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VICTOR S. DE GYARFAS

Partner

Victor de Gyarfas is a partner and registered patent attorney with Foley & Lardner LLP. He has been lead counsel or second chair in numerous cases concerning patent, copyright, trademark, and trade secret causes of action. His litigation experience has involved a wide range of technologies, including computer software, network authentication and cryptographic communications, business method patents, electronic banking systems, e-Learning technology, electrical circuits, television tuners, communications, automatic vehicle identification products, medical devices, power tools, and electronic musical instruments. Mr. de Gyarfas also litigated cases involving Internet-based business methods, cybersquatting, and a number of general business matters. In addition, he has extensive experience in licensing, patent portfolio management, and prosecution.

Representative recent engagements include the following:

Obtained summary judgment of patent non-infringement for the world's largest e-Learning company

Trial counsel for a leading software company, obtaining a multi-million dollar judgment based on a novel theory of copyright infringement relating to computer outsourcing

Member of the trial team that obtained one of the largest verdicts in a patent infringement case in the Eastern District of Virginia and a \$100 million settlement

Lead counsel for a leading manufacturer of electronic musical instruments, obtaining damages and injunctive relief against patent infringers

Lead counsel for the world's largest power tool and accessory manufacturer, obtaining a favorable and cost-effective settlement

Lead litigation counsel for a large retailer in a patent infringement suit involving cryptographic communications

Lead counsel for several successful Internet-based businesses, obtaining damages as well as preliminary and permanent injunctive relief concerning trademark infringement, trade secret misappropriation, and liability under the Digital Millennium Copyright Act for circumvention of copyright protection systems

Mr. de Gyarfas also was certified as a special prosecutor for the Los Angeles City Attorney's office and first chaired criminal jury trials.

Before entering law school, Mr. de Gyarfas worked at Litton Data Systems and

2009

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Hughes Training, Inc., performing electrical and software engineering. During his time as an engineer, Mr. de Gyarfas obtained two U.S. patents and received the Hughes Patent Award for Excellence in the Field of Patents.

Mr. de Gyarfas is admitted to practice in California, the District of Columbia, the U.S. Patent & Trademark Office, and numerous District Courts, Courts of Appeals, and the United States Supreme Court. He was selected for inclusion in the 2009 *Southern California Super Lawyers*® list as well as the 2004 *Southern California Super Lawyers–Rising Stars* list for his intellectual property litigation, intellectual property, and business litigation work.

As a frequent author, representative recent articles include:

"Patent Marking Requirements Post *TransCore*," published in *IP Law360*, October 16, 2009

"Hot Topics In IP – The Federal Circuit To Review The Written Description Requirement," *Association of Corporate Counsel Southern California Chapter Newsletter*, October 6, 2009

"Patent Licensing and Declaratory Judgment Actions After *MedImmune*," *Cutting-Edge Life Sciences Practice and Law*, 2009, at 148

"Practical Post-Trial Tips in Patent Cases," *Practical Tips on Intellectual Property Law*, 2005, at 421

"Acacia's Digital Media Transmission Patent Licensing Efforts in the Crosshairs of a Summary Judgment Motion," *ipFrontline Intellectual Property Magazine*, November 30, 2004

"Transmission Intercepted: Acacia's Widespread Patent Litigation," *Mondaq.com*, August 19, 2004

"Acacia's Digital Media Transmission Patent Licensing Gun: Bullets or Invalid Blanks," *Computer and Online Industry Litigation Reporter*, July 27, 2004, and *Intellectual Property Litigation Reporter*

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"The Uncertain Fate Of Trademark Licenses In Bankruptcy Court (A License To Lose)," *Los Angeles Lawyer*, September 1997, at 32 (Also appeared on the cover of the magazine)

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"*Sega v. Accolade*: A Step Forward For Reverse Engineering?," 23 *Southwestern University Law Review* 571 (1994)

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Presentations include:

"Patent Licensing and Declaratory Judgment Actions After *MedImmune*," American Intellectual Property Association, January 24, 2008

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"Patents and Patent Litigation," Lorman Education Services, May 25, 2006

"Pre & Early Stage Patent Litigation – Settlement and Alternative Dispute Resolution," Law Seminars International, October 14, 2005

"Practical Post-Trial Tips in Patent Cases," American Bar Association, April 13, 2005

"Calculating the Value of Patents: The Impact of Alternatives, Price Erosion, and Convoyed Sales," Law Seminars International, July 16, 2004

"Patents" and "Personal Jurisdiction," National Business Institute, July 31, 2001

Guest Lecturer, "Software Patents," Southwestern University School of Law, March 10, 1999; September 18, 1996; March 15, 1995

"The Treatment of Trademark Licenses in Bankruptcy Court," Los Angeles Intellectual Property Law Association, October 14, 1997

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"Acacia Targets Film, Media Companies Over Alleged Patent Infringement," *Orange County Business Journal*, September 19, 2005

"Acacia Sets Sights On Hollywood Companies In A Battle Over Its Licenses Of Technology Patents," *Los Angeles Business Journal*, September 14, 2005

"Attorneys Score Against E-Learning Patent Plaintiff," *Daily Journal*, August 2, 2004

Mr. de Gyarfas performs pro bono services for the Alliance for Children's Rights representing adoptive parents in foster care adoptions.

Mr. de Gyarfas obtained a Bachelor of Science degree in physics from Harvey Mudd College, Claremont, Calif. He received his Juris Doctor degree, *cum laude* (top 10%), from Southwestern University School of Law in 1994, where he was an editor of the *Law Review* and a member of the Moot Court Honors Program.

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