FOLEY & LARDNER LLP

Kevin Patariu

Partner

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Kevin Patariu combines his electrical engineering and software development background with his extensive intellectual property (IP) law experience to create tailored, cost-effective strategies that align with clients' business objectives.

Kevin assists clients with IP, data privacy, and cybersecurity issues, counting significant experience in litigation, patent prosecution, transactions, product counseling, and engineering across a wide variety of technical areas. He litigates complex IP matters throughout the United States and before the International Trade Commission (ITC), where he has effectively litigated several Section 337 investigations through trial including three consecutive wins as lead trial counsel in competitor ITC investigations between 2022-24. Kevin's accomplishments at the ITC have been recognized nationally and internationally. He is co-leader of the firm's ITC Section 337 Practice. As counsel of record for petitioners and patent owners in over 75 *inter partes* review (IPR) proceedings, Kevin advises clients on the strategic use of U.S. Patent and Trademark Office (USPTO) Patent Trial and Appeal Board (PTAB) proceedings to meet their litigation objectives. He also represents clients in trademark, trade secret, trade dress, and copyright disputes, and he practices across the areas of due diligence and freedom to operate investigations, patent and trademark prosecution and counseling, preparation of infringement and validity opinions, and technology legal counseling for large and small enterprises.

A licensed professional engineer in California with years of practical experience, Kevin's deep understanding of web architectures and computing systems gives him a unique edge in advising technology clients on data privacy matters, specifically in crafting data use contractual provisions, performing product reviews, and developing privacy policies that capture how companies are collecting, storing, and using personal data. He advises clients on the California Consumer Privacy Act (CCPA), California Privacy Rights Act (CPRA) of 2020, the General Data Protection Regulation (GDPR), and other data use and compliance issues in a dynamic regulatory environment.

Prior to Foley, he was partner in the San Diego office of an international law firm and co-chair of its International Trade Commission Section 337 Practice. Kevin is the co-inventor of eight U.S. patents and four foreign patents in the field of data encryption/decryption and information security.

Representative Experience

ITC Section 337 Actions

- Lead trial counsel for respondents Shenzhen Carku Technology Co., Ltd., Aukey Technology Co., Ltd., Metasee LLC, Ace Farmer LLC, Hulkman LLC, and two others, in an investigation before Administrative Law Judge (ALJ) Bryan F. Moore concerning portable vehicle jump-start devices and allegations of trade dress infringement, false designation of origin, false advertising, and unfair competition; initial determination of no violation of Section 337 after evidentiary hearing; affirmed by Commission after Complainant chose not to seek Commission Review, terminating investigation in favor of Respondents. *Certain Portable Battery Jump Starters and Components Thereof (III)*, U.S. International Trade Commission Investigation No. 337-TA-1360.*
- Lead trial counsel for respondents Shenzhen Carku Technology Co., Ltd., Aukey Technology Co., Ltd., Shenzhen Gooloo E-Commerce Co., Ltd., Hulkman LLC, Metasee LLC, Ace Farmer LLC, and five others in a six-patent case before Administrative Law Judge Monica Bhattacharyya concerning portable vehicle jump-start devices; complainant dropped two patents after expert discovery; initial determination of no violation of Section 337 after evidentiary hearing based on noninfringement and invalidity of all claims; affirmed by Commission, terminating the investigation; Complainant did not appeal, ending the dispute in favor of Respondents. *Certain Portable Battery Jump Starters and Components Thereof (II)*, U.S. International Trade Commission Investigation No. 337-TA-1359.
- Lead trial counsel for respondents Shenzhen Carku Technology Co., Ltd., 70mai Co., Ltd., Antigravity Batteries LLC, Gooloo Technologies LLC, Great Neck Saw Manufacturers, Inc., Horizon Tool, Inc., Matco Tools Corporation, Nekteck, Inc., Paris Corporation, PowerMax Battery (U.S.A.), Inc., and Shenzhen Gooloo E-Commerce Co., Ltd., in a two-patent case before Administrative Law Judge David P. Shaw concerning portable vehicle jump-start devices; complainant dropped one patent after an IPR final written decision invalidating nearly all claims (Kevin was the lead counsel in the IPR); initial determination of no violation of Section 337 after evidentiary hearing due to noninfringement and no technical domestic industry; the no technical domestic industry finding avoided a general exclusion order sought by complainant, saving an exclusion order for the entire industry, including other companies found to infringe; the commission affirmed the initial determination of no violation, terminating the investigation in favor of respondents. *Certain Portable Battery Jump Starters and Components Thereof*, U.S. International Trade Commission Investigation No. 337-TA-1256.
- Counsel for respondents Nintendo Co., Ltd. and Nintendo of America Inc. in a one-patent case before ALJ Shaw concerning game console systems; initial determination of no violation of Section 337 after evidentiary hearing; the commission affirmed the initial determination of no violation, terminating the investigation in favor of Nintendo; appeal to the Federal Circuit voluntarily dismissed by Gamevice,

