



Erik R. Fuehrer

Partner

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Erik Fuehrer is a partner at DLA Piper whose practice focuses on representing clients in patent litigation and complex commercial litigation matters concerning software, consumer products, semiconductor, and telecommunications fields in both United States district courts and the International Trade Commission.

- Litigation, Arbitration and Investigations
- Patent Litigation

He has been a trial team member for five U.S. International Trade Commission hearings, one arbitration proceeding, and a jury trial and inequitable conduct bench trial. Erik also regularly helps clients successfully resolve patent litigation cases before trial, including at the pleading phase of cases and summary judgment.

- *Neodron v. Microsoft Corp. and HP Inc.* – Representing Microsoft and HP in patent litigation involving touchscreen mobile devices in the Western District of Texas and in ITC Investigation No. 337-TA-1162 and Microsoft in ITC Investigation No. 337-TA-1193.
- *Barkan Wireless IP Holdings, L.P. v. Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Verizon Communications, Inc. and Cellco Partnership d/b/a Verizon Wireless* – Represented Samsung in this patent infringement matter in the Eastern District of Texas regarding three patents relate to cellular networks. The case settled favorably before trial.
- *BrightEdge Technologies, Inc. v. Searchmetrics GmbH and Searchmetrics Inc.*, United States District Court, Northern District of California. Currently representing Searchmetrics in 5-patent litigation related to search engine optimization technology. Won a motion for judgment on the pleadings invalidating all five patents because patents lack of patent-eligible subject matter under 35 U.S.C. § 101.
- Member of team in the successful defense of a multi-national technology company in the Northern District of California against a patent infringement claim regarding wireless communication. We obtained summary judgment of non-infringement, which was subsequently upheld on appeal to the Federal Circuit. The Federal Circuit's precedential decision addressed a matter of first impression, namely whether statements made during preliminary proceedings in IPRs can result in a prosecution history disclaimer (the Court ruled that they can).
- *Technology Properties Limited (TPL) LLC v. Samsung Electronics Co., Ltd.* – United States International Trade Commission (ITC) and Northern District of California. Representing Samsung in patent infringement litigation brought against it by TPL that began in the ITC, where we obtained a no violation finding based upon non-infringement. TPL then turned to the district court, where, after we obtained a favorable Markman ruling, TPL stipulated to non-infringement and appealed to the Federal District. After the Federal

Circuit largely upheld the district court's claim construction, we obtained summary judgment of non-infringement judgment. The case currently is on appeal to the Federal Circuit.

- *Certain Optical Disc Drives, Components Thereof, And Products Containing The Same (337-TA-897)*. Represented respondent in ITC investigation involving 6 patents regarding optical disc drive technology. Obtained two Initial Determinations from the ALJ finding complainant did not have standing, which were upheld by the Commission after review.
- *Cypress Semiconductor Corp. v. GSI Technology, et al.* – United States International Trade Commission and Northern District of California. Represented Respondent GSI Technology, Inc. and certain of its customers in this ITC investigation in which Cypress Semiconductor alleged that GSI's SRAM chips infringed four Cypress patents. The ALJ's Initial Determination found no infringement as to any of the four patents and no domestic industry. The Commission affirmed the non-infringement and domestic industry findings and further found one of the four patents invalid.
- *Freescale Semiconductor, Inc. v. Zoran Corp., et al.* – United States International Trade Commission, Inv. No. 337-TA-822. Represented Respondent CSR in this investigation brought by Freescale involving bus termination circuitry in semiconductor devices. Obtained an Initial Determination (affirmed by the Commission) terminating the Investigation.
- *Freescale Semiconductor, Inc. v. CSR (formerly Zoran Corp.), et al.* – United States International Trade Commission, Inv. No. 337-TA-786. Represented Respondent CSR in this investigation brought by Freescale involving bus termination circuitry in semiconductor devices. Obtained a Final Determination of no violation based upon findings of non-infringement, invalidity and no domestic industry.
- Represented a multinational technology client in a five patent United States International Trade Commission investigation concerning mobile device power management and touchscreen technologies. Obtained an Initial Determination by the ALJ, and a Final Determination from the Commission, finding no violation as to all patents based upon findings of non-infringement and no domestic industry.
- *Nazomi Communications, Inc. v. Samsung Telecommunications America, LLC, et al.* – United States District Court, Northern District of California. Representing defendant Samsung in this patent case dealing with Java hardware acceleration and the Dalvik.

CREDENTIALS

Admissions

- California

Prior Experience

- Judicial Extern, the Honorable Ronald M. Whyte, United States District Court, Northern District of California (June 2005 – Aug. 2005)
- Research Assistant for Professor Lauren Edelman, Berkeley Law (Oct. 2002 – Aug. 2004)

Recognitions

- *The Legal 500 United States*
2021 - Recommended, Patent Litigation: Full Coverage

Education

- J.D., University of California, Davis School of Law
- B.A., Political Science, Sociology, University of California at Berkeley

Courts

- United States Court of Appeals for the Federal Circuit
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Eastern District of Michigan

- United States District Court for the Eastern District of Texas
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California

Memberships

- State Bar of California
- Federal Bar Association, Northern District of California Chapter