

James J. Elacqua

Experience

Skadden

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Intellectual Property Litigation



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Representative matters at Skadden include:

- Google Inc. in two pending patent infringement cases in the SDNY, as well as four *inter partes* reviews in the USPTO.
- BlackBerry Ltd. in five separate patent disputes in the E.D. Tex. and N.D. Cal. Settled.
- Yahoo! Inc. in a six-patent suit filed by Preservation Technologies (C.D. Cal.). Settled.
- Medtronic, Inc. in numerous matters, including a complete defense verdict in patent infringement dispute relating to stent medical device products. *W.L. Gore & Associates, Inc. v. Medtronic, Inc., et. al* (E.D. VA). Affirmed on appeal. *W.L. Gore & Associates Inc. v. Medtronic Inc.* (Fed. Cir.). Also representing Medtronic in a two-patent case brought by Lifeport Sciences LLC (D. Del.) and handling the defense of an *inter partes* review in the U.S. Patent and Trademark Office relating to a stent patent.
- Chicago Mercantile Exchange in patent jury litigation against Technology Research Group involving technology for electronic market-maker systems. *Chicago Mercantile Exchange, Inc. and Board of Trade of The City of Chicago, Inc. v. Technology Research Group, LLC* (N.D. Ill.).
- Chicago Mercantile Exchange in litigation relating to two patents covering aspects of electronic trading. *Fifth Market, Inc. v. CME Group, Inc. et al.* (D. Del).
- SanDisk in six-patent jury litigation against Kingston Technology Corp. seeking damages and injunctive relief. *SanDisk v. Kingston Technology, et al.* (W.D. Wis.).

Representative matters prior to joining Skadden include:

- Medtronic, Inc. in a multi-patent dispute involving material properties and structures relating to accused stent medical device products. Obtained \$57 million-plus jury verdict on behalf of the medical device maker — one of 2009's largest plaintiff verdicts in California. *Medtronic, Inc., et. al. v. AGA Medical Corporation* (N.D. Cal.).
- Synopsys, Inc. in patent infringement action involving five patents on electronic design automation software. A favorable settlement was reached for the client. *Synopsys, Inc. v. Magma Design Automation* (D. Del).
- Patent jury litigation on a semiconductor process patent. Summary judgment of noninfringement, literal and equivalent, entered after successful *Markman* hearing. Judgment affirmed by appellate court and petition for writ of certiorari denied by U.S. Supreme Court. *EMI North America, Inc. v. Intel Corporation* (D. Del).
- Intel Corporation in multipatent, multijurisdiction litigation involving microprocessor technology. Cases filed in foreign jurisdictions included the United Kingdom, Germany, Hong Kong, Taiwan and the People's Republic of China. A favorable settlement was reached for the client. *Intel Corporation v. VIA Technologies* (N.D. Cal.) and *VIA Technologies v. Intel Corporation* (W.D. Tex.).
- Biogen IDEC, Inc. in patent infringement litigation regarding radioimmunotherapy for non-Hodgkins B-cell lymphoma. Negotiated settlement following summary judgment

