



BRAD LANE SHAREHOLDER

455 N. Cityfront Plaza Drive | Suite 3600
Chicago, IL 60611

P 312.321.4252

F 312.321.4299

blane@brinksgilson.com

EDUCATION

J.D.,
University of Michigan Law School, 1988
B.S., with highest honors, General Engineering
University of Illinois, 1985

BAR ADMISSIONS

U.S. Court of Appeals, Vet. App.
Michigan
Illinois
U.S. Patent & Trademark Office
U.S. Dist. Court, S.D. Indiana
U.S. Dist. Court, N.D. Illinois, Trial Bar
U.S. Dist. Court, E.D. Michigan
U.S. Court of Appeals, Fed. Cir.
U.S. Court of Appeals, 9th Circuit
U.S. Court of Appeals, Vet. Claims

Brad Lane is a seasoned litigator who works with clients to understand and identify their big-picture objectives and think forward to the best way to achieve them. Brad is hands-on at every stage of the litigation process, from pleadings, through written discovery and depositions, to motion practice, to trials and appeals. Brad also understands that litigation makes business sense in some cases, but may not be the answer to every problem, and therefore consults with his clients on alternatives available in the U.S. Patent and Trademark Office, from Patent Trial and Appeal Board trials to *ex parte* reexaminations, as well as alternative dispute resolution mechanisms such as mediations and/or arbitrations.

In all engagements, Brad works closely with innovators, business strategists and other client personnel to understand key products, markets and business strategies so as to translate technical information into persuasive arguments.

Brad has handled a broad range of intellectual property cases, with an emphasis on patent and trade secret cases, and related licensing matters. He is experienced in appellate advocacy before the Federal Circuit. In addition to his work in U.S. courts, Brad partners regularly with Brinks Gilson & Lione's foreign associates to help protect intellectual property assets worldwide. Because Brad has worked with foreign litigation and prosecution counsel, Brad has the experience to ensure clients have access to all the resources they need to accomplish their goals in intellectual property prosecution, transactions and litigation.

"He has been ranked as an Illinois Super Lawyer for IP litigation since 2006 and has been honored as an IP Star by Managing Intellectual Property magazine since 2013."

EXPERIENCE | OVERVIEW

- Brad represented Cook Incorporated in a patent infringement action it filed to protect two patents concerning endovascular stent grafts and their delivery systems for the treatment of abdominal aortic aneurysms. The case settled favorably following resolution of summary judgment motions in Cook's favor.

Biographies | Brad Lane

- When Cook was sued for alleged infringement based on four endovascular stent grafts patents, Brad helped obtain a summary judgment in the company's favor and authored the successful appeal brief that affirmed the summary judgment.
- Brad defended Shanghai Xing Te Hao against allegations of patent infringement as to certain power tools. Because of a motion to dismiss filed on behalf of the client, the matter was limited to jurisdictional discovery and thereafter settled on terms favorable to Shanghai Xing Te Hao.
- In an infringement case against Visteon Corporation, Brad obtained a dismissal with prejudice of all infringement allegations relating to various Visteon universal joint products.
- When Cook's principal competitor launched a new product line based on an implantable collagen matrix product originating from porcine small intestine submucosa, Brad represented Cook in seeking damages and injunctive relief. Within five months, the competitor sought bankruptcy protection.

EXPERIENCE | LEGAL

- **Brinks Gilson & Liono**, Chicago, Illinois
Shareholder, January 1996-Present
Associate, June 1988-December 1995

EXPERIENCE | CIVIC ACTIVITIES

- Public Interest Law Initiative
Board of Directors and Vice President

PRACTICE GROUPS

Appellate
International Trade Commission (ITC)
Litigation
Post-Grant Patent
Trade Secrets
International Patent

AREA OF FOCUS

Electrical & Computer
Medical Device
Automotive

FORWARD THINKING

Alerts

- Federal Circuit Uses Judicial Power To Sever Unconstitutional Provision Of Patent Statute To Keep USPTO Inter Partes Review Procedure Intact, November 01, 2019
- Federal Circuit Finds Direct Infringement When Multiple Parties Perform Separate Steps of a Patented Method, August 17, 2015
- Rimini Street v. Oracle: U.S. Supreme Court to Decide the Future of Copyright Litigation Cost Awards , October 02, 2018
- Supreme Court Clarifies Cost Awards in Copyright Suits, March 04, 2019

