



## Richard A. Sterba

Principal  
Washington, D.C.  
202-626-7714  
sterba@fr.com

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### Overview

The managing principal of Fish's Washington, D.C., office, Richard A. Sterba leads, manages, and tries complex patent cases in the U.S. International Trade Commission and U.S. District Courts, from the Eastern District of Virginia to the Southern District of California. He also serves on the firm's Advisory Committee on Elevation.

Experienced in all phases of litigation, Richard's specialty is handling and trying cases at the ITC, having worked on nearly 50 Section 337 investigations, including more than a dozen trials. Richard has received several accolades for his ITC trial experience, including recognition as a *Law360* International Trade Rising Star and as a Washington, D.C., Super Lawyer, as well as inclusion on the *IAM Patent 1000* and Legal 500 lists for his impressive ITC experience and track record. Beyond his trial work, he also has successfully argued at the U.S. Court of Appeals for the Federal Circuit, obtaining complete vindication for a small business owner whose entire business had previously been permanently enjoined.

A courtroom lawyer with first-chair experience, Richard's litigation experience runs the gamut from representing some of the largest and most respected companies in the U.S. and Asia to representing start-up companies and individuals, and from the highest-stakes litigation involving competitors to "nuisance" litigation often involving non-practicing entities. He recognizes that in litigation one size does not fit all, and that "winning" can take on many different forms. By partnering with his clients to define success and identify goals, he is able to lead cases of varying scopes appropriately consistently producing successful results while managing cases with remarkable efficiency.

Richard's background in physics and mathematics enables him to handle cases spanning a wide range of technologies, including mobile phones, telecommunications, networking, digital signal processing, microprocessors, integrated circuits, display devices, semiconductors, memory, medical devices, and various mechanical and software inventions. He also has been involved in cases implicating various technical standards, and is experienced in handling the unique issues, such as fair, reasonable, and non-discriminatory requirements, associated with litigating standard essential patents.

Richard, a leader of Fish's ITC practice, is an adjunct professor at the George Washington University Law School, where he teaches the first law school class in the country dedicated to Section 337 investigations at the ITC, which was developed by Fish principal Mike McKeon. Outside the classroom, he regularly speaks and lectures in the U.S. and Asia on the ITC, its practices and procedures, and related strategic considerations for both complainants and respondents.

Prior to joining Fish's litigation group, he spent several years preparing and prosecuting patent applications, primarily in the fields of semiconductor fabrication and microelectromechanical systems. His patent prosecution background facilitates a deeper understanding of patents, helping him to spot both their strengths and weaknesses.

Beyond his work at Fish, Richard is active in the American Inns of Court. He has served as an Inn president of both the Giles S. Rich

American Inn of Court, the largest and oldest intellectual property Inn of Court in the U.S., and the Pauline Newman IP American Inn of Court, which he helped to create. He is also involved in the International Trade Commission Trial Lawyers Association (ITCTLA) and is an instructor for the National Institute of Trial Advocacy.

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## Experience

### International Trade Commission, Section 337 investigations

Represented a Fortune 100 consumer electronics company in two ITC cases that formed part of a landmark, multijurisdictional dispute over 5G patents. Asserted products include mobile phones, smart devices, digital media players, and tablet computers. The matter ultimately resolved in a global settlement.

Represented a Fortune 100 consumer electronics company in a dispute over mobile base station products. Fish was hired to defend against an ITC complaint asserting four patents, as well as to prosecute a counter ITC complaint. The matter resolved in a global settlement.

Represented a Fortune 500 electronics company in a dispute over HDCP 2.x-enabled SoCs, and televisions and monitors that contained them. Following an evidentiary hearing, the ITC issued a finding of no violation based on no infringement of the asserted patents. The case was watched closely by other large industry players involved in the manufacture and sale of HDCP 2.x-enabled devices.

Took over the representation of a prominent manufacturer of garage door openers after the client received an unfavorable ITC ruling that resulted in the pending exclusion of nearly all of its products. Fish worked with the client to implement changes to design around the asserted patents and clear those products for importation.

