

# GLENN E. FORBIS

PRINCIPAL / DETROIT METRO OFFICE

Glenn E. Forbis



Litigation - Patent – Troy, MI

Glenn is a *dynamic* litigator and trial attorney. He is valued for understanding each client's specific goals and technology, as well as for the early development of a focused strategy. A tenacious advocate, Glenn consistently delivers concise and influential

presentations in court and to juries, centered on understandable and persuasive themes.

Glenn has appeared as lead or co-lead trial attorney in more than 150 patent, trademark and copyright cases in Federal Courts across the country, and has handled 15 Federal Circuit appeals. Glenn's clients have included emerging and middle market companies, as well as large, international corporations such as Ford Motor Company, Emerson Electric, Delphi Corporation, Dassault Systemes, S.E. and Sika Corporation. Glenn has successfully defended multiple patent infringement claims in excess of \$75 million and, on the Plaintiff's side, has twice achieved recoveries for his clients in excess of \$30 million.

## PRACTICE AREAS

IP Litigation; PTAB Proceedings; Patents; Trademarks & Service Marks; Copyrights; IP Transactions; International

## INDUSTRIES

Automotive, Aerospace & Transportation; Electrical, Computer & Internet; Mechanical & Electromechanical; Medical Devices; Telecommunications & Wireless Technology



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## KEY MATTERS

### REPRESENTATIVE PATENT MATTERS

- *InterMetro Industries Corp. v. Rubbermaid Inc., Ergotron, Inc., Howard Industries Corp., Capsa Solutions LLC (M.D. PA)*  
Technology: medical mobile computer workstations  
Result: multi-million dollar license agreements
- *Rugged Liner, Inc. v. CYC Engineering, Inc. (E.D. MI)*  
Technology: pick-up truck bed covers  
Result: Favorable license agreement

- *Island Intellectual Property et al. v. Promontory Interfinancial Network, et al. (S.D.N.Y.)*  
Technology: financial services methods  
Result: favorable settlement on eve of trial
- *Lectec Corporation v. Chattem Inc et al. (E.D. TX.)*  
Technology: medicated transdermal pain relief patch  
Result: \$30 million settlements (aggregate) on eve of trial
- *Fleming v. Ford Motor Company (D. DC)*  
Technology: automotive vehicle safety systems  
Result: summary judgment of non-infringement favorable to client
- *Nagle Industries, Inc. v. Ford Motor Company (E.D. MI)*  
Technology: automotive brake control  
Result: summary judgment of non-infringement, affirmed on appeal
- *Automotive Technologies Int'l, Inc. v. Delphi Corporation (E.D. MI)*  
Technology: automotive safety systems  
Result: summary judgment of non-infringement and invalidity
- *Lautzenhiser Technologies, LLC v. Sunrise Medical HHG, Inc., Delphi Medical Systems (S.D. IN)*  
Technology: electronic control system  
Result: favorable settlement after key discovery and summary judgment motion
- *Shertech Inc. v. L&W Engineering, Inc. (E.D. MI)*  
Technology: heat shields for automotive industry  
Result: jury verdict of non-infringement in favor of client; affirmed on appeal by Federal Circuit Court of Appeals
- *Sumitomo Mitsubishi Silicon Corporation et al v. MEMC Electronic Materials, Inc. (N.D. CA)*  
Technology: integrated chip manufacturing)  
Result: favorable settlement following dispositive motions
- *Arrow Comm'n Labs, Inc. v. John Mezzalingua Associates (N.D. NY)*  
Technology: electronic filters for cable television systems  
Result: favorable settlement after positive Markman ruling and summary judgment motions
- *MEMC Electronic Materials, Inc v. Mitsubishi Materials Silicon Corporation et al. (N.D. CA)*  
Technology: integrated silicon chip manufacturing  
Result: summary judgment of invalidity and non-infringement; affirmed by Federal Circuit Court of Appeals
- *Thomas Medical Products, Inc. v. Guidant Corporation (E.D. PA)*  
Technology: medical device - hemostatic valve device  
Result: favorable settlement after Markman hearing
- *Baxter Healthcare Corp. v. Spectranetics Corporation (D. DE)*  
Technology: medical device - laser angioplasty delivery device  
Result: favorable settlement on eve of trial
- *Rentrop v. Spectranetics Corporation (D. CO)*  
Technology: medical device - laser angioplasty catheter  
Result: jury verdict of infringement; affirmed by Federal Circuit Court of Appeals
- *Chrimar Systems Inc. v. Cisco Systems Inc. (E.D. MI)*  
Technology: voice-over-internet  
Result: favorable settlement and license agreement after positive Markman ruling
- *Niro A/S and Babcock & Wilcox v. American Ref-Fuel Co. (D. N.J.)*  
Technology: incinerator flue gas cleaning process  
Result: favorable settlement and injunction

