

Steven D. Moore

Partner

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Services

Intellectual Property
Licensing, Transactions &
Monetization
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Industries

Apparel, Accessories & Luxury
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Media & Entertainment
Medical & Surgical Devices
Retail & Consumer Goods
Technology



Steve Moore focuses his practice on patent infringement litigation in a wide variety of industries. Mr. Moore both defends companies accused of patent infringement and represents patent owners harmed by a competitor's infringement in pursuing patent and related claims. Mr. Moore also has experience in successfully coordinating global patent litigation, resulting in favorable rulings for his clients both in the U.S. and abroad. Mr. Moore further has experience in trade dress claims and commercial litigation matters.

Mr. Moore has extensive courtroom experience in patent and commercial litigation cases, including trying numerous patent and commercial litigation cases to a jury. Mr. Moore's jury trial experience includes handling several multi-week multi-patent cases in which juries have returned verdicts of non-infringement and invalidity



for his clients. Mr. Moore further has argued at and examined witnesses in numerous *Markman* hearings, after which courts issued claim construction rulings that have caused cases to resolve favorably for his clients. Mr. Moore also frequently argues before the Federal Circuit, and has argued before the *en banc* Federal Circuit.

Mr. Moore was listed in 2018 and 2019 by *The Best Lawyers in America*[®] for Intellectual Property Litigation and in 2020 for Intellectual Property Litigation and Patent Litigation. He was recognized as a "Super Lawyer" in Intellectual Property Litigation in 2019 and the five years immediately preceding by *Super Lawyers* magazine. Mr. Moore was recognized as an "IP Star" in 2020 and the four years immediately preceding by *Managing Intellectual Property* magazine. He was named a top patent practitioner in 2020 and the four years immediately preceding by *IAM Patent 1000 – The World's Leading Patent Practitioners*. Mr. Moore is listed in the 2009, 2010 and 2011 editions of *Chambers USA: America's Leading Lawyers for Business* for Intellectual Property Law. He was named to *The International Who's Who of Business Lawyers* for Patents in 2013 and 2014 and *The International Who's Who of Patent Lawyers* in 2013.

Experience

The firm served as lead counsel on behalf of a number of defendants, including Motorola, AT&T, and Cox Communications in two parallel patent infringement actions in the Western District of North Carolina and the Eastern District of Texas regarding technology involving wireless telephone handset equipment, and digital cable or satellite set-top boxes. After a favorable claim construction ruling for our clients in the North Carolina matter, the plaintiff agreed to dismiss its claims for infringement with prejudice in both North Carolina and Texas. *Thomas v. Motorola, Inc.*, No. 05-00493 (W.D.N.C. filed Nov. 28, 2005); *Thomas v. Cingular Wireless LLC, et al.*, No. 05-00495 (W.D.N.C. filed Nov. 28, 2005); *Thomas v. Cox Commc'ns, Inc., et al.*, No. 07-0231 (E.D. Tex. filed June 6, 2007); *Thomas v. Adelpia Commc'ns Corp., et al.*, No. 05-00497 (W.D.N.C. filed Nov. 28, 2005); *Thomas v. Alltel, et al.*, No. 05-0506 (W.D.N.C. filed Dec. 6, 2005).

The firm served as lead counsel on behalf of Georgia-Pacific LLC's subsidiaries in a patent infringement suit against two competitors in the Northern District of Georgia involving composite food wrap products. Following a favorable *Markman* ruling in which the court adopted our clients' claim construction arguments, the parties reached a settlement involving cash payment and an ongoing royalty-bearing license. *Fort James Corp. & Fort James Operating Co. v. J.H. McNair, Ltd., et al.*, No. 04-3000 (N.D. Ga. filed Oct. 14, 2004).

We defended Motorola against Fujifilm's assertion of five patents relating to digital cameras and the transmission of files through a cell phone. After summary judgment and a two week jury trial in San Francisco, Motorola prevailed on four of the five patents (proving two of the patents invalid and not infringed, one patent not infringed, and one patent invalid), and excluded willful infringement for injunctive relief. Through *ex parte* reexamination proceedings, we invalidated the fifth patent. The district court denied Fujifilm's attempt to undo



the jury's verdict, and the case settled on appeal. *Fujifilm Corporation v. Motorola Mobility LLC*, No. 3:12-cv-3587 (N.D. Cal. filed July 10, 2012).

