



PATRICK COLSHER

Partner | Silicon Valley

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EDUCATION

J.D., *cum laude*, New York Law School

B.S.E., Electrical Engineering,
B.S.E., Biomedical Engineering,
Duke University

COURT ADMISSIONS

California

New York

New Jersey

Registered Patent Attorney, U.S.
Patent and Trademark Office

U.S. Court of Appeals for the
Federal Circuit

U.S. District Court for the
Northern and Central Districts of
California

U.S. District Court for the
Southern and Eastern Districts of
New York

U.S. District Court for the District
of New Jersey

U.S. District Court for the Eastern,
Western, and Northern Districts
of Texas

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

Patrick Colsher focuses on intellectual property and other complex commercial litigation and counseling. A registered patent attorney with a technical background in electrical and biomedical engineering, Patrick is frequently called upon to guide clients through their toughest IP issues. Patrick has significant trial experience, having litigated numerous patent, trade secret and other IP cases in federal courts throughout the country and Section 337 investigations before the International Trade Commission. He has also developed a successful track record in post-grant and *inter partes* review trials before the U.S. Patent & Trademark Office, acting as lead counsel for both petitioners and patent owners in dozens of trials.

Representative Matters

- Represent Nichia, the world's largest LED manufacturer, in a five-patent district court case and as lead counsel in *inter partes* review trials stemming therefrom. Achieved pre-institution stay of district court case. IPRs led to final written decisions finding unpatentable all claims asserted in district court.
- Represent LED manufacturers Nichia and OSRAM at the ITC and as lead counsel in multiple *inter partes* reviews over LED-package technology that threatened to exclude from the United States a substantial portion of the companies' products. All asserted claims found not infringed, not supportive of a technical domestic industry, and/or invalid before the ITC. The IPRs further led to all asserted claims of one patent being found unpatentable and forced the patent owner to take claim-construction positions that led to non-infringement findings at the ITC.
- Lead counsel to Honda in two successive district court patent cases. Successfully convinced the plaintiffs in both cases to voluntarily dismiss their cases after demonstrating fundamental problems with the cases.
- Lead counsel to Robert Bosch as patent owner in multiple *inter partes* review trials over Bosch's seminal beam wiper blade patents.
- Represent Western Digital in a seven-patent district court case and in corresponding *inter partes* review trials over patented semiconductor technology. Successfully resolved case after the Board instituted the IPRs and the district court issued a favorable claim construction ruling including dispositive non-infringement and indefiniteness determinations.
- Represent Bath & Body Works in district court and at the Federal Circuit over patented antimicrobial dermal delivery technology. Obtained jury verdict of invalidity due to an on-sale bar. Affirmed on appeal by Federal Circuit.

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- Represent pricing-software company Price f(x) in competitor suits in multiple venues brought by Vendavo, alleging patent infringement, copyright infringement, trade secret misappropriation, and state law unfair business claims. After bringing trade secret counterclaim, defeating preliminary injunction on all key issues, and achieving successful institution of cover business method review challenges at the Patent Office of all five asserted patents, the parties agreed to dismiss all proceedings with prejudice, whereby Vendavo admitted that Price f(x) owns all IP in its products without any infringement of Vendavo's patents, copyrights, or trade secrets.
- Represent Spotify, Netflix, and Hulu in district court and *inter partes* review trial over patented streaming media technology. Federal Circuit ultimately held invalid all asserted patent claims challenged at the Patent Office.
- Represent Bright Pattern in a five-patent competitor case involving call center technology. Successfully achieved dismissal of the case following the Court's indication that it would grant motion to dismiss on all five patents on Section 101 grounds.
- Represent Victoria's Secret in district court over patented dynamically-generated applet technology. Obtained summary judgment of non-infringement. Affirmed on appeal by Federal Circuit.
- Represent DENSO in district court over patented semiconductor technology. After demonstrating non-infringement, the plaintiff voluntarily dismissed its case.
- Lead counsel for various trademark owners in trademark oppositions before the Trademark Trial & Appeal Board.
- Seconded attorney for two years at a major automotive company, working with in-house team to manage patent litigations and intellectual property transactions.
- Pro bono representation of clients seeking asylum and special immigration juvenile status.