- *Niro A/S et al. v. Montenay International et al (E.D. PA)*  
Technology: incinerator flue gas cleaning process  
Result: favorable settlement after discovery
- *Boler Company v. Neway Anchorlok International, Inc. (N.D. OH)*  
Technology: heavy duty automotive suspension systems  
Result: summary judgment of non-infringement; affirmed by Federal Circuit Court of Appeals
- *Circle R, Inc. et al. v. Trail King Industries, Inc. (D. NE)*  
Technology: commercial dump truck technology  
Result: summary judgment of non-infringement; affirmed by Federal Circuit Court of Appeals
- *Builder's Best, Inc. v. Nemco, Inc. (W.D. MI)*  
Technology: residential construction products  
Results: favorable settlements after positive pre-trial rulings and just prior to trial
- *Builder's Best, Inc v. Atcoflex, Inc, et al. (W.D. MI)*  
Technology: residential construction products  
Result: favorable settlement after positive pre-trial rulings
- *Stahls' Inc. et al v. Geo Knight & Co, Inc. (W.D. PA)*  
Technology: printing technology  
Result: favorable settlement after discovery
- *Pequignot v. Arrow Fastener Company, Inc. (E.D. TX)*  
Nature of Case: false patent marking  
Result: favorable settlement following client's motion to transfer
- *Henkel Corporation v. Sika Corporation (E.D. MI)*  
Technology: automotive structural reinforcing technology  
Result: favorable settlement after discovery
- *Arrow Fastener Company Inc et al v. K R Tools Inc. (C.D. CA)*  
Technology: hand tools  
Result: favorable settlement before discovery
- *Adams Mfg Corp v. ZP Enterprises Inc, et al. (W.D. PA)*  
Technology: patent infringement  
Result: favorable settlement during mediation
- *Linear Transfer Systems, Inc. v. Wayne Trail Tech Inc. (E.D. MI)*  
Technology: automated manufacturing system  
Result: favorable settlement during discovery
- *Alsons Corporation v. DM Industries, Ltd (W.D. MI)*  
Technology: residential spa technology  
Result: favorable settlement during discovery
- *Sika Corporation v. OSC Industries Inc. (E.D. MI)*  
Technology: automotive structural reinforcing technology  
Result: favorable settlement during discovery
- *Henkel Corp v. Sika Corporation (E.D. MI)*  
Technology: automotive structural reinforcers  
Result: favorable settlement during discovery
- *Harmonic Design Inc v. Techniku Holding B V, et al. (C.D. CA)*  
Technology: wireless electronic controls for window coverings  
Result: favorable settlement after positive rulings
- *Comfortex Corp. v. Jet Plastics, Inc. (C.D. CA)*  
Technology: window coverings  
Result: favorable settlement after discovery and positive rulings
- *Keeler Brass Company v. Continental Brass Co. (W.D. MI)*  
Technology: residential hardware for cabinets  
Result: favorable settlement during discovery

