



Partner, Intellectual
Property and Litigation

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Education

Case Western Reserve University
School of Law; J.D., 1986

Case Western Reserve University;
B.A., 1983

- magna cum laude
- Phi Beta Kappa

Luke L. Dauchot, P.C.

Luke is a trial lawyer who focuses his practice on intellectual property and complex commercial cases. Admitted to practice in California, Illinois, and Ohio, Luke has tried numerous patent infringement and commercial cases in venues throughout the country. He has been recognized by *The American Lawyer* as one of Kirkland's first-chair "young and hungry" IP trial lawyers, by *Law360* as one of its patent litigation "MVPs," and by one of California's leading legal journals as among California's top-75 IP attorneys. As lead counsel, Luke has obtained multiple defense and some of the country's highest patent plaintiff's verdicts, including a \$226 million Massachusetts jury award, a California jury verdict in the amount of \$70 million, and another California jury verdict in the amount of \$101.2 million. Admitted to practice before a number of appellate courts including the United States Court of Appeals for the Federal Circuit, Luke has also briefed and argued cases on appeal.

Clients have called on Luke's litigation and trial skills in disputes involving a wide range of technical areas. A substantial part of Luke's practice focuses on medical device matters, including cardiovascular and orthopedic devices, instruments, and methods. His work in this area has led to recognition by publications such as *The American Lawyer*, *Corporate Counsel*, *The Daily Journal*, *Managing Intellectual Property*, *IP Law360*, *Southern California Super Lawyers* and *The Los Angeles Business Journal*.

Representative Matters

Medtronic v. NuVasive (patent litigation)

United States District Court for the Southern District of California

- As lead trial counsel, won \$101.2 million for Warsaw Orthopedic, Inc. (a Medtronic entity) in the first phase of a patent infringement dispute with NuVasive, Inc. The jury found that NuVasive's spinal technology infringed all three of Warsaw's asserted patents.
- Case was listed in *Los Angeles Daily Journal* "Jury Awards \$101 million to medical device maker in patent case" (September 23, 2011); *AmLaw Litigation Daily* "Kirkland, Dewey Win \$101 Million Jury Verdict for Medtronic in Spinal Implant Patent Case" (September 20, 2011); *Law360* "Jury Hands Medtronic \$101M in Spine Device IP Fight" (September 20, 2011); *Bloomberg News* "Medtronic Wins \$101 Million Award from NuVasive Over Spine Device Patents" (September 20, 2011).

Admissions/Qualifications

2004, California
1988, Ohio
1986, Illinois

Professional Associations & Memberships

American Bar Association,
Intellectual Property Law and
Litigation Sections

American Intellectual Property
Law Association

International Bar Association

Los Angeles Intellectual Property
Law Association

Judge Paul R. Michel Intellectual
Property American Inn of Court –
Executive Committee Member

Foreign Languages

Dutch

French

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Alcatel-Lucent v. Microsoft (patent litigation)

United States District Court for the Southern District of California

- As lead trial counsel for Alcatel-Lucent, won \$70 million patent infringement jury verdict in the retrial of a long-running patent infringement dispute with Microsoft
- Case was listed in *AmLaw Litigation Daily* “Kirkland Wins \$70 Million Patent Verdict for Alcatel in Retrial Against Microsoft” (August 1, 2011); *Los Angeles Daily Journal* “Microsoft Loses Patent Fight to Alcatel-Lucent” (August 1, 2011); *Bloomberg News* “Microsoft Must Pay Alcatel \$70 Million in Patent Damages, U.S. Jury Says” (July 29, 2011).

Ericsson Inc. v. D-LINK Systems, Inc.

