

## Kirk T. Bradley

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Kirk Bradley is a partner with the Intellectual Property Litigation Group and the leader of Alston & Bird's Federal Circuit Appellate Team. With over 20 years of experience, Kirk focuses his practice on litigation and counseling in complex technology disputes. His work covers diverse technologies such as thermostats, wearables, IoT technologies, sonar, sensors, smart meters, medical devices, wireless communications, and pharmaceuticals.

Kirk regularly handles appellate matters before the Federal Circuit, where he has represented appellants, appellees, intervenors, and amici curiae. He is a former law clerk to the Hon. Pauline Newman of the Federal Circuit.

Kirk has led multiple trial teams to victories in both district court and the International Trade Commission. Kirk's practice also includes inter partes review proceedings, where he has represented both petitioners and patent owners. He frequently counsels clients on IP issues affecting their business, including providing legal opinions, conducting due diligence, and advising clients on corporate transactions.

Kirk is a frequent author and speaker on developments in IP law. He is the managing editor of Alston & Bird's weekly *Federal Circuit Patent Case Summaries*. Kirk is recognized yearly in *The Best Lawyers in America*® for both patent law and patent litigation, and he received the *JD Supra Readers' Choice Award* in 2020, 2021, and 2022 as a top author in patent law.

### **Representative Experience**

- Trial and appellate counsel for a global leader in wearables and smartwatches for the outdoor and fitness markets.
- Trial and appellate counsel for a worldwide company focused on energy and water resource management.
- Trial counsel for a global industrial technology company and leading provider of sensor-based technologies.
- Appellate counsel for a worldwide leader in drilling and pneumatic conveyance systems and equipment.
- Trial and appellate counsel for the worldwide market leader for marine electronics in federal district courts and the International Trade Commission.
- Appellate counsel for an alliance of seven corporate manufacturers of rare-earth magnets.
- Appellate counsel for North America's leading manufacturer for wire and cable used in the distribution and transmission of electricity.
- Litigation and appellate counsel for one of the largest pharmaceutical companies in the world.
- Trial counsel for a global innovator and manufacturer of medical devices used to treat structural heart defects and abnormal blood vessels.
- Litigation and IPR counsel for a global leader for packaging and specialty materials.

- Litigation counsel for one of the world's largest cellular communications companies in patent cases in federal district courts and the International Trade Commission.
- Trial counsel for a pioneering company for real-time 3D ultrasound imaging equipment.

## **Representative Cases**

- Lead trial counsel for Itron in a case involving smart thermostats and load control switches. *Certain Smart Thermostats, Load Control Switches, and Components Thereof*, ITC Inv. No. 337-TA-1277.
- Lead trial counsel for Xirgo Technologies in a case involving communication modules. *Certain UMTS and LTE Cellular Communication Modules and Products Containing the Same*, ITC Inv. No. 337-TA-1240.
- Lead trial and appellate counsel for Garmin in a case involving smartwatches and wearable devices. *Certain Wearable Monitoring Devices, Systems, and Components Thereof*, ITC Inv. No. 337-TA-1190.
- Appellate counsel for Edgewell Personal Care Brands. No. 2020-1203 (Fed. Cir.).
- Appellate counsel for McWane Inc. in a matter involving centrifugally cast tapered poles. No. 2017-2343 (Fed. Cir.).
- Lead trial counsel for Navico (Lowrance) in a case involving marine electronics, resulting in a finding of willful infringement and compensatory damages of \$38.755 million. *Navico Inc., et al. v. Garmin International Inc., et al.*, No. 2:16-cv-00190 (E.D. Tex.).
- Lead trial counsel for Navico (Lowrance), resulting in a recommended ITC civil penalty of \$37 million. *Certain Marine Sonar Imaging Devices, Including Downscan and Sidescan Devices, Products Containing the Same, and Components Thereof*, ITC Inv. No. 337-TA-921 (Enforcement).
- Lead trial and appellate counsel for complainant Navico (Lowrance). *Certain Marine Sonar Imaging Devices, Including Downscan and Sidescan Devices, Products Containing the Same, and Components Thereof*, ITC Inv. No. 337-TA-921.
- Trial counsel in a case involving medical devices. *Medtronic Inc. v. AGA Medical Corp.*, No. 3:07-cv-00567 (N.D. Cal.).
- Trial counsel in cases involving medical ultrasound imaging equipment. *Volumetrics Medical Imaging LLC v. GE Healthcare, et al.*, No. 05-cv-00955 (M.D.N.C.).
- Trial and appellate counsel in a case involving patents and trade secrets concerning nonwovens, electrostatics and manufacturing equipment. *BBA Nonwovens Inc., et al. v. Superior Nonwovens LLC, et al.*, No. 6:00-cv-02764 (D.S.C.).
- Trial counsel in a case involving paint films. *Rexam Industries Corp. v. Eastman Kodak Co., et al.*, No. 3:95-cv-00062 (W.D.N.C.).
- Appellate counsel in a case involving treatments for symptoms associated with folate deficiency. *Merck & Cie, et al. v. Gnosis S.p.A., et al.*, Nos. 2014-1778, -1779, -1780, -1781 (Fed. Cir.) and No. 16-125 (U.S.).
- Lead counsel in a case involving marine sonar technologies. *Navico Inc., et al. v. Garmin International Inc., et al.*, No. 14-cv-00303 (N.D. Okla.).
- Lead litigation and IPR counsel for complainant Navico against Raymarine in a case involving marine sonar technologies. *Certain Marine Sonar Imaging Devices, Products Containing the Same, and Components Thereof*, ITC Inv. No. 337-TA-898.

