

PARTNER

Scott E. Davis

scott.davis@klarquist.com



EDUCATION

- J.D., Order of the Coif, University of California, Los Angeles, 2000
- M.S., Chemistry, University of California, Los Angeles, 1997
- B.S., *summa cum laude* in Chemistry, Oregon State University, 1996

BAR ADMISSIONS

- Oregon, 2002
- California, 2000

COURT ADMISSIONS

- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the Northern, Central, and Southern Districts of California
- U.S. District Court for the District of Colorado
- U.S. District Court for the District of Oregon
- U.S. District Court for the Eastern District of Texas

YEAR JOINED FIRM

2002

PRACTICE AREAS

Litigation
Outsourced "In-House" IP Counsel
Startups & Emerging Businesses
Trade Secrets

TECHNOLOGIES

Chemical
Life Sciences
Mechanical
Software & Internet Technology
Consumer Products
Green Technology & Renewable Energy
Agriculture & Food Science

PRACTICE AREA OVERVIEW

Mr. Davis' practice focuses on all areas of intellectual property litigation, representing such clients as Adobe, British Airways, Columbia River Knife & Tool, Capsugel, Costco, Danner, Expedia, Intuit, Microsoft, SAP, Twitter, and Vestas-American Wind Technology. He has represented clients in numerous federal courts nationwide in cases involving patent, trademark, trade dress, product configuration, copyright, DMCA, trade secret, unfair competition, and false advertising claims.

TECHNICAL EXPERTISE

Mr. Davis has litigated cases in a wide range of technical fields, including the chemical, mechanical, computer, and pharmaceutical arts. Prior to law school, he studied organic and computational chemistry and worked as an organic chemist at Antivirals, Inc. (now Sarepta Therapeutics).

REPRESENTATIVE CASES

Over the last few years, Mr. Davis has established an impressive record as lead counsel on many patent, trademark, copyright, trade secret, unfair competition, false advertising, and other intellectual property-related cases. Cases on which he acted as counsel include the following (client represented is underlined):

- *D Three Enterprises, LLC v. SunModo Corporation*, No. 1:15-cv-01151-CBS, 2017 WL 1023389 (D. Colo. March 15, 2017): Led defense team, successfully arguing for invalidity of 30+ asserted claims across three patents related to roof mount assemblies that can be used for solar panels. Won summary judgment of invalidity for SunModo pursuant to 35 U.S.C. §§ 112 and 120 because the asserted claims were not entitled to the earliest possible effective filing date of a provisional patent application.

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- *Capsugel Belgium NV et al. v. Bright Pharma Caps, Inc. et al.*, No. 3:15-cv-321-PK (D. Or.): Successfully asserted two patents and false advertising claims relating to pullulan-based capsules. Defended parallel PTAB challenges to the asserted patents. Obtained permanent injunction for patent owner Capsugel against all four defendants, including the manufacturer in China, barring infringing sales of pullulan capsules in the United States. Defendants further agreed not to sell any of the capsules at issue in Canada or non-organic pullulan capsules in countries in Europe where Capsugel also has patent protection. Prosecuted a novel false advertising claim between competitors, asserting misuse of the term “organic” and the USDA organic seal in connection with capsules containing the synthetic chemical SLS. Defendants agreed to settle on the day set for a hearing on Capsugel’s motion for summary judgment.
- *TQP Dev., LLC*, Nos. 2:12-cv-61, 2:12-cv-180, 2:12-cv-570, 2:13-cv-219 (E.D. Tex.): Led defense team concurrently representing up to nine clients, including [Adobe](#), [British Airways](#), [Costco](#), [Intuit](#), [LinkedIn](#), [Travelocity.com](#), [Twitter](#), [Yelp](#), and [Zones](#). TQP asserted a patent relating to encryption against the ubiquitous use of RC4 with SSL/TLS with websites. Won summary judgment of non-infringement after hundreds of companies had been sued, more than 139 had settled for a total over \$45 million, and one company (not represented by Klarquist) had lost at trial. *See TQP Dev., LLC v. Intuit Inc.*, No. 2:12-cv-180-WCB, 2014 WL 2810016 (E.D. Tex. Jun. 20, 2014).
- *Taylor Brands, LLC v. Columbia River Knife & Tool*, No. 2:08-cv-325 (E.D. Tenn.): Led defense team and won summary judgment of non-infringement for CRKT in patent case involving assisted opening knives. Successfully defended judgment on appeal. *See* 2011 WL 3236072 (Fed. Cir. July 28, 2011) (affirming without opinion).
- *Danner, Inc. v. Foley & Lardner, LLP*, No. 09-cv-1220-JE, 2010 WL 2608294 (D. Or.): Team obtained remand of legal malpractice case to prosecute the action in Oregon state court. After prevailing against three summary judgment motions filed by the defense, the case settled.
- *Grasshopper House, LLC v. Accelerated Recovery Centers, Renaissance Malibu Foundation et al.*, No. 3:09-cv-778-HA (D. Or.): Assumed the role of lead counsel less than 48 hours prior to a show cause hearing and defended against contempt allegations, convincing the Court to dismiss the case for lack of personal jurisdiction and vacate its default judgment and injunction.
- *MEI, LLC v. Integral Applied Technology, Inc. et al.*, No. 6:08-cv-6046-AA, 2009 WL 2871125 (D. Or.): Obtained a complete summary judgment victory in a case involving copyright infringement and violations of the DMCA and Lanham Act relating to MEI’s software.
- *Vestas-American Wind Technology, Inc. v. Beaird Company, Ltd. et al.*, No. 3:07-cv-1651-PK (D. Or.): Defeated motion to dismiss or transfer the litigation to the declaratory-judgment-defendant’s home forum. The case thereafter settled favorably for our client.
- *Boydston Metal Works, Inc. v. Cottrell, Inc.*, 519 F. Supp. 2d 1119 (D. Or.): Team defeated motion for summary judgment asserting invalidity and won cross motion for summary judgment, eliminating adversary’s lead defense that it had allegedly offered for sale before the critical date its screw actuator technology for auto transporters. The case thereafter settled favorably for our client.

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- *CollegeNET, Inc. v. ApplyYourself, Inc.*, Lead No. 02-cv-484-HU (D. Or.) and 418 F.3d 1225 (Fed. Cir.): A leading member of team that won and upheld on appeal a jury verdict finding infringement of CollegeNET's patented online application system and form technology.

HONORS AND AWARDS

- 2013-2016, *IAM Patent 1000: The World's Leading Patent Professionals*
- 2009-2016, *Chambers USA*, Oregon, Intellectual Property
- 2016-2017, *Who's Who Legal: Patents*

PRESENTATIONS AND PUBLICATIONS

- Davis, S. & Vandenberg, J. "When Does a US Patent Cover "Infringement" Occurring Abroad?," *The Licensing Journal*, September (2007): 13-20.
- "E-discovery: Now What?," National Business Institute (NBI), Portland, OR, November 13, 2008.
- Co-presenter of "Dealing with Corporate and In-House Counsel," National Federation of Paralegal Associations 2009 Convention, Portland, OR, October 2009.