



Rob Courtney

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Overview

Rob Courtney has extensive experience before the U.S. Court of Appeals for the Federal Circuit, representing clients across numerous technologies in appeals from the U.S. International Trade Commission, the Patent Trial and Appeal Board, the U.S. Court of International Trade, and a wide variety of U.S. District Courts.

Rob has participated in over 50 appeals, both as principal counsel and as primary draftsman and overall case manager. A former clerk to U.S. Circuit Judges Sharon Prost and Raymond Clevenger III, Rob has been extensively involved in Federal Circuit jurisprudence for many years. His years of experience, combined with top-tier persuasive writing ability, have made him a regular practitioner before the Federal Circuit. He also regularly advises clients on long-term planning and strategy surrounding future directions in patent law, as well as in directing trial teams on strategies for positive appellate outcomes.

Rob also has a track record of success at the trial level. He has advised clients and managed litigations from the earliest stages of pre-suit investigation through trial and up to the appellate stage. Rob has extensive experience practicing before the U.S. International Trade Commission and a wide variety of U.S. District Courts. Clients have sought his counsel in cases across technology areas, including cybersecurity, computer networking, flash memory, semiconductor manufacturing, industrial chemistry, oil and gas, electrical engineering, accounting, and mechanical engineering.

Rob was honored to be named one of *Minnesota Lawyer's* Up & Coming Attorneys in 2017. He also received the Giles S. Rich American Inn of Court award for 2011–2012 for contributions to that organization's work promoting professionalism, ethics, civility, and legal skills in intellectual property.

Experience

Certain Movable Barrier Operator Systems (Fed. Cir., ITC, CIT)—Represented the Chamberlain Group, LLC, in ITC and Federal Circuit proceedings relating to large-scale patent dispute.

Juniper Networks, Inc. v. Huawei Technologies Co., Ltd. (Fed. Cir. 2022)—Obtained affirmance of *inter partes* review decision confirming patentability of cybersecurity patent claims.

Hantz Software, LLC v. Sage Intacct, Inc. (Fed. Cir. 2022, N.D. Cal. 2021)—Obtained dismissal of multi-patent infringement case involving business method patents for subject-matter ineligibility, and affirmance thereof.

Case Name Confidential (Fed. Cir. 2022)—Successfully defended patentability of key claims in multiple IPR appeals.

Case Name Confidential (Fed. Cir. 2021)—Successfully obtained affirmance of summary judgment of no infringement for patent

defendant in Eastern District of Texas.

SRI International, Inc. v. Cisco Systems, Inc. (Fed. Cir. 2020)—Successfully obtained reinstatement of enhanced damages award for patentee, and successfully defended award of attorney fees.

Certain Non-Volatile Memory Devices (ITC 2018)—Represented patent owner in complex Section 337 litigation relating to semiconductor manufacturing, successfully obtaining remedial orders prior to settlement.

In re Cutsforth, Inc. (Fed. Cir. 2018)—Successfully obtained writ of mandamus vacating transfer order.

Certain Automated Teller Machines (ITC 2017)—Represented respondent Nautilus Hyosung against Diebold in patent litigation concerning technology associated with ATMs. Obtained summary determination of noninfringement as to certain products and summary determination of invalidity as to certain claims.

Cutsforth, Inc. v. MotivePower, Inc. (Fed. Cir. 2015)—Successfully obtained reversal of IPR decision of unpatentability.

Certain Non-Volatile Memory Chips (Fed. Cir. 2015)—Represented respondents Macronix and Macronix's customers in a patent infringement action relating to non-volatile memory technology. Settled favorably.

Virtual Solutions LLC v. Microsoft Corp. (Fed. Cir. 2013)—Successfully defended summary judgment of invalidity for Microsoft in patent infringement case involving Xbox Kinect technology.

Certain Video Displays (ITC 2010)— Represented complainant LG Electronics in investigation enforcing patents related to digital televisions.

Certain Computer Products (ITC 2009)—Represented respondent ASUS in investigation relating to computer components.

Case Name Confidential (E.D. Tex. 2009)—Represented semiconductor chip manufacturer in patent infringement case involving WiFi encryption. Favorable settlement.

Fenner Investment, Ltd. v. Microsoft Corp. (E.D. Tex. 2007)—Successfully obtained summary judgment of noninfringement in patent infringement case involving joystick port interface circuits.

