



## Thomas H. Reger II

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### Overview

Described in *IAM Magazine* as the "last man standing in infringement duels in jurisdictions nationwide," Tom Reger argues patent, FRAND, and other intellectual property cases. With this litigation experience, he leads all aspects of the case, from the complaint through hearings and trial. Outside the courtroom, Tom has led numerous FRAND negotiations for clients around the world.

Successfully representing patent defendants across the country, Tom has won jury verdicts and summary judgments of non-infringement, invalidity, and patent exhaustion, as well as fees under Section 285. Representing plaintiffs, he has won jury verdicts of infringement, including willfulness. At the International Trade Commission, Tom has successfully defeated asserted patents before the administrative law judges and the Commission by presenting noninfringement, invalidity, domestic industry, and other defenses at the evidentiary hearing.

With respect to standard essential patents and FRAND, Tom has led cases involving many different technologies, standards, and IPR policies from ETSI/3GPP, IEEE, JEDEC, and others. He works with clients and leading experts in and out of court on essentiality analyses, FRAND valuations, and review of client and others' compliance with IPR policies.

Tom also participated in the Lawyer on Loan program through the Dallas County District Attorney's office. During his tenure as an assistant district attorney, he prosecuted more than 15 jury trials.

In addition to his litigation experience, Tom used his computer science degree from Texas A&M as a patent prosecutor and as a software engineer. His particular focus was in algorithm analysis, optimization, and other software design. He is well-versed in many computer languages (including Java, C, C++, SQL, HTML, COBOL, and Assembler), as well as operating systems, hardware platforms, and databases.

Tom was commissioned as an officer in the U.S. Army Reserves in December 1995. He has been married to Nicole Reger for over 20 years, and they have two children.

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### Experience

*In the matter of Certain UMTS and LTE Cellular Communication Modules and Products Containing the Same*(337-1240) and *Koninklijke Philips N.V. v. Quectel Wireless Solutions Co. Ltd., et al* (Case Nos. 1707 and 1710) (D. Del.) – Lead counsel for Quectel in multi-jurisdictional dispute involving Philips's alleged SEPs in 3G and 4G/LTE and its FRAND obligations, with the ITC affirming all asserted patents not infringed, as well as finding many of the asserted patent claims invalid.

*In the Matter of Certain Mobile Telephones and Wireless Communication Devices Featuring Digital Cameras, and Components*

*Thereof*(337-862) and *Ericsson Inc. et al v. Samsung Electronics Co. et al*(Case Nos. 894 and 895) (E.D. Tex.) – Represented Samsung in multi-jurisdictional dispute involving cellular and wireless networking technology with a focus on FRAND obligations and public interest factors at the ITC hearing.

*Soar Tools, LLC v. Mesquite Oil Tools, Inc.* (N.D. Tex.) – Lead counsel for Mesquite Oil Tools in patent case involving involving oil well technology; won an early dismissal along with Attorneys' fees under 285.

*Semcon v. Texas Instruments*(E.D. Tex.) – Lead counsel for TI in five-patent lawsuit involving power management and direct memory access technologies, including arguing all dispositive terms for joint defense group at *Markman* hearing.

*DeepNines Inc. v. McAfee Inc.*(E.D. Tex.) – Represented plaintiff DeepNines on patent involving network security; obtained a jury verdict of \$18M on willful infringement (both direct and indirect), as well as false marking.

*Broadcom Corp. v. EmulexCorp.* (C.D. Cal.) – In multi-patent litigation involving different networking technologies, won summary judgment of patent exhaustion and won jury verdict of no infringement on behalf of Emulex.

*NXP v. BlackBerry et al.* (M.D. Fla.) – Represented defendant BlackBerry (formerly RIM) against six asserted patents involving various technologies, including computer buses, WiFi, and semiconductor manufacturing; argued the *Markman* hearing that ultimately resulted in three dropped patents and a jury verdict of no infringement, and invalidity of the three remaining patents. The United States Patent and Trademark Office subsequently invalidated two of the plaintiff's patents after *inter partes* review.

*Touchcom Technologies Inc v. Dresser, Inc.*(E.D. Tex.) – Obtained summary judgment of patent invalidity for Dresser in software patent infringement suit with damages alleged to exceed \$30M.

*Huawei Technologies Co. Ltd v. T-Mobile US, Inc. and T-Mobile USA, Inc.* (E.D. Tex.) Filed a series of four related cases concerning T-Mobile's infringement of 14 SEPs related to 4G/LTE standards for core network equipment, as well as a declaratory judgment case regarding FRAND licensing obligations.

*Nokia Solutions and Networks US LLC and Nokia Solutions and Networks Oy v. Huawei Technologies Co. Ltd. and Huawei Device USA, Inc.* (E.D. Tex.) After successfully obtaining an order severing Nokia's counterclaims from another series of cases, defended Huawei in a series of four related lawsuits brought by Nokia alleging infringement of nine patents concerning 4G/LTE standards for cellphones and tablets.

*Case Name Confidential* (ITC) – Represented a Fortune 10 consumer electronics company in multi-jurisdictional dispute involving operating system, radio, touchscreen, and battery technologies.

