SpencerFane®

Brian G. Strand

Partner

Contact

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Overview

Brian Strand seeks out and achieves beneficial outcomes for clients in complex patent litigation and patent validity disputes before the U.S. Patent and Trademark Office, strategically preparing cases for trial and appeal when necessary while identifying and capitalizing on opportunities for early resolution through dispositive motions or advantageous settlements.

With a proven track record of handling all aspects of a matter from intake to disposition, Brian's experience specifically involves disputes related to software and hardware technologies, such as semiconductor fabrication, networking architectures and protocols, operating systems and runtime environments, cybersecurity, audio and video codecs and signal processing, land and marine seismic acquisition systems, hydraulic fracturing ("fracking"), and a variety of wireless communication protocols, including the 802.11 family of standards (Wi-Fi), Bluetooth, and cellular standards including CDMA, GSM, GPRS/EDGE, UMTS, LTE, and 5G. He utilizes an extensive technical background in his legal work, having more than two decades of industry and personal experience in areas such as software architecture and development, embedded systems, avionics, mesh networking, robotics, laser marking, and machine vision.

Brian leverages this institutional knowledge to develop creative and effective legal strategies relevant to the entire litigation life cycle, including developing and refining technical theories and case themes, identifying prior art, analyzing source code, developing claim constructions, working closely with experts, and transforming complex technical issues into accessible and persuasive narratives for briefs, hearings, and trials. Brian has handled matters in a variety of jurisdictions across the country, including the U.S. District Courts for the Eastern, Western, and Southern Districts of Texas, the Northern District of California, the Western District of Washington, the Northern District of Illinois, the District of Kansas, and the District of Delaware.

Education

- Duke University School of Law, 2008 (J.D.)
- Purdue University, 1997 (B.S.), *with distinction*

Bar Admissions

- U.S. Patent and Trademark Office, 2008
- New York, 2009
- Texas, 2012

Court Admissions

- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Western District of Texas

Presentations and Publications

- "Patent Infringement in the Gulf of Mexico," HIPLA Institute on Intellectual Property Law, 2016

Related Experience

- Represented major technology company in patent lawsuit involving two-way wireless messaging technologies. The jury delivered a verdict of no infringement, which was upheld on appeal.
- Represented major seismic exploration company against extended market-shaping litigation campaign by competitor involving multiple rounds of patents. Settled on very favorable terms after nearly all asserted claims were invalidated by the U.S. Patent Office in *inter partes* reviews and an *ex parte* reexamination.
- Represented leading software company in patent lawsuit involving just-in-time (JIT) software runtime environments. Final settlement was a fraction of plaintiff's damages model, achieved after trial was twice continued due to late-arising discovery supporting an uncommon application of the on-sale bar doctrine.
- Represented major technology company in multi-defendant patent lawsuit involving shared-memory video and audio coders / decoder (codecs). Negotiated a very favorable early exit shortly after claim construction.
- Represented defendant in competitor patent lawsuit involving land seismic acquisition systems. Settled favorably after claim construction order significantly impacting plaintiff's asserted claims and infringement theory.
- Represented plaintiff in multiple competitor patent lawsuits involving standard-essential patents (SEPs) for 2G, 3G, LTE, and 5G families of telecommunications standards.
- Represented major technology company in multiple patent portfolio licensing actions involving both standard-essential and non-standard-essential patents.
- Represented plaintiff in competitor patent lawsuit involving distributed Wi-Fi infrastructure equipment and management software.
- Represented major technology company in multi-defendant patent / antitrust lawsuit involving functionality defined in Bluetooth standard.