP is pleased to announce that Ronald L. Panitch, William W. Schwarze, Martin G. Belisario, Alan S. Nadel, and Frederick A. Tecce have been named to the Pennsylvania Super Lawyers list as five of the top attorneys in Pennsylvania for 2015. [Read more](#)

### **Panitch Schwarze Named a Top IP Law Firm by Forbes // May 4, 2015**

Panitch Schwarze Belisario & Nadel LLP, an intellectual property law firm, is pleased and honored to announce that Forbes magazine has recognized it as a top IP law firm in the Forbes Legal Black Book created by Forbes Business Division. [Read more](#)

### **Panitch Schwarze Attorneys Named 2015 'IP Stars' // April 15, 2015**

Panitch Schwarze Belisario & Nadel LLP, an intellectual property law firm, is pleased to announce that attorneys Ronald L. Panitch, William W. Schwarze, and Alan S. Nadel have been named 2015 IP Stars by Managing Intellectual Property, a leading source of news and analysis on intellectual property issues worldwide. [Read more](#)

### **PTAB Rules in favor of BBitV against Hawaiian Telcom // April 1, 2015**

Panitch Schwarze Belisario & Nadel LLP is pleased to announce that today the United States Patent and Trademark Office's Patent Trial and Appeal Board (PTAB) ruled in favor of its client Broadband iTV, Inc. ("BBitV"). [Read more](#)

**Panitch Schwarze Successful in Defeating Inter Partes Review Attempt by Unified Patents Inc.** // January 8, 2015

Panitch Schwarze Belisario & Nadel LLP is pleased to announce that on behalf of its client, Broad Band iTV (BBiTV), it has been successful in defeating an attempt by Unified Patents, Inc. to initiate an Inter Partes Review before the Patent Trial and Appeal Board against BBiTV's patent. [Read more](#)

**Panitch Schwarze Ranked Among 2015 'Best Law Firms'** // November 3, 2014

U.S. News has named Panitch Schwarze Belisario & Nadel LLP as a 2015 Best Lawyers® "Best Law Firm." and was specifically mentioned nationally and in the Philadelphia metropolitan area for Intellectual Property. [Read more](#)

**Subject Matter Conflicts in IP** // October 2, 2014

John Steele, Esq., will give a presentation on Subject Matter Conflicts in IP. CLE will be applied for but is not guaranteed [Read more](#)

**Panitch Schwarze Opens New Location in Delaware** // September 10, 2014

Panitch Schwarze Belisario & Nadel LLP is pleased to announce its expansion of its Intellectual Property practice with the opening of a new Wilmington, Delaware office. [Read more](#)

**Panitch Schwarze Announces New Location in Delaware** // August 25, 2014

Panitch Schwarze Belisario & Nadel LLP is pleased to announce its expansion of its Intellectual Property practice with the opening of a new Wilmington office at the Wells Fargo Tower, 2200 Concord Pike, Suite 201, Wilmington, DE 19803. [Read more](#)

**6 Panitch Schwarze Intellectual Property Attorneys Named in 'Best Lawyers in America' 2015** // August 19, 2014

Intellectual Property attorneys from Panitch Schwarze Belisario & Nadel LLP were included in the oldest and most respected peer-review publication in the legal profession. Best Lawyers recognized each of these attorneys for their Intellectual Property practice. [Read more](#)

**U.S. Supreme Court Ruling Impacts Business-Related Software Inventions** // July 14, 2014

The U.S. Supreme Court recently ruled on a patent case, Alice Corp. v. CLS Bank, regarding whether business-related software inventions are entitled to patent protection under 35 U.S.C. § 101, which defines the statutory categories of inventions entitled to patent protection. [Read more](#)

**Panitch Schwarze Intellectual Property Attorneys Recognized as 'Leaders in their Field' in Chambers USA 2014** // July 10, 2014

