

PARTNER

J. Christopher Carraway

chris.carraway@klarquist.com



EDUCATION

- J.D. with High Honors, Order of the Coif, Duke University School of Law, 1995
- B.S., *magna cum laude* in Economics, Wharton School of the University of Pennsylvania, 1992

BAR ADMISSIONS

- Oregon, 1996
- Colorado, 1999 (inactive)
- Montana, 2011
- Washington, 2006

COURT ADMISSIONS

- U.S. Supreme Court
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Seventh Circuit
- 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
- U.S. District Court for the Western District of Washington
- U.S. District Courts for the Eastern and Western Districts of Wisconsin

FOREIGN LANGUAGE

French

YEAR JOINED FIRM

1999

PRACTICE AREAS

Litigation
Trademarks
Outsourced "In-House" IP Counsel

TECHNOLOGIES

Mobile Devices & Applications
Software & Internet Technology

PRACTICE AREA OVERVIEW

Since 1995, Mr. Carraway has focused his practice exclusively on intellectual property litigation, representing such clients as Microsoft, SAP, eBay, LinkedIn, and NBC in patent litigation in federal courts nationwide. Mr. Carraway has particular experience litigating patents involving computer software, computer hardware, video game technology, and e-commerce. He has argued at numerous claim construction and summary judgment hearings and Federal Circuit appeals. Prior to entering private practice, Mr. Carraway served as a law clerk to the Hon. William C. Bryson of the U.S. Court of Appeals for the Federal Circuit. Some of the federal courts where Mr. Carraway has recently litigated include California (Northern and Central Districts), Colorado, Delaware, Massachusetts, New York (Southern District), Oregon, Texas (Eastern and Western Districts), Virginia (Eastern District), and Washington (Western District).

TECHNICAL EXPERTISE

Over the last few years, Chris has served as lead counsel on the following patent litigation cases (represented party underlined):

- *IXI Mobile v. Microsoft et al.* (D. Or.): Leading defense of Time Inc. regarding its trademark The Drive.
- *Mira Advanced Tech. Sys., Inc. v. Microsoft* (N.D.W.V.): Leading defense of Microsoft in case involving Cortana reminder functionality.
- *IXI Mobile v. Microsoft et al.* (E.D. Tex.): Leading defense of Microsoft in case involving Cortana natural language processing. Litigation stayed pending *Inter Partes* Review.
- *DietGoal Innovations, LLC v. Bravo Media, LLC, NBC Universal, Time Inc., & Meredith Corp.* (E.D. Tex., S.D.N.Y., Fed. Cir.): Led defense team for clients against patent related to meal planning software. Successfully obtained transfer of cases to S.D.N.Y. and blocked plaintiff's efforts to consolidate cases before multi-district litigation panel. Filed and won motion for summary judgment that asserted patent is invalid under 35 U.S.C. § 101. See 33 F.Supp.3d 271 (S.D.N.Y. 2014). Successfully defended summary judgment before Federal Circuit, which issued a summary affirmance. See 599 Fed. Appx. 956 (Fed. Cir. 2015).
- *CyberFone v. LinkedIn, NBA, NFL, Netflix, Skype, Twitter, Yelp, et al.* (D. Del., Fed. Cir.): Led defense team for group of eight clients in case relating to processing and forwarding of transaction data. Obtained early summary judgment that the asserted patent was invalid pursuant to 35 U.S.C. § 101 for failing to claim patentable subject matter. See 885 F. Supp. 2d 710 (D. Del. 2012). Judgment was affirmed on appeal. See 2014 WL 718153 (Fed. Cir. 2014).

