



Cantor Colburn LLP

Professionals

Practice Areas

Patent Litigation

Complex Commercial and
Business Litigation

Strategic IP Portfolio
Development and
Management

Trademark and Copyright
Litigation

Honors

"Super Lawyers," IP
Litigation, 2004-2006,
2011-2013

Admissions

Massachusetts

California

U.S. Supreme Court

U.S. Court of Appeals,
Federal Circuit

U.S. Court of Appeals, 1st
Circuit

U.S. Court of Appeals, 9th
Circuit

U.S. Court of Appeals,
11th Circuit

U.S. District Courts: D.
Mass., C.D. Cal.

Education



Marc N. Henschke

Partner

Hartford
o 860.286.2929 m 860.798.9102
Email

Marc Henschke is a patent trial attorney and a partner in the firm's Litigation Department. Having extensive first-chair experience in jury trials and *Markman* claim construction hearings, Marc has litigated patent infringement cases relating to a wide variety of products and technologies, including wireless modules and systems for IOT applications, network switches and routers, computer hardware and software, medical lasers, high-speed data cables, e-commerce applications, business methods, surgical screws, LCD displays, LANs and VLANs, laptop computers, cell phones, digital still cameras, video cameras, PDA devices and radar detectors.

Marc is well-versed in strategies for coordinating the interplay between patent litigations and *Inter Partes* Review proceedings filed with the PTAB. Marc has also litigated numerous other types of commercial litigation cases in a variety of jurisdictions, including antitrust violations, trademark and copyright infringement, business torts, commercial contracts, trade secrets, non-competes, defamation, insurance coverage, technology licensing, professional malpractice, personal injury and securities fraud. Marc has significant past involvement with evaluating, structuring, and implementing alternative fee arrangements for commercial and intellectual property litigation cases.

Experience Highlights

Foley & Lardner LLP

Harvard Law School, J.D.,
cum laude, 1991

Yale University, BA,
History, Phi Beta
Kappa, *summa cum
laude*, 1988

Robins, Kaplan, Miller & Ciresi LLP

Hale and Dorr LLP (now WilmerHale)

Skadden, Arps, Slate, Meagher & Flom LLP

Representative Matters

Patent Infringement Cases:

M2M Solutions v. Amazon.com (D. Del.). Lead trial counsel for patent owner asserting patents from its "Remote Asset Management" patent family directed to the Kindle e-reader ecosystem.

MZM Solutions v. Telit Wireless, et al (D. Del.). Served as lead trial counsel for a patent owner in eight cases asserting a seminal "Internet of Things" patent family in the wireless space. Coordinated the client's defense against related IPR proceedings.

Flashpoint Technology Digital Camera Cases (D. Del.). Secured a dismissal for one of the world's largest retailers in multiple consolidated cases involving over 30 defendants and 10 patents directed to digital camera technologies.

Belden v. Superior Essex (D. Del.). Secured a summary judgment of infringement and a jury trial verdict of validity for several Belden patents directed to high-speed data communications cables technologies.

Candela Corp. v. Palomar Medical Technologies, Inc. (E.D. Tex.). Member of the defense team that secured a jury verdict of non-infringement and invalidity on behalf of client Palomar as to all asserted patent claims directed to aesthetic medical laser products.

Honeywell Inc. v. Apple Computer, et al. (D. Del). Represented Honeywell in industry-wide enforcement litigation asserting a liquid crystal display (LCD)-related patent against a wide variety of consumer electronics products.

Tulip Computers Int'l v. Dell Computer Corp. (D. Del). Member of trial team that secured a \$49.5 million settlement on behalf of client Tulip after one week of jury trial against Dell on a patent involving computer motherboard technology.

Cincinnati Microwave, Inc. v. Whistler Corp. and Acterna Corp. (S.D. Ohio). Briefed and argued a summary judgment motion that resulted in the dismissal of a \$220 million patent infringement claim against clients Whistler and Acterna.