terminating the appeal. *Certain Portable Gaming Console Systems with Attachable Handheld Controllers and Components Thereof II*, U.S. International Trade Commission Investigation No. 337-TA-1197.*

- Counsel for respondents Nortek Security & Control LLC f/k/a Linear, LLC, Nortek, Inc., and GTO Access Systems, LLC in a three-patent case before ALJ Mary Joan McNamara concerning garage door and gate openers; pending. *In the Matter of Certain Movable Barrier Operator Systems and Components Thereof*, U.S. International Trade Commission Investigation No. 337-TA-1118.*
- Counsel for respondents Nintendo Co., Ltd. and Nintendo of America Inc. in a two-patent case before ALJ Cheney (later reassigned to ALJ David Shaw) concerning game console systems; after a favorable claim construction order, an unopposed motion of summary determination of noninfringement was granted, resulting in an initial determination of no violation of Section 337; the commission affirmed the initial determination of no violation, terminating the investigation in favor of Nintendo; summary affirmance at the Federal Circuit. *In the Matter of Certain Portable Gaming Console Systems with Attachable Handheld Controllers and Components Thereof*, U.S. International Trade Commission Investigation No. 337-TA-1111.*
- Counsel for complainant Tektronix, Inc. in a two-patent case before ALJ Cheney concerning multi-domain test and measurement instruments; terminated after consent order stipulation by respondents agreeing not to import products at issue. *In the Matter of Certain Multi-Domain Test and Measurement Instruments*, U.S. International Trade Commission Investigation No. 337-TA-1104.*
- Counsel for respondents Shenzhen Goodix Technology Co., Ltd. (f.k.a. Shenzhen Huiding Technology Co., Ltd., d/b/a Goodix) and Goodix Technology Inc. in a four-patent investigation before ALJ Essex (later transferred to ALJ McNamara) concerning touchscreen controllers used in smartphones; settled after the hearing. At the time of the hearing the Office of Unfair Import Investigations recommended a finding of no violation. Participated in filing of nine *inter partes* review (IPR) petitions during the pendency of the investigation challenging the asserted patents, five of which were instituted and four pending at the time of settlement. *In the Matter of Certain Touchscreen Controllers and Products Containing Same*, U.S. International Trade Commission Investigation No. 337-TA-957.*
- Counsel for non-parties Fortress Investment Group LLC and AND34 Funding LLC in a five-patent investigation before ALJ Pender concerning processing audio signals to avoid interference in tablets, desktops, and laptops; the commission selected the investigation for the second ever 100-Day pilot Program to determine within 100 days whether complainant has standing to sue or if the investigation should be immediately terminated for failure to include Fortress Investment Group LLC or AND34 Funding LLC as additional complainants; the ALJ found that complainant has standing to sue, and the commission denied respondents' motion for oral argument and determined not to review the ALJ's initial determination; settled by the parties before the hearing. *In the Matter of Certain Audio Processing Hardware and Software and Products Containing Same*, U.S. International Trade Commission Investigation No. 337-TA-949.*
- Counsel for respondents AmTRAN Technology Co., Ltd. and AmTRAN Logistics, Inc. in a three-patent investigation before ALJ Shaw concerning smart televisions, Blu-ray players and other devices and

