



Lewis V. Popovski

Partner

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Lewis Popovski is a registered patent attorney with over 30 years of experience in intellectual property litigation, with a focus on patent trials and appellate practice and contentious patent office procedures such as IPRs and CBMs. His practice spans a broad array of products encompassing diverse technology areas, including optical and electro optical communication devices and systems, LED, and semiconductor laser technology, microprocessor and computer system architecture, integrated circuit manufacturing, digital video and audio signal compression and processing systems, mass-flow meters, mass spectrometers as well as various mechanical systems and financial related technologies such as blockchain and real time payment systems. Mr. Popovski's practice also includes substantial experience in trademark, trade dress, theft of trade secrets, false advertising and copyright litigation.

Mr. Popovski counsels clients on the implementation of procedures and programs to identify and protect clients' intellectual property, the transfer of intellectual property and the validity, infringement and enforcement of intellectual property.

Mr. Popovski has received recognition from numerous legal publications and was selected as a 2014 New York "IP Star" by *Managing Intellectual Property*. In addition, Mr. Popovski received the 2014 Lexology and International Law Office Client Choice Award for "Intellectual Property – Patents" which recognizes exceptional qualifications and service to clients in the United States and separately in New York. *Chambers USA* recognizes Mr. Popovski in the Intellectual Property: Patent area, with interviewees describing him as "one who 'works hard, digs in' and 'exhibits the ability to handle pressure and obstacles with extreme ease.'"

Prior to becoming a patent attorney, Mr. Popovski was a pilot in the United States Air Force and an engineer at Veeco Instruments, Inc. where Mr. Popovski gained valuable experience in the fields of helium mass spectrometry and ion beam etching machines used in semiconductor manufacturing.

Representative Matters

- Lead trial counsel in numerous lawsuits representing one of the largest international manufacturers of consumer electronics being accused of infringing:
 - Driver circuits for microelectronic motors.
 - Coding schemes for data transmission within mobile communication devices.
 - IPRs concerning four patents directed to image sensor technology.
 - IPRs concerning mobile data transmission technology.

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- LED based television backlighting schemes. One patent was dismissed without any payment shortly after a petition for inter partes review was filed. The remainder of the case settled on favorable terms to client.
- Patents directed at video format conversion software. The case started in the Eastern District of Texas, wound its way through the Federal Circuit, the United States Supreme Court and ultimately landed in the Northern District of California where a settlement tantamount to total victory was achieved hours after oral argument on a motion for summary judgment of invalidity. Subsequently, the court granted defendants' summary judgment motion of invalidity, thereby successfully ending six years of litigation for all defendants.
- Two patents directed to three dimensional computer graphics. A dismissal of all claims was obtained prior to any discovery being exchanged.
- Four patents directed to semiconductor wire grid polarizer optical technology. Negotiated a dismissal of the suit and facilitated settlement discussions in a collegial atmosphere that resulted in a favorable outcome for client without the expense of maintaining a lawsuit.
- Two patents owned by a well-known patent assertion company. The case was originally filed in the Western District of Arkansas and then transferred to the Northern District of California. Mr. Popovski used N.D. Cal.'s Local Patent Rules to preclude plaintiff from obtaining any discovery prior to establishing a prima facie case of infringement, which plaintiff was not able to do. In two seminal opinions on the disclosure requirements of the local rules, the court twice struck plaintiff's infringement contentions, the second time without leave to amend thereby effectively disposing of the case before his clients and others had to provide any discovery.
- A patent directed to highly complex encryption methods using elliptical curve cryptography. Case was dismissed without any payment to plaintiffs.
- Four patents directed to the manufacture, structure and operation of the blu-ray laser diodes used in the PlayStation line of products. In this ultra-high stakes litigation directed at core product lines, Mr. Popovski was able to get three of the patents dismissed for zero compensation and obtained a rare summary judgment of invalidity of the fourth patent on the eve of the trial.
- Several patents directed to computer generated spherical panning features associated with computer and console games. Case settled on favorable terms for client.
- Lead trial counsel for a fortune 500 company defending two lawsuits asserting three patents directed to enterprise simulation software and enterprise monitoring software. The first lawsuit was dismissed without any payment. The second lawsuit was on summary judgment where the court held that the asserted claims were directed to subject matter that is ineligible for patent protection and thus invalid.
- Lead trial counsel for an individual inventor that asserted a patent directed to DOCSIS compliant cable communication systems having load balancing capabilities on behalf of a technology company. Obtained favorable settlement on eve of trial after prevailing on all claim construction issues and key pre-trial motions.
- Asserted a patent directed to mass spectrometers having improved sensitivity against a major competitor's high end triple-quadrupole mass spectrometer product line. Mr. Popovski's efforts resulted in the fourth largest jury award of 2002 and an injunction prohibiting sales of the infringing products worth hundreds of millions of dollars per year. The Federal Circuit affirmed the damages award and entry of the injunction in a per curium decision shortly after oral argument.

Education

- St. John's University School of Law (J.D., 1991)

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- New York Institute of Technology (B.T., *summa cum laude*, 1985)
 - Electro-Mechanical Computer Technology

Admissions

- U.S. Supreme Court
- U.S. Patent and Trademark Office
- U.S. Court of Appeals, Federal Circuit
- U.S. District Courts, Southern and Eastern Districts of New York; District of Colorado; Eastern District of Texas
- New York

Professional Activities

MEMBERSHIPS: American Intellectual Property Law Association; Intellectual Property Owners Association; International Association for the Protection of Intellectual Property; Licensing Executives Society

SPEAKING ENGAGEMENTS: Co-Presenter, "Blockchain: Fundamentals & Opportunities - A Primer on its Evolution, Technological Functionality & Potential Use Cases," State Capital Group 2018 Annual Meeting (September 7, 2018)

IN THE MEDIA:

- "How attorneys can get back PTAB Fees," *Managing Intellectual Property* (June 22, 2020)
- "Why financials don't care if covered business methods are extended," *Managing Intellectual Property* (February 27, 2020)

Publications

- Co-Author, "A Brief History of Blockchain," *Legaltech News* (May 14, 2018)