Cozza v. McAfee, Inc. (D. Mass). Represented the named inventor on antiviral scanning software patents in a case involving licensing and trade secret disputes with an industry market leader. Resulted in a confidential settlement on eve of trial.

Acromed Corp. v. Medtronic, Inc. (D. Mass). Drafted summary judgment motions resulting in a non-infringement ruling for client Medtronic with respect to over \$75 million in accused surgical screw products.

Securities Fraud and Financial Cases:

Securities and Exchange Commission v. Alan C. Goldsworthy, et al., (D. Mass.). Served as first-chair trial counsel in defending the former CFO of Applix, Inc. in an SEC civil enforcement action alleging premature revenue recognition on two software licensing transactions in violation of GAAP. Obtained a summary judgment dismissal as to the first transaction prior to trial. After a five-week jury trial on the second transaction, secured a defense verdict of no liability for the the CFO as to all scienter-based securities fraud claims, including claims under Rule 10b-5, Section 17(a)(1), Rule 13b2-2 (knowingly misleading outside auditors), Rule 13b-5 (knowingly violating internal accounting controls), and all aiding and abetting counts. The SEC chairman had announced this as the initial "test case" under its new policy guidelines regarding when to seek civil monetary penalties against individual officers as opposed to public corporations.

Falotti v. Oracle Corp. (N.D. Cal.). Lead trial counsel for client Falotti in arguing a \$90 million stock options claim before the Ninth Circuit. Resulted in a confidential settlement.

Antitrust and Other Commercial Cases:

Addamax Corp. v. Open Software Foundation, Inc. (D. Mass.). Member of trial team that won a bench trial dismissal of a \$60 million antitrust claim relating to computer operating systems and security software. Drafted the First Circuit briefing that resulted in the upholding of the dismissal on appeal.

Gas Utilities Co. of Alabama v. Southern Natural Gas Co. (N.D. Ala.). Responsible for the summary judgment motion that resulted in the dismissal of an approximately \$100 million antitrust action against client Southern Natural relating to natural gas transportation and distribution. Drafted 11th Circuit briefing that resulted in upholding of dismissal on appeal.

George Wendt v. Host International Inc. (C.D. Cal.). Represented television actors from *Cheers* against a hotel chain and movie studio in a celebrity identity rights case relating to the unauthorized use of robotic likenesses. Resulted in a confidential settlement.

Publications

"Deciding on Filing a Patent Infringement Claim Requires a Thorough Up-Front Analysis," *New England In-House* (co-author).

News

Cantor Colburn Continues Growth, Adding Experienced Laterals in Litigation and Patents
September 12, 2019

Cantor Colburn is proud to announce the addition of Partners Vincent Cichosz and Marc N. Henschke and Counsel Joseph Barrera, Ph.D. and Aaron Bumgarner.

Events

"What Lies Beneath: Maximizing Transaction Value When Intellectual Property Value Drives The Deal," *Martindale-Hubbell Counsel To*
Exhibit 2004
IPR2023-00592
U.S. Patent No. 8,965,932

Counsel Forum, Panelist.

"IP Cases -- A Year In Review: Converging Forces That Will Impact Your Business," *Foley Executive Briefing Series*, Moderator and Presenter.

"What Now For Patent Eligibility? In *Bilski v. Kappos*, The Supreme Court Rejects Machine-Or-Transformation As The Sole Test," *Foley Executive Briefing Series*, Moderator and Presenter.

"Willful Patent Infringement: Will Seagate Impact Strategies For Bringing And Defending Claims?," *Foley Executive Briefing Series*, Moderator and Presenter.

Professional Affiliations

American Bar Association

American Intellectual Property Law Association

Boston Bar Association, former Co-Chair of the IP Litigation Committee

Boston Patent Law Association

Federal Circuit Bar Association

Intellectual Property Owners Association

Massachusetts Bar Association