software involved in point-to-point communications and content delivery networks; complainant Straight Path IP Group, Inc. sought to terminate the investigation days before the hearing and the parties subsequently settled. *In the Matter of Certain Point-To-Point Network Communication Devices and Products Containing Same*, U.S. International Trade Commission Investigation No. 337-TA-892.*

- Counsel for respondents HTC Corporation and HTC America Inc. in a four-patent investigation before ALJ Essex concerning camera functionality, messaging, and image processing systems in smartphones; prior to the hearing one patent was dismissed; obtained final determination finding noninfringement, and none of the domestic industry licensees practiced two of the remaining three asserted patents. Complainant FlashPoint Technology, Inc. did not appeal the final determination. *In the Matter of Certain Electronic Imaging Devices*, U.S. International Trade Commission Investigation No. 337-TA-850.*
- Counsel for respondents HTC Corporation and HTC America Inc. in a four-patent investigation before ALJ Essex concerning CPU architecture, floating point rasterization and frame buffering, and large area wide aspect ratio flat panel technologies; settled favorably prior to the hearing. *In the Matter of Certain Consumer Electronics and Display Devices and Products Containing Same*, U.S. International Trade Commission Investigation No. 337-TA-836.*
- Counsel for respondents HTC Corporation and HTC America Inc. in an investigation before ALJ James Gildea concerning smartphones; settled favorably after the hearing. *In the Matter of Certain Portable Electronic Devices and Related Software*, U.S. International Trade Commission Investigation No. 337-TA-797.*
- Counsel for respondents HTC Corporation and HTC America Inc. in a three-patent case investigation before Chief ALJ Paul Luckern concerning camera functionality in smartphones; win at trial and initial ID finding noninfringement, invalidity based on-sale bar, and none of the domestic industry licensees practiced the asserted patents; commission reviewed the ID, affirmed the findings on petition and also found HTC had an implied license to practice the asserted patents for its Windows-based products; other respondents Nokia and RIM settled shortly before trial and LG settled after trial and before the initial determination; summary affirmance at the Federal Circuit. *In the Matter of Certain Electronic Imaging Devices*, U.S. International Trade Commission Investigation No. 337-TA-726.*
- Counsel for respondents Alpine Electronics Inc. and Alpine Electronics of America, Inc. in a six-patent investigation concerning global positioning systems and vehicle navigation systems; settled favorably prior to the hearing. *In the Matter of Certain Automotive Multimedia Display and Navigation Systems, Components Thereof, and Products Containing Same*, U.S. International Trade Commission Investigation No. 337-TA-657.*

U.S. District Court Litigation

- Counsel for ValveTech Inc. in a lawsuit before Chief Judge Frank P. Geraci, Jr. alleging breach of contract, trade secret misappropriation, and unfair competition; following a 10-day trial, a federal jury found that Aerojet Rocketdyne breached two nondisclosure agreements with ValveTech, and improperly retained, used, and disclosed proprietary information for spacecraft thruster valve designs

provided by ValveTech, for the Starliner spacecraft, in direct contravention of the explicit terms of both agreements. *ValveTech, Inc. v. Aerojet Rocketdyne, Inc.*, U.S. District Court for the Western District of New York.*

