

# CHERIAN<sub>LLP</sub>



**ROBERT M. HARKINS**

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Mr. Harkins is a Partner in the Berkeley office of Cherian LLP where he is a trial lawyer focusing primarily on patent litigation, including serving as lead trial counsel in mission critical and bet-the-company litigation. He also has extensive experience with trademark, copyright, and trade secret litigation. Mr. Harkins has handled a variety of subject matters in intellectual property counseling, licensing, and disputes, with a particular focus on computer hardware, software, system design, medical devices, telecommunications, television and satellite broadcasting and Internet-related technologies as well as industrial and mechanical design.

In addition to more than 25 years of private practice experience, Mr. Harkins has previously served as director of Intellectual Property and Litigation for a well-known Silicon Valley semiconductor company with offices throughout Asia as well as in the U.S. From these experiences, Mr. Harkins understands not only the technical and procedural aspects of litigation, but also the business issues and challenges facing technology companies. Mr. Harkins has been a longstanding member of the American Bar Association and the Federal Circuit Bar Association.

## **PRACTICES:**

Patent Litigation, Intellectual Property Litigation (copyright, trademark, trade secret), PTAB & ITC Litigation, TTAB proceedings, Commercial and Complex Litigation, Trials and Appeals

## **STATE BAR ADMISSION:**

California

## **COURT ADMISSIONS:**

Federal Appellate Courts

Federal Circuit

Ninth Circuit

Third Circuit

Federal District Courts

Northern District of California

Central District of California

Eastern District of California

Southern District of California

District of Colorado

Eastern District of Texas

Western District of Texas

## **EDUCATION:**

University of California, Davis School of Law, J.D.

University of California, Berkeley, B.A.

National University, M.S., Electronic Commerce (with distinction)

## **PROFESSIONAL AFFILIATIONS:**

Member, American Intellectual Property Law Association

Member, Federal Circuit Bar Association

## **RECOGNITION:**

SuperLawyers 2023

As lead trial counsel for Israel-based computer network and data intelligence company in competitive lawsuits, won a multimillion-dollar jury verdict of willful patent infringement against a competitor in Eastern District of Texas, confirming validity of all asserted patent claims. Continue to represent client in competitive disputes in district courts and PTAB.

Lead counsel for Chinese digital video editing company against one of the world's largest video-focused app companies in the Western District of Texas, claims including copyright, trade secret, and unfair competition.

As lead counsel obtained summary judgment and affirmance from the Federal Circuit Court of Appeals in mechanical shipping technology patent case in Eastern District of California. In a follow-on case, aggressive motions to dismiss inequitable conduct claims, and favorable Markman led to resolution with dismissal of all pending claims with prejudice.

Lead counsel in patent case against Japanese digital camera company in EDTX leading to favorable pre-trial settlement.

Lead counsel for Taiwanese inventor airbed manufacturer in patent lawsuits in the Eastern District of Texas and Eastern District of Virginia. Obtained favorable settlement against one of the world's largest retailers in one case and dismissal with prejudice on favorable terms as defendant in another. Representation continues against other major retailers and competitors.

As lead counsel for multiple cloud calling solution providers, obtained transfer of a patent case from the Eastern District of Texas to the Northern District of California and succeeded in obtaining claim construction ruling to support summary judgment of non-infringement, leading to new settlement agreement on very favorable terms to the clients.

Lead counsel for industrial caster and wheel manufacturer, defending against claims of patent infringement, unfair competition, and tortious interference in a case in the Eastern District of California. Obtained dismissal of all claims with prejudice and without payment.

Counsel for a large ride-hailing company based in China, pursuing claims including trade secret misappropriation, breach of contract, unfair business practices, conversion, and breach of fiduciary duty in the Northern District of California against former employees and newly formed competitor.

Defending one of the nation's largest telecommunications companies and a major consumer technology company against EDTX wireless speaker patent case, developed prior art and on sale bar defenses devastating to the plaintiff's case, leading to early, favorable settlement..

Obtained no-cost settlement for laser-related company in defense against patent infringement suit in the Northern District of California.

Lead counsel for major cell phone company in patent infringement suits in Delaware, and obtained favorable settlements.

Took over patent defense of a laboratory centrifuge manufacturer in Northern District of California after the district court held the case settled. Obtained a stay of order by the Federal Circuit and had prior ruling vacated, then obtained summary judgment of noninfringement, affirmed on appeal.

Represented a large herbal supplement company in prosecuting the federal trademark infringement litigation in the Southern District of California, including preliminary injunction proceedings, resulting in a favorable settlement for the client.

Obtained complete defense verdict and judgment after bench trial for trustee in California Superior Court in Alameda County against claims of conversion and fraudulent transfers.