

# DERRICK W. TODDY

PARTNER

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## OVERVIEW

Derrick's practice encompasses advising and assisting clients during all phases of the patent life cycle, from prosecution strategy and freedom to operate analyses, to litigation and "alternatives to litigation" such as USPTO post-grant proceedings, to patent acquisition, licensing, and settlement.

Leveraging his skill as both a registered patent attorney and experienced patent litigator, Derrick has prosecuted and litigated patents in mechanical and software-related fields. Representative clients span multiple industries, including technology companies Microsoft, SAP, and Amazon, sports equipment manufacturer Taylor Made Golf, and medical device manufacturers Dexcom and Edwards Lifesciences. Derrick has represented clients in intellectual property disputes in district courts nationwide, from California to Massachusetts to Puerto Rico, and points in between, and on appeal to the Federal Circuit.

Derrick also has extensive experience in preparing and defending *inter partes* reviews, reexaminations, and other USPTO post-grant proceedings, routinely arguing before the Patent Trials and Appeal Board (PTAB).

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

## PROFESSIONAL EXPERIENCE

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

## REPRESENTATIVE CASES

Over the past decade, Derrick has been involved in all aspects of numerous patent and trademark cases, including several representative litigation matters (with represented parties underlined), as well as a variety of cases in PTO and PTAB proceedings:

## EDUCATION

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

Post-graduate  
coursework in Computer  
Science, Oregon State  
University, 2015

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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- *ADC v. Microsoft Corporation* (W.D. Wash.): Patent infringement litigation and related PTO reexaminations involving online distribution of videos and software.
- *Anascape v. Microsoft Corporation* (E.D. Tex.): 12-patent litigation and related PTO reexaminations involving various technical aspects of Xbox® game controllers.
- *Big Baboon v. Hewlett-Packard* (C.D. Cal.): Multi-defendant patent litigation case and related PTO reexaminations involving database systems for end-to-end B2B commerce.
- *Canatelo v. Avigilon* (P.R.): Patent infringement suit related to video surveillance technology.
- *Meynard Designs v. Earth Products, Inc.* (D. Mass.): Trademark infringement suit related to use of the mark “earth” on clothing.
- *Hawk Technology v. Avigilon, Costco, Burlington Coat Factory, NBC Universal et al.* (S.D. Fla., M.D. Fla.): Series of patent cases relating to video surveillance technology.
- *Interval Licensing v. eBay, Netflix, Office Depot, Staples et al.* (W.D. Wash.): Patent infringement litigation and related PTO reexaminations involving recommendation functionality on web commerce sites.
- *Microsoft Corporation v. WebXchange* (D. Del., N.D. Cal.): Declaratory judgment actions and related reexaminations related to patents on facilitating online network transactions.
- *Optimize v. Dillard’s, Drugstore.com, J.C. Penney, Staples et al.* (E.D. Tex.): Patent infringement litigation related to recommendation technology on web commerce sites.
- *Reiffin v. Microsoft Corporation* (N.D. Cal.): Patent infringement litigation and Federal Circuit appeal concerning multithreading operating system technology.
- *RMail Limited v. Amazon.com, PayPal* (E.D. Tex.): Multi-defendant patent infringement suit and related PTO reexaminations related to online transmission of secure messages.
- *SAP v. Wellogix*, (S.D. Tex.): Patent infringement litigation and related PTO reexaminations involving project management software.
- *Taylor Brands v. Columbia River Knife and Tool* (E.D. Ten.): Patent infringement suit and Federal Circuit appeal related to assisted opening knives.
- *TQP v. Adobe, British Airways, Costco, Intuit, LinkedIn, Travelocity.com, Twitter, Yelp, and Zones* (E.D. Tex.): Series of patent infringement cases involving encryption patent that Plaintiff asserted against the ubiquitous use of RC4 with SSL/TLS with various secure websites.
- *VStream v. Nokia et al.* (E.D. Tex.): Patent infringement suit related to compression and decompression of images on “smart” devices.

## PRACTICE AREAS

Post-Grant USPTO Proceedings  
Intellectual Property Counseling  
Litigation  
Patents

## TECHNOLOGY AREAS

Software & Internet Technology  
Medical Devices  
Athletic Equipment

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