HUSCH BLACKWELL



# Daisy Manning

**PARTNER**

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## OVERVIEW

## Daisy manages litigation teams while leading clients to victories in court and before the U.S. Patent & Trademark Office's Patent Trial and Appeal Board (PTAB).

Daisy manages cases from beginning to end—from initial investigations to strategy development to eventual settlement efforts, trial or appeals, including appeals that have at times reached the U.S. Supreme Court. She's known for her thorough knowledge of every case and client she works with, and she has a special focus on defending small and medium-sized companies in litigation against major corporations.

In addition to traditional litigation, Daisy has an exceptional track record leading a variety of clients through *inter partes* review before the PTAB. In cases where the law wasn't clearly on the client's side, she has successfully pushed for changes in the law's interpretation. On a few occasions, Daisy's novel, innovative strategies before PTAB have led to precedential opinions, shifting the law—and the strategies pursued by other law firms—going forward.

Clients often remark on how much Daisy genuinely cares about their business: she takes client business interests very seriously, even when that means not pursuing litigation. Daisy is aware that, when there's a successful path out of litigation, it's often best business practice to take it. Her goal is always to partner with clients to develop the best business strategy to resolve their legal issues.

## Industries

Manufacturing

Technology

Transportation

## Services

Appellate

Copyrights

Intellectual Property

Intellectual Property Litigation

Post-Issuance Proceedings

Section 337

Trade Secrets & Business Information Protection

Trademarks

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As former practice group leader, Daisy has extensive experience managing nationwide litigation teams and coordinating attorneys across multiple offices and practices.

Prior to attending law school, Daisy worked as a research specialist at WiCell Research Institute, where she participated in groundbreaking research on human embryonic stem cell pluripotency and self-renewal.

## Experience

- Member of team providing lead counsel representation of Octane Fitness, LLC (*Octane Fitness, LLC v. Icon Sports*) before the U.S. Supreme Court in its appeal of denial of attorneys' fees in a patent infringement case. Obtained summary judgment on infringement claims against Octane Fitness and the District Court denied fees. Merits and reply briefs to the U.S. Supreme Court were authored by the team and joined by numerous amici, including the U.S. Solicitor General. In *Octane Fitness, LLC v. Icon Fitness and Health, Inc.*, 134 S.Ct. 1749 (2014), the Supreme Court reversed the Federal Circuit and set a "totality of the circumstances" standard for finding exceptionality to award fees under 35 U.S.C. § 285 to a successful accused infringer. The case garnered significant national media attention and altered the balance of power in patent litigation. On remand, the District Court finally found the original claims against Octane Fitness exceptional and the team secured a fee award of $1.4 million for the client.
- Represented Wolff Shoe Co. in copyright infringement case involving ornamental design on shoe. Jury award to Wolff of $2.2 million in actual damages was notable because defendant had sold only limited number of infringing shoes. (*Wolff Shoe Company v. Mosinger Company, LLC, d/b/a Mark Lemp Footwear*)
- Prevailed before the U.S. Court of Appeals for the Federal Circuit on behalf of TuffStuff Fitness International, Inc. in a patent dispute with competitor Hoist Fitness Systems, Inc. Hoist had filed a lawsuit asserting infringement of six different patents against nine different exercise machines. Mere hours before trial was to commence, the parties stipulated to entry of judgment of noninfringement in favor of TuffStuff; Hoist then appealed, arguing that the district court erred in its claim construction of the six asserted patents. In a unanimous opinion, the appellate panel affirmed the lower court's claim construction and judgment of noninfringement.

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## Experience

- Achieved a high-profile victory for Sotera Wireless before the PTAB, resulting in a precedential PTAB decision that provides a strategy for petitioners to avoid discretionary denial of IPR under the *Fintiv* factors. (Not all decisions by PTAB are marked precedential, but the Board found Husch Blackwell's arguments and methods so useful that it marked this decision precedential to help future IPR parties in navigating PTAB procedure. Read more here.) Ultimately, Sotera prevailed in all eight IPRs when the PTAB found all 175 challenged patent claims unpatentable.
- Won a complete victory for Cascades Canada ULC in its patent dispute with Essity Hygiene and Health AB over the configuration of folding napkins used in dispensers. In three separate IPR proceedings, the PTAB determined that Essity's asserted patents were invalid because their claims were anticipated by prior art or obvious. All three decisions were affirmed by the U.S. Court of Appeals for the Federal Circuit.
- Prevailed before the U.S. Court of Appeals for the Federal Circuit on behalf of Sotera Wireless as it successfully invalidated eight of a competitor's patents in final, non-appealable judgments. Husch Blackwell had previously knocked out all disputed patent claims—175 in total—across eight related inter partes review (IPR) petitions before the Patent Trial and Appeal Board (PTAB) of the United States Patent and Trademark Office, resulting in a precedential PTAB decision that provides a strategy for petitioners to avoid discretionary denial of IPR under the *Fintiv* factors. (Not all decisions by PTAB are marked precedential, but the Board found Husch Blackwell's arguments and methods so useful that it marked this decision precedential to help future IPR parties in navigating PTAB procedure. Read more here.)

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## Recognition

- *The Best Lawyers in America®*
  - Litigation – Intellectual Property, 2021-2027
- Chambers USA
  - Intellectual Property, 2026
- *Managing Intellectual Property*
  - IP Stars, Patent star, 2024-2026
- *Missouri & Kansas Super Lawyers*
  - IP Litigation, Rising Star, 2014-2020

## Education

- J.D., Washington University in St. Louis School of Law
- B.S., University of Wisconsin-Madison
  - Biology

## Admissions

- U.S. District Court, Eastern District of Missouri
- U.S. Court of Appeals, Federal Circuit
- Missouri
- U.S. Supreme Court
- U.S. Patent and Trademark Office

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