*In the Matter of Certain Mobile Telephones and Wireless Communication Devices Featuring Digital Cameras, and Components Thereof*(337-703) and *Research In Motion v. Eastman Kodak*(N.D. Tex.) – Represented RIM in multi-jurisdictional dispute, including i) respondent in ITC investigation where 2 ALJs and the Commission invalidated Kodak's asserted patent involving camera technology and ii) as a declaratory judgment plaintiff in a multi-patent infringement action related to camera technology and data integration technology.

*In the Matter of Certain Non-Volatile Memory Chips and Products Containing the Same*(337-916) and *In the Matter of Certain Devices Containing Non-Volatile Memory*(337-922) – Represented Macronix as respondent and complainant, respectively, in investigations concerning non-volatile memory, such as flash memory.

*Cheetah Omni LLC v. Alcatel-Lucent USA Inc. et al.* (E.D. Tex.) – Obtained favorable settlement for Huawei in multi-patent litigation involving optical networking components.

*Alcatel USA Sourcing, Inc v. Microsoft Corporation*(E.D. Tex.) – Represented Microsoft in multi-patent litigation involving image and video processing.

*DataTern, Inc. v. Avis Budget Group, Inc. and Hertz Corporation*(E.D. Tex.), *DataTern, Inc. v. The Allstate Corporation et al.* (E.D. Tex.), *DataTern, Inc. v. Suntrust Banks, Inc. et al.* (E.D. Tex.) – Represented Halliburton, Avis Budget, Hertz, and ConocoPhillips in patent infringement suits concerning middleware software that facilitates communication between an object oriented program and a relational database.

*Summit 6 LLC v. Research In Motion* (N.D. Tex.) – Represented RIM in a patent infringement action related to web-based media submission tools; obtained favorable settlement after *Markman* ruling.

*SaniJet Corp. v. BeautyMall Ltd. et al.* (N.D. Tex.) – Argued *Markman* hearing before Judge Furgeson and obtained favorable settlement for Beauty Mall in patent infringement litigation involving pipeless spa jet technology.

*Landmark Graphics Corp. et al. v. Paradigm Geophysical Corp. et al.* (S.D. Tex.) – Obtained favorable settlement for Plaintiffs in patent infringement litigation involving 3D seismic imaging, while defending against breach of contract, trade secret, and other counterclaims.

*Choicepoint Public Records v. Seisint et al.* (Fifteenth Judicial Circuit Court, Palm Beach County) – Represented Seisint against breach of contract, trade secret, and other allegations involving data brokerage software and related data.

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## Recognitions & awards

Best Lawyers in America

*Best Lawyers* 2015-2025

IAM Patent 1000

*IAM* 2012-2017

Rising Star

*Super Lawyers* 2005-2006, 2010-2013

Fellow

*Texas Bar Foundation*

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## Professional associations

ITC Trial Lawyers Association

The Honorable Barbara M.G. Lynn American Inn of Court

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## News

News | January 30, 2025

Fish & Richardson Defeats Multi-Billion Dollar Demand at EDTX Jury Trial

Media Coverage | January 24, 2025

Fish & Richardson Trial Team Named *Law360*'s 'Legal Lions of the Week' for \$1.95 Billion Patent Case

*Law360*

News | August 15, 2024

101 Fish Attorneys Included in the 2025 Edition of *The Best Lawyers in America*

News | August 17, 2023

101 Fish Attorneys Included in the 2024 Edition of *The Best Lawyers in America*

News | August 22, 2022

96 Fish Attorneys Included in the 2023 Edition of *The Best Lawyers in America*

News | July 13, 2022

ITC Affirms Favorable Outcome for Fish & Richardson Client Quectel

News | April 20, 2022

Fish & Richardson Obtains Favorable Initial Determination at ITC for Client Quectel

News | August 19, 2021

Fish Attorneys Recognized in 2022 Edition of *The Best Lawyers in America*

News | August 15, 2018

47 Fish Attorneys Named to The Best Lawyers in America 2019 List

News | July 24, 2017

Fish & Richardson Receives Top "Gold" Ranking from *IAM Patent 1000* for National Patent Litigation Practice

News | June 15, 2016

Fish & Richardson Named to *IAMPatent 1000* for National Patent Litigation and Prosecution Practices

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## Additional insights

### Speaking engagements

- "Current and Recurrent Ethical Issues in Intellectual Property Practice," *University of Texas' 10th Annual Intellectual Property Symposium* (2009)
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## Services

Litigation

Patent Litigation

## Industries

Hardware

Semiconductors

Optics

Digital Media & E-Commerce

Telecommunications

Software & Internet

Electrical & Computer Technology

Financial, Business & FinTech Services

## Admissions

U.S. Patent and Trademark Office

Texas

U.S. District Court for the Southern District of Texas

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

U.S. District Court for the Northern District of Texas

U.S. District Court for the Western District of Texas

U.S. Court of Appeals for the Federal Circuit

## Education

J.D., Southern Methodist University Dedman School of Law (2001) Member, *SMU Law Review*

B.S., Computer Science, Texas A&M University (1995)

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