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EDUCATION

B.S., Electrical Engineering
Michigan Technological University, 1978
J.D., cum laude
Albany Law School of Union University, 1984

BAR ADMISSIONS

Illinois
Supreme Court of the United States
U.S. Patent & Trademark Office
U.S. Dist. Court, W.D. Michigan
U.S. Dist. Court, N.D. Illinois
U.S. Court of Appeals, Fed. Cir.
U.S. Court of Appeals, 7th Circuit
U.S. Dist. Court, N.D. Illinois, Trial Bar

With more than three decades of experience to his credit, Harry Johnson brings an unequalled perspective to client counseling and litigation. Whether he is providing authoritative opinions on infringement, validity and freedom to operate, or leading business-critical patent, trade secret and unfair competition cases, Harry helps clients enforce intellectual property rights without losing sight of business goals.

Harry is the managing partner of the firm's Shenzhen, China office. His responsive, personal approach to client service has earned him the trust of leaders in the medical devices, semiconductor technology, computer hardware and software, optical storage discs, automotive systems and consumer products industries. Always looking ahead to the client's ultimate objective, he keeps strategies focused, tactics efficient and lines of communication open.

Before joining Brinks, Gilson & Lione, Harry was an engineer for General Electric Company, where he was responsible for projects including the design, installation and support of a multiplexed computer simulation system.

EXPERIENCE | OVERVIEW

- *Eastman Kodak v. HTC* (ITC). International Trade Commission case alleging that smartphones produced by HTC infringed on Kodak's patents, and requesting a limited exclusion order banning the importation and sale of the infringing products. Case settled after the close of discovery but before the administrative hearing with a favorable result for HTC.
- *Star Scientific, Inc. v. R.J. Reynolds Tobacco Company* (D. M). Multi-patent infringement case involving two patents relating to tobacco curing barns and methods for treating tobacco to yield low tobacco-specific nitrosamines. Star Scientific sought damages in excess of \$1 billion. On June 16, 2009, after a four-week trial, a 12-person jury ruled in favor of RJR on all issues. The jury ruled that tobacco farmers who supplied tobacco to RJR did not infringe the Star patents and that both of the Star patents in question were invalid (based on anticipation, obviousness, failure to disclose the best mode and indefiniteness).
- *Seirus Innovative Accessories v. Do-Gree Fashions Ltd.* (D. Utah). Multi-patent case relating to skiwear. Case settled shortly after client received a favorable claim interpretation ruling, but before the pending motions for summary judgment of non-infringement were decided.

- *Langeman Manufacturing, Inc. v. Rhino Linings USA, Inc.* (W.D. Wis.). Multi-patent case relating to spray-on truck bed liners, and methods and products for trimming them. Settled shortly before trial.
- *Girafa.com, Inc. v. Exalead S.A., et al.*, (D. Del.). Multi-defendant suit relating to features of Internet browsers. Case against Exalead settled while court was considering parties' respective claim interpretation and summary judgment motions.
- *Herman Miller, Inc. v. Teknion Corp. and Okamura Corp.* (N.D. Ill). Patent infringement action against Teknion and Okamura relating to Herman Miller's iconic Aeron® chair. Herman Miller obtained summary judgment that the accused chair literally infringed. Case settled shortly thereafter.

HONORS

- Illinois Super Lawyers, Intellectual Property Law, 2011-2017
- Leading Intellectual Property Lawyer, Leading Lawyers Network, Law Bulletin Publishing Company, 2004-2012, 2016

AFFILIATIONS

- American Bar Association Member, Litigation Section
- Federal Circuit Bar Association
- Chicago Bar Association
- American Intellectual Property Law Association
- Licensing Executives Society

TECHNICAL BACKGROUND

- Analog Electronics
- Digital Electronics
- Semiconductors
- Signal Processing

REPRESENTATIVE MATTERS

- **Litigation**
- *Star Scientific, Inc. v. R.J. Reynolds Tobacco Company* (D. Maryland). Multi-patent infringement case involving two patents relating to tobacco curing barns and methods for treating tobacco to yield low tobacco-specific nitrosamines. Star Scientific sought damages in excess of \$1 billion. On June 16, 2009, after a four-week trial, a 12-person jury ruled in favor of RJR on all issues. The jury ruled that tobacco farmers who supplied tobacco to RJR did not infringe the Star patents and that both of the Star patents in question were invalid (based on anticipation, obviousness, failure to disclose the best mode and indefiniteness).
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- *Girafa.com, Inc. v. Exalead S.A., et al.*, (D. Del.). Multi-defendant suit relating to features of internet browsers. Case against Exalead settled while court was considering parties' respective claim interpretation and summary judgment motions.
- *Herman Miller, Inc. v. Teknion Corp. and Okamura Corp.* (N.D. Ill. 2005-2008). Mr. Johnson represented Herman Miller in a patent infringement action against Teknion and Okamura relating to Herman Miller's iconic Aeron® chair. Herman Miller obtained summary judgment that the accused chair literally infringed. The case settled shortly thereafter.

