



## KORULA "SUNNY" CHERIAN

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510-944-0185

### **Practices:**

Complex Commercial Litigation, Federal Circuit & Other IP Appeals, IP/IT Transactions & Licensing, Intellectual Property, International Trade Commission – Section 337 Litigation, Patent Litigation, Patent Prosecution, Trade Secrets

### **Sectors:**

Automotive, Financial Services, Banking, Food, Beverage & Agriculture, Oil & Gas, Pharmaceuticals & Medical Devices, Technology & Telecommunications

### **State Bar:**

California

### **Court Admissions:**

District Court for the Northern District of California  
District Court for the Central District of California  
District Court for the Southern District of California  
District Court for the Eastern District of Michigan  
District Court for the Middle District of Tennessee  
District Court for the Eastern District of Texas  
U.S. Court of Appeals for the Federal Circuit  
U.S. Court of Appeals for the Ninth Circuit

### **Education:**

University of California – Davis, JD  
George Washington University, MSEE  
University of Mysore, BSEE

Mr. Cheria is a partner in the firm's San Francisco office who focuses his practice in complex intellectual property litigation and licensing. He has litigated dozens of complex patent cases before the federal district courts, the court of appeals for the Federal Circuit and the ITC. He has handled numerous cases in the Eastern District of Texas, the North, Central, and

Southern Districts of California, the District of Delaware, Eastern District of Virginia, Eastern District of Michigan, and other leading patent jurisdictions through the United States.

Mr. Cherian has served as lead counsel in numerous patent trials. His strong background in electrical engineering enables him to work with and master the advanced technologies at issue in these complex matters, including integrated circuit technologies, software systems, computer electronics, and mechanical devices. Mr. Cherian also assists clients in all aspects of intellectual property licensing.

Prior to his legal career, Mr. Cherian was involved in managing an advanced Research and Development Program in the U.S. Department of Energy and was the Project Manager for the world's then largest solar electric plant, the IOMWe Solar One Power Plant.

### **Honors & Awards**

Mr. Cherian has been consistently named as a "Northern California Super Lawyer" in intellectual property litigation by Super Lawyers every year since 2004. He is listed in Best Lawyers in America and was named an "IP Star" by Managing Intellectual Property in 2013-2016. Mr. Cherian is also recognized in the 2014 and 2015 editions of IAM Patent 1000 – Worlds Leading Patent Practitioners for litigation.

### **Representative Trials:**

*Chrimar Systems, Incorporated v. Foundry Networks, Incorporated.* Represented Brocade Communications (acquired Foundry Networks, Inc.) against Chrimar Systems in the Eastern District of Michigan. The matter involved allegations of patent infringement by Foundry's incorporation of the "Power-Over-Ethernet" industry standard. (Chrimar had also separately sued all of the other major players in the router and switch industry, including Cisco Systems and D-Link, and had successfully extracted settlements from each of them.) Foundry fought to invalidate the asserted claims and after seven years of protracted litigation, we won summary judgment of patent invalidity based upon obviousness of the asserted claim, and the case was dismissed. Chrimar appealed, but the Federal Circuit summarily affirmed the lower court.

*Allflex USA, Inc. v. Avid Identification Systems, Inc.*, U.S. District Court for the Central District of California. Successfully represented a client in the Radio Frequency Identification technology field in defending against five patents. The patent holder paid our client \$6.5M to settle.

*Berkeley Heartlab, Inc. v. The Regents of the University of California.* Represented defendant in litigation involving biotech contract and patent licensing litigation; the claim was dismissed on very favorable terms.

*Network-1 Security Solutions Inc. v. Cisco Systems, Inc., et al.*, U.S. District Court for the Eastern District of Texas, Tyler Div. Successfully represented Brocade Communication in a patent case brought by Network One. Case settled on favorable terms during trial.

*O2 Micro Litigation.* Represented O2 Micro in multiple patent infringement actions against a number of defendants in the Eastern District of Texas, Northern District of California and the International Trade Commission.

*Micron Semiconductor, Inc. v. Hyundai, et al.* Represented a respondent in a patent infringement action involving anisotropic plasma etching of semiconductors. The trial spanned four weeks, during which officials from many Silicon Valley companies appeared to testify in Hyundai's case-in-chief. The matter was settled prior to a written decision from the administrative law judge.

