



## Neal J. McLaughlin

Partner

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### *Related Services*

Intellectual Property ■