



Nicholas G. Papastavros

Partner

CHAIR, BOSTON INTELLECTUAL PROPERTY AND TECHNOLOGY PRACTICE

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Nick Papastavros focuses his practice on technology-related litigation and licensing matters, with a particular emphasis on patent, trade secret, trademark and copyright disputes.

- Intellectual Property and Technology

These matters have involved diverse technologies such as plastic injection moulding, enterprise resource planning and web analytics software, network interface controllers, silicon wafer processing machinery and remanufactured toner cartridges. Nick has significant experience handling intellectual property transactions and related due diligence, and negotiating content, distribution, services and data reseller agreements.

Nick has been lead counsel for a Fortune 50 retailer in intellectual property infringement matters venued in New York, New Hampshire, New Jersey, Delaware, Virginia, Florida, Georgia, Texas, California, Oregon and Washington over the past several years. He currently coordinates patent disputes globally for a leading supplier of digital communications equipment and services to telecommunications companies. In addition, Nick has obtained two seven-figure settlements representing plaintiffs in patent matters. Nick has practiced before the Court of Appeals for the Federal Circuit, the Trademark Trial and Appeal Board and the US International Trade Commission. He is a contributor to *Getting The Deal Through – Licensing 2009* (Law Business Research Ltd.), has spoken on intellectual property issues before the *Licensing Executives Society (LES)* and the *American Intellectual Property Law Association (AIPLA)*, and has authored articles on technology-related legal issues published in the *Boston Globe*, the *Boston Business Journal* and *Mass High Tech*.

## REPRESENTATIVE LITIGATION

- Successfully resolved trade dress and copyright action involving alleged misappropriation of designs following one week federal court jury trial
- Obtained favorable claim construction following a Markman hearing in patent litigation involving locking mechanisms and composition of luxury vinyl tile flooring, leading to invalidation of four patents as indefinite
- Settled alleged trademark counterfeiting action involving multiple marks used in marketing consumer goods for *de minimis* five-figure amount, in which damages alleged to be in excess of US\$50 million

- Represented Fortune 50 retailer in industry-wide patent litigation pending before the US International Trade Commission involving allegedly infringing carburetors used in power equipment
- Obtained favorable claim construction following a Markman hearing in patent litigation involving voice recognition technology, leading to invalidation of claims as indefinite
- Obtained favorable claim construction following a Markman hearing in patent litigation involving object-oriented computer programming technology, leading to entry of final judgment
- Obtained a seven-figure settlement on behalf of an inventor in a patent malpractice matter against a law firm in connection with the irrevocable lapse of two foreign patents
- Successfully tried a federal court dispute between an inventor and a company over intellectual property rights to sign suspension equipment
- Obtained a seven-figure settlement on behalf of a manufacturer of dental restorations and related materials in a patent infringement lawsuit against a foreign competitor
- Represented instrumentation manufacturer in two patent litigations venued in federal court in Texas involving twenty-five patents, which were successfully resolved
- Represented two technology companies in industry-wide light-emitting diode (LED) patent litigation
- Resolved a trademark infringement lawsuit on behalf of a signage retailer following the successful defense of a preliminary injunction motion
- Obtained a preliminary injunction for a software company against a former employee and his new employer based on attempted dissemination and use of the company's trade secrets in the area of enterprise resource planning (ERP) software
- Defended a manufacturer of semiconductor industry equipment in patent litigation pending before the US International Trade Commission and the US District Court
- Obtained a multimillion-dollar settlement on behalf of a governmental entity which had contracted with a software vendor for the design, development and implementation of a comprehensive integrated property tax system
- Settled patent litigation on behalf of a software manufacturer accused of infringing sixteen patents for a low lump sum and small running royalty prior to service of complaint
- Resolved patent litigation on behalf of a fabrics manufacturer after initially being retained following adverse claim construction and entry of summary judgment

## REPRESENTATIVE TRANSACTIONAL AND COMPLIANCE MATTERS

- Counseled a publicly traded manufacturer of personal navigation devices and software regarding license agreements, content agreements, services agreements, vendor and distribution agreements, data reseller agreements, privacy and data security matters and website terms and conditions
- Represented a developer of medical device anchor and delivery systems in the sale of its patent portfolio to a Silicon Valley-based manufacturer of medical and industrial devices
- Represented an insurer in a freedom-to-operate (FTO) opinion and intellectual property diligence matters
- Represented a publicly traded manufacturer of scientific and industrial applications involving stringent vacuum conditions and ultra-pure gases in intellectual property diligence relating to acquisition of a company specializing in the manufacture of medical devices utilizing shape memory alloys

## CREDENTIALS

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### Admissions

- District of Columbia
- Massachusetts
- New York

### Recognitions

Law & Politics Media, Inc. has on multiple occasions named Nick a Massachusetts Rising Star.

## Education

- J.D., Columbia University School of Law
- B.A., Cornell University  
*cum laude*

## INSIGHTS

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Nick has spoken on intellectual property issues before the *Licensing Executives Society (LES)* and the *American Intellectual Property Law Association (AIPLA)* and has authored articles on technology-related legal issues, which have been published in the *Boston Globe*, the *Boston Business Journal* and *Mass High Tech*.

## Publications

### Claim to standard: simplifying patent infringement analysis?

9 Dec 2010

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