

Fisher Broyles

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Practice Areas: Intellectual Property, Litigation – Civil Pretrial and Trial Services, Technology

Bar Admissions: Texas, California, Louisiana, U.S. Patent and Trademark Office

Education: Tulane Law School, Juris Doctorate, 1991, Louisiana State University, Bachelor of Science Engineering, 1985

Experience: Adams and Reese, LLP, Foley Gardere, LLP, Kin Gump Strauss Hauer and Feld LLP, Loeb and Loeb LLP

Chris P. Perque has more than 30 years of experience litigating patent, trade secret and other technology-related cases. He leverages client input to prioritize action items to meet the client's goals, increase effectiveness, and provide transparency, so his clients can better manage their costs. He has been the lead trial counsel in patent infringement, trade secret misappropriation, trademark infringement, software development, and other technology cases. He has also briefed and argued cases to the U.S. Courts of Appeals for the Federal and Fifth Circuits and the Patent Trial and Appeals Board. In addition, he has prosecuted patent *inter partes* review, interference, and reexamination proceedings.

He has also drafted and negotiated more than \$30 billion in transactions related to intellectual property, information technologies, and other technology assets, including various Internet-related agreements, and software licensing and development agreements. He has also advised on cognitive computing, artificial intelligence, and industrial internet of things (IIOT) licensing and joint development agreements.

Chris has also performed audits and counseling related to IP assets and strategies as well as counseling regarding infringement and the validity of U.S. patents. He frequently works with large and small companies on their technology development and initiatives to protect their intellectual property.

Representative Matters Include
LITIGATION

CAP-XX, Ltd. v. Cornell Dubilier Electronics, Inc. and Ioxus, Inc. (D. Del.)

- Representing plaintiff, an Australian company, in patent infringement cases related to supercapacitors.

Ioxus, Inc. v. CAP-XX (PTAB)

- Represented Patent Owner prevailing in two IPR proceedings where the PTAB declined to institute proceedings.

Natural Brands, Inc. v. Perricone Farms Inc. (District Court and AAA, Dallas, Texas)

- Representing plaintiff in a misappropriation of trade secrets case and related AAA arbitration for breach of contract in a case involving citrus juice products.

WaterFleet LLC v. Tanmar Rentals LLC (W.D. Texas – San Antonio)

- Represented defendants in a trade secret misappropriation and trade dress infringement case where the court twice denied plaintiff's motions for the preliminary injunction and the case settled shortly thereafter.

National Instruments Corp. v. Fuller et al. (Travis County Court, Austin, Tex.)

- Prosecuted trade secret and breach of contract case against former employees for the alleged misappropriation of trade secrets relating to hardware and software for real-time distributed systems and Industrial Internet of Things applications.

Citrus World, Inc. v. Natural Brands, Inc. (Trademark Trial and Appeal Board)

- Representing respondent in cancellation proceeding where it filed motions to dismiss challenging the sufficiency of the allegations in the petition and amended petition for cancellation.

SoftVault Systems, Inc. v. National Instruments Corp. (N.D. Cal.)

- Obtained an early dismissal on favorable terms after moving to dismiss on the basis that the asserted software patent claims lacked patentable subject matter.

Blemel Technologies, LLC. v. National Instruments Corp. (E.D. Tex.)

- Obtained a favorable settlement for defendant before claim construction in a patent infringement case involving microcontrollers.

Cian IP, LLC. v. National Instruments Corp. (W.D. Tex.)

- Obtained a favorable settlement for defendant shortly after claim construction in a patent infringement case involving hardware.

Pointserve, Inc. v. Dr. G. Edward Powell, Jr. (W.D. Tex.)

- Obtained a favorable settlement in pending cases by filing a separate suit for conversion of patents based on a forensic investigation of laptops, servers, and telephones.

Adv. Voice Recognition Systems, Inc. v. Allvoice Developments US, LLC. (P.T.A.B.)

- Obtained a judgment for the junior party by disqualifying the senior party's expert in a patent interference involving speech recognition software.

Technomedia International Inc. v. International Training Services, Inc. (S.D. Tex.)

- Obtained favorable settlement for defendant after prevailing on a motion to dismiss.

Procede Software LP v. Houston Freightliner, Inc. (S.D. Cal.)

- Obtained an early dismissal for defendant through informal mediation of claims for breach of contract and misappropriation of trade secrets relating to proprietary software.

Telecomm Innovations LLC v. Cardtronics Corp. (D. Del.)

- Obtained a voluntary dismissal for defendant in a patent case based on marking and license defenses.

Drillmec, Inc. v. Full Circle, Inc. (S.D. Tex.)

- Obtained a favorable settlement for plaintiff in a trade secret misappropriation case after deposing one of defendant's key witnesses.

Trevino v. University of Southern Mississippi (E.D. La.)

- Obtained an early dismissal for defendant based on a sovereign immunity defense in a copyright infringement case.

Southwest Recreational Industries, Inc. v. FieldTurf, Inc. (W.D. Tex. and 5th Cir.)

- Second-chaired a jury trial to a verdict exceeding \$1 million and a judgment including punitive damages and attorneys' fees in a trademark infringement and unfair competition case.

AllVoice Computing, PLC. v. Nuance Communications, Inc. (S.D. Tex. and Fed. Cir.)

- Obtained a settlement for plaintiff after a successful appeal.

Rogers Lynch & Assoc., Ltd. v. RiskFactor, Ltd. (E.D. La.)

- Obtained a favorable settlement for defendant after deposing its software developer in a breach of contract case related to financial software.

TRANSACTIONS AND COUNSELING

BP America, Inc. (Sale of Refineries and Other Assets)

- Prepared and negotiated agreements related to information technology systems and intellectual property for sales of refineries and midstream and up-stream assets, including Technology

Agreements, Transitional Services Agreements, Fiber Optic Sharing Agreements, and Seismic Data Licenses.

SparkCognition, Inc. (Master Services Agreements and Licenses)

- Prepared and negotiated MSAs and other agreements relating to artificial intelligence applications and related services.

Phillips 66 Company (Patent Prosecution and Infringement Investigations)

- Providing freedom to operate analyses for patents relating to chemical compositions and refineries and managing patent prosecution for joint development projects.

Conexant, Inc. (Software Development Strategies and Cleanroom Procedures)

- Counseled client regarding cleanroom procedures for developing software without breaching a third-party license agreement.

PhotoChemical Company, Ltd. (Pharmaceutical Development and Related Agreements)

- Negotiated research, supply, and marketing agreements for a pharmaceutical compound and related laser treatment.

Duke Energy Corp. and Entergy Services, Inc. (Patent Investigation/Licensing)

- Provided noninfringement and invalidity analyses for patents relating to telephonic call center systems and negotiated with the patent owner while preserving rights against indemnitors.

Insurance Company (Investigation of Software Development)

- Conducted an internal investigation of employees and source code regarding the alleged breach of a license agreement, misappropriation of trade secrets, and copyright infringement.