

# Fisher Broyles

Name: Ted Naccarella

Email: [theodore.naccarella@fisherbroyles.com](mailto:theodore.naccarella@fisherbroyles.com)

Direct: (610) 207-7641

Office: Philadelphia

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**Practice Areas:** Intellectual Property

**Bar Admissions:** Pennsylvania; Massachusetts; United States Patent and Trademark Office

**Education:** Boston College Law School, JD, 1987; Lafayette College, BSEE, 1984

**Experience:** Interdigital Holdings, Inc.; Wolf Greenfield; Limbach & Limbach; Synnestvedt & Lechner, Saul Ewing

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Ted is an intellectual property attorney working in all areas of IP, with particular expertise in patent prosecution, advising, and litigation. He concentrates his practice in patent preparation, prosecution, due diligence, and opinion work in the electrical and medical device arts.

He was most recently the head of in-house patent prosecution at InterDigital, a company with one of the world's most extensive and licensed telecommunications patent portfolios, where he managed a team of attorneys and agents in preparing, prosecuting, and overseeing US, PCT, and foreign patent applications. Prior to that, he spent 25 years in private practice working in all areas of intellectual property law with Wolf Greenfield (Associate, Partner), Limbach & Limbach (Of Counsel), Synnestvedt & Lechner (Partner), and Saul Ewing (Partner), where, in addition to patent prosecution and counselling, he was heavily engaged in trademark prosecution, patent opinion work, and intellectual property litigation in both federal court and the United States Patent and Trademark Office. Ted has prepared and/or prosecuted patent families for well over 1000 distinct inventions, with an emphasis in telecommunications, medical devices, semiconductors, optics, and electrical connectors.

Ted was a member of the Board of Directors of the Intellectual Property Owners Association in 2017, 2018, and 2019. He also is a long-time member and the Secretary of the Board of Directors of the College Settlement Camp of Philadelphia, a not-for-profit summer camp for underprivileged children.

Ted served as a patent law consultant on New York Times best-selling author Lisa Scottoline's 2004 legal thriller novel Killer Smile.

### Representative Transactions Include

### Representative Litigations

- American Dental Technologies, Inc. v. Kreativ, Inc, Civil Action No. C 97-374 (S.D.Texas 1997) (second chair representing plaintiff in patent infringement case concerning dental tool)
- WKMX, Inc. v. The Coca Cola Company, Civil Action No. 01-D-573 S (M.D. Alabama 2001) (first chair representing plaintiff radio station WKMX in trademark infringement case concerning new Coca Cola energy beverage named KMX)
- Beverage Marketing v. South Beach Beverage Corp., Civil Action No. 97-4137 (SDNY 2000) (second chair representing plaintiff in trademark infringement case regarding trade dress in the Arizona Iced Tea bottle)
- Encomp, Inc. v. L-com, Inc., 999 F. Supp 264 (D. Conn, 1998) (first chair representing defendant in patent infringement case involving electrical connectors; case dismissed with prejudice; extremely rare case of defendant being awarded attorneys fees; successfully argued appeal before Court of Appeals for the Federal Circuit)
- Althaus v. Oldroyd, Patent Interference No. 104,158 (BPAI 2000) (first chair in patent interference case representing Schick against Gillette concerning razors)
- IMCS, Inc. v. DP Tech. Corp., 264 F. Supp. 2d 193 (E.D. Pa 2003) (first chair representing plaintiff in patent infringement case involving software for operating numerical-control machine tools and unfair competition counterclaims)
- Gammino v. Southwestern Bell, Inc., Civil Action No. 3:05 CV 0850K (N.D. Texas 2005) (adjunct counsel representing plaintiff in patent infringement case concerning telephone software patent; first chaired Markman hearing)
- Thermawave, Inc. v. Jenoptik GmbH, Civil Action No. C-94-2540 (N.D Cal. 1994) (second chair representing plaintiff in patent infringement case concerning thermal wave detection devices for testing of semiconductor devices and other applications)
- Bell Sports, Inc. v. Graber Products, Inc., 20 USPQ2d 211 (WD Wisc. 1993) (second chair representing plaintiff in patent infringement case concerning bicycle racks)
- C.R. Bard and DuPont v. Cordis Corp, Civil Action No. 89-0606-Z (D. Mass. 1989) (second chair representing plaintiff in patent infringement case concerning angioplasty balloons)

### Publications

- Top 20 Food and Drug Cases, 2009 & Cases to Watch, 2010  
Contributed Chapter on I41 v. Microsoft case  
April 1, 2012  
Food and Drug Law Institute
- The State of the Granting of Injunctions in the Medical Field After eBay v. MercExchange  
June 30, 2010  
BNA Medical Devices Law & Industry Report
- Understanding Recent Case Law on Enablement  
December 21, 2009 Law360

- Top 20 Food and Drug Cases, 2009 & Cases to Watch, 2010  
Contributed Chapter on In Re Bilski case  
April 1, 2010  
Food and Drug Law Institute