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- rulings. *Biogen IDEC, Inc. v. GlaxoSmithKline, University of Michigan, Coulter Pharmaceuticals, Inc. and Corixa Corporation* (S.D. Cal.).
- Illumina, Inc. in patent infringement case concerning DNA assay for analysis of single nucleotide polymorphisms. Settled after mediation. *Applied Biosystems Group v. Illumina, Inc.* (N.D. Cal.).
 - Patent litigation regarding contrast media for ultrasound techniques. Settled. *Molecular Biosystems, Inc. v. Nycomed Imaging* (U.S. District Court, District of Columbia).
 - Patent litigation regarding contrast media for ultrasound techniques. A favorable settlement was reached for the client. *Sonus Pharmaceuticals, Inc. v. Molecular Biosystems, Inc.* (W.D. Wash.).
 - Patent litigation regarding confocal microscopes. Settled. *Molecular Dynamics, Inc. v. Leica* (N.D. Cal.).
 - Patent jury litigation on medical prosthetic devices. Settled after trial. *American Medical Systems v. Mentor Corporation*.
 - Patent litigation on medical prosthetic devices. Settled prior to trial. *American Medical Systems v. Medical Device Engineering*.
 - Interference proceeding in PTO on medical prosthesis. Settled after appeal. *American Medical Systems v. Dr. Hakky*.
 - Intel in patent case concerning microprocessors, BIOS updates and graphic controllers. Settled. *Intel Corporation v. First International Computer, et al.* (N.D. Cal.).
 - Anchor Gaming and Spin for Cash Progressive JV in patent case related to Wheel of Fortune slot machines. *Anchor Gaming and Spin for Cash Progressive JV v. Acres Gaming* (D. Nev.).
 - 3M in patent litigation regarding Y2K computer software. Obtained summary judgment of invalidity and dismissal of case; obtained affirmance of decision by U.S. Court of Appeals for the Federal Circuit. *Brown v. 3M, et al.* (D. Ariz.).
 - Patent litigation regarding wireless communications. Settled. *GTE Wireless v. Qualcomm* (S.D. Cal.).
 - Declaratory judgment action and patent litigation regarding cable modem technology. Settled. *Com21, Inc. v. Hybrid Networks, Inc./ Hybrid Networks, Inc. v. Com21, Inc.* (N.D. Cal. and E.D. Virg.).
 - Declaratory judgment action regarding patent, copyright, and trademark infringement of Iomega's Zip disk Technology. Settlement resulting in acquisition of client. *Nomai, S.A. v. Iomega Corporation* (N.D. Cal.).
 - Patent jury litigation on four semiconductor process and microprocessor circuit patents. Settlement after successful reexamination of patent in suit. *Intel Corporation v. Hyundai Electronics Industries Co., Ltd.* (D. Oreg.).
 - Patent litigation on microprocessor circuit patents in foreign jurisdictions including the United Kingdom, Germany, Singapore and Hong Kong. Related patent cancellation proceedings in United Kingdom, France, Taiwan, Japan and Germany. Settled. *Intel Corporation v. United Microelectronics Corporation, et al.*
 - Patent litigation on microprocessor patents and licensing. Patent issues moot after ruling on license issues. *Intel Corporation v. Cyrix Corporation v. SGS Thomson and IBM, Intervenor* (E.D. Tex.).
 - Patent jury litigation on personal computer systems. Settled after jury trial. *Intel v. Cyrix v. Texas Instruments* (E.D. Tex.).
 - Patent litigation on coprocessors. Settled after appeal. *Intel Corporation v. Cyrix Corporation v. SGS Thomson* (E.D. Tex.).
 - Patent litigation on semiconductor circuit patents. Settled. *Intel Corporation v. Chips & Technologies, Inc. and Texas Instruments, Inc. Intervenor* (N.D. Cal.).
 - Patent jury litigation on EPROMs. Settled after ruling in related ITC action. *Intel Corporation v. Hyundai Electronics Industries, Atmel, General Instrument, et al.* (N.D. Cal.).
 - Patent jury litigation on DRAMs. Settled. *Intel Corporation v. Hyundai Electronics Industries Co., Ltd. and Vitelic* (N.D. Cal.).
 - Intel Corporation in patent litigation concerning two semiconductor process patents. After nine-week jury trial, verdict of no literal infringement in favor of Intel Corporation. *Hughes Aircraft Co. v. Intel Corporation* (N.D. Cal.).
 - Broadcom Corp. in patent litigation relating to semiconductor circuit design and fabrication, charge pump and phase-locked loop circuitry, microprocessor power management, and gigabit Ethernet technology. Settled. *National Semiconductor Corp. v. Broadcom Corp.* (E.D. Cal.).
 - Biometric Access Corporation in patent litigation involving biometric identification systems. Obtained denial of motion for preliminary injunction against client and grant of partial summary judgment of non-infringement. Settled. *Indivos Corp. v. Biometric Access Corp.* (N.D. Cal.).
 - Patent litigation on semiconductor process patents. Settled. *General Instrument v. Intel Corporation* (D. Ariz.).
 - Patent jury litigation on rotating overhead door-locking device. Settled after trial and appeal. *BF Goodrich v. Overhead Door* (W.D. Tex.).
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- Patent litigation on rotating lens for movie film camera. Settled after trial and appeal. *Arriflex v. Aalon Camera* (S.D. NY).
 - Patent litigation on colorization of film to video. Settled after trial. *Corporate Communications Consultants, Inc. v. Columbia Pictures* (S.D. NY).
 - Patent jury litigation on artificial intelligence expert system. Settled. *Trilogy Development Group v. Teknowledge Corporation* (N.D. Cal.).
 - Third party action. Patent litigation on video game technology. *Rockwell v. Mattel* (C.D. Cal.).
 - Patent jury litigation on computer disk drives. Settled after discovery. *NEC v. Maxtor* (D. Mass.).
 - Patent litigation on two semiconductor process patents. Settled after arbitration. *National Semiconductor v. Hughes Aircraft* (N.D. Cal.).
 - Section 337 Investigation, No. 337-TA-352; Twinhead, Cyrix and AMD respondents. Dismissed on licensing issues. *In the Matter of Certain Personal Computers with Memory Management Information Stored in External Memory and Related Materials* (International Trade Commission).
 - 11-week trial on eight semiconductor patents resulted in exclusion order of all EPROM products; upheld on appeal. *In The Matter Of Certain EPROMs* (International Trade Commission).
 - Trade secret misappropriation litigation. Settled after trial. *Lamb Industries v. Tubescope* (La. Sup. Ct.).
 - Trade secret misappropriation litigation. Settled after trial and appeal. *Easman Whipstock, Inc. v. Dailey Oil Tools* (E.D. Tex.).
 - Trade secret misappropriation litigation. Temporary restraining order granted impounding all goods. *Dailey Oil Tools v. Thomas Hool* (Tex. Dist. Ct.).
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