- Counsel for respondents STMicroelectronics Inc., STMicroelectronics (North America) Holdings Inc., and STMicroelectronics NV, in a four-patent case before Judge Alan D. Albright concerning capacitive touch sensing devices; settled favorably. *Neodron Ltd. v. STMicroelectronics, Inc. et al*, U.S. District Court for the Western District of Texas.*
- Counsel for TTE Technology, Inc., TCL King Electrical Appliances Huizhou Co. Ltd., TCL Moka Intl Ltd., TCL Industries Holdings Co., Ltd., Shenzhen TCL New Technology Co., Ltd, TCL Smart Device (Vietnam) Co LTD, TCL Electronics Holdings Ltd., TCL Moka Manufacturing, S.A. de C.V. in a three-patent case before Judge Cormac J. Carney concerning alleged secure authenticated distance measurement in television devices and LCD backlights; pending. *Koninklijke Philips NV et al v. TTE Technology, Inc. d/b/a TCL USA et al*, U.S. District Court for the Central District of California.*
- Counsel for Carnegie Institution of Washington and M7D Corporation in a two-patent case before Judge Jed S. Rakoff concerning diamond manufacturing; settled favorably. *Carnegie Institution of Washington et al v. Pure Grown Diamonds, Inc. et al*, U.S. District Court for the Southern District of New York.*
- Counsel for Huizhou TCL Mobile Communication Co. Ltd., TCL Mobile Communication (HK) Co., Ltd., TCT Mobile (US) Inc., and TCT Mobile, Inc. in a three-patent case before Judge James V. Selna concerning alleged wireless communication device technologies; pending. *Wi-LAN Inc. et al v. Huizhou TCL Mobile Communication Co. Ltd. et al*, U.S. District Court for the Central District of California.*
- Counsel for Tektronix in a two-patent case before Judge Marco A. Hernandez concerning multi-domain test and measurement instruments; terminated after termination of parallel ITC investigation. *Tektronix, Inc. v. Rohde & Schwarz USA, Inc., Rohde & Schwarz GmbH & Co. KG, and Rohde & Schwarz Vertriebs GmbH*, U.S. District Court for the District of Oregon.*
- Counsel for Nortek Security & Control LLC f/k/a Linear, LLC in a three-patent case before Judge Janis L. Sammartino and Magistrate Judge Andrew G. Schopler concerning garage door and gate openers; pending. *The Chamberlain Group, Inc. v. Nortek Security & Control LLC*, U.S. District Court for the Southern District of California.*
- Counsel for T-Max in a three-patent and one-copyright case before Judge Cormac J. Carney and Magistrate Judge Jean P. Rosenbluth concerning retractable vehicle step automotive accessories; dismissed as a result of settlement. *Lund Motion Products, Inc. v. T-Max (Hangzhou) Technology Co., Ltd., T-Max (Qingdao) Industrial Co., Ltd., T-Max (Qingdao) International Trading Co., Ltd., and T-Max Industrial (Hk) Co., Ltd.*, U.S. District Court for the Central District of California.*
- Counsel for Shenzhen Liown Electronics in a contract dispute before Judge Gary Feinerman and Magistrate Judge Susan E. Cox; dismissed as a result of settlement. *Central Garden & Pet Company v. Shenzhen Liown Electronics Co., Ltd.*, U.S. District Court for the Northern District of Illinois.*
- Counsel for Genoray in a three-patent case before Judge Roy B. Dalton, Jr. and Magistrate Judge David A. Baker concerning power supply and image processing for dental X-ray imaging applications;

dismissed as a result of settlement. *Oy Ajat Ltd. v. Genoray Co. Ltd. and Genoray America, Inc.*, U.S. District Court for the Middle District of Florida.*