- *Ed Tobergte Associates Company d/b/a/ Gear 2000 v. Schutt Sports, Inc.* (D. Kansas 2007). Patent infringement action directed to shoulder pad design. Settled.
- *Anchor Sports I, Inc. v. Schutt Sports, Inc.* (E.D. Tex. 2007). This case, and a companion ITC action, involved a patent related to molded plastic parts. Case settled after Markman positions were exchanged.
- *Tenneco Automotive Inc. v. Visteon Corp.* (D. Del. 2003-2005). Mr. Johnson represented Visteon, which was accused of infringing two patents on catalytic converters. One patent was dismissed prior to trial. Following a six-day trial on the second patent, the case settled before the jury delivered a verdict.
- *CIC Global, LLC v. Motorola, Inc.* (E.D. Penn. 2000-2002). Patent infringement and misappropriation of trade secrets action directed to prepayment utility metering system. Settled before the summary judgment motions of non-infringement could be decided.
- *Midwest Canvas Corp. v. Cantar/Polyair Corp.* (N.D. Ill.). Multi-patent case relating to insulating swimming pool covers. Based on admissions obtained from inventor at a Markman hearing, the court granted Cantar's motion for summary judgment of non-infringement on one patent. The case settled shortly thereafter.
- *Herman Miller, Inc. v. L. Cohen Group* (N.D. Ill. 2005). Multi-patent infringement and trademark case involving Herman Miller's iconic Aeron® Chair. Settled.
- *Herman Miller, Inc. v. Allseating Corp.* (N.D. Ill. 2004). Multi-patent infringement and trademark case involving Herman Miller's iconic Aeron® Chair. Settled.
- *Herman Miller, Inc. v. Nightingale, Corp.* (N.D. Ill.). Multi-patent infringement and trade dress case involving Herman Miller's iconic Aeron® Chair. Settled.
- *Intermatic, Inc. v. Lamson & Sessions Co.* (N.D. Ill. 1999, Fed. Cir. 2000, S.Ct. 2003). After a two-week trial, a jury found in favor of client Intermatic Inc. that Lamson infringed Intermatic's patent and that the infringement was willful. The court entered a final judgment in excess of \$14.5 million.
- *Tyco Electronics, Inc. v. SIIG, Inc.* (N.D. Cal.). Multi-patent infringement action related to positive thermal coefficient circuit protection products. Settlement included a license arrangement.
- *Quintero-Smith, Inc. v. Herman Miller, Inc. and Miller SQA, Inc.* (C.D. Cal. 2000-2001). Mr. Johnson defended Herman Miller and Miller SQA against charges of patent infringement, unfair competition and breach of contract. The Court granted Herman Miller and Miller SQA summary judgment of non-infringement on the patent claim. The parties promptly settled the remaining issues in the case.
- *Jodee Plastics Inc. v. Tri-Seal International, Ltd.*, 19 F.3d 40 (Fed. Cir. 1994). Patent infringement action involving molded plastic fencing. Summary judgment of non-infringement. Affirmed on appeal.
- *Discovision Associates v. Disc Manufacturing Inc.*, 95-21-SLR (D. Del. 1997). Validity and infringement action of plaintiff's ten patents relating to optical disks, encoding schemes and mastering machines. Counterclaims asserted by Disc Manufacturing Inc. relating to plaintiff's antitrust and anti-competitive behavior were sustained over a motion to dismiss. See 44 USPQ2d 1749 (D. Del. 1997). After an 8-day bench trial, Judge Sue L. Robinson ruled that nine patents were not infringed and one patent infringed. Prior to appeal, all claims were settled, including the client's antitrust and inequitable conduct counterclaims.
- *Thomson S.A. v. Disc Manufacturing Inc.* (D. Del. 1996). Validity and infringement action. Jury determined that the patents-in-suit were invalid under 35 U.S.C. § 102(g).
- *Arachnid v. Valley Recreation Products* (N.D. Ill.). Patent infringement action involving electronic dart games. Successfully obtained summary judgment of non-infringement. Affirmed on appeal.