Presentations

- "Update on Pending Patent Reform: Evaluating the Continually Evolving Impact of Non-Practicing Entities, Patent Assertion Entities, and Other Monetizers," ACI Medical Device Patents Summit, New York, NY, February 25, 2016

Biographies | Brad Lane

- "Protecting Your Intellectual Property and New Designs," MedTech World MD&M, Schaumburg, IL, October 16, 2014
- "Joint Indirect Infringement post-Akamai: Bracing for the Fallout on Prosecution and Litigation Strategies," American Conference Institute 4th Advanced Summit on Medical Device Patents, Chicago, March 25, 2014
- "Preparing Your Device Portfolio for Litigation: Limiting Liability and Managing and Reducing Costs," American Conference Institute 3rd Advanced Summit on Medical Device Patents, Chicago, March 6, 2013
- "Remedies for Infringement of United States Utility Patents," International Intellectual Property Law Symposia, University of Oxford, June 2007
- "E-Discovery Amendments to the Federal Rules of Civil Procedure," Recent Developments in IP Litigation, Chicago, Illinois, September 2006
- "New Patent Reform Legislation in the U.S." International Intellectual Property Law Symposia, University of Victoria, July 2006
- "Trade Dress and Other Design Protection in the United States," International Intellectual Property Law Symposia, University of Oxford, June 2005
- "Claim Construction: New Strategies in Light of *Phillips*," Managing the Risks of IP Litigation, Chicago, Illinois, October 2005

HONORS

- American Bar Foundation, Fellow
- *The Best Lawyers in America*, Litigation - Intellectual Property, 2016-2020
- Illinois Super Lawyers, Intellectual Property Litigation, 2006-2019
- IP Star, *Managing Intellectual Property* magazine, 2013-2019
- Leading Intellectual Property Lawyer, Leading Lawyers Network, Law Bulletin Publishing Company, 2004, 2005, 2007, 2009-2019
- Managing Editor, *University of Michigan Journal of Law Reform*, 1988
- James Scholar, University of Illinois - Urbana-Champaign, 1985

AFFILIATIONS

- American Bar Association, 1989-Present
- American Intellectual Property Law Association, 1989-Present
- Association Internationale Pour la Protection de la Propriété Intellectuelle
- Chicago Bar Association, 1989-Present
- Federal Circuit Bar Association, 1992-Present
- Intellectual Property Law Association of Chicago, 2001-Present
- International Trade Commission Trial Lawyers Association
- Intellectual Property Owners Association
- Public Interest Law Initiative (PILI)
President, 2016-2018
- State Bar of Michigan

LANGUAGES

- German

REPRESENTATIVE MATTERS

- *Cook Incorporated v Endologix, Inc.*, 2009-2012 (S.D. Indiana, Indianapolis). Brad Lane represented Cook in this patent infringement action filed by Cook based on two patents concerning endovascular stent grafts and their delivery systems for the treatment of abdominal aortic aneurysms. The case settled favorably following resolution of summary judgment motions that were in favor of the client.

