



## ROBERT M. HARKINS

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510-944-0187

### **Practices:**

Patent Litigation, Intellectual Property, IP Litigation, International Trade Commission (ITC) Section 337 Litigation, Licensing, Trade Secret Litigation, Complex Litigation, Trials and Appeals

### **State Bar:**

California

### **Court Admissions:**

U.S. Court of Appeals for the Federal Circuit  
U.S. Court of Appeals for the Third Circuit  
U.S. Court of Appeals for the Ninth Circuit  
U.S. District Court for the Central District of California  
U.S. District Court for the Eastern District of California  
U.S. District Court for the Northern District of California  
U.S. District Court for the Southern District of California  
U.S. District Court for the District of Colorado  
U.S. District Court for the Eastern District of Texas

### **Education:**

National University, M.S., Electronic Commerce, with distinction  
University of California Davis School of Law, J.D.  
University of California Berkeley, B.A.

Mr. Harkins is a Partner in the Berkeley office of RuyakCherian LLP where he focuses his practice primarily on patent litigation. He also has extensive experience with trademark, copyright, and trade secret litigation. Mr. Harkins has handled a variety of subject matters in intellectual property counseling, licensing, and disputes, with a particular focus on computer hardware, software, system design, medical devices, telecommunications, television and satellite broadcasting and Internet-related technologies as well as industrial and mechanical design.

In addition to more than 20 years of private practice experience, Mr. Harkins has previously served as director of Intellectual Property and Litigation for a well-known Silicon Valley semiconductor company with offices throughout Asia as well as in the U.S. From these experiences, Mr. Harkins understands not only the technical and procedural aspects of litigation, but also the business issues and challenges facing technology companies.

Mr. Harkins has been a longstanding member of the American Bar Association, the American Intellectual Property Law Association and the Federal Circuit Bar Association.

## **Representative Cases**

Lead counsel in defense of a mechanical shipping technology patent infringement case in Eastern District of California. Previously obtained summary judgment of non-infringement in a mechanical design case involving the same parties in district court in California and obtained unanimous affirmance from the Federal Circuit Court of Appeals.

Counsel for inventor and manufacturer of air mattresses with integrated pumps in patent lawsuit in the Eastern District of Texas.

Counsel for a large ride-hailing company based in China, pursuing claims including trade secret misappropriation, breach of employment contract, unfair business practices, conversion and breach of fiduciary duty in the Northern District of California.

As lead counsel for multiple cloud calling solution providers, obtained transfer of a patent case from the Eastern District of Texas to the Northern District of California and succeeded in obtaining claim construction ruling to support summary judgment of non-infringement, leading to new settlement agreement on very favorable terms to the clients.

Lead counsel for industrial caster and wheel manufacturer, defending against claims of patent infringement, unfair competition, and tortious interference in a case in the Eastern District of California. Obtained complete dismissal of all claims with prejudice without payment.

As counsel defending one of the nation's largest telecommunications companies and a major consumer technology company against a patent infringement lawsuit regarding wireless speaker technology in the Eastern District of Texas, developed prior art and on sale bar defenses that were devastating to the plaintiff's case, leading to early settlement of all claims on terms very favorable to the clients.

Served as lead counsel for dental technology inventor and defendant in patent lawsuit in Central District of California, obtaining no cost settlement for client in case involving utility and design patents.

Lead counsel for electronic security device and recording company in defense of lawsuit in Eastern District of Texas; obtained early, favorable settlement on client's behalf.

Lead counsel in software copyright infringement case for software provider in Northern District of California; obtained quick and favorable settlement for client that included permanent license to subject software.

Obtained no-cost settlement for laser-related company in defense against patent infringement suit in the Northern District of California.

Lead counsel for two major cell phone companies in patent infringement suits in Delaware, and obtained favorable settlements.

Lead counsel for sports league against equipment manufacturer in trademark infringement litigation, including a claim by the league to invalidate the manufacturer's 80-year-old trademark, leading to settlement that allowed client to continue using the mark.

Lead counsel for wireless networking equipment company in Northern District of California lawsuit involving trademark, copyright, unfair competition, and contract claims.

Lead counsel for a large cell phone company in a District of New Jersey patent lawsuit. Obtained claim construction for the client, leading to stipulated judgment of non-infringement.

Argued on behalf of semiconductor company before the Court of Appeals for the Federal Circuit, obtaining affirmance of jury verdict and injunction entered against a competitor after a trial in the Eastern District of Texas, finding that sales and support by the competitor with reference circuit designs induced infringement.

Counsel for multiple companies in Section 337 disputes before the International Trade Commission. Served as trial counsel for a semiconductor company in a Section 337 patent dispute before the ITC against several accused infringers related to AC/DC power inverter circuit design and operation related to backlighting for LCD screens, resulting in settlements with major consumer electronics companies.

Represented plaintiff patentee in patent litigation in the Central District of California regarding technology related to digital camera image CMOS sensors.

Served as trial counsel for a Silicon Valley semiconductor company in a breach of contract dispute regarding a patent settlement agreement related to inverter module technology in the Eastern District of Texas, resulting in a settlement and resolution on the eve of trial.

Assisted in the representation of Canadian semiconductor and communications technology company in patent infringement litigation in the Eastern District of Texas and the Northern District of California regarding DRAM design and operation, leading to a settlement between the parties. Subsequently advised the company regarding its technology, licensing and patent portfolio.

Served as counsel for a Silicon Valley semiconductor and mobile computing company in patent litigation in the Eastern District of Texas regarding technology related to cold cathode fluorescent lamp dimming, resulting in a settlement and resolution at the conclusion of a jury trial and prior to entry of a verdict.

Directed litigation and negotiated settlement and/or license agreements on behalf of a plaintiff semiconductor company in multiple lawsuits in the Eastern District of Texas with some of the world's largest LCD companies.

Represented major satellite broadcasting company through trial in the Eastern District of Texas in defense of a patent lawsuit regarding digital video recording technology.

Achieved a pretrial dismissal of claims in the District of Colorado against large satellite and cable television companies in patent lawsuits related to software and television broadcast technology.

Obtained a license for a large microscopy company from a competitor threatening a patent lawsuit regarding technology related to a biological microscope design. By pursuing an unusual declaratory relief and early summary judgment litigation strategy in the District of Delaware, the client was able to head off lengthy and costly litigation, quickly and resolve the dispute at an early stage in the litigation.

Took over the defense of a laboratory centrifuge manufacturer in patent litigation in the Northern District of California after the district court held the case settled and ordered the client to pay a settlement. Obtained a stay of order by the Federal Circuit, persuaded the district court to vacate the ruling and find no settlement, then obtained summary judgment of noninfringement. Also obtained a Federal Circuit affirmance of the summary judgment.

Represented a large herbal supplement company in prosecuting the federal trademark infringement litigation in the Southern District of California, including preliminary injunction proceedings, resulting in a settlement for the client.

Represented major satellite broadcasting company as respondent in a Section 337 patent infringement case relating to television guide presentation and display. The client obtained a finding of non-infringement that was upheld by the Federal Circuit on appeal.

Obtained a temporary restraining order against a competitor of a toy manufacturer for trademark and copyright infringement in the Eastern District of Pennsylvania, leading to settlement and cessation of infringement.

Obtained a temporary restraining order in the Southern District of California leading to settlement in a case involving Internet website statistical analysis services in a copyright, trademark, and competition suit.

### **Professional Affiliations**

Member, American Bar Association

Member, San Francisco Bar Association

Member, American Intellectual Property Law Association

Member, Federal Circuit Bar Association