The firm served as lead counsel in the representation of Epic Systems Corporation, a leading Wisconsin-based health care software company, against claims of patent infringement in a suit involving Internet-based doctor-patient communications software. The district court held that Epic and its health care provider customers did not and could not infringe the patent. The case settled while on appeal. *McKesson Info. Solutions v. Epic Sys. Corp.*, No. 06-2965 (N.D. Ga. filed Dec. 6, 2006), No. 2010-1291 (Fed. Cir. Apr. 12, 2011).

Represented Motorola Mobility in an *inter partes* review challenge of U.S. Patent No. 7,516,484 relating to a reader adapted for a portable computer. The Patent Trial and Appeal Board cancelled all claims challenged (as anticipated by prior act). United States Patent and Trademark Office Patent Trial and Appeal Board Case Number IPR2013-00010.

The firm served as lead counsel on behalf of a provider of automatic order fulfillment systems in a patent infringement suit brought by a pharmacy automation company in the Northern District of Georgia. Plaintiff accused our client of infringing a patent related to automated prescription filling systems. Summary judgment was granted in favor of our client and affirmed by the Court of Appeals for the Federal Circuit.

Defended Motorola Mobility LLC against a suit that Intellectual Ventures filed accusing certain smartphones and tablets of infringing six different patents. The case team won one of the patents on summary judgment, tried three others to a jury resulting in a hung jury and mistrial, and then won two of those three patents on post-trial motions. The firm tried another patent to a second jury resulting in a verdict of noninfringement and invalidity as to that patent. *Intellectual Ventures I LLC, et al. v. Motorola Mobility, LLC*, Civ. No. 11-908 (D. Del. filed Oct. 6, 2011).

Served as lead counsel on behalf of Molnlycke Health Care Group AB in a patent infringement suit against two competitors in the Northern District of Georgia involving silicone-based wound dressings. The court entered a favorable claim construction ruling for our clients, and the case settled while summary judgment motions were pending after the manufacturer of the accused products removed them from the U.S. marketplace. *Molnlycke Health Care Group AB v. Ossur & Medline*, No. 06-1027 (N.D. Ga. filed Apr. 28, 2006).

Kilpatrick Townsend was successful on behalf of Motorola Mobility in winning summary judgment against EON Corp. IP Holdings, LLC in the Northern District of California. In a strongly-worded opinion, the Court found that EON had presented no admissible evidence to defend against summary judgment, and further that its theories both flatly contradicted positions EON had taken earlier in the litigation as well as the constructions in the



Courts' *Markman* Order. On March 6, 2015, two days after oral argument, the Federal Circuit unanimously affirmed.

We successfully defended Motorola Mobility at a jury trial against patent infringement claims related to wireless earpiece technology in the Western District of Texas. The jury returned a verdict of non-infringement and invalidity against all claims that were at issue. *Effingo Wireless, Inc. v. Motorola Mobility LLC*, No. 5:11-cv-00649 (W.D. Tex.). We also invalidated the patent in a re-examination proceeding.

We represented Interface Inc., a leading manufacturer of carpet tile, in patent litigation filed by one of its largest competitors alleging hundreds of millions of dollars in damages as a result of infringement of two patents. After a three-week jury trial, the jury took less than one hour to find that the competitor's patents were invalid and that Interface did not infringe them. During the hearing on inequitable conduct issues, Interface reached a confidential settlement with the competitor resolving these issues as well as resolving Interface's counterclaims for infringement of two of its own patents.

On March 5, 2014, Kilpatrick Townsend was successful on behalf of Motorola Mobility in winning summary judgment against EON Corp. IP Holdings, LLC less than three weeks before trial, in a case that had been pending in the District of Delaware for nearly three and one-half years. The court's grant of summary judgment was decided on the relatively uncommon ground of invalidity by indefiniteness, and entirely invalidated EON's patent, ending the case at the district court. On May 6, 2015, the Federal Circuit, in a unanimous opinion, affirmed summary judgment granted by the District of Delaware. *EON Corp. IP Holdings, LLC v. FLO TV Inc.*, No. 10-812-RGA, 2014 WL 906182 (D. Del. Mar. 4, 2014).

