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## Victor G. Hardy

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### Practice Concentration & Experience

Victor Hardy has extensive experience in high-stakes patent infringement litigation and other types of litigation, including seven jury trials, two bench trials, and several evidentiary *Markman* hearings. He has had extensive involvement in nearly every aspect of trials in many different contexts, ranging from the cross-examination of Johnson & Johnson's World Wide Chairman of Consumer Products in a patent infringement trial to the direct examination of a ballistics expert in a criminal homicide trial.

Mr. Hardy is also highly experienced in patent finance and investment, patent negotiation and acquisition, patent valuation, due diligence, and strategic enforcement of IP assets. Mr. Hardy has evaluated thousands of patents for purposes of business investment and enforcement for leading IP investment institutions. He uses his extensive litigation experience to bring a real world perspective to financial modeling and valuation of patent assets.

Additionally, Mr. Hardy has substantial experience in class action civil rights matters including discrimination under Title VII and the ADEA.

### Education

Harvard Law School (LL.M. 1997)

University of Texas School of Law (J.D. 1994)

University of Houston (B.B.A. 1991)

### Licenses & Admissions

Licensed to practice in the state courts of Texas and New York

### Representative Matters

- Mr. Hardy represents plaintiff Software Rights Archive in *Software Rights Archive v. Google et al*, an industry-wide patent infringement case involving foundational patents directed towards non-semantic search engine algorithms. The case is currently being litigated in the Eastern District of Texas.
- Mr. Hardy represented sixteen plaintiffs in *EEOC v. Allied Aviation*, a class action racial discrimination lawsuit. This case resulted in the largest settlement in the history of the Dallas office of the EEOC. It garnered national media attention in the *New York Times* and the *Los Angeles Times*, as well as being featured on several national news broadcasts including Anderson Cooper's 360 on CNN.
- Mr. Hardy was a senior member of the trial team for plaintiff Applera Corp. in *Applera and Roche Molecular Systems v. MLI Research*, a patent infringement, unfair competition, and antitrust suit.



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### Practice Areas

- Intellectual Property
- Commercial Litigation
- Intellectual Property Litigation
- Technology
- Alternative Dispute Resolution
- Electronic Discovery
- Employment Litigation

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**EXHIBIT 2008**

*Facebook, Inc. et al.*

automate PCR. PCR has been hailed as one of the 100 greatest inventions of mankind. After a four week jury trial in the District of Connecticut, the jury found all six patents infringed, and four of them willfully infringed, and the Court awarded nearly \$50 million in damages. In addition, Mr. Hardy successfully obtained the dismissal of the defendant's antitrust tying counter-claims and patent misuse defenses on the eve of trial.

- Mr. Hardy represented Universal Instruments in *Aguayo v. Universal Instruments*, a patent infringement case involving assembly machines for printed circuit boards. The case was tried to a jury and settled on highly favorable terms.
- Mr. Hardy was a senior member of the trial team for defendant Bayer Corporation in *McNeil-PPC, Inc. v. Bayer Corporation*, a patent infringement lawsuit. McNeil, the makers of Tylenol, sued Bayer for its production of Bayer Aspirin gelcaps. After a five week jury trial and the dismissal of one of the patents in suit and the plaintiffs' willful infringement claims, the case was settled on terms favorable to the client.
- Mr. Hardy represented defendant Compal Electronics in an industry-wide patent infringement suit involving power management in notebook computers, desktop PCs, and monitors. He successfully obtained summary judgment of claims being asserted against Compal and its subsidiaries.
- Mr. Hardy was one of the trial counsel for defendant Delta Air Lines, Inc. in *Process Resources v. Delta Air Lines, Inc.*, a patent infringement suit involving three-layer composite thermal paper used in airline baggage tags. The case was favorably settled days before the trial was to begin.
- Mr. Hardy represented CompUSA in a turnover proceeding brought by the debtor Tomorrow's Toys. The case was favorably settled for an amount that was a small fraction of what the plaintiff was seeking.
- Mr. Hardy is lead counsel in pursuing Banco Inverlat's claim for failure to deliver securities in the Socimer liquidation proceedings pending in the Bahamas.
- Mr. Hardy represented the creditors of Transmarketing Houston in a preference action against Aquilla Gas. After a five day bench trial, the Court set aside as a preference 1.8 million dollar transfer at issue.
- Mr. Hardy represented the creditors of Transmarketing Houston in a breach of fiduciary duty action against the former owners of TMHI. The case was eventually resolved after a jury trial where the creditors committee recovered a 12 million dollar jury verdict.

In addition to his experience in as a civil litigator, Mr. Hardy has been active with New York government agencies. In 2000, he served as a Special Assistant District Attorney in the Kings County District Attorney's Office in its Homicide Division. While there he tried four homicide cases (obtaining convictions in all four cases), including the prosecution of Jarred Errington in the notorious "punk rock slay trial," which received several days of coverage in the New York Post.

In 1999, Mr. Hardy served as Special Assistant Corporation Counsel for the New York City Law