- Counsel for T-Mobile US, Inc., T-Mobile USA, Inc., and intervenor defendant TeleCommunication Systems, Inc. in a four-patent case before Judge Schroeder concerning locating devices in a communications network; settled favorably a few weeks before trial. *TracBeam, LLC v. T-Mobile US, Inc.*, U.S. District Court for the Eastern District of Texas.*
- Counsel for Cellco Partnership (d/b/a Verizon Wireless Inc.), TeleCommunication Systems, Inc., and Networks In Motion, Inc. in a one-patent case before Judge Stark concerning systems for determining estimated times of arrival of vehicles; stipulated entry of final judgment of noninfringement after favorable claim construction order shortly before trial; the Federal Circuit affirmed the district court's construction; the parties filed a stipulated entry of final judgment based on noninfringement, ending the case. *Vehicle IP LLC v. AT&T Mobility LLC*, U.S. District Court for the District of Delaware.*
- Counsel for Verizon in a five-patent case before Judge Richard G. Andrews concerning location determination services; Judge Andrews granted a motion invalidating the asserted patent under Section 101; claims relating to asserted patent dismissed as a result of settlement. *CallWave Communication LLC v. Verizon Services Corp. et al.*, U.S. District Court for the District of Delaware.*
- Counsel for TeleCommunication Systems, Inc. in an IP asset sale contractual dispute before Judge Laura Taylor Swain and Magistrate Judge Ronald L. Ellis; case dismissed due to settlement after motion to dismiss fraud and negligent misrepresentation counts was granted. *IP Cube Partners Co., Ltd. v. Telecommunication Systems, Inc.*, U.S. District Court for the Southern District of New York.*
- Counsel for HTC in an 11-patent case before Judge Sleet involving user interfaces, audio processing and streaming, data compression, and device data entry; case transferred to the Northern District of California; pending. *Koninklijke Philips N.V. and U.S. Philips Corporation v. HTC Corporation and HTC America, Inc.*, U.S. District Court for the District of Delaware and U.S. District Court for the Northern District of California.*
- Counsel for Alpha Networks Inc. in a four-patent case before Judge James Rodney Gilstrap concerning networking equipment; dismissed as a result of settlement. *Chrimar Systems, Inc. D/B/A CMS Technologies and Chrimar Holding Company, LLC v. Alpha Networks Inc.*, U.S. District Court for the Eastern District of Texas.*
- Counsel for Amazon, Inc. and Amazon.com LLC in a one-patent case before Judge Gilstrap concerning streaming media content and media playback; dismissed as a result of settlement. *Nonend Inventions, N.V. v. Amazon, Inc. and Amazon.Com LLC*, U.S. District Court for the Eastern District of Texas.*
- Counsel for Fujitsu America, Inc. and Fujitsu Limited in a three-patent case before Judge Gilstrap concerning streaming media content and media playback; dismissed as a result of settlement. *Nonend Inventions, N.V. v. Fujitsu America, Inc., and Fujitsu Limited*, U.S. District Court for the Eastern District of Texas.*
- Counsel for Hewlett-Packard Company in a three-patent case before Judge Gilstrap concerning streaming media content and media playback; dismissed as a result of settlement. *Nonend Inventions,*

N.V. v. Hewlett-Packard Company, U.S. District Court for the Eastern District of Texas.*