United States District Court for the Eastern District of Texas

- Lead trial counsel for Intel Corporation

Finjan, Inc. v. McAfee, Inc. (patent litigation)

United States District Court of Delaware

- Represented McAfee, Inc. as lead trial counsel in patent litigation brought by Finjan, Inc. against McAfee, Symantec, Sophos and Websense

Stryker v. Biedermann Motech GmbH (patent litigation)

United States District Court for the District of Columbia

- As lead trial counsel for Biedermann Motech, successfully defended company in 2010 bench trial on 35 U.S.C. Section 146 appeal of USPTO interference ruling

Biedermann Motech GmbH v. Alphatec (patent litigation)

United States District Court for the District of Massachusetts

- As lead trial counsel for Biedermann, argued and won Markman hearing and summary judgment motions; case settled in May of 2008 for a sum in excess of \$10 million. The settlement was reported in *Bloomberg News*.

Helix Information Services, Inc. v. Hawaiian Gardens Casino (patent litigation)

United States District Court for the Central District of California

- Won summary judgment of non-infringement on behalf of Hawaiian Gardens Casino, and obtained partial summary judgment that the named inventor had withheld material prior art from the U.S. Patent Office. The rulings were later vacated at the request of plaintiff as part of the stipulated dismissal.

Distinctions

IAM Patent 1000: The World's Leading Patent Practitioners, 2012

The Legal 500 U.S., Recommended Lawyer, 2012

Law360's "2011 MVP"

The Daily Journal's "Top 75 Intellectual Property Lawyers in California," 2009 — 2013

The Recorder's 2011 "Attorneys of the Year"

"Southern California Super Lawyers," 2009 — 2013

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Biedermann Motech GmbH v. Medtronic (patent litigation)

United States District Court for the District of Massachusetts

- As lead trial counsel for Biedermann, won patent infringement jury verdict in the amount of \$226 million, second largest patent infringement award in 2007, and reportedly largest award in the history of Massachusetts
- Case was listed in *The American Lawyer* "Young and Hungry" (January 2008); *The American Lawyer* "Big Suits" (December 2007); Bloomberg News "Medtronic Loses Bid to Void J&J \$226 Million Verdict" (December 2007); *IP Law360* "Judge Nails Medtronic with \$226M Screw Judgement" (December 2007); *Managing Intellectual Property* "KSR Cited as Court Backs \$226.3 Million Award" (December 2007).

Medtronic v. Michelson (patent/commercial litigation)

United States District Court for the Western District of Tennessee

- Won breach of contract/patent infringement jury trial (\$170 million compensatory damages; \$400 million punitive damages); settled for 1.35 billion in April 2005 (largest patent settlement in history)
- Case was listed in *The American Lawyer* "Winning Ways" (March 2005); "Big Suits" (December 2004) and *Lawyers Weekly USA* "Doctor Wins \$560 Million for His Invention" (October 25, 2004).
- Verdict was cited in *The Los Angeles Times* "Jury Orders Medtronic to Pay Punitive Damages of \$400 Million to L.A. Inventor" (October 13, 2004) Settlement was cited in *Los Angeles Business Journal* "Doctor Billion" (May 2005).

WR Grace v. Zapata Industries (patent litigation)

United States District Court for the Southern District of Florida

- Obtained defense jury verdict on obviousness grounds in chemical composition matter

University of Akron v. Shell Oil Company (patent litigation)

United States District Court for the Northern District of Ohio

- Won JMOL on behalf of Shell Oil following close of plaintiffs' case in matter involving oil additive products

Cleveland Cliffs v. Cyprus Amax (commercial litigation)

Lake County, Minnesota

- Won jury verdict for client (one of largest awards in county's history) in commercial indemnity case involving iron ore facilities

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Other Matters

- Completed successful appeals in United States Court of Appeals for the Federal, Sixth, and Seventh Circuits
- Tried additional cases/expedited remedy proceedings in venues throughout the country
- Secured favorable settlements in patent, trademark, and trade secret litigation pending in venues throughout the country