## REPRESENTATIVE TRADEMARK MATTERS

- *B&B Protector Plans, Inc. v. US Legal Services, Inc. (M.D. FL)*  
Result: favorable settlement during discovery
- *Xcel Energy, Inc. v. Delta Faucet Company (D. MN.)*  
Result: favorable settlement during discovery
- *Michigan Auto Title Service, Inc. v. Auto Title LLC (E.D. MI)*  
Result: favorable settlement, including permanent injunction
- *Citizens Banking Corp. v. Citizens Financial Group (E.D. MI)*  
Result: verdict of non-infringement, resting on finding that extensive third-party use of “Citizens” had diluted trademark owner’s rights
- *Citizens Banking Corp. v. Citizens First Bancorp, Inc. et al. (E.D. MI)*  
Result: court granted preliminary injunction in favor of client; affirmed by Sixth Circuit Court of Appeals
- *Alliance Technology, Inc. v. Alliance Walnut Int’l Corp. (E.D. MI)*  
Result: favorable settlement following preliminary injunction motion
- *Vortech Pharm. v. Delmarva Lab Inc. (E.D. MI)*  
Result: favorable settlement during discovery
- *Citizens Banking Corporation v. Client First Mortgage Co. (W.D. MI)*  
Result: favorable settlement after positive court rulings
- *Citizens Banking Corporation, et al v. CNB Bancshares Inc.*  
Result: grant of client’s motion for preliminary injunction; favorable settlement, including permanent injunction
- *Citizens Banking, et al v. Citizens Rapid Cash, et al. (E.D. MI)*  
Result: favorable settlement, including permanent injunction
- *World of Floors USA Inc v. Carpet World and Floors, et al. (E.D. MI)*  
Result: favorable settlement following preliminary injunction motion
- *Sports Authority, Inc. v. Justballs Inc, et al. (E.D. MI)*  
Result: favorable settlement after precedential decision by court confirming jurisdiction based on interactive website
- *Iwanna, Inc v. Iwanta Classifieds, et al. (W.D. NC)*  
Result: jury verdict of trademark infringement
- *Lancers Inc v. Douglas Reuther Prod, et al. (E.D. MI)*  
Result: summary judgment of non-infringement in favor of client
- *Genesee Brewing Co v. Stroh Brewery Co. (W.D. MI)*  
Result: summary judgment that “Honey Brown” mark was generic; affirmed by Second Circuit Court of Appeals
- *Otis Williams, et al v. Dennis Edwards, et al. (C.D. CA)*  
Result: favorable settlement permitting use of “Temptations” formative mark by Dennis Edwards, former lead singer of the “Temptations”
- *Harley Davidson, Inc. et al v. Harley’s Pub Inc, et al. (E.D. MI)*  
Result: favorable settlement, including permanent injunction
- *Officemax, Inc, et al v. Copymax, Inc. (S.D. FL)*  
Result: favorable settlement during discovery

## REPRESENTATIVE COPYRIGHT MATTERS

- *Dassault Systemes, SA v. Childress (E.D. MI)*  
Nature of Case: copyright infringement (software) and defense of anti-trust claims.  
Result: favorable jury verdict of copyright infringement; substantial damage award; dismissal of 11 counterclaims on summary judgment

## NEWS/EVENTS

### Events

- 2017 Fall ICLE Conference, "Overview of Patent Litigation," Speaker, Seminar Discussion
- 2015 Patent Consultation Group, "PTAB Proceedings, Litigation and More," Speaker, Webinar Discussion

### IN THE NEWS

- "TC Heartland Could Make Enforcing Patents More Expensive," *Law360*, June 2, 2017
- "Attorneys React To Supreme Court Patent Venue Ruling," *Law360*, May 22, 2017
- "Facebook Loses PTAB Challenges To Content Management IP," *Law360*, April 5, 2017
- "Don't fret over threats of proceedings for IP infringement," *Managing Intellectual Property*, January 28, 2016
- Glenn Forbis Joins Harness Dickey's Detroit Office

### EVENTS

- 2017 Fall ICLE Conference, "Overview of Patent Litigation," Speaker, Seminar Discussion

## PUBLICATIONS

### ARTICLES

- Attorney Glenn Forbis Discusses Patent Value & IPRs in *Automotive World* Article
- "The Ups and Downs of the Innovation Act of 2015," *IP Watchdog*, May 27, 2015
- "What New Litigators Can Do To Win Their First Trial," *Law360*, April 29, 2015
- "A Powerful Tool For Challenging Business Method Patents," *Law360*, July 3, 2014