Represented a surgical device manufacturer at the ITC in a dispute over robotically controlled surgical instruments that both cut and staple tissue. As a result of the ALJ's decision and Commission opinion, Fish prevailed on two of the three patents at issue; as to the third, the Commission suspended any remedial orders because that patent stands rejected in an IPR that was also handled by Fish.

*Certain Sleep-Disordered Breathing Treatment Mask Systems and Components Thereof*, Inv. No. 337-TA-1134, and *Certain Obstructive Sleep Apnea Treatment Mask Systems and Components Thereof*, Inv. No. 337-TA-1136 – Represented ResMed as complainant and respondent, respectively, in investigations concerning CPAP therapy masks.

*Certain Subsea Telecommunication Systems and Components Thereof*, Inv. No. 337-TA-1098, and *Certain Submarine Telecommunication Systems*, Inv. No. 337-TA-1113 – Represented NEC Corporation as respondent and represented NEC Corporation as complainant, respectively, in investigations concerning subsea telecommunication equipment.

*Certain Sleep-Disordered Breathing Treatment Mask Systems and Components Thereof*, Inv. No. 337-TA-1022 – Represented complainant ResMed in an investigation concerning CPAP therapy masks.

*Certain Network Devices, Related Software and Components Thereof I & II*, Inv. No. 337-TA-944 & -945 – Represented respondent Arista Networks in investigations concerning network devices.

*Certain Non-Volatile Memory Chips and Products Containing the Same*, Inv. No. 337-TA-916, and *Certain Devices Containing Non-Volatile Memory*, Inv. No. 337-TA-922 – Represented Macronix as respondent and complainant, respectively, in investigations concerning non-volatile memory, such as Flash memory.

*Certain Television Sets, Television Receivers, Television Tuners, and Components Thereof*, Inv. No. 337-TA-910 – Represented LG in ITC investigation against complainant CrestaTech and its infringement assertion of patents related to television tuner technology.

*Certain Sleep-Disordered Breathing Treatment Systems and Components Thereof*, Inv. No. 337-TA-890 – Represented complainant ResMed in an investigation concerning CPAP therapy systems.

*Certain Microelectromechanical Systems (“MEMS Devices”) and Products Containing the Same*, Inv. No. 337-TA-876 –

Represented respondent InvenSense against STMicroelectronics in patent litigation concerning various MEMS technologies.

*Certain Wireless Consumer Electronics Devices and Components Thereof*, Inv. No. 337-TA-853 – Represented LG in ITC investigation through trial and final Commission review against complainants TPL, Patriot Scientific, and Phoenix Digital System and their infringement assertion of a patent related to variable speed system clocks in microprocessors.

*Certain Wireless Devices with 3G Capabilities and Components Thereof*, Inv. No. 337-TA-800 – Defending respondent LGE against patent infringement claims brought by InterDigital seeking exclusion of LGE's mobile phone products.

*Certain Electronic Devices Having A Digital Television Receiver and Components Thereof*, Inv. No. 337-TA-774 – Represented complainant Zenith Electronics Ltd. against Sony entities seeking exclusion of Sony digital television receivers.

*Certain Display Devices, Including Digital Televisions and Monitors II*, Inv. No. 337-TA-765 – Defended respondent LGE against patent infringement claims brought by Sony Electronics seeking exclusion of LGE's digital television products.

*Certain Digital Televisions and Components Thereof*, Inv. No. 337-TA-764 – Represented complainant LGE against Sony entities seeking exclusion of Sony's PlayStation3 and digital television products.

*Certain Digital Televisions and Components Thereof*, Inv. No. 337-TA-742 – Represented complainant LG Electronics in investigation enforcing patents related to digital televisions.

*Certain Liquid Crystal Display Devices and Products Containing The Same*, Inv. No. 337-TA-699 – Represented complainant Samsung Electronics in investigation enforcing patents related to liquid crystal display.

*Certain Video Displays, Components Thereof, and Products Containing the Same*, Inv. No. 337-TA-687 – Represented complainant LG Electronics in investigation enforcing patents related to digital televisions.