- Counsel for HTC America, Inc. in a one-patent case before Judge Gilstrap concerning streaming media content and media playback; dismissed as a result of settlement. *Nonend Inventions, N.V. v. HTC America, Inc.*, U.S. District Court for the Eastern District of Texas.*
- Counsel for Microsoft Corporation in a three-patent case before Judge Gilstrap concerning streaming media content and media playback; dismissed as a result of settlement. *Nonend Inventions, N.V. v. Microsoft Corporation*, U.S. District Court for the Eastern District of Texas.*
- Counsel for Panasonic Corporation and Panasonic Corporation of North America in a three-patent case before Judge Gilstrap concerning streaming media content and media playback; dismissed as a result of settlement. *Nonend Inventions, N.V. v. Panasonic Corp. and Panasonic Corp. of North America*, U.S. District Court for the Eastern District of Texas.*
- Counsel for Largan Precision in a six-patent case before Judge Sabraw concerning optical lenses in smartphones, tablets, and other products; case terminated via settlement eight days before trial. *Largan Precision Co., LTD. v. Samsung Electronics Co., Ltd., et al.*, U.S. District Court for the Southern District of California.*
- Counsel for HTC in a one-patent case before Magistrate Judge Laporte concerning camera, image filtering, and image transmission functionality in smartphones; case transferred to the Northern District of California; stayed during the pendency of an *inter partes* review trial involving the asserted patent; the parties jointly moved for entry of a stipulated order of dismissal of all claims with prejudice; the order was granted, terminating the litigation. *Rothschild Storage Retrieval Innovations, LLC v. HTC Corporation and HTC America, Inc.*, U.S. District Court for the Southern District of Florida and U.S. District Court for the Northern District of California.*
- Counsel for DirecTV in a three-patent case before Judge Lee concerning gateways and control of media players over a wireless network; case transferred to the Northern District of California and before Judge Gilliam; filed three *inter partes* review petitions against the asserted patents; stayed during the pendency of the inter partes review proceedings; Qurio cancelled all claims for which an *inter partes* review trial was instituted; a joint stipulation of dismissal resulted in termination of the case. *Qurio Holdings, Inc. v. DirecTV, LLC*, U.S. District Court for the Northern District of Illinois and U.S. District Court for the Northern District of California.*
- Counsel for Hulu in a two-patent litigation before Judge Stark relating to video distribution systems; initiated an early claim construction proceeding on a case dispositive term; after obtaining a favorable claim construction ruling for Hulu, the parties jointly moved for entry of a stipulated order of dismissal of all claims with prejudice; the order was granted, terminating the litigation. *TransVideo Electronics, Ltd. v. Hulu, LLC*, U.S. District Court for the District of Delaware.*
- Counsel for Netflix in a two-patent litigation before Judge Stark relating to video distribution systems; initiated an early claim construction proceeding on a case dispositive term; after obtaining a favorable claim construction ruling for Netflix, the parties jointly moved for entry of a stipulated order of dismissal of all claims with prejudice; the order was granted, terminating the litigation. *TransVideo Electronics, Ltd. v. Netflix, Inc.*, U.S. District Court for the District of Delaware.*

- Counsel for HTC in a two-patent case before Judge Gilstrap concerning capture and transmission of digital images; filed two *inter partes* review petitions against the asserted patents, and two *inter partes* review trials were instituted; stayed during the pendency of the *inter partes* review trials; the parties jointly moved for entry of a stipulated order of dismissal of all claims with prejudice; the order was granted, terminating the litigation. *e-Watch, Inc. and e-Watch Corporation v. HTC Corporation and HTC America, Inc.*, U.S. District Court for the Eastern District of Texas.*
- Counsel for Transcend in a one-patent case before Judge Huff concerning flash memory devices; dismissed as a result of settlement. *Digital, Inc. v. Transcend Information Inc.*, U.S. District Court for the Southern District of California.*
- Counsel for Monolithic Power Systems in three-patent infringement and breach of contract litigation concerning power integrated circuits; settled favorably. *Monolithic Power Systems, Inc. v. Silergy Corporation, Compal Electronics, et al.*, U.S. District Court for the Northern District of California.*
- Counsel for HTC in a six-patent case before Judge Sleet concerning camera, file system, and graphics processing functionality in smartphones; case transferred to the District of Delaware; filed five *inter partes* review petitions against the asserted patents, and five *inter partes* review trials were instituted; dismissed as a result of settlement. *FlashPoint Technology, Inc. v. HTC Corporation and HTC America, Inc.*, U.S. District Court for the Eastern District of North Carolina and U.S. District Court for the District of Delaware.*
- Counsel for HTC in a six-patent case before Judge David C. Godbey concerning navigation devices and synchronization of data over a network; filed six *inter partes* review petitions against the asserted patents; dismissed as a result of settlement before institution of *inter partes* review petitions. *Wireless Mobile Devices LLC v. HTC Corporation and HTC America, Inc.*, U.S. District Court for the Northern District of Texas.*
- Counsel for ASUS in two cases before Judge Leonard Stark concerning five patents involving floating point rasterization and framebuffering, removable backlighting in flat panel displays and large area wide aspect ratio flat panel technologies; dismissed as a result of settlement. *Graphics Properties Holdings Inc. v. ASUSTeK Computer Inc. and ASUS Computer International, et al.*, U.S. District Court for the District of Delaware.*
- Counsel for HTC in two cases before Judge Richard G. Andrews concerning four-patents involving CPU architecture, floating point rasterization and framebuffering, and large area wide aspect ratio flat panel technologies; stayed pending collateral U.S. ITC proceeding (Inv. No. 337-TA-836); dismissed as a result of settlement. *Graphics Properties Holdings Inc. v. HTC Corporation, HTC America, Inc., et al.*, U.S. District Court for the District of Delaware.*
- Counsel for Just Fabulous in patent litigation before Judge Philip S. Gutierrez related to e-commerce websites, online marketing, and product selection; dismissed as a result of settlement. *StylePath, Inc. v. Just Fabulous, Inc.*, U.S. District Court for the Central District of California.*
- Counsel for HTC in a two-patent case before Judge Leonard Davis concerning techniques for embedding searchable information in a file for transmission, storage, and retrieval; prepared and filed *inter partes* reexamination requests that were subsequently granted and as a result obtained a stay of

