

James P. Brogan (Jim)

Partner

Trial and Global Disputes / Intellectual Property, Patent, Trademark and Copyright Litigation

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Jim Brogan focuses his practice in representing technology and life sciences companies in high-stakes patent trials. He has successfully represented clients in cases and trials in most of the key patent litigation venues in the United States including in the Eastern District of Texas, District of Delaware, Eastern District of Virginia, Northern District of Illinois, Northern, Central, and Southern Districts of California, and the International Trade Commission (“ITC”). He also has experience working with clients before the Patent Trial and Appeal Board (“PTAB”) and has had success before the Court of Appeals for the Federal Circuit. Jim represents clients ranging from startups to established corporations, including Gevo, Enfish, Innolux, Hon Hai Precision Industries, Picolight, ACQIS Technology, and Monolithic Power Systems.

Jim regularly works to find solutions to his clients’ patent disputes in the early stages of litigation by understanding and focusing on the strategy that will best align with their needs. As an example, he recently secured a favorable summary determination for Innolux in an ITC Section 337 Investigation concerning LCD panels.

Jim has been recognized by various national legal guides including Chambers USA, Legal 500, Managing Intellectual Property, Intellectual Property Management, as well as some local publications like 5280 Denver Magazine for his expertise and work in intellectual property and patent litigation.

Jim is an adjunct professor at the University of Denver’s Sturm College of Law, where he teaches a patent litigation course. He is also a frequent presenter on patent-litigation and -prosecution topics. Jim is a co-founder of the Rocky Mountain Intellectual Property Institute, which is an annual continuing legal education event in Denver, and he has presented on several topics involving patent litigation, infringement risk, claim construction and patent litigation budgeting over the years.

Matters

Patent Defense Cases:

Butamax v. Gevo (D. Del.) – counsel for Gevo in a patent infringement action involving metabolically engineered micro-organisms for biofuel production.

Broadcom v. Qualcomm (ITC) – counsel for Qualcomm in a patent infringement litigation involving wireless communications.

Mondis Technology v. Chimei Innolux and Innolux (E.D. Tx. and ITC) – counsel for Chimei Innolux and Innolux in a patent infringement action involving video displays.

O2 Micro International v. Hon Hai Precision Indus. (E.D. Tx.) – counsel for Hon Hai Precision Industries in a patent infringement action involving controllers for switching power used in LCD backlighting applications.

O2 Micro International v. Monolithic Power Systems (N.D. Ca. and E.D. Tx.) – counsel for Monolithic Power Systems in a patent infringement action involving controllers for switching power used in LCD backlighting applications.

MKS Instruments v. Advanced Energy Industries (D. Del.) – counsel for Advanced Energy in a patent infringement action involving reactive gas sources for use in plasma processing systems.

Stratos Lightwave v. Picolight (D. Del.) – counsel for Picolight in a patent infringement action involving opto-electronic transceiver modules.

Patent Plaintiff Litigation:

ACQIS v. EMC (D. Ma.) – counsel for ACQIS in a patent infringement litigation involving storage products.

Enfish v. Microsoft (C.D. Ca.) – counsel for Enfish in a patent litigation involving database structures.

Qualcomm v. Nokia (E.D. Tx.) – counsel for Qualcomm in a patent infringement litigation involving wireless communications.

Realtime Data v. T-Mobile (E.D. Tx.) – counsel for Realtime Data in a patent infringement litigation involving data compression.

ACQIS v. IBM (E.D. Tx.) – counsel to ACQIS in a patent infringement action involving blade servers.

Positive Technologies v. Hitachi America (E.D. Tx.) – counsel for Positive Technologies in a patent infringement action involving processing technologies for improving response speeds and image quality in LCD and other matrix displays.

Applied Films v. Galileo Vacuum Systems and Galileo Vacuum Systems s.r.l. (N.D. Ga.) – counsel for Applied Films in a patent infringement action involving plasma-based web coating systems.

Phillips v. AWH (CAFC) (en banc) – consultant to Phillips' trial counsel in a high-profile appeal to the Court of Appeals for the Federal Circuit in regard to litigation related to modular building technologies.

Quova v. Digital Envoy (N.D. Ca.) – counsel for Quova in a declaratory judgment action related to geolocation software.

Advanced Energy Industries v. MKS Instruments (D. Del.) – counsel for Advanced Energy in a

patent infringement action involving reactive gas sources for use in plasma processing applications.

Picolight v. Honeywell (D. Del.) – counsel for Picolight in a patent infringement action involving vertical cavity surface emitting lasers, or VCSELs, and opto-electronic transceiver products.

Outlast Technologies v. Frisby Technologies (D. Colo.) – counsel for Outlast in a patent infringement action involving temperature-regulating fibers and fabrics.

Vixel v. Brocade Communications Systems (N.D. Ca.) – counsel for Vixel in a patent infringement action involving storage area network switching technologies.

Vixel v. QLogic (D. Del.) – counsel for Vixel in a patent infringement action involving storage area network switching technologies.

IP Learn v. Saba (N.D. Ca.) – counsel for IP Learn in a patent infringement action involving elearning systems.

IP Learn v. SmartForce (N.D. Ca.) – counsel for IP Learn in a patent infringement action involving eLearning systems.

IP Learn v. SkillSoft (N.D. Ca.) – counsel for IP Learn in a patent infringement action involving eLearning systems.

Vidamed v. Prosurge (N.D. Ca.) – counsel to Vidamed in a patent infringement action involving transurethral needle ablation systems.

Credentials

EDUCATION

J.D., University of Houston

B.S. Electrical Engineering, Southern Methodist College

ADMISSIONS

U.S. Court of Appeals for the Federal Circuit

U.S. Patent and Trademark Office

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

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

U.S. District Court for the Southern District of California

U.S. District Court for the District of Colorado

California

Colorado

ASSOCIATIONS

American Bar Association

California Bar Association

Colorado Bar Association

American Intellectual Property Law Assoc.-Co-Chairman of the FDA Plants & Agriculture Subcommittee

Orange County Barristers

Recognition

Recognized, “Colorado IP Litigator of the Year”

MANAGING INTELLECTUAL PROPERTY

Recognized, "IP Star"
MANAGING INTELLECTUAL PROPERTY

Listed, Intellectual Property
CHAMBERS USA

Listed, Intellectual Property: Patent Litigation
LEGAL 500

Listed, IP and Technology, Patent Litigation, Patent
BEST LAWYERS IN AMERICA

Recognized, Patent 1000
INTELLECTUAL ASSET MANAGEMENT

Listed, "Denver's Top Lawyers"
5280 DENVER MAGAZINE

Insights

ARTICLE

December 21, 2016

PTAB Estoppel and Subsequent District Court Litigation

CLIENT ALERT

January 25, 2019

The USPTO Shutdown: Causes and Implications

Events

CONFERENCE

September 5, 2019

12th Annual Medical Device Summit

June 21, 2018

West Coast Pharmaceutical & Medical Device University

News

RECOGNITION

August 16, 2019

The Best Lawyers in America Recognizes 115 King & Spalding Lawyers in its 2020 Guide

June 10, 2019

King & Spalding IP Practices and Individuals Recognized in the IAM Patent 1000 Guide

King & Spalding Earns Top Rankings in Chambers USA 2019 Guide

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