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- *Big Baboon Inc. v. Hewlett-Packard* (C.D. Cal.): Leading defense team for Hewlett-Packard in multi-defendant case involving database systems for end-to-end B2B commerce. Litigation was stayed after Klarquist filed reexaminations on both patents.
- *Metasearch Systems, LLC v. Priceline.com, Travelocity.com, Expedia, Orbitz, & American Express* (D. Del.): Defended group of clients against patents related to metasearching. Case was stayed pending result of Covered Business Method patent reviews instituted by the Patent Trial & Appeal Board, which found all claims unpatentable, resulting in dismissal of the lawsuit.
- *Soverain Software v. eBay, PayPal, & GSI Commerce* (E.D. Tex.): Defended clients in case involving online shopping carts and other e-commerce concepts. Won summary judgment that all remaining asserted shopping cart claims are invalid as obvious. Case was subsequently dismissed.
- *Grupo Bimbo v. Snak King Corp.* (C.D. Cal.): Defended Snak King against large Mexican corporation asserting trademarks, trade dress, and patents related to rolled tortilla chips. After Snak King won claim construction on key patent claim terms and after Court held hearing on trademark abandonment summary judgment motion, parties reached favorable settlement.
- *Realtime Data LLC v. SAP, Sybase, Hewlett-Packard, & Dell* (E.D. Tex.): Defended SAP, Sybase, and Hewlett-Packard in case involving data compression. After filing *Inter Partes* Reviews, case settled.
- *ADC v. Microsoft* (W.D. Wash.): Leading defense team for Microsoft in case involving online distribution of videos and software. Litigation currently stayed pending reexamination of all five asserted patents.
- *CYVA Research v. eBay, Expedia, Priceline.com, Travelocity.com* (E.D. Tex.): Led defense team for cases involving online transaction brokering. Cases settled after motions to dismiss (based on section 101) and to transfer were filed.
- *EMG Technology v. Microsoft, Costco, Expedia, Travelocity.com, Time Inc. & Time Warner Inc.* (E.D. Tex.): Led defense team in cases involving transcoding of HTML-formatted web pages to XML formatted mobile websites and applications.
- *DDB Technologies v. Time Inc.* (W.D. Tex.): Led defense team for Time Inc.'s Sports Illustrated website in case involving computer simulations of live sporting events.
- *Anascape Ltd. v. Microsoft* (E.D. Tex.): Led defense team for Microsoft in 12-patent litigation involving Xbox® game controllers, winning partial stay pending reexams and partial summary judgment of non-infringement and no willful infringement (see 2008 WL 7182476).
- *CRS v. Turner Broadcasting System* (D. Del., W.D. Wash.): Led team for Turner Broadcasting System in patent case filed against it in Delaware and in declaratory judgment action filed in Washington, both involving online distribution of video game software.
- *Motionless Keyboard Co. v. Microsoft* (D. Or., Fed. Cir.): Led defense team for Microsoft and won summary judgment of non-infringement and invalidity of two patents asserted against Microsoft game controllers. Judgment of non-infringement affirmed on appeal. See 486 F.3d 1376 (Fed. Cir. 2007).

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- *Sklar v. Microsoft* (E.D. Tex.): Defended Microsoft in case relating to Windows® operating system user interface features.
- *Network Commerce v. Microsoft* (W.D. Wash., Fed. Cir.): Led defense team for Microsoft and won summary judgment of non-infringement regarding patents relating to online media distribution. Successfully defended the summary judgment win on appeal. See 422 F.3d 1353 (Fed. Cir. 2005).
- *Big Sky Brewing v. Moosehead* (D. Mont.): Co-counsel for Missoula, Montana brewery in action seeking declaratory judgment that sale of its flagship beer Moose Drool Brown Ale does not infringe Canadian brewery Moosehead's trademarks.

PRIOR PROFESSIONAL EXPERIENCE

Michael Best & Friedrich, LLP
Associate | 1996 - 1999

JUDICIAL CLERKSHIP

Law clerk to the Honorable William C. Bryson of the United States Court of Appeals for the Federal Circuit | 1995 - 1996

PROFESSIONAL ACTIVITIES

- Chair-Elect, IP Law Section of State Bar of Montana
- Chairman, Board of Ethics, City of Bozeman, Montana
- Board Secretary, Eagle Mount, Bozeman, Montana
- Member, Federal Circuit Bar Association
- Member, American Intellectual Property Law Association

PRESENTATIONS AND PUBLICATIONS

- Claiming Strategies In View of Evolving Damages Law, AIPLA 2016 Electronic & Computer Patent Law Summit, Portland, OR, June 14, 2016
- IP Overview Told Through Football Stories, Western MT Bar Ass'n, Missoula, January 21, 2016
- Patent Reform Issues for Universities, AUTM Western Region Meeting, Seattle, October 2, 2014
- "Discovery Issues in Patent Litigation," Practising Law Institute (PLI), Patent Litigation 2006, 2007, 2008, 2009, 2010
- "Important Patent Cases of 2008," Oregon State Bar's 2009 Intellectual Property Year in Review Seminar, March 12, 2009
- "Reexamination of U.S. Patents: An Alternative (or Supplement) to Litigation," Chartered Institute of Patent Attorneys (CIPA), London, UK, February 13, 2008
- "Markman Strategies for the Defense Perspective," Law Seminars Int'l, San Francisco, January 9, 2008
- "Why Web Site Operators Must Comply with the Patent Marking Statute and How They Can Do So," IPL Newsletter (ABA), Winter 2006
- "In the Wake of Knorr-Bremse: Opinions of Counsel are as Important as Ever," Practising Law Institute (PLI), Patent Litigation 2005
- "Practice Before the U.S. Court of Appeals for the Federal Circuit," Oregon Intell. Prop'y Law Ass'n, April 2004

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- "A Preview of Willfulness Law After the Federal Circuit's Knorr-Bremse Opinion," Oregon State Bar, Intell. Prop'y Section, May 2004
- "International Protection for Trademarks Is Now Easier Under the Madrid Protocol," Multnomah Lawyer, May 2004
- "The Uncertain Future of Enforcing Patents Broadened through Reissue," 8 Federal Circuit Bar Journal 63 (1998)
- "Offer to Sell Amendment Expands Forum Options for Patent Infringement Actions," National Law Journal, Jan. 26, 1998 at C8
- "Color as a Trademark Under the Lanham Act," 57 Law & Contemp. Probs. 243 (Autumn 1994).