the case just weeks before claim construction hearing; stayed during pendency of proceedings before the USPTO; the PTAB affirmed the examiner's rejection of all claims of both asserted patents. *MyPort IP Inc. v. HTC Corporation and HTC America, Inc.*, U.S. District Court for the Eastern District of Texas.*

- Counsel for HTC in a 10-patent case before Judge Gregory Sleet concerning camera user interface functionality in smartphones; obtained a stay of the entire case after Judge Sleet lifted previous stay due to completion of reexaminations, in light of FlashPoint's filing of a complaint asserting four of the 10 patents before the U.S. International Trade Commission (Inv. No. 337-TA-850); dismissed as a result of settlement. *FlashPoint Technology Inc. v. Aiptek Inc., et al.*, U.S. District Court for the District of Delaware.*
- Counsel for Kyocera in a six-patent case before Judge Clarence Cooper relating to data transaction systems which communicate over a network with a plurality of non-standard I/O remote terminals. Datascape accused Kyocera cellular handsets and smartphones of infringement; settled favorably before trial. *Datascape, Inc. v. Kyocera Wireless Corp.*, U.S. District Court for the Northern District of Georgia.*

**Matters handled prior to joining Foley.*

Awards and Recognition

- Co-lead of ITC Section 337 Team awarded Outstanding International IP Service Team Award, *China IP Magazine* (2024).
- #2 Best Performing ITC Attorney Overall (Representing Complainants or Respondents) between 2014-19, *Patexia Insights ITC Intelligence Report* (2020)
- Top 1% Best Performing ITC Representing Respondents, *Patexia Insights ITC Intelligence Report* (2025)
- #68 Best Performing Patent Litigator Overall (Representing Plaintiffs or Defendants) (Top 0.6% of patent litigators) 2017-2020, *Patexia Insights Patent Litigation Intelligence Report* (2021)
- Ranked in top 4% for performance of ITC Practitioners Representing Respondents between 2016-2021, *Patexia Insights Patent Litigation Intelligence Report* (2022)
- #72 Most Active ITC Attorney representing Respondents between 2016-2021, *Patexia Insights Patent Litigation Intelligence Report* (2022)
- Top 100 Most Active Practitioners Representing Petitioners at USPTO PTAB between 2014-2019 (Top 2% of All IPR Attorneys), *Patexia Insights IPR Intelligence Report* (2019)
- Top 100 Most Active Practitioners Representing Petitioners at USPTO PTAB between 2015-2020 (Top 2% of All IPR Attorneys), *Patexia Insights IPR Intelligence Report* (2020)
- Certified U.S. Information Privacy Professional (CIPP/US) through the International Association of Privacy Professionals (IAPP)
- Certified Europe Information Privacy Professional (CIPP/E) through the International Association of Privacy Professionals (IAPP)