Panitch Schwarze Belisario & Nadel LLP is pleased to announce that Ronald L. Panitch, William W. Schwarze, Martin G. Belisario, Alan S. Nadel, and Clark A. Jablon have been ranked as "Leaders in their Field" in the 2014 Chambers & Partners USA Directory for the field of Intellectual Property. [Read more](#)

**Inequitable Conduct: A Recap of Therasense and Subsequent CAFC Decisions** // June 26, 2014

Summer Associate William Kaufmann will give a presentation on Inequitable Conduct. Lunch will be provided. CLE is being applied for but is not guaranteed. [Read more](#)

**9 Panitch Schwarze Intellectual Property Attorneys Named Pennsylvania 'Super Lawyers' and 'Rising Stars' for 2014** // May 23, 2014

Panitch Schwarze Belisario and Nadel LLP is pleased to announce that Ronald L. Panitch, William W. Schwarze, Martin G. Belisario, Alan S. Nadel and Frederick A. Tecce have been selected to the Pennsylvania "Super Lawyers" list as five of the top attorneys in Pennsylvania for 2013. [Read more](#)

### **Australian and New Zealand Patent Law // May 14, 2014**

Matt Adams, Partner with AJ Park in New Zealand, will hold a presentation on various updates in New Zealand and Australian patent law. Lunch will be served. CLE will be applied for but is not guaranteed [Read more](#)

### **Discussion Over High Court Ruling On Police Dog's Sniff of Car With Attorney Fred Tecce and Bloomberg News // February 24, 2014**

Bloomberg News and attorney Fred Tecce discuss police dogs and searches without warrants in recent high court rulings. [Read more](#)

### **Panitch Schwarze Ranked Among 2014 'Best Law Firms' // November 1, 2013**

*U.S. News* has named Panitch Schwarze Belisario & Nadel LLP as a 2014 Best Lawyers® "Best Law Firm." and was specifically mentioned nationally and in the Philadelphia metropolitan area for Intellectual Property. [Read more](#)

### **Is Trade Secret Definition an Active Litigation Matter? // October 8, 2013**

Regardless of your role in any litigation, for the foreseeable future, trade secret criminal prosecution is here to stay and we need to conduct ourselves and represent our clients accordingly. [Read more](#)

### **Panitch Schwarze Attorney, Fred Tecce, Opines On Privacy And Rights Of Publicity // August 19, 2013**

Fred Tecce and Fox News address privacy rights on Kate Middleton photos on the internet and how the French courts will rule on the rights to the photos. [Play video](#)

### **Panitch Schwarze Attorney, Fred Tecce, Discusses How Bernie Madoff is Playing The "Blame Game" // August 19, 2013**

Bloomberg News interviews attorney Fred Tecce about statements made by Bernie Madoff on his financial case. [Play video](#)

### **Fred Tecce, Attorney for Panitch Schwarze Speaks About The Political Blog Suing Its Former Pollster // August 19, 2013**

Attorney Fred Tecce is interviewed by Fox News on fraudulant data supplied by a former pollster and court case which is filed. [Play video](#)

### **7 Panitch Schwarze Intellectual Property Attorneys Named Among 'Best Lawyers in America' for 2014 //**

August 15, 2013

Intellectual Property attorneys from Panitch Schwarze Belisario & Nadel LLP were included in the oldest and most respected peer-review publication in the legal profession. Best Lawyers recognized each of these attorneys for their Intellectual Property practice. In addition, Ronald L. Panitch was named the 'Best Lawyers' 2014 Philadelphia Litigation - Patent "Lawyer of the Year." [Read more](#)

### **The Rise of Non-Practicing Entity (NPE) Patent Litigation // July 13, 2013**

The biggest news of this year in the patent industry is the dramatic increase in patent litigations filed by non-practicing entities, or NPEs. A record 60 percent of all patent litigations in the past year were filed by NPEs, which affects the entire landscape of patent litigation. [Read more](#)