### BLOGS

- PTAB Opines Tribal Sovereign Immunity Does Not Apply to IPRs
- "Catch-All" Phrases Insufficient To Give Proper Notice of Grounds for Petition
- Federal Circuit Reins in PTAB's Use of CBM Reviews
- PTAB Reversed for Failing to Explain "Why" a Person of Skill Would Modify the Prior Art
- Judge Uses Institution of IPR to "Bolster" Decision to Overturn Jury's Finding of Willfulness
- Patent Owner's IPR Statements May Constitute A "Disclaimer" of Claim Scope In Litigation

## BACKGROUND

Glenn has an established track record of litigation success in over

two decades of practice. Glenn has appeared in 150+ patent and/or trademark infringement cases in federal courts across the country, more than half of those as lead or co-lead counsel. In an age when actual trial experience is rare in intellectual property cases, Glenn has litigated five cases through full trials to verdicts, and has taken many others to the courthouse steps. He has also briefed and argued 15 Federal Circuit appeals and four other appeals.

A registered Patent Attorney, Glenn represents clients before the USPTO in Post Grant Review and Inter Partes Review proceedings. He regularly provides opinions concerning infringement, validity, right-to-use, patent landscape, design-around issues and due diligence in corporate transactions.

Glenn consults with and provides strategic direction to high-technology start-up and emerging companies focused on developing high-value intellectual property portfolios intended for future monetization and/or competitive and M&A activities. He is also involved in the negotiation and preparation of IP licenses and related agreements.

Glenn has litigated a wide array of technologies, including automotive systems, medical devices, computer and semiconductor technologies and lasers. His capabilities span a variety of electrical and mechanical technologies, including semi-conductors, electronics, control systems, lasers, electronic displays, engine components, several automotive technologies, telecommunications, networking, vehicle reinforcement components and medical devices.

Glenn enjoys water and snow skiing, hockey, SCUBA diving, kayaking and biking.

## **AWARDS & DISTINCTIONS**

- *Best Lawyers*, Litigation — Patent “Lawyer of the Year” in Troy, 2018
- *Best Lawyers*, Patent Law and Litigation — Patent, 2016-2018
- *Best Lawyers*, Trademark Law, 2014-2018
- *Best Lawyers*, Litigation — Intellectual Property, 2013-2018
- *DBusiness Magazine*, “Top Lawyer,” Litigation - Intellectual Property, 2014-2018; Intellectual Property and Patent Law, 2014-2017
- *Leading Lawyers*, named a “Leading Lawyer” for Copyright & Trademark, Intellectual Property and Patents, 2014-2017
- *Managing Intellectual Property*, “IP Stars,” 2013-2017
- *Michigan Super Lawyers*, Intellectual Property, 2006-2017
- *Managing IP*, Short List of “Top IP Litigators” in Michigan, 2015
- *U.S. News & World Report*, “Best Lawyers,” Litigation-Intellectual Property and Trademark Law, 2013-2014
- Montclair “Who’s Who” Among Law Professionals, 2010-2014
- *Crain’s Detroit Business*, “40 Under 40,” 2007

## **MEMBERSHIPS**

- Michigan Intellectual Property Law Association
- American Intellectual Property Law Association
- Licensing Executive Society International

- American Bar Association
- The Michigan Intellectual Property American Inn of Court “Master”

## **EDUCATION**

J.D., *cum laude*, University of Michigan, 1994

M.B.A., with honors, University of Michigan, 1994

B.S.E.E., *summa cum laude*, University of Michigan, 1990

## **BAR & COURT ADMISSIONS**

Michigan

U.S. Patent and Trademark Office

U.S. Federal Court of Appeals:

- Federal Circuit
- Sixth Circuit
- Second Circuit
- Ninth Circuit

U.S. Federal District Courts:

- E.D. Michigan
- W.D. Michigan
- E.D. Texas
- E.D. Virginia
- D. Delaware
- N.D. California
- C.D. California
- M.D. Florida
- S.D. Florida
- S.D. New York
- N.D. New York
- W.D. New York
- E.D. Pennsylvania
- M.D. Pennsylvania
- W.D. Pennsylvania
- D. District of Columbia
- S.D. Indiana
- N.D. Ohio
- D. Minnesota
- W.D. North Carolina