Recognitions & awards

Best Lawyers in America

Best Lawyers 2021-2025

Up and Coming Attorney

Minnesota Lawyer 2017

Insights

Webinar | June 30, 2021

2021 Post-Grant Mid-Year Review

Webinar | August 6, 2020

Just the Facts - A 2020 Mid-Year Review

Blog | March 26, 2020

Federal Circuit Denies Rehearing in *Arthrex v. Smith & Nephew*

Blog | March 23, 2020

Legal Alert: Federal Circuit Says PTAB Joinder Rules Contrary to Law

Post-Grant Report | February 5, 2020
2019 Post-Grant Annual Report

Webinar | November 8, 2019
Arthrex v. Smith & Nephew - What Did the Federal Circuit Do?

Blog | November 4, 2019
Legal Alert | *Arthrex, Inc. v. Smith & Nephew, Inc.* — What Did the Federal Circuit Do?

Webinar | October 3, 2019
Federal Circuit and Supreme Court 2019 Yearly Review

Blog | July 3, 2019
One Year after *Oil States*, Constitutional Questions Remain

Webinar | May 8, 2019
SAS and *Oil States* One Year Later

Blog | August 17, 2018
En Banc Federal Circuit: Patentee's Service of Complaint, Followed by Voluntary Dismissal, Triggers IPR Clock

Webinar | July 19, 2018
Berkheimer v. HP: A Favorable Shift for Software and Medical Methodology Patents?

Webinar | April 26, 2018
Looking Ahead: Practical Implications of *Oil States Energy Services* and *SAS Institute*

Blog | October 5, 2017
Legal Alert: Federal Circuit Faults PTO's Approach to Claim Amendments During IPR, But Allows PTO to Try to Fix the Problem

Blog | September 5, 2017
Inadequacy of PTAB's Procedures for Reviewing Late-Submitted Evidence Leads to Vacatur

News

August 15, 2024
101 Fish Attorneys Included in the 2025 Edition of *The Best Lawyers in America*

August 17, 2023
101 Fish Attorneys Included in the 2024 Edition of *The Best Lawyers in America*

August 22, 2022
96 Fish Attorneys Included in the 2023 Edition of *The Best Lawyers in America*

August 19, 2021
Fish Attorneys Recognized in 2022 Edition of *The Best Lawyers in America*

January 3, 2019
Fish & Richardson Receives Two 2018 "Attorney of the Year" Awards from *Minnesota Lawyer*

November 20, 2017
Fish & Richardson Wins Federal Circuit Mandamus Petition to Vacate Venue Transfer for Cutsforth, Inc.

August 18, 2017
Fish & Richardson Announces Rob Courtney and Bonnie Korte Selected for *Minnesota Lawyer's* 2017 Legal Awards

April 8, 2016
Fish & Richardson Obtains Full Federal Circuit Reversal for Cutsforth, Inc. After Faulty Inter Partes Review

Events

June 12, 2019
2019 *Bench & Bar* Conference

February 13, 2019
Minnesota Lawyer "Attorney of the Year" Awards

June 21, 2018
Patents on Tap | *Berkheimer v. HP*: A Favorable Shift for Software Patents and Medical Methodology Patents?

Additional Insights

Publications

- "Supreme Court to evaluate appellate standards for fee-shifting in patent cases," *Fish Litigation Blog* (October 2013)
- "Evolving Hazardous Waste Policy for the Digital Era," *25 Stan. Env. L.J. 199* (2006)

Speaking engagements

- "Berkheimer v. HP: A Favorable Shift for Software and Medical Methodology Patents?" *Patents on Tap* (June 2018)

Media mentions

- Quoted, "Assignor Estoppel Case Could Fuel More Patent Attacks," *Law360* (January 12, 2021)
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Services

Appellate
Litigation
Patent Litigation

Admissions

California (2007)
Minnesota (2016)

Clerkships

U.S. Court of Appeals for the Federal Circuit, The Honorable Raymond C. Clevenger III (2011-2012)
U.S. Court of Appeals for the Federal Circuit, The Honorable Sharon Prost (2011)

Education

J.D. with distinction, Stanford Law School (2006) Editor-in-Chief, *Stanford Technology Law Review*
B.A. *cum laude*, History, Dartmouth College (2000)