We successfully defended Oracle against Thought in a patent infringement case filed in the Northern District of California involving seven patents for object-to-relational mapping technology. Over a three-year period, we defeated a claim for \$130 million in damages by (1) invalidating three patents in IPR proceedings; (2) obtaining voluntary dismissals of three more patents; and (3) obtaining summary judgment of non-infringement of the final patent. The case upheld on appeal before the Federal Circuit. *Thought, Inc. v. Oracle Corporation*, No. 3:12-cv-05601-LB (N.D. Cal. filed Oct. 31, 2012).

Representation of Kennametal Inc., a \$2 billion per year NYSE company, in a patent litigation action that its biggest global competitor filed in the United States District Court for the Western District of North Carolina, alleging that Kennametal infringed certain metal cutting tool patents. We successfully transferred the case to the United States District Court for the Western District of Pennsylvania – Kennametal's home jurisdiction – pursuant to 28 U.S.C. §1404(a). We forced a voluntary dismissal of one of the two patents. We then obtained a favorable claim construction ruling in which the remaining patent was found invalid for indefiniteness. The

parties later entered an agreement resolving their disputes in this action and other related actions. Also represented Kennametal in a patent litigation matter in the United States District Court for the Western District of Pennsylvania alleging that Kennametal's largest global competitor and related entities infringe claims of two patents owned by Kennametal. We obtained an agreement for one entity to cease infringing one of the patents. The parties were still litigating the other patent, which related to metal cutting tools, at the time of settlement. Also served as global coordinating counsel in a patent litigation action that Sandvik filed in the High Court of Justice, Chancery Division, Patents Court, United Kingdom. After a bench trial, the Court found Sandvik's patent invalid for indefiniteness, lack of enablement, and obviousness. *Sandvik Intellectual Prop. AB v. Kennametal Inc.*, No. 09-0163 (W.D.N.C. filed Apr. 27, 2009); *Sandvik Intellectual Prop. AB, v. Kennametal Inc.*, No. 10-654 (W.D. Pa. filed May 13, 2010); *Kennametal Inc. v. Sandvik, Inc. d/b/a Sandvik Coromant Co., et al.*, No. 09-cv-00857, (W.D. Pa. filed June 29, 2009); *Sandvik Intellectual Property AB, Claimant and Kennametal UK Limited, Kennametal Inc., Kennametal Europe GMBH*, Defendants; Claim No. HC 10 C02090, High Court of Justice, Chancery Division, Patents Court.

Education

Duke University School of Law, J.D. (1996) *magna cum laude*

Duke University, A.B., Economics (1993) *cum laude*

Admissions

California

Georgia

North Carolina

Court Admissions

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. District Court for the Northern District of California

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Eastern District of North Carolina

U.S. District Court for the Northern District of Georgia

U.S. District Court for the Middle District of Georgia

U.S. District Court for the Western District of North Carolina

U.S. District Court for the Middle District of North Carolina



Clerkships

U.S. District Court for the Northern District of Georgia - Richard C. Freeman

U.S. District Court for the Eastern District of North Carolina - Alexander B. Denson

Professional & Community Activities

Georgia State Bar Association, Member

North Carolina State Bar, Member

Alaska Law Review, Former Executive Editor

Insights

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Kilpatrick Townsend Attorneys Named 2020 Managing Intellectual Property IP Stars

June 1, 2020

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Kilpatrick Townsend Achieves Strong Rankings in Benchmark Litigation 2020

January 6, 2020

[News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2020

August 15, 2019

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Kilpatrick Townsend Attorneys Named 2019 Northern California Super Lawyers

July 16, 2019

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Kilpatrick Townsend Receives High Rankings in 2019 IAM Patent 1000

July 11, 2019

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Kilpatrick Townsend Attorneys Named 2019 Managing Intellectual Property IP Stars

June 17, 2019



Events

What "My Cousin Vinny" Teaches Us About Cross-Examination and Other Trial Techniques