- Certified Information Privacy Manager (CIPM) through the International Association of Privacy Professionals (IAPP)
- Listed in *Lawdragon 500* Leading Global Cyber Lawyers (2024)
- Recipient of the Wiley W. Manuel award for Pro Bono Service
- Recipient of USPTO Patent *Pro Bono Achievement Certificate* (2017)
- San Diego *Super Lawyers*, Rising Stars (2015)
- Illinois *Super Lawyers*, Rising Stars (2009)

Exemplary Patents as Co-author and Named Inventor

- U.S. Patent No. 7,194,627, “Method and system for data encryption and decryption”
- U.S. Patent No. 7,313,239, “Method and system for data encryption/decryption key generation and distribution”
- U.S. Patent No. 7,533,273, “Method and system for controlling an encryption/decryption engine using descriptors”
- U.S. Patent No. 7,912,220, “Packetization of non-MPEG stream data in systems using advanced multistream POD interface”
- U.S. Patent No. 7,925,024, “Method and system for data encryption/decryption key generation and distribution”
- U.S. Patent No. 8,234,504, “Method and system for data encryption and decryption”
- U.S. Patent No. 8,467,534, “Method and system for secure access and processing of an encryption/decryption key”
- U.S. Patent No. 9,094,699, “System and method for security key transmission with strong pairing to destination client”
- European Patent No. EP1460797, “Secure access and processing of an encryption/decryption key”
- European Patent No. EP1457859, “Data encryption/decryption device”
- Chinese Patent No. CN1655495, “System and method for security key transmission with strong pairing to destination client”
- Taiwanese Patent No. TW 1271079, “System and method for security key transmission with strong pairing to destination client”

Affiliations

- Member, American Intellectual Property Law Association
- Member, Intellectual Property Owners Association
- Member, ITC Trial Lawyers Association
- Member, Institute of Electrical and Electronics Engineers
- Member, PTAB Bar Association
- Board of directors, San Diego Volunteer Lawyer Program
- Member, San Diego Intellectual Property Law Association

- Member, International Association of Privacy Professionals

Pro Bono

Deeply committed to pro bono service, Kevin received the 2017 Patent Pro Bono Achievement Certificate presented by the USPTO. The certificate recognizes professionals who help make the USPTO Patent Pro Bono Program available to financially under-resourced inventors and small businesses by preparing and prosecuting patent applications.

He is on the San Diego Steering Committee for California Lawyers for the Arts and the administrator of the California Inventor Assistance Program (CIAP), a USPTO pro bono program in California designed to assist financially under-resourced independent inventors and small businesses with patent applications. He is also a member of the CIAP Advisory Committee and office liaison with the California Lawyers for the Arts.

Kevin is additionally a member of the board of directors of San Diego Volunteer Lawyer Program (SDVLP), which provides free civil legal services to low-income and disadvantaged San Diegans. Kevin has successfully appealed multiple cases involving denials of Social Security disability benefits for clients referred by SDVLP. In each case, the client was found to be a person with disabilities and entitled to benefits after a hearing before an administrative law judge.

Practice Areas

- Electronics
- IP Litigation
- Intellectual Property

Education

- Northwestern University (J.D., cum laude, 2007)
- Cornell University (M.Eng., 1996)
    - Electrical Engineering
- Cornell University (B.S., 1995)
    - Electrical Engineering

Admissions

- California
- Illinois
- District of Columbia
- Minnesota
- New Jersey
- New York
- Texas
- U.S. Court of Appeals for the Federal Circuit

- 9th Circuit U.S. Court of Appeals
- 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 Northern District of Illinois
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of New York
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. Patent and Trademark Office