



Brian K. Erickson

Partner

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Brian Erickson's practice focuses on intellectual property litigation, including patent infringement matters and related competition issues in the consumer electronics, semiconductor and software industries.

Brian is a former Intern for Justice Craig Enoch at the Texas Supreme Court.

Brian has represented, among others, Samsung, Arris, General Instrument, Motorola, Desire2Learn, Verizon Communications, Intel, Microsoft, Rambus, Matsushita, Medtronic and Sega in various patent litigation matters. Brian has represented those clients in venues across the United States, and coordinated efforts in parallel litigations in patent litigation matters in Germany, the United Kingdom and Taiwan.

- Intellectual Property and Technology
- Litigation, Arbitration and Investigations
- Patent Litigation

REPRESENTATIVE CASES

- *SITO Mobile R&D IP et al v. FloSports, Inc.* - Representing a well-known live streaming company in a patent infringement matter regarding media streaming and routing technologies.
- *Neodron v. Microsoft Corp. and HP, Inc.* (W.D.Tex. and ITC) – Representing multiple parties in the Western District of Texas and International Trade Commission (-1162) related to touchscreen mobile devices.
- Represented a multinational technology company in multiple patent suits filed by a serial plaintiff regarding Bluetooth, cellular, alert, passcode and software technologies. Soon after a successful transfer of all proceedings to the Northern District of California and successful IPRs, a favorable settlement was achieved.
- Represented **Itron** and **Landis+Gyr** Technologies in a series of patent infringement lawsuits in the Western District of Texas regarding application management within computing systems, as well as operational support systems. Soon after scheduling Markman/Claim Construction hearing winning motions to transfer from the Waco Division to the Austin Divisions, the cases settled in complete favor.
- *CXT Systems, Inc. v. The Container Store Group, Inc.* – Represented The Container Store in multi-patent case in the Eastern District of Texas. The case involved allegations of infringement against various website functions and settled favorably upon summary judgment.
- Represented a DVR manufacturer in offensive and defensive litigation involving six patents with claims in excess of four billion

dollars. Case settled so favorably that the competitor's stock price dropped 20% the day the terms were announced. Within a month of the settlement, the only major customers at issue announced they were moving away from the competitor's DVRs.

- Represented a cellular telephone manufacturer against competitor in offensive and defensive litigation involving twenty-five patents and antitrust issues.
- Represented a cellular telephone manufacturer against competitor in the International Trade Commission in an investigation involving five patents asserted against certain instructions in the ARM instruction set.
- Represented semiconductor manufacturer against competitor in multiple offensive and defensive litigations involving dozens of patents related to CPU and chipset technology and related reexaminations in N.D.Cal., W.D.Tex., UK, Germany and Taiwan.
- Represented a software manufacturer against competitor in offensive and defensive litigation involving six patents related to virtual machine monitors and operating systems.
- Represented a medical device manufacturer against competitor in litigation involving one patent related to spinal implant technology.
- Represented optical drive manufacturer against competitor in multi-patent infringement litigations involving optical drives.
- Represented memory interface designer against a semiconductor memory manufacturer in litigation involving a dozen patents related to memory bus interface technology.
- Represented a computer manufacturer against former operating company in litigation involving eight patents direct to instruction set technology.
- Represented a cable company in litigation involving five patents asserted against search technology and related trade secret, breach of contract, and unfair competition claims.
- Represented a cellular telephone manufacturer against former operating company in litigation involving one patent asserted against MMS messaging.
- Represented a computer manufacturer in litigation involving one patent asserted against JPEG encoding and a second patent asserted against automatic gain control.
- Represented an online learning company against competitor in litigation involving three patents in three different jurisdictions.
- Represented two computer manufacturers in litigation involving seven patents related to blade server technology.
- Represented a cellular telephone manufacturer in litigation involving one patent related to messaging software for VoIP phones.

CREDENTIALS

Admissions

- Texas
- United States Patent and Trademark Office

Recognitions

He is listed in *The Best Lawyers in America* and has been named *Best Lawyers' 2014 Austin Litigation-Intellectual Property Lawyer of the Year*.

Education

- J.D., University of Texas School of Law 1999
with honors
Order of the Coif, *Texas Law Review*
- B.S., University of Houston 1996
cum laude

Courts

- Texas Supreme Court

- United States Court of Appeals for the Federal Circuit
- United States District Court for the Eastern District of Texas
- United States District Court for the Northern District of Texas
- United States District Court for the Western District of Texas

Memberships

- American Bar Association
- State Bar of Texas
- Austin Intellectual Property Law Association
- American Intellectual Property Law Association

INSIGHTS

Publications

EDTX closely scrutinizes nuisance value settlement strategy

28 Jun 2011