April 16, 2019

News Releases

Kilpatrick Townsend Named 2019 Law Firm of The Year for IP Litigation by U.S. News-Best Lawyers "Best Law Firms"

November 6, 2018

In The News

PTAB Applies AIA On-Sale Bar, Nixes Aircraft Potty Patent

October 26, 2018

In The News

California Powerhouse: Kilpatrick Townsend & Stockton

August 29, 2018

In The News

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2019

August 20, 2018

News Releases

Twenty-Six Kilpatrick Townsend Attorneys Named 2018 Northern California Super Lawyers & Rising Stars

July 23, 2018

News Releases

Kilpatrick Townsend Recognized in 2018 IAM Patent 1000

July 2, 2018

Alerts

"Foreign Lost Profits" for Infringement of U.S. Patents

June 22, 2018

News Releases

Kilpatrick Townsend Attorneys Named 2018 Managing Intellectual Property IP Stars

June 19, 2018



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Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2018

August 15, 2017

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Twenty-Four Kilpatrick Townsend Attorneys Named 2017 Northern California Super Lawyers & Rising Stars

August 9, 2017

[In The News](#)

Steve Moore Quoted by Managing Intellectual Property re: "First-Half US Patent Litigation Data and Analysis - Uniloc Tops Plaintiff Ranking"

July 31, 2017

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Kilpatrick Townsend Attorneys Named 2017 Managing Intellectual Property IP Stars

June 27, 2017

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Kilpatrick Townsend Receives High Rankings in 2017 IAM Patent 1000

June 8, 2017

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Kilpatrick Townsend Named San Francisco Bar Association's Justice & Diversity Center's 2016 Outstanding Law Firm in Public Service

April 3, 2017

[In The News](#)

Kilpatrick Townsend's Media Report July 29 - August 4, 2016

August 5, 2016

[In The News](#)

Kilpatrick Townsend's Steve Moore interviewed in Law360 re: "Assault on Patent Trolls Leaves NPE Model in Peril."

August 1, 2016

[In The News](#)



Kilpatrick Townsend's Media Report July 22-28, 2016
July 29, 2016

[In The News](#)

Trial Pros: Kilpatrick Townsend's Steve Moore
July 28, 2016

[In The News](#)

Kilpatrick Townsend's Media Report June 24-30, 2016
July 1, 2016

[In The News](#)

Kilpatrick Townsend's Media Report June 10-16, 2016
June 17, 2016

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Kilpatrick Townsend Attorneys Named to 2016 IAM Patent 1000
June 2, 2016

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Thirty-Two Kilpatrick Townsend Attorneys Named 2016 Managing Intellectual Property IP Stars
May 26, 2016

[In The News](#)

Steve Moore Quoted by Law360 re: "3 Reasons IP Cases Still Need General Trial Lawyers"
March 18, 2016

[In The News](#)

Kilpatrick Townsend's Media Report March 11-17, 2016
March 18, 2016

[In The News](#)

Kilpatrick Townsend's Media Report March 4-10, 2016
March 11, 2016



[In The News](#)

Steve Moore Quoted in Law360 re: "5 Tips For Showcasing Evidence At A Patent Trial."

March 10, 2016

[In The News](#)

Kilpatrick Townsend's Media Report January 28 - February 4, 2016

February 4, 2016

[In The News](#)

Kilpatrick Townsend's Media Report September 4-10, 2015

September 11, 2015

[In The News](#)

Kilpatrick Townsend's Media Report August 28-September 3, 2015

September 4, 2015

[In The News](#)

Kilpatrick Townsend's Media Report May 1-7, 2015

May 8, 2015

[In The News](#)

Kilpatrick Townsend's Media Report April 23-30, 2015

May 1, 2015

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Kilpatrick Townsend's Media Report April 17-23, 2015

April 24, 2015

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Kilpatrick Townsend's Media Report April 3-9, 2015

April 10, 2015

[In The News](#)

Kilpatrick Townsend's Media Report March 13-19, 2015

March 20, 2015



[News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition for 2015 Georgia Super Lawyers

February 26, 2015

[In The News](#)

Kilpatrick Townsend's Media Report January 16-22, 2015

January 23, 2015