- *Edwards Lifesciences LLC, and EndoGAD Research Pty Ltd. v. Medtronic, Inc., Medtronic AVE, Inc., Cook Incorporated, and W.L. Gore & Associates, Inc.*, 2003 - 2009 (N.D. California, San Francisco; Court of Appeals for the Federal Circuit). Brad Lane represented Cook in this patent infringement action filed by Edwards Lifesciences based on four patents concerning endovascular stent grafts for the treatment of abdominal aortic aneurysms and thoracic aortic aneurysms. Case was resolved favorably to the client on summary judgment of noninfringement, and Brad Lane authored the successful appeal brief that affirmed the summary judgment in all respects. Decision reported at: 582 F.3d 1322 (Fed. Cir. 2009).
- *Black & Decker, Inc. v. Shanghai Xing Te Hao Industrial Co., et al.*, 2003 (Northern District of Illinois, Chicago). Brad Lane represented Shanghai Xing Te Hao in defending against allegations of patent infringement as to certain power tools. Because of a motion to dismiss filed on behalf of the client, the matter was limited to jurisdictional discovery and thereafter settled on terms favorable to the client. Reported decision at: 66 BNA Pat., Trademark & Copyright J. 237 (6/20/03).
- *American Axle & Mfg. v. Visteon Corporation*, 2002 (Eastern District of Michigan, Detroit). Brad Lane represented Visteon based on alleged patent infringement relating to various Visteon universal joint products. This matter was dismissed with prejudice on all counts in favor of our client, Visteon.
- *Cook Biotech Inc. v. Organogenesis Inc.*, 2002 (Southern District of Indiana, Indianapolis). Brad Lane represented Cook Biotech against its principal competitor on a new product line based on an implantable collagen matrix product originating from porcine small intestine submucosa. In the case, Cook Biotech sought damages and an injunction. Within five months of the litigation, Organogenesis sought bankruptcy protection.
- *Sidel v. Uniloy Milacron Inc.*, 2001 (Northern District of Georgia, Atlanta). Brad was responsible for defending Uniloy Milacron in a preliminary injunction motion based on alleged patent infringement. Following a hearing and extensive briefing, the Court agreed with the position advocated on behalf of Uniloy Milacron that a preliminary injunction was unwarranted and that Uniloy Milacron would likely succeed in defending against the allegations. The lawsuit settled thereafter on terms favorable to our client, Uniloy Milacron. Decision reported at: 61 USPQ2d 1480 (N.D. Ga. 2001).
- *Panduit Corp. v. Randall D. Gritters and Storm Products Company*, 2000 (Illinois State Circuit Court, Chicago). Brad Lane was responsible for this case filed by Panduit against one of Panduit's former employees, and his new employer Storm Products. In the case, Panduit sought to enforce an employment agreement that included noncompetition and confidentiality obligations executed by the former employee. The case was filed in chancery court, and included claims for breach of contract, trade secret misappropriation and tortious interference with contractual relations. Brad Lane was responsible for filing the motion for temporary restraining order that resulted in an agreed consent judgment order that included certain injunctive provisions favorable to our client, Panduit.
- *AMP Incorporated and The Whitaker Corporation v. Teradyne, Inc.*, 1998 – 2000 (Middle District of Pennsylvania, Harrisburg). Brad Lane was part of a team representing AMP and Whitaker in this action filed against Teradyne. AMP and Whitaker sued Teradyne for trade secret misappropriation, unfair competition, unjust enrichment, and patent infringement. The patents at issue were U.S. Patent No. 4,846,727 for a reference conductor for improving signal integrity in electrical connectors, and U.S. Patent No. 5,342,211 for a shielded back plane connector. The case also involved counterclaims filed by Teradyne for alleged infringement of U.S. Patent No. 5,860,816 for an electrical connector assembled from wafers, as well as for alleged breach of contract, and interference with prospective contractual relations. Brad Lane headed up the liability part of the case, and also assisted with the damages case. After discovery was completed, and dispositive motions filed, the case settled on terms favorable to AMP and The Whitaker Corporation. A subsequent interference provoked by Teradyne was also handled by Mr. Lane, and resulted in an opinion by

the Patent Trial and Appeal Board (PTAB) on preliminary motions that concluded the interference in favor of the client.

- *Tec Air, Inc. v. Denso Manufacturing Michigan and Denso Corporation*, 1992 – 1999 (Northern District of Illinois, Chicago; Court of Appeals for the Federal Circuit). Brad Lane was one of a team of trial lawyers representing Tec Air in a patent infringement case against Denso Corp. and Denso Mfg. Michigan. He was involved in all aspects of the case, including liability and damages. This was a hard fought lawsuit that spanned over seven years. The case involved two patents owned by Tec Air relating to fan assemblies used with radiators and condensers in automobiles. The case was tried in three phases, before two separate juries (involving approximately seven weeks of trial time), and resulted in three jury verdicts – infringement, validity and damages – all in favor of our client Tec Air. In the final phase, the jury returned a damages verdict for \$25.2 million in favor of Tec Air; this award was increased to more than \$40 million with prejudgment interest. The jury verdict was identified in the National Law Journal as one of the three largest patent infringement verdicts of 1997. Denso appealed, and the judgment was affirmed by the Federal Circuit in all respects. Brad Lane was responsible, together with other members of the Tec Air team, for writing the appellate briefs filed by Tec Air. Reported decisions include: 33 U.S.P.Q.2d 1451 (N.D. Ill. 1994); 1995 U.S. Dist. LEXIS 11140 (N.D. Ill. 1995); 1995 U.S. Dist. LEXIS 18891 (N.D. Ill. 1995); 1996 U.S. Dist. LEXIS 14292 (N.D. Ill. 1996); 1997 U.S. Dist. LEXIS 1081 (N.D. Ill. 1997); 49 U.S.P.Q.2d 1944 (N.D. Ill. 1998); and, 192 F.3d 1353 (Fed. Cir. 1999).