### **Bloomberg News Interviews Fred Tecce about Patent Litigation Changes in 2011 // May 25, 2012**

Attorney Fred Tecce provides overview of patent litigation and law changes and updates including the America Invents Act. [Read more](#)

### **What Companies Need to Know about the Leahy-Smith America Invents Act (AIA) Patent Reform Legislation: Part II // April 1, 2012**

Part II of this series of articles looks at new examination provisions, fees, fee structures, and review processes. [Read](#)

[more](#)

### **What Companies Need to Know about the Leahy-Smith America Invents Act (AIA) Patent Reform Legislation: Part I // March 1, 2012**

Part I of this series of articles will focus mainly on key litigation-related provisions that are effective now. [Read more](#)

### **Distinguished Litigation and IP Attorney Frederick A. Tecce Joins Panitch Schwarze // January 3, 2012**

Panitch Schwarze Belisario & Nadel LLP, a Philadelphia intellectual property law firm, is delighted to announce the addition of veteran litigation attorney Frederick A. Tecce to the firm. Tecce was a partner of McShea & Tecce and is a former Assistant U.S. Attorney where he tried numerous cases. [Read more](#)

### **Panitch Schwarze Hosts Leahy-Smith America Invents Act Live Seminar & Webinar // December 16, 2011**

Panitch Schwarze attorneys Alan Nadel, Clark Jablon, John Simmons, and Dennis Butler hosted a live seminar and webcast entitled “Leahy-Smith America Invents Act” on November 30, 2011. The presentation discussed major changes found in the sweeping new law including the introduction of the first-to-file system, the post grant review proceedings, and the impact this will have on patent litigation. [Read more](#)

### **4 Panitch Schwarze Intellectual Property Attorneys Named 'Best Lawyers in America' for 2012 // November 18, 2011**

Four attorneys were recently selected by their peers for inclusion in The Best Lawyers in America 2012-2013. In addition, the firm was ranked in the Best Law Firms rankings, published in November's U.S. News and World Report's Money issue. [Read more](#)

## FROM THE BLOG

[May 22, 2017](#)

### **U.S. Supreme Court Upsets 30 Years of Precedent, Changing Where Companies Can Be Sued for Patent Infringement**

The U.S. Supreme Court on Monday, May 22, 2017, changed the playing field regarding where patent owners can file infringement lawsuits against accused infringers. [Read more](#)

[December 9, 2016](#)

### **USPTO Closer to Recognizing Patent Agent Privilege?**

By Carly A. Shanahan, Ph.D. A key element of our justice system, the attorney-client privilege, was put in place to ensure that every citizen can obtain sound legal advice. Confidences discussed with an attorney in order to obtain legal advice are privileged from discovery in litigation. When it comes to the protection of intellectual property... [Read more](#)

[October 20, 2016](#)

### **Trademarks Update: Supreme Court to Decide Constitutionality of Disparagement Provision**

The U.S. Supreme Court is poised to answer a question that has plagued federal trademark law for decades: Does the government have the right to refuse to register trademarks which it has deemed “disparaging?” And, given that the First Amendment prohibits our government from restricting speech, does it make sense to have the U.S. Trademark... [Read more](#)

[July 21, 2016](#)

## **NO PATENT FOR YOU! Can a software-related claim that recites only generic computer elements be statutory under 35 USC 101?**

By Clark A. Jablon, Esq. Unlike the infamous Seinfeld “Soup Nazi” episode – in which you could get your soup if you just kept your head down, did not engage in small talk with the owner, or ask for free bread – software inventors are finding it difficult, and sometimes impossible, to obtain patents or... [Read more](#)

July 7, 2016

## **What Does the Brexit Vote Mean for IP Protection?**

By Martin G. Belisario and Bridget H. Labutta As is well known by now, the citizens of Great Britain have chosen to leave the European Union (EU), a move popularly dubbed the “Brexit.” Despite the economic upheaval and media firestorm surrounding the vote, the realm of intellectual property law is unlikely to see any immediate... [Read more](#)