- Litigation counsel in a case involving medical foods. *Merck & Cie, et al. v. Macoven Pharmaceuticals, et al.*, No. 6:12-cv-00027 (E.D. Tex.).
- Lead counsel in a case involving sidescan marine sonar technologies. *Johnson Outdoors Inc., et al. v. Navico Inc.*, No. 2:10-cv-00067 (M.D. Ala.).
- Lead counsel in a case involving components for medical x-ray machines. *Sedecal v. DRGEM Corp., et al.*, No. 1:10-cv-00159 (W.D.N.C.).
- Litigation and appellate counsel in a case involving debit card verification systems. *RealSource Inc. v. Best Buy Co. Inc., et al.*, No. 04-cv-00771 (W.D. Tex.) and No. 2007-1387 (Fed. Cir.).
- Litigation counsel in a case involving trade secrets concerning high tensile strength house wrap. *PCI Systems Inc. v. Fiberweb Inc.*, No. 08-cv-00595 (N.D. Ill.).
- Litigation counsel in a case involving cargo container tracking systems. *APS Technology Group v. Paceco Corp.*, No. 06-cv-03818 (C.D. Cal.).
- Litigation counsel for Nokia in a case against Apple involving wireless telecommunications patents in the ITC and the District of Delaware. *Certain Mobile Communications and Computer Devices and Components Thereof*, ITC Inv. No. 337-TA-704, and *Certain Personal Data and Mobile Communications Devices and Related Software*, ITC Inv. No. 337-TA-710.
- Litigation counsel in a case involving gas-powered electromechanical fluid systems. *American Biophysics Corp. v. Blue Rhino*, No. 03-cv-00334 (D.R.I.).
- Litigation counsel for Jazz Semiconductor Inc. against Plasma Physics Corp. in a case involving semiconductor integrated circuits. *Plasma Physics Corp. v. Conexant Systems Inc., et al.*, No. 02-cv-03473 (E.D.N.Y.) and *Certain Semiconductor Integration Circuits Using Tungsten Metallization and Products Containing Same*, ITC Inv. No. 337-TA-648.
- Litigation counsel in a case involving cervical cancer screening systems and cell preservative fluids. *Cytec Corp. v. TriPath Imaging Inc.*, No. 03-cv-11142 (D. Mass.).
- Litigation counsel in a case involving alleged unfair and deceptive trade practices and other claims concerning computer software. *Kaplan Inc. v. PeopleSoft, et al.*, No. 01-cv-00202 (M.D.N.C.).

## **Publications & Presentations**

### **Publications**

- “Recent Developments in Patent Infringement under the Doctrine of Equivalents and the Application of Doctrine of Equivalents in a Patent Infringement Case of China,” *Techlaw*, August 11, 2019.
- *USPTO Post-Grant Trials Handbook*, 2nd Edition, Wolters Kluwer, 2018.
- *USPTO Post-Grant Trials Handbook*, Wolters Kluwer, 2016.
- “What to Expect for Post-Grant Proceedings in 2015,” *Inside Counsel*, February 25, 2015.

### **Professional & Community Engagement**

- Federal Circuit Bar Association, Amicus Committee, Rules Committee, Patent Litigation Committee

## *Education*

- University of South Carolina (J.D., 1999)
- Clemson University (B.S., 1996)

## *Admitted to Practice*

- U.S. Patent and Trademark Office
- North Carolina

## *Related Services*

Appellate | Intellectual Property | Intellectual Property Litigation | Patent Litigation | Post Grant Proceedings  
| Inter Partes & Covered Business Method Review