

Lucas I. Silva

Partner

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Lucas I. Silva is a partner in the firm's Intellectual Property Litigation Practice Group. An experienced trial lawyer, Lucas has extensive experience litigating complex patent infringement cases covering a wide range of technologies such as telecommunications, semiconductor packaging, medical devices, business intelligence software, data backup, magnetic braking, sound reproduction systems, online advertising, solar panel assemblies, and 3D printing. Lucas has also tried cases involving intellectual property licenses as well as patent infringement cases involving standard essential patents, both in the district courts and at the International Trade Commission. In addition, Lucas has experience conducting *inter partes* review proceedings before the United States Patent and Trademark Office, and handling patent-related appeals before the U.S. Court of Appeals for the Federal Circuit.

Prior to joining Foley, Lucas was an associate in the intellectual property litigation practice group of a Boston-area boutique intellectual property firm and an intern for the Honorable F. Dennis Saylor IV of the U.S. District Court for the District of Massachusetts.

Representative Experience

- *Philips v. Thales, Telit, Quectel, et al.* (District of Delaware): Currently representing Standard Essential Patent (SEP) owner in cases brought against numerous defendants for infringement of patents covering UMTS and LTE telecommunications standards.
- *Kids II v. XRT* (Northern District of Georgia): Represented plaintiff/licensee in breach of contract action relating to technology license agreement covering categories of children's toys. The Foley team secured a summary judgment against the defendant's claim for material breach of contract and secured an award of attorneys' fees after a successful jury trial on the remaining claims.
- *Magnetar v. Six Flags, et al.* (District of Delaware): Represented theme park operators in defending claims for infringement of patents directed to roller coaster braking technology. After discovering a video in the plaintiff's possession that showed the patented invention to be in public use before the on

sale bar date, the Foley team secured a summary judgment of invalidity on multiple grounds and successfully sought recovery of attorneys' fees.

- *Purdue University v. Omron* (Northern District of Illinois): Represented defendant manufacturer of blood pressure monitoring equipment in patent infringement case alleging tens of millions of dollars in damages. After successfully getting the case transferred, the Foley team secured a dismissal of the case prior to summary judgment or trial.
- *General Electric v. Vibrant Media* (District of Delaware): Represented software company defending claims for infringement of patents directed to online advertising methods and systems. After a co-defendant agreed to pay seven figures to settle the case, the Foley team prevailed in *inter partes* reviews of the patents-in-suit.
- *Bose v. SDI Technologies, et al.* (District of Massachusetts): Represented the defendant in a case involving claims of infringement of patents directed to music systems having audio storage components. The Foley team secured a favorable claim construction ruling and then prevailed at summary judgment on the basis that our client lacked the intent necessary to indirectly infringe the asserted claims.

Recent International Trade Commission Experience

- Served as lead counsel for Complainant in ITC Investigation, *Certain Interactive Fitness Products Including Stationary Exercise Bikes, Treadmills, Elliptical Machines, Rowing Machines and Components Thereof*, 337-TA-1310.
- Represented Respondent in ITC Investigation, *Certain Electronic Exercise Systems, Stationary Bicycles, Components Thereof, and Products Including Same*, 337-TA-1305.
- Represented Complainant in ITC Investigation, *Certain UMTS and LTE Cellular Communication Modules and Products Containing the Same*, 337-TA-1240.
- Represented Complainant in ITC Investigation, *Certain Wearable Monitoring Devices, Systems, and Components Thereof*, 337-TA-1190.

Awards and Recognition

- *Massachusetts Super Lawyers – Rising Stars®* which recognizes the top 2.5% of Massachusetts lawyers under 40 (2014 – 2016)

Sectors

- [Innovative Technology](#)

Practice Areas

- [Chemical, Biotechnology & Pharmaceutical](#)
- [Commercial Litigation](#)
- [IP Litigation](#)
- [ITC Section 337 Proceedings](#)
- [Intellectual Property](#)

- [Patent Litigation](#)
- [Trademark, Copyright & Advertising Litigation](#)

Education

- Suffolk University Law School (J.D., cum laude)
 - Concentration in intellectual property law
 - Handled criminal prosecutions as a member of the Suffolk University Prosecutors and prosecuted U.S. and foreign patents at an intellectual property firm in Cambridge, MA
 - Drafted a note on the availability of equitable remedies in patent disputes for *The Journal of High Technology Law*
- Bates College (B.S.)
 - Biology
 - Economics

Admissions

- Massachusetts
- New York
- U.S. District Courts for the District of Massachusetts
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. Patent and Trademark Office