



## → Ericka J. Schulz

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Ericka Schulz is a partner in the Intellectual Property Practice Group in the firm's San Diego (Del Mar) office.

### Areas of Practice

Ericka is a seasoned intellectual property litigator who assists her clients in defending or enforcing their intellectual property rights throughout the United States. Ericka's cases focus on litigating patent, trademark, copyright and trade secret disputes. She has considerable trial and pre-trial experience in all of the popular patent venues such as the Texas, Delaware, California, Illinois, and New Jersey district courts, and before the International Trade Commission (ITC). Ericka has a Master's degree in Electrical Engineering and is experienced in representing clients in many diverse technical fields, including electrical, software, telecommunications, wireless devices, networking, optics, mechanical and medical devices.

Ericka is also registered to practice before the U.S. Patent and Trademark Office (USPTO) and counsels clients in prosecuting patent and trademark applications, prosecuting patent reexaminations, or *inter partes* reviews (IPRs), and licensing portfolios. She also counsels clients on overall intellectual property protection strategies and conducts IP due diligence for corporate transactions.

Prior to entering private practice, Ericka was an electrical engineer at WindRiver Systems, Inc., designing embedded systems for three years. She also completed her Master's Thesis at Lawrence Livermore National Laboratories involving a bio-medical software application for DNA microarrays. Ericka studied internationally in a number of countries, including Japan, Brazil, Chile, Argentina and South Africa.

### Honors

San Diego Rising Star, *Super Lawyers*, 2015-2016

### Experience

- *INVT SPE LLC v. HTC* (New Jersey) and *Certain LTE- and 3G- Cellular Communications Devices*, 337-TA-1138 (ITC). Represent HTC Corporation and HTC America in a multi-district patent litigation against a Fortress backed non-practicing entity, INVT, regarding eight asserted patents. We successfully invalidated a number of patents through *inter partes* review petitions, forced INVT to drop the majority of the asserted patents, and received an initial determination of non-infringement by ALJ McNamara in the ITC on the remaining three asserted patents.

- *Evolved Wireless v. HTC* (Delaware). Represent HTC Corporation and HTC America, Inc., in a five-patent lawsuit relating to Standard Essential Patents (SEPs) alleged to cover the LTE standard. HTC has also asserted a counter-claim for breach of contract alleging that Evolved Wireless has failed to license its patents on Fair, Reasonable and Non-Discriminatory (FRAND) terms. HTC successfully forced Evolved to drop three out of the five patents, successfully invalidated one patent in front of the Patent Trial and Appeal Board, and HTC subsequently won on the last patent in summary judgment in regards to its license defense.
- *Rosetta Wireless v. HTC* (N.D. of Illinois). Represented HTC Corporation and HTC America, Inc. in a patent lawsuit relating to storage of data files in mobile wireless devices.
- Represented Align Technology, Inc. in various patent infringement matters relating to its patents directed to clear dental aligner technology before the International Trade Commission and in Texas district court.
- *Intellect Wireless v. HTC* (N.D. Ill.). Represented HTC Corporation and HTC America, Inc., in a two-patent lawsuit relating to sending pictures to a paging receiver. The accused technology is multimedia messaging service (MMS). After a four-day bench trial, the court found the patents were unenforceable due to inequitable conduct—a decision which led to an order for reimbursement of attorney fees.
- Represented multi-billion dollar computer manufacturer in a high stakes patent litigation in the Eastern District of Texas defending its computer operating system, and successfully overturning a jury verdict of infringement.

## Articles

"Using 'Octane' to Deter Nuisance Patent Suits," *The Recorder*, May 4, 2015.

### Intellectual Property Law Blog Posts

- "Breach of FRAND Implications on ITC Exclusion Orders In View of the Public's Interest," May 7, 2020
- "Federal Circuit Limits Estoppel Provision of the AIA," March 29, 2016

### Healthcare Law Blog Posts

- "Patient Empowerment Through Technology is Focus of ENGAGE Conference," December 7, 2018

## Memberships

Member, State Bar of California

## Practices

Alternative Dispute Resolution

Appellate

Copyrights

E-Discovery

ESG and Sustainability

Intellectual Property

International Trade Commission (ITC)  
IP Licensing, Technology and Commercial Transactions  
Litigation  
Patent Litigation  
Patent Prosecution and Counseling  
Post-Grant Proceedings  
Trade Secrets  
Trademark Applications and Prosecution  
Trademarks and Trade Dress

## Industries

Blockchain  
Blockchain and Fintech  
ESG and Sustainability  
Fintech  
Life Sciences

## Education

J.D., University of San Diego School of Law, 2006  
M.S., Electrical Engineering, California Polytechnic State University San Luis Obispo, 2000  
B.S., Electrical Engineering, California Polytechnic State University San Luis Obispo, 1999

## Admissions

California  
U.S. District Court for the Central 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 Eastern District of Texas  
U.S. Patent and Trademark Office