

DERRICK W. TODDY

PARTNER

503.473.0827 | derrick.toddy@klarquist.com



OVERVIEW

Since joining Klarquist in 2006, Derrick has focused his practice on all aspects of intellectual property disputes, from pre-litigation and “alternatives to litigation” such as PTO reexaminations and other post-grant proceedings, through discovery, motion practice and summary judgment, to preparation for trial, as well as related settlement and licensing work. Derrick has particular experience litigating patents involving computer software, computer hardware, video game technology and e-commerce applications. He has represented technology clients such as Microsoft, SAP, eBay, Adobe, LinkedIn, Netflix, Twitter, Hewlett-Packard, Nokia, and Amazon.com, as well as retail clients such as Office Depot, Staples, J.C. Penney, Burlington Coat Factory, Dillard’s and Costco. He has handled patent, trademark and trade secret disputes nationwide, including in California, Delaware, Florida, Massachusetts, Nevada, Puerto Rico, Tennessee, Texas and Washington.

Derrick also has experience in advising clients regarding crafting settlement agreements and intellectual property licensing issues, and has prepared a number of opinions regarding both non-infringement and invalidity. Additionally, he has extensive experience working on various post-grant proceedings, and has played an integral role in successfully appealing or defending appeals to the Patent Trial and Appeal Board. Derrick’s work on these reexaminations and appeals often resulted in cancellation of patent claims asserted in litigation for which Klarquist’s clients had obtained a stay pending the outcome of ex parte or inter partes reviews, in many cases avoiding entirely or greatly reducing the cost of having to litigate these claims in district court.

Derrick’s practice emphasizes computer- and mechanical-related fields, and in particular the field of e-commerce.

Derrick joined Klarquist as a lateral associate in 2006 and became partner in 2019.

EDUCATION

Coursework in Computer Science, Oregon State University, 2015

J.D., James Kent Scholar, Harlan Fiske Stone Scholar, Columbia University, 2004

B.S., Philosophy and Literature, Engineering Sequence in Information Systems Engineering, Dean’s List, United States Military Academy (West Point), 1995

ADMISSIONS

Oregon, 2007

California, 2004

U.S. Patent and Trademark Office, 2016 (Reg. No. 74,591)

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Ninth Circuit

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

U.S. District Court for the District of Oregon

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

Klarquist

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PROFESSIONAL EXPERIENCE

- ▶ Morgan Miller Blair | Associate, 2005 – 2006 | Walnut Creek, CA
- ▶ Quinn Emanuel Urquhart Oliver & Hedges | Associate, 2004 – 2005 | San Francisco, CA
- ▶ U.S. District Court for the Eastern District of New York | Judicial Extern to the Honorable Jack Weinstein, 2003 | Brooklyn, NY

PRESENTATIONS & PUBLICATIONS

- ▶ “Navigating Your Business Through the Rising Tide of Patent False Marking Suits”, Portland (OR) Business Journal, September 2010
- ▶ “False Marking Suits: Rising Tide or Blip on the Radar?”, Oregon State Bar Intellectual Property Section, August 2010

PRACTICE AREAS

Post-Grant USPTO Proceedings
Intellectual Property Counseling
Litigation
Patents
Trademarks

TECHNOLOGY AREAS

Software & Internet Technology
Mechanical