*ASM America, Inc., and ASM International N.V., v. Applied Materials, Inc.* Represented plaintiffs in a multi-patent infringement action regarding semiconductors in the Eastern District of Texas; settled on favorable terms.

*Intel Corporation v. Hyundai Electronic Industries Co., Ltd. and Hyundai Electronics America, Inc.* Represented defendants in a patent infringement action relating to semiconductor manufacturing technology.

*Alcatel v. Foundry Networks, Inc.*, U.S. District Court for the District of Delaware. Represented Foundry Networks, Inc., in a counterclaim against Alcatel asserting a patent against Network VOIP platforms. Case settled on favorable terms.

*Lucent Technologies, Inc., v. Foundry Networks, Inc.*, U.S. District Court for the District of Delaware and *Foundry Networks, Inc., v. Lucent Technologies, Inc.*, U.S. District Court for the Eastern District of Texas. Represented Foundry Networks, Inc., in a four patent litigation matter involving networking patents. Represented Foundry in a separate matter against Lucent in Texas asserting a patent against Lucent VOIP platforms. Lucent agreed to settle the matter on highly favorable terms to Foundry.

*Tinkers & Chance v. LeapFrog Enterprises, Inc.*, U.S. District Court for the Eastern District of Texas. Represented defendant in a suit for patent infringement related to electronic educational toys. Achieved settlement extremely favorable to client.

*BridgeLux, Inc. v. Cree, Inc. and Cree, Inc. and Trustees*, U.S. District Court for the Eastern District of Texas. Successfully represented BridgeLux, Inc., a leading Silicon Valley high power light emitting diode (LED) company, in a series of patent infringement cases against competitor Cree, Inc., involving five LED patents. Obtained favorable confidential settlement as a result of successful strategy involving declaratory judgment actions and Markman claim construction of patents-in-suit.

### **International Trade Commission Matters**

*Certain Equipment for Communications Networks, Including Switches, Routers, Gateways, Bridges, Wireless Access Points, Cable Modems, IP Phones, and Products Containing Same* (ITC Investigation No. 337-TA-778). Represented MOSAID Technologies Inc. in a section 337 investigation initiated on behalf of MOSAID in the ITC against Cisco Systems, Inc. and Scientific Atlanta, LLC involving the importation of certain communications networks, including switches, routers, gateways, bridges, wireless access points, cable modems and IP phones.

*Certain Anisotropically Etched One Megabit and Greater DRAMs, Components Thereof, and Products Containing Such DRAMs* (ITC Investigation No. 337-TA- 345). Represented respondents in patent infringement proceeding before ITC brought by Micron Semiconductor.

*Certain Integrated Circuit Chipsets and Products Containing Same* (ITC Investigation No. 337-TA-428). Represented respondents First International Computer, Inc., First International Computer of America, Inc., and Everex Systems, Inc., in patent infringement proceeding before ITC brought by Intel.

*Certain Set-Top Boxes and Components Thereof* (ITC Investigation No. 337-TA-454). Successfully litigated patent infringement proceeding before the ITC on behalf of complainant Gemstar-TV Guide International Inc.

*Certain Gel-Filled Wrist Rests and Products Containing Same* (ITC Investigation No. 337-TA-456). Represented respondents Fortune Brands, Inc., ACCO Brands, Inc. and Kensington Technology Group in patent infringement case involving gelfilled wrist products.

*Certain Electronic Educational Devices and Components Thereof* (ITC Investigation No. 337-TA-475). Successfully represented respondent LeapFrog Enterprises, Inc. in a patent infringement proceeding brought by Franklin Electronic Publishers, Inc.

*Certain Cold Cathode Fluorescent Lamp ("CGFL") Inverter Circuits and Products Containing Same* (ITC Investigation No. 337-TA-666). Represented complainant O2 Micro in an ITC patent infringement proceeding against a variety of manufacturers of CGFL inverter circuits and products containing same.

#### **Activities**

Mr. Cherian is a member of the American Bar Association, the Bar Association of San Francisco and the San Francisco Intellectual Property Law Association.