Steven D. Moore

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Technology

Steve Moore is a trial lawyer who focuses on patent infringement and complex commercial litigation matters. In his patent litigation practice, Mr. Moore both defends companies accused of patent infringement and represents patent owners harmed by infringement in pursuing patent and related claims in a wide variety of industries. Mr. Moore has extensive jury trial and other courtroom experience in patent and commercial litigation cases, including successful jury trials in the Northern District of California, District of Delaware, and the Eastern and Western Districts of Texas. Most recently, in the Eastern District of Texas, Mr. Moore led a trial team representing GREE, Inc. in a series of patent infringement suits against Supercell, resulting in over $100 million in jury verdicts in GREE's favor following two jury trials in 2020 and 2021.

In addition to his trial experience, Mr. Moore has successfully coordinated global litigation, resulting in favorable rulings for his clients both in the U.S. and abroad. He also handles appeals, and has frequently argued before the

Federal Circuit, including before the en banc Federal Circuit.

Mr. Moore is ranked in the 2024 and the three years immediately preceding editions of *Chambers USA: America's Leading Lawyers for Business* for Intellectual Property: Patent Litigation in California, and was listed by *The Best Lawyers in America®* in 2018 and 2019 for Intellectual Property Litigation and in 2024 and the four years immediately preceding for Intellectual Property Litigation and Patent Litigation. He was recognized as a "Super Lawyer" in Intellectual Property Litigation in 2024 and the ten years immediately preceding by *Super Lawyers* magazine. Mr. Moore was recognized as an "IP Star" in 2023 and the seven years immediately preceding by *Managing Intellectual Property* magazine. He was named a top patent practitioner in 2024 and the eight years immediately preceding by *IAM Patent 1000 – The World's Leading Patent Practitioners* . Mr. Moore was recognized as one of the "Nation's Best Patent Litigators" in 2023 by *Patexia Insight 167: Most Active Patent Litigators* for representing defendants and plaintiffs in 83 cases. He was recognized as a "Top Intellectual Property Lawyer" in 2021 by *The Daily Journal*. 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

Mr. Moore represented Zodiac Pool Systems LLC and Zodiac Pool Care Europe, leading manufacturers and innovators in the pool care industry, in a patent infringement and importation investigation at the International Trade Commission, with a related action in the Central District of California, against Wybotics, Co. Ltd. (d/b/a Winny Pool Cleaner), Tianjin Pool & Spa, Aiper Inc., Aiper Intelligent, LLC, and Shenzhen Aiper Intelligent Co., Ltd. The investigation involved two Zodiac patents covering pioneering technology in robotic pool cleaners. We were able to stop these entities' infringement before trial. Specifically, before the close of fact discovery, Zodiac settled favorably with the Aiper entities on confidential terms, leading to the issuance of a consent order which bars Aiper from importing or selling any of the Accused Products in the United States. Zodiac also obtained sworn representations during discovery from Wybotics that it had completely stopped manufacturing, importing, and selling the Accused Products in the United States. *Certain Robotic Pool Cleaners and Components Thereof*, U.S. ITC Inv. No. 337-TA-1326; *Zodiac Pool Care Europe v. Wybotics, Co. Ltd. et al*, No. 2:22-cv-05271 (C.D. Cal.). We also helped coordinate strategy for a seizure and infringement action in France involving the same products, which remains pending.

Mr. Moore is the lead trial counsel for GREE, Inc., a Japanese gaming and internet media company in a large-scale patent battle with Supercell, a Finnish mobile game development company. Kilpatrick Townsend launched suits involving more than 20 patents against Supercell. The case has led to a complex series of litigations in district court resulting in more than $100 million in jury verdicts in favor of GREE, as well as at the PTAB and before the Federal Circuit. Mr. Moore and the Kilpatrick Townsend team obtained a jury verdict for GREE in the Eastern District of Texas of willful infringement, asserting five patents and an award of at least $8.5 million for damages against Supercell in September 2020, and a second jury verdict of willful infringement in favor of GREE and an award of $92 million in damages in May 2021. *GREE, Inc. v. Supercell Oy*.

Mr. Moore 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 multi-week jury trial before the Northern District of California, 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 and 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).

Mr. Moore defended Motorola Mobility LLC against a suit that Intellectual Ventures filed in the District of Delaware 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 non-infringement and invalidity. *Intellectual Ventures I LLC, et al. v. Motorola Mobility, LLC*, Civ. No. 11-908 (D. Del. filed Oct. 6, 2011).

Mr. Moore 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.

Mr. Moore 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.

Mr. Moore prevailed on summary judgment of non-infringement for AT&T Mobility against Advanced Media Networks, LLC (AMN) in the Northern District of Texas, which was affirmed on appeal. The District Court also awarded AT&T its post-*Markman* fees of over $250,000. AMN claimed that its patent covered AT&T's wireless tethering/mobile hotspot service for its smartphones and asserted that it would be seeking as much as $572 million in damages from AT&T. After the summary judgment win was affirmed and the District Court awarded fees under 35 U.S.C. § 285, AMN filed for Chapter 11 bankruptcy. *Advanced Media Networks LLC v. AT&T Inc et al.*

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

Mr. Moore 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 invalidity by indefiniteness, 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).

Mr. Moore 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 voluntarily dismissals of three more patents; and (3) obtaining summary judgment of non-infringement of the final patent. The case was affirmed on appeal before the Federal Circuit. *Thought, Inc. v. Oracle Corporation*, No. 3:12-cv-05601-LB (N.D. Cal. filed Oct. 31, 2012).

Mr. Moore 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).

Mr. Moore 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.

Mr. Moore represented 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).

Mr. Moore represented 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.

Mr. Moore represented 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. Adelphia 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).

Mr. Moore represented 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. McNairn, Ltd., et al.*, No. 04-3000 (N.D. Ga. filed Oct. 14, 2004).

Education

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

Duke University A.B. (1993) Economics, *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 Central District of California

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

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

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

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

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

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

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

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

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

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

Clerkships

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Professional & Community Activities

Georgia State Bar Association, Member

North Carolina State Bar, Member

Alaska Law Review, Former Executive Editor

Insights

News Releases

Kilpatrick Continues to Earn Impressive Rankings in Annual IAM Patent 1000

July 1, 2024

News Releases

Kilpatrick Continues Tradition of Impressive Number of Attorneys Named Managing Intellectual Property's IP Stars

June 10, 2024

News Releases

Kilpatrick Earns Widespread Recognition in 2024 Chambers USA

June 7, 2024

Alert

Federal Circuit Upends Design Patent Validity Test

May 22, 2024

News Releases

Kilpatrick Townsend Earns Record-Breaking Recognition in 2024 Edition of The Best Lawyers in America®

August 17, 2023