Publications

- Luke L. Dauchot – Q&A – Law360, July 2009
- Luke L. Dauchot – “Markman Marks Ten Years: Where Do Things Stand?” American Bar Association Section of Intellectual Property Law, 21st Annual IPL Conference Course Materials, April 2006
- Luke L. Dauchot – “The Doctrine of Equivalents: An Endangered Species?” American Bar Association Section of Intellectual Property Law, 21st Annual IPL Conference Course Materials, April 2006
- Luke L. Dauchot, CAFC Year in Review, 2005 National CLE Conference, Intellectual Property, Snowmass, Colorado
- Luke L. Dauchot and Jeffrey C. Metzcar, “Technical Advisors: Welcome Scientific Education, But at What Cost to a Patent’s Notice Function?” *IP Litigator*, March/April 2003
- Luke L. Dauchot, “Patent Claim Construction: Understanding the Game Called the Claim,” *IP Litigator*, August 2001
- Luke L. Dauchot, “Patent Claim Construction: Substantive and Procedural Update” 2001 National CLE Conference, Intellectual Property, Vail, Colorado
- Luke L. Dauchot, “The CAFC’s De Novo Regime: Are We Better Off?” Vol. 2, No. 3, *News Source*, a publication of the Chicago John Marshall Law School Center for Intellectual Property Law, Summer 2000
- Luke L. Dauchot, “State of Patent Construction: Substantive and Procedural Background,” American Bar Association Section of Intellectual Property Law IPL Conference Course Materials, Summer 2000
- Luke L. Dauchot and Karl M. Laskas, 1999 American Bar Association Section of Intellectual Property Law 1999 Markman Survey, 18 A.B.A. SEC. PUB. I.P.L. 3, Spring 2000
- Luke L. Dauchot, “The Federal Circuit’s De Novo Review of Patent Claim Construction: A Need For a More Balanced Approach,” 18 A.B.A. SEC. PUB. I.P.L. 1, Fall 1999

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Seminars

- “Follow the Money - Monetary Compensation in Intellectual Property Cases,” International Bar Association, Dublin Ireland, October 2012
- “The General Counsel’s Perspective: Insight for 2011 and Beyond,” 30th Anniversary Institute for Corporate Counsel, Los Angeles, California, December 2011
- “But It’s Only A Drop in the Bucket!” The Judge Paul R. Michel Intellectual Property American Inn of Court, Los Angeles, California, November 2011
- “Smooth Moon Walking: *Nikkie Shoes v. MJ Footwear*,” The Los Angeles Intellectual Property American Inn of Court, Los Angeles, California, October 2009
- “Emerging Trends in Patent Litigation,” Los Angeles Intellectual Property Law Association Statewide Intellectual Property Spring Seminar Event, Lake Arrowhead, California, June 2009
- “IP Litigation - Blessing or Curse? Practical Tips to Maximize Results and Minimize Exposure,” *AmLaw* 6th Annual General Counsel West Coast Conference, San Francisco, California, November 2008
- “IP Litigation: Global Best Practices,” American Bar Association Section of Intellectual Property Law, ABA 2008 Annual Meeting, New York, New York, August 2008
- “Extrinsic Evidence in a Post-Phillips World,” Patent Claim Construction 2007: The Advanced Legal Forum, Washington, D.C., March 2007
- “Extrinsic Evidence in a Post-Phillips World,” Patent Claim Construction 2007: The Advanced Legal Forum, Palo Alto, California, January 2007
- “Markman Marks Ten Years: Where Do Things Stand?” American Bar Association Section of Intellectual Property Law, 21st Annual IPL Conference, Arlington, Virginia, April 2006
- “The Doctrine of Equivalents: An Endangered Species?” - American Bar Association Section of Intellectual Property Law, 21st Annual IPL Conference, Arlington, Virginia, April 2006
- “CAFC Year in Review,” 2005 National CLE Conference, Intellectual Property, Snowmass, Colorado, January 2005
- “Claim Construction: Where are we and how did we get here?” Columbus Intellectual Property Law Association, January 2002
- “Patent Claim Construction: Where are we and how did we get here?” Cleveland Intellectual Property Law Association, October 2001
- “Patent Claim Construction: Substantive and Procedural Update,” 2001 National CLE Conference, Intellectual Property, Vail, Colorado, January 2001
- “The State of Claim Construction: A Panel Presentation,” American Bar Association Intellectual Property Section Summer Conference, Boston, Massachusetts, June 2000
- “The State of Patent Claim Construction,” Cleveland Intellectual Property Law Association, April 2000