

Peter N. Fill

Partner

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Peter has all-encompassing IP experience, from patent prosecution and trials before the U.S. Court of Appeals for the Federal Circuit to complex patent infringement litigations and high-stakes ITC enforcement actions.

OVERVIEW

Peter brings extensive experience in all areas of intellectual property, including litigation, opinions, licensing, and patent prosecution. He has been involved in every aspect of patent infringement litigations, from written discovery and claim construction to trials and appeals to the U.S. Court of Appeals for the Federal Circuit. Peter also represents clients before U.S. Customs & Border Protection for the enforcement of exclusion orders issued by the ITC.

Peter's experience with opinions, licensing, and patent prosecution, both in the U.S. and abroad, including appeals to the Patent Trial and Appeal Board (PTAB), encompasses a wide array of technologies. This includes CDMA, UMTS, 802.11a, b & g, Bluetooth, RFID, cryptography, touchscreens, data storage systems, computer-implemented business methods, health care IT systems, interoperability software, two-dimensional barcodes, deep water drilling systems, and peptide-based vaccines.

Before entering the legal profession, Peter held the position of senior engineer for a prominent aerospace corporation.

REPRESENTATIVE MATTERS

- *Sentillion v. Carefx* (D. Del., settled). Represented the defendant Carefx in a patent infringement action involving health care software interoperability.
- *Compuware Corp. v. IBM Corp.* (E.D. Mich., settled). Represented the defendant IBM in a patent infringement counterclaim involving a variety of computer hardware and software patents.
- *IBM Corp. v. Compuware Corp.* (S.D.N.Y., settled). Represented the plaintiff IBM in patent infringement action involving a variety of IBM computer-related patents.
- *Priceline.com Inc. v. Microsoft Corp. and Expedia, Inc.* (D. Conn., settled)(Patent Infringement and Unfair Trade Practices). Represented Priceline.com in asserting a landmark e-commerce patent.
- *Lucent Technologies Inc. v. Micron Technology, Inc.* (D. Del., settled) (Patent Infringement and Breach of Patent License). Represented Lucent in the assertion of several Lucent patents covering semiconductor devices and semiconductor fabrication technologies and in the declaratory judgment of invalidity/non-infringement of several Micron patents covering complex telecommunications systems; also handled the countersuit filed in E.D. Va., which was transferred to D. Del.
- *Symbol Technologies, Inv. v. Bell Data Software Corp.* 56 USPQ2d 1534 (E.D. Mich. 2000) (Summary Judgment of Invalidity). Represented Symbol in a declaratory judgment action seeking invalidity of the defendant's patent covering encoded identification cards. Established intentional interference with contractual relations to challenge patent validity, despite the withdrawal of infringement charges by alleging novel theory

based on Lanham Act violations. The grant of summary judgment of patent invalidity disposed of the case.

- *TM Patents, L.P. v. IBM Corp.* (Patent Infringement). Represented IBM against a charge of infringing four complex computer patents in the area of data storage, memory control, and parallel processing data routing.
- *Marketel Int'l v. Priceline.com, et al* (Trade Secret and Patent Inventorship/Ownership Dispute). Represented Priceline.com against charges of trade secret misappropriation and a patent inventorship dispute, including demands for ownership of the famous "Priceline Patent."
- *Data General v. IBM Corp.* (D. Mass., settled). Represented IBM against an infringement claim involving seven patents, including the assertion of a patent infringement counterclaim involving seven patents.
- *Ericsson Radio Systems v. Interdigital Communications Corp.* (N.D. Texas). Represented Ericsson in a declaratory judgment action involving cellular communications technology.

AWARDS

- *IAM Patent 1000* (2020, 2022-2025)

TOP AREAS OF FOCUS

- ITC Litigation
- Intellectual Property
- Patent Litigation
- Patent Prosecution, Counseling + Portfolio Management
- Trademark + Copyright

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, American Bar Association
- Member, New York Intellectual Property Law Association

PROFESSIONAL EXPERIENCE

- Senior engineer, Prominent Aerospace Corporation
- Intern, U.S. District Court for the District of New Jersey

EDUCATION AND CERTIFICATIONS

EDUCATION

- Rutgers University School of Law - Newark, J.D., 1993
- Stevens Institute of Technology, B.E.E., 1987, Completed several master's level courses in computer science and electrical engineering

BAR ADMISSIONS

- New York
- U.S. Patent and Trademark Office

COURT ADMISSIONS

- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York