*Certain Electronic Devices Having Image Capture or Display Functionality*, Inv. No. 337-TA-672 – Represented complainant LG Electronics in investigation enforcing patents related to image capture and display.

*Certain Liquid Crystal Display Modules and Products Containing the Same, and Methods for Using the Same*, Inv. No. 337-TA-634 – Defended Samsung respondents in a patent infringement action relating to liquid crystal displays.

*Certain Liquid Crystal Display Devices and Products Containing the Same*, Inv. No. 337-TA-631 – Represented complainant Samsung Electronics in a patent infringement action relating to liquid crystal displays.

*Certain Dynamic Random Access Memory Devices and Products Containing Same*, Inv. No. 337-TA-595 – Defended Samsung respondents in an investigation defending against patent infringement claims brought by Renesas Technology Corp. accusing Samsung's DRAM products.

## **U.S. District Court**

*NEC Corp. v. Xtera Inc., et al.* (D. Del.) – Represented plaintiff NEC Corporation in a patent infringement case related to subsea telecommunications technology.

*Xtera Inc., et al. v. NEC Corp., et al.* (N.D. Tex.) – Represented defendant NEC Corporation in a patent infringement case related to subsea telecommunications technology.

*Huawei Technologies Co. Ltd v. T-Mobile US, Inc. and T-Mobile USA, Inc.* (E.D. Tex.) – Represented plaintiff Huawei in a series of four related cases related to 3GPP/LTE standards and SEPs for core network equipment.

*Advanced Micro Devices, Inc., et al. v. LGE, et al.* (N.D. Cal.) – Defended LG defendants in a patent infringement case concerning a variety of integrated circuit technology.

*EON Corp. IP Holdings, Inc. v. LGE, et al.* (D. Del. and E.D. Tex.) – Defended LGEMU through successful summary judgment of invalidity of the asserted patent in a patent infringement case accusing LG’s video-capable mobile phones.

*Multimedia Patent Trust v. LG Electronics, Inc., et al.* (S.D. Cal.) – Defended LGE through jury trial and appeal in a patent case accusing LG’s video-capable cellular telephones.

*InterDigital Communications, LLC v. LG Electronics, Inc.* (D. Del.) – Represented LG entities in a patent infringement case relating to mobile phone technology.

*Pragmatus AV, LLC v. Huawei Technologies Co., Ltd. and Futurewei Technologies Inc* (D. Del.) – Represented Huawei defendants in a patent infringement case concerning video conferencing technology.

*Select Retrieval v. LG Electronics, USA, Inc.* (D. Del.) – Represented defendant LG Electronics USA in a patent infringement case concerning website technology.

*LG Electronics, Inc. v. Sony Corporation* (S.D. Cal. & C.D. Cal.) – Represented LGE in a patent case against Sony relating to blu-ray disc players and digital television products.

*Anvik Corp. v. Chi Mei Optoelectronics Corp.* (S.D.N.Y.) – Represented defendant Chi Mei Optoelectronics in suit alleging infringement of patents related to a scanning microlithography system used in the production of liquid crystal displays.

*Reactrix Systems, Inc. v. GestureTek, Inc.* (N.D. Cal.) – Represented GestureTek in patent infringement litigation concerning video image based control systems.

*The Saunders Group, Inc. v. ComforTrac, Inc. and Care Rehab and Orthopaedic Products* (E.D. Va.) – Represented defendants ComforTrac and Care Rehab and Orthopaedic Products in a case alleging infringement of a patent directed to a cervical traction device.

*MicroStrategy Incorporated v. Harry & David Operations Corp.* (E.D. Va.) – Represented plaintiff MicroStrategy Incorporated in a case asserting copyright infringement and breach of contract.

*Guardian Industries Corp. v. Hewlett Packard Co.* (D. Del.) – Represented defendant Hewlett Packard in a case alleging infringement of patents related to the use of retardation films in twisted nematic LCDs to improve viewing angles.

*Commissariat À L’Energie Atomique v. Chi Mei Optoelectronics Corp.* (D. Del.) – Represented defendant Chi Mei Optoelectronics in case alleging infringement of patents directed to compensating the birefringence of liquid crystal materials to improve the viewing angle of liquid crystal displays.

## **U.S. Court of Appeals**

*ERI v. Hauge* (Fed. Cir.) – Represented and argued for appellant Hauge in appeal related to contempt finding and entry of injunction. Obtained full reversal of adverse District Court ruling.

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## **Recognitions & awards**

IAM Patent 1000

IAM2021-2024

Super Lawyers

*Super Lawyers* 2019-2021

Rising Star in ITC

*Law360* 2012

Recognized for ITC

*Legal 500*

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## Professional associations

Giles S. Rich American Inn of Court, Inn President (2011-2012)

Pauline Newman IP American Inn of Court, Inn President (2022-2023)

International Trade Commission Trial Lawyers Association (ITCTLA)

American Intellectual Property Law Association Quarterly Journal, Executive Managing Editor (1997-1998)

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## Insights

Blog | February 25, 2025

ITC Implements Updated Rules of Practice and Procedure

Webinar | July 11, 2023

What Med Device Companies Need to Know About Litigating in the ITC

Article | June 16, 2021

Expanding Access to the '100-Day' Program: ITC Announces Pilot Program Authorizing Interim Initial Determination

Blog | March 5, 2018

Legal Alert: Clark S. Cheney Appointed Newest ITC Judge

Webinar | February 18, 2015

Practical Considerations for Accessing the ITC

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## News

Media Coverage | June 30, 2024

New D.C. Office Leader Principal Richard Sterba Outlines Leadership Approach

*The National Law Journal*

News | June 25, 2024

Fish & Richardson Appoints Richard A. Sterba as Managing Principal of Washington, D.C. Office

Media Coverage | June 25, 2024

Richard Sterba Discusses Vision as New Office Managing Principal of Fish & Richardson's DC Office

*Law360 Pulse*

News | June 11, 2024

Fish & Richardson Receives Top Rankings in 2024 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

News | June 27, 2023

Fish & Richardson Receives Top Rankings in 2023 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

News | September 8, 2022

Fish & Richardson Receives Top Rankings in 2022 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

News | July 7, 2021

Fish & Richardson Receives Top Rankings in 2021 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

News | April 7, 2021

Thirty Fish Attorneys Named to 2020 Capital Pro Bono Honor Roll

## Events

March 28, 2019

World Congress 11th Annual Corporate IP Counsel Forum

November 5, 2014

Licensing Executives Society (LES) Asia Pacific Regional Conference 2014

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## Additional insights

### Speaking engagements

- “The 5th LES Asia-Pacific Regional Conference,” Seoul, Korea (November 5-6, 2014)
- “ACI 6th Expert Forum on ITC Litigation & Enforcement,” Washington, DC (February 25-26, 2014)
- “Overview of 2011 Patent Reform: What You Need to Know About The Leahy-Smith America Invents Act,” Washington, DC (September 30, 2011)
- “Guide to The Leahy-Smith America Invents Act,” Washington, DC (February 3, 2012)
- “Patent Litigation at the ITC,” with Joseph V. Colaianni, Jr., George Washington University Law School, Washington, DC (March 10, 2010)

### Publications

- [“Expanding Access to the ‘100-Day’ Program: ITC Announces Pilot Program Authorizing Interim Initial Determinations”](#) co-author, *IPWatchdog* (June 15, 2021).
- “Small Entity Status: Who’s Small, Who Isn’t, Who Should be, and Why?”, *AIPLA Q.J.*, 25, 425 (1997)

### Media mentions

- ["Fish & Richardson Looks To Steady Growth in DC Under New Leadership,"](#) *The National Law Journal* (June 30, 2024)
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## Services

Litigation

Patent Litigation

## Industries

Electrical & Computer Technology

Semiconductors

Telecommunications

Medical Devices

Manufacturing

## Admissions

U.S. Patent and Trademark Office (1998)

District of Columbia (1999)

Virginia (1998)

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. District Court for the Eastern District of Virginia

## Education

J.D., George Washington University Law School (1998)

B.S. *magna cum laude*, Physics, Mathematics, Westminster College (1995)

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