



Gary Clark

Partner

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PRACTICE AREAS

- Intellectual Property

INDUSTRIES

- Digital Business
- Entertainment, Media and Technology
- Life Sciences

OVERVIEW

Gary A. Clark is a partner in the Intellectual Property Practice Group in the firm's Los Angeles office. Prior to joining the firm, Mr. Clark was a founding member of the intellectual property firm of Pretty, Schroeder, Brueggemann & Clark.

Areas of Practice

Mr. Clark has specialized throughout his career in the litigation of intellectual property disputes, with an emphasis on patent matters. He has extensive experience as lead trial counsel in the federal courts, in both jury and non-jury matters, and in contested proceedings before the U.S. International Trade Commission, the American Arbitration Association, and the U.S. Patent and Trademark Office. He is a registered Patent Attorney.

EDUCATION

- J.D., University of California, Los Angeles, 1975
- M.S., Electrical Engineering, Stanford University, 1971, *National Science Foundation Traineeship*
- B.S., Electrical Engineering, California State University, Long Beach, 1970, *summa cum laude*

ADMISSIONS

- California
- U.S. Patent and Trademark Office
- U.S. Courts of Appeals for the Ninth and Federal Circuits
- California federal district courts, and various other districts

EXPERIENCE

Selected patent infringement matters handled by Mr. Clark include:

- Presently defending major golf company against claim of infringement of patents for customizable golf club heads and in reexamination of patents in suit. (E.D. Tex.)
- Presently defending leading Hollywood lighting company against claim of infringement of patents for light diffusion boxes and in reexamination of one patent in suit. Obtained summary judgment of non-infringement on other patent in suit. (C.D. Cal.)
- Defended major biotech company and its subsidiary against charge of infringement of patent relating to tumor necrosis factor inhibitor as member of multi-firm defense team. Obtained summary judgment that was vacated on appeal, followed by second summary judgment that was affirmed on appeal. (C.D. Cal.)

- Defended major computer manufacturer against claim of infringement of patents for random number generators for computers. Case settled on eve of trial. (E.D. Tex.)
- Represented major biomedical instrument manufacturer for infringement by industry-leading competitor of patents relating to molecular separation technology and biological incubators for DNA sequencing. Case settled on eve of trial. (C.D. Cal.)
- Defended manufacturer of micro-devices against claims of infringement of patents and misappropriation of trade secrets related to gettering of silicon wafers. Case settled. (C.D. Cal.)
- Represented leading Hollywood post-production company for infringement of its patent for system for electronic weave correction in film-to-video transfers. Obtained jury verdict of validity and infringement. (C.D. Cal.)
- Defended major lighting manufacturer against claim of infringement of patent for lighting control system. In bench trial, obtained judgment that the patent was invalid and unenforceable for inequitable conduct and award of attorneys' fees. (C.D. Cal.)
- Represented manufacturer for infringement of its patents for microwave feed assemblies. Obtained favorable jury verdict in part and resolution of other issues on post-trial motions, after which case settled. (C.D. Cal.)
- Defended major computer manufacturer against claim of infringement of patents for power management. Case settled. (D. Del.)
- Defended consumer products company against claim of infringement of patent for flashlight, and related trademark and trade dress infringement claims. After full hearing in ITC proceeding, client was only respondent to prevail on all issues, and then successfully defended client in jury trial limited to the trade dress claims. Case settled. (N.D. Tex.)
- Defended video game company against claim of infringement of patent for image compositing system for self-service photo booths. Forced dismissal of action with prejudice within 3 months by uncovering evidence of patent invalidity. Follow-on action for antitrust violations and malicious prosecution resulted in multi-million dollar settlement for client. (C.D. Cal.; N.D. Cal.)
- Represented leading developer of entertainment lighting systems in defense of claim of infringement of patent for dimming control system, and as claimant in related arbitration for non-payment of royalties. Obtained arbitration award; infringement action then settled. (C.D. Cal.)

Reported cases: *Terlep v. The Brinkmann Corporation*, 418 F.3d 1379 (Fed. Cir. 2005); *Campbell Plastics Eng'g & Mfg. v. Brownlee*, 389 F.3d 1243 (Fed. Cir. 2004); *Flex-Foot, Inc. v. CRP, Inc.*, 238 F.3d 1362 (Fed. Cir. 2001); *Globe-Union, Inc. v. Tiegel Manufacturing Co.*, 228 U.S.P.Q. 58 (N.D. Cal. 1985); *GTY Industries v. The Genlyte Group, Inc.*, 38 U.S.P.Q.2d 1801 (C.D. Cal. 1995); *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 115 F.R.D. 308 (N.D. Cal. 1987), 116 F.R.D. 533 (N.D. Cal. 1987), 722 F. Supp. 592 (N.D. Cal. 1988), 692 F. Supp. 1118 (N.D. Cal. 1988), 882 F.2d 1556 (Fed. Cir. 1989), 722 F. Supp. 595 (N.D. Cal. 1989), 746 F. Supp. 1413 (N.D. Cal. 1990), 909 F.2d 1464 (Fed. Cir. 1990), 925 F.2d 1480 (Fed. Cir. 1991), 21 U.S.P.Q.2d 2037 (N.D. Cal. 1991); *Interpart Corp. v. Imos Italia*, 777 F.2d 678 (Fed. Cir. 1985); *Mag Instrument, Inc. v. J. Baxter Brinkmann International Corp.*, 229 U.S.P.Q. 393 (C.D. Cal. 1985), 123 F.R.D. 543 (N.D. Tex. 1988); *Mag Instrument, Inc. v. U.S. Intl. Trade Comm'n.*, 868 F.2d 1278 (Fed. Cir. 1989); *Novitas, Inc. v. The Genlyte Group, Inc.*, 1995 U.S. Dist. LEXIS 21084 (C.D. Cal. 1995), 1995 U.S. Dist. LEXIS 21089 (C.D. Cal. 1995); *Nucleonics Development Co. v. Seymour*, 16 U.S.P.Q.2d 1401 (Fed. Cir. 1990); *Polaris Pool Systems, Inc. v. Letro Products, Inc.*, 886 F. Supp. 1513 (C.D. Cal. 1995), 161 F.R.D. 422 (C.D. Cal. 1995), 886 F. Supp. 1513 (C.D. Cal. 1995), 914 F. Supp. 375 (C.D. Cal. 1995); *Refac International, Ltd. v.*

Hitachi, Ltd., 921 F.2d 1247 (Fed. Cir. 1990); *Tech-Wear, Inc. v. Acme Laundry Products, Inc.*, 38 F. Supp. 2d 1147 (C.D. Cal. 1998); *Tiegel Manufacturing Co. v. Globe-Union, Inc.*, 224 U.S.P.Q. 1077 (D. Del. 1984).

HONORS

- Fifty Leading IP Litigators in California, *Daily Journal*, 2008
- Master of the Bench, Los Angeles Intellectual Property Inn of Court
- Best Lawyers in America, 2007, 2008, 2009, 2011, 2012
- Southern California Super Lawyer, 2008, 2009, 2010, 2011, 2012

ARTICLES

- Vying for the Best in Intellectual Property, *Daily Journal*, February 9, 2011
- Implications of *Aristocrat v. IGT* for Software Patents, *AsiaLaw*, January 1, 2009
- He is a Contributing Author on the topic of defending against trade dress claims in *Trade Dress Law*, Aspen Law & Business (2d Ed. 1999).

SPEECHES

- Mr. Clark has lectured and written on the litigation of intellectual property disputes