HUSCH BLACKWELL



L. Scott Oliver

SENIOR COUNSEL

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OVERVIEW

An experienced litigator who handles patent, trade secret, copyright, and trademark cases in state and federal courts and before the International Trade Commission (ITC), Scott knows that sometimes the best business solution is found outside the courtroom.

After almost 30 years in practice, Scott is keenly aware of the legal and business issues involved in intellectual property litigation—and that, whether plaintiff or defendant, the costs to clients aren't merely monetary. As such, he seeks to understand their motivations, concerns, and risk tolerance, always involving clients in the decision-making process, then designs and implements strategies based on their unique business objectives.

Scott has long worked with innovative technology companies in Silicon Valley and joined Husch Blackwell in 2023 to expand the firm's IP practice to that area. He regularly advises and defends companies in the wireless, software, and semiconductor industries, among others.

At trial, Scott positions clients for success by blending his approach with digestible translations of complex technology for judge and jury. His ability to distil highly technical concepts came early in life: By the time he was 10 years old, he had built a flight simulator and myriad other electronics, a talent that was coupled with a desire to explain his creations to others.

Scott has handled dozens of trials and believes that it's important to project the client's ability and willingness to take a case to trial. Sometimes, however, actually

Industries

Manufacturing
Technology
Transportation

Services

Copyrights
Intellectual Property
Intellectual Property Counseling
Intellectual Property Litigation
Section 337
Technology Commercialization
Trade Secrets & Business Information Protection
Trademarks

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doing so may not be what's best for their business. In such instances, Scott partners with them to find inflection points where a settlement can be reached.

Scott also advises clients on strategically growing and managing their IP portfolios. He guides early- and mid-stage companies through patent strategy, and consults handset manufacturers and patent pools on the licensing of 802.11, 4G, 3G, and LTE patents.

Experience

- *E*TRADE (now Morgan Stanley) v. Lloyd* (District of Oregon). Led case to a total recovery for investment firm defrauded of millions by one of its customers.
- *Thorne Research and Softgel Formulators v. XYMOGEN* (District of Utah). Secured a complete win for XYMOGEN in a lengthy patent infringement suit brought in the District of Utah. The plaintiffs alleged that XYMOGEN sold certain pharmaceuticals (highly absorbable Coenzyme Q10) in violation of its patent and sought damages, as well as a permanent injunction that would prohibit XYMOGEN from selling the accused products. After four years of litigation and a six-day jury trial, the jury ruled in favor of XYMOGEN on all counts. In addition, the jury found the plaintiffs' patent invalid both for derivation and improper inventorship.
- Represented Chinese steel company respondent in novel trade secret case at the ITC (International Trade Commission, 337-TA-1078); case dismissed after proving lack of misappropriation evidence.
- Certain Static Random-Access Memories, and Products Containing Same (International Trade Commission, 337-TA-792). Represented Cypress Semiconductor in patent litigation against competitor and importer customers of competitor.
- Certain Wireless Communication Devices and Systems, Components Thereof, and Products Containing Same (International Trade Commission, 337-TA-775). Represented Meru Networks in Patent litigation brought by inventor of spread-spectrum technology. Case dismissed with prejudice by complainant.

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Experience

- Certain HSP Modems, Software and Hardware Components Thereof, and Products Containing Same (International Trade Commission, 337-TA-439). Represented modem manufacturer defending against a cluster of modem-related patents. Case settled following initial determination.
- *ESS Technology v. MediaTek* (Northern District of California). Represented ESS Technology against competitor that infringed client's copyrighted software. Case settled with payment of $90M to client after hearing on preliminary injunction. Highest ever-reported copyright settlement.
- *Magma Design Automation v. Synopsys* (District of Delaware). Represented Magma in patent and trade secret litigation. Case settled.
- *AMD v. Hyundai* (Santa Clara Superior Court). Represented Hyundai in trade secret suit over flash memory technology. Case settled before trial.
- *Linex v. Aruba Meru, Ruckus et al.* (Northern District of California). Represented 802.11 access point manufacturers accused of using patent-infringing OFDM and MiMo technology. Won case for defendants on summary judgment, and awarded attorneys' fees by the court.
- *Joao v. Time Warner Cable* (District of Delaware). Represented Time Warner Cable, accused of infringing home security and video recording patents.
- *MD Security Solutions v. Bright House Networks* (Middle District of Florida). Represented Bright House Networks, accused of infringing security and video patents.
- *Harris v. Ruckus* (Middle District of Florida). Represented access point manufacturer accused of infringing MiMo and mesh networking patents.
- *Accenture v. Guidewire*(District of Delaware). Represented Accenture in patent litigation against competitor in insurance software. Case settled.
- *EON v. Meru Networks* (Northern District of California). Represented Meru Networks in patent litigation brought by patentee claiming VoIP infringes patent.

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Experience

- *Fujitsu v. Netgear* (Western District of Wisconsin). Represented Fujitsu and Philips in patent litigation against 802.11 device manufacturer. Case settled after Federal Circuit ruling.
- *Townshend v. Broadcom; Townshend v. ESS Technology* (Northern District of California). Represented Broadcom and ESS Technology against patentee on high-speed modem technology. Both cases settled following claim construction ruling.

Recognition

- *Intellectual Asset Management* (IAM) magazine, IAM Patent 1000, Litigation, 2021-2023
- *Daily Journal*, Top Trade Secrets Lawyers, 2020
- The Board of Governors of the State Bar of California, Wiley W. Manuel Award for Pro Bono Legal Services, 2015
- *Benchmark Litigation*, California Future Star, 2013

Education

- J.D., University of San Diego School of Law
  - *magna cum laude*
  - Order of the Coif
  - *San Diego Law Review*, Lead Articles Editor
- A.B., Harvard University
  - *cum laude*

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Admissions

- California
- Oregon
- Washington

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*Contact Scott to set up an in-person consultation by appointment in the Los Angeles office.



2025 Pro Bono Champion

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