

Kenneth R. Adamo
Major Cases Tried To Verdict/Judgment
(February 2011)

Prior to joining Kirkland & Ellis in 2011:

***Velsicol Chemical Corp. v. Monstanto Co.*, No. 74-C-3702 (N.D. Ill. 1978), 579 F. 2d 1038 (7th Cir. 1978) [bench trial]**

Priority of invention contest; represented Velsicol Chem., Inc.

***Standard Oil of Indiana v. Montedison SpA*, 494 F. Supp. 370 (D Del. 1980), *aff'd*, 664 F.2d 356 (3d Cir. 1982), *cert denied*, 456 U.S. 915 (1982) [bench trial]**

Priority of invention contest; represented Phillips Petroleum Company.

***JP Tool, Inc. v. Valeron*, No. 79-74134-DT (E.D. Mich. 1983) [bench trial]**

Patent infringement action; represented JP Tool.

***Air Products & Chem., Inc v. Chas S. Tanner Co.*, Civil Action No. 79-826 (D.S. Car. 1983) [bench trial]**

Patent infringement and trade secret misappropriation action, patent relating to vinyl acetate/ethylene co-polymer emulsions; represented Air Products.

See 219 USPQ 233 (D.S. Car. 1983).

***Picker International v. Philips Ultrasound*, No. ____ (S.D. Ohio 1985) [bench trial]**

Patent infringement action, represented Picker; patent directed to ultrasonic imaging technology.

***Electro-Biology, Inc. v. Am Medical Electronics, Inc.*, Civil Action No. 3-84-0630-G (N.D. Tex 1986) [bench trial]**

Patent infringement action, represented AME; patent directed to bone healing technology.

***Sturtevant et al. v. Van Remortel, et al.*, Civil Action No. 93 cv 3466 (S.D.N.Y. 1995) [bench trial]**

Represented patent owner Van Remortel; claim of co-inventorship for patent related to software based system using insurance to fund employee benefits plan.

See 38 USPQ2d 1134 (S.D.N.Y. 1995).

***Exxon Chemical Patents, Inc. v. The Lubrizol Corporation*, No. H-89-3203 (S.D. Tex. 1993), *rev'd*, 64 F. 3d 1553 (Fed. Cir. 1995), *cert denied*, 518 U.S. 1020 (1996) [jury trials]**

Patent infringement action, represented Lubrizol; patent directed to stabilization system for lubricating oil additives.

***Texas Instruments, Inc. v. Analog Devices, et al.* [jury trial]**

Patent infringement action, represented Texas Instruments, \$52 MM jury verdict, court granted, JMOL, affirmed on appeal (90 F. 3d 1553 (Fed. Cir. 1996)).

***Cardinal American Corp. v. Jack Post Corporation, Civil Action No. 97cv310* (N.D. Ohio 1997) [jury trial]**

Patent infringement/trade dress infringement action, represented Jack Post; patent directed to lawn furniture; involved cross claims under Cardinal and Jack Post patents; jury verdict of \$1.4MM, for Jack Post; post trial motions, willfulness/enhanced damages granted for Jack Post.

***Picker International Inc. v. Mayo Foundation, No. 95cv2028* (N.D. Ohio 1998) [jury trial]**

DJ action, represented Picker; challenged alleged patent infringement of Mayo patent directed to software-based artifact correction process for MRI imaging units.

***Texas Instruments v. Hyundai Electronics Industries Co., et al.* [jury trial; bench trial]**

Patent infringement action, represented Texas Instruments; patents directed to asynchronous processing (Head patents); jury found patents valid; infringed, willful infringement, awarded \$25.2MM verdict; post jury verdict bench trial on misuse defenses, judgment for TI; settled for \$1.2 billion, as ruling on multiple damages pending.

See 49 F. Supp 23 893 (E.D. Tex 1999).

***Drori v. Amiad U.S.A. Inc., Civil Action No. 1:98CV2828* [jury trial]**

Patent infringement action, represented Amiad U.S.A. Inc. patent for filters for agricultural and irrigation applications.

***Encyclopaedia Britannica, et al. v. Q. Todd Dickinson, Cmm'r of Patents and Trademarks, Civil Action No. 98 CV 00209* (ESH) (D.D.C. 2001) [bench trial]**

35 U.S.C. § 145 *de novo* appeal from USPTO refusal to grant a reexamination certificate for US Letters Patent No. 5,241,671, represented Encyclopaedia Britannica.

***National Instruments Corp. v. The MathWorks, Inc., Civil Action No. 2:01-cv-011* (E.E. Tex 2001), 113 Fed. Appx. 896, 2004 U.S. App. LEXIS 18807 (Fed. Cir. 2004), *contempt proceeding*, 164 Fed. Appx. 997, 2006 U.S. App. LEXIS 4068 (Fed. Cir. 2006) [jury trial]**

Patent infringement action, represented Math Works; four (4) patents relating to software for modeling and simulating dynamic systems.

***Teleflex Inc. v. Ficosa International, Civil Action No. 98-73355* (E.D. Mich 2000), 299 F. 3d 1313 (Fed. Cir. 2002) [jury trial; bench trial]**

Patent infringement action, represented Ficosa: three (3) patents directed to automotive transmission cable components.

***Saudi Basic Industries v. ECAI and Mobil Yanbu, Case No. 00 C-07-161-JRJ* (Del. Superior Ct. 2000) [jury trial]**

Represented SABIC, DJ action that SABIC did not breach two (2) JV agreements.

See 866 A.2d 1 (2005).

***NTP, Inc. v. Research in Motion, Ltd.*, Civil Action No. 3:01 CV 767 (E.D. Va. 2001) [jury trial]**

Patent infringement action, represented RIM; patents relating to wireless “push” email technology.

***In the Matter of Certain Electric Robots and Component Parts Thereof*, Investigation No. 337-TA-530 (USITC 2005) [bench trial]**

Allegations of improper importation, patent infringement, represented Yaskawa Electric; patent relating to electric robots used in painting automobiles.

***Novozymes v. Genencor Int’l. Inc.*, Civil Action No. 05-160 (D. Del. 2005) (PI: 79 USPQ2d 1858 (D. Del. 2005) [bench trial]; liability: 446 F. Supp. 2d 297 (D. Del. 2006) [bench trial]; damages: ___ F. Supp. 2d ___ (D. Del. 2007) [bench trial])**

Patent infringement action, representing Genencor;

Patent directed to alpha amylase enzymes for fuel ethanol.

***In re Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing Same*, Investigation 337-TA-605 (USITC 2007) [bench trial]**

Allegations of improper importation patent infringement, represented Freescale Semiconductor, patents related to packaging of semiconductor devices.

***Soverain Software LLC v. Newegg*, Civil Action No. 6:07-CV-00514 (E.D. Tex. 2007) [jury trial]**

Patent infringement action, representing Soverain Software; patents directed to systems and applications to Internet-based e-commerce.

***Network-1 Sec. Solutions, Inc. v. Cisco Sys., Inc., et al.*, Civil Action No. 6:08-cv-00030-LED (E.D. Tex. 2008) [jury trial]**

Patent infringement action, representing Extreme Networks; patent directed to power over Ethernet, IEEE 802.3 of standard.

Major Cases Resolved After Successful Entry of Preliminary Injunction

***Lubrizol Corp. v. Exxon Corp.*, 696 F. Supp. 302 (N.D. Ohio 1988).**

Patent infringement action, represented Lubrizol; eight (8) Lubrizol patents directed to lubricating compositions and additives.

***Picker Intl., Inc. v. Blanton*, 756 F. Supp. 971 (N.D. Tex 1990).**

Employee break-off, trade secret violation; represented Picker.

***Armond D. Budish v. Harley Gordon*, 784 F. Supp. 1320 (N.D. Ohio 1992).**

Copyright infringement matter, re book “Avoiding the Medicaid Trap: How to Beat The Catastrophic Costs of Nursing home Care”; represented Budish.