



Brian A. Rosenthal

Partner

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ADMISSIONS

District of Columbia
New York

EDUCATION

Cornell Law School (JD, 2000),
magna cum laude, Order of the Coif

University of Western Ontario
(BSc, 1997), *with distinction*

Brian Rosenthal is a Partner in the Intellectual Property practice group at Howrey. His practice is focused on patent litigation and counseling, with a concentration on patent litigation involving computer software and electronics. Mr. Rosenthal's patent litigation experience has involved a range of technologies, including cellular telephone remote programming, local area network switching and routing, business intelligence software, electronic procurement software, call center and interactive voice response technology, electronic patient diaries, microprocessor Java acceleration technology, golf ball construction, dynamic RAM modules, MP3 audio compression, JPEG image compression, magnetic resonance imaging and pulse oximetry.

Mr. Rosenthal handles all aspects of patent cases from complaint to trial and appeal, including key briefing, key depositions, managing all aspects of pre-trial discovery and participating in motion practice, Markman hearings, dispositive hearings and trial. Mr. Rosenthal has participated in three jury trials, examined witnesses at trial, argued at Markman hearings and summary judgment hearings.

Mr. Rosenthal's counseling experience includes drafting opinions of counsel related to patent infringement, validity, and enforceability. He has also conducted seminars for clients' in-house legal teams on electronic discovery, retention and destruction practices in the context of patent litigation. Prior to attending law school, Mr. Rosenthal worked as a software developer for Caseware International, where he designed and developed features of a Windows-based automated auditing software package.

REPRESENTATIVE MATTERS

- *Masimo Corporation v. Philips Electronics North America Corporation.* Representing Philips against Masimo's claims of patent infringement related to pulse oximetry technology. The case is still pending.
- *University of Virginia Patent Foundation v. Philips Electronics North America Corporation.* Defended Philips against claims of patent infringement against its MRI devices. The case was settled.
- *U.S. Philips Corp. v. ATI Technologies, Inc.* Represented Philips against ATI for infringement of a patent essential to the practice of the I2C bus specification. The case was settled.
- *U.S. Philips Corp. v. LG Electronics, et al.* Represented Philips in the US arm of worldwide litigation against LG Electronics for infringement

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of a patent essential to the JPEG image compression standard, working with multiple international law firms to coordinate parallel litigations in several jurisdictions, including Korea, the Netherlands, Germany, the United Kingdom and France. The case was settled.

- *U.S. Philips Corp. v. Pantech Wireless, Inc.* Represented Philips in the US arm of worldwide litigation against Pantech Wireless for infringement of a patent essential to the JPEG image compression standard. The case was settled.
- *Callaway Golf Company v. Acushnet Company.* Defending Acushnet against Callaway's claims of infringement related to golf ball construction. Prosecuting parallel *inter partes* re-examination proceedings. The case is pending.
- *Alberta Telecommunications Research Center v. Rambus Inc.* Defended Rambus against Alberta's assertion of patent infringement related to RDRAM modules. The case was settled.
- *Audio MPEG, Inc. et al. v. SanDisk Corporation.* Represented patent licensors Audio MPEG and Sisvel and four European patent holders in their multi-jurisdiction assertion that SanDisk infringed patents essential to the MP3 audio compression standard. Successfully dismissed SanDisk's declaratory judgment claim in the Northern District of California. Litigated infringement in the Eastern District of Virginia which led to a worldwide settlement.
- *Nazomi Communications, Inc. v. ARM Ltd.* Defended ARM against Nazomi's claim of infringement of patents related to Java acceleration of microprocessors. Successfully obtained early summary judgment of non-infringement in the Northern District of California.
- *PHT Corporation v. Invivodata, Inc. et al.* Defended Invivodata against PHT's claim of infringement of a patent related to electronic patient diaries for clinical trials. Successfully obtained favorable claim construction rulings on the eve of trial in the District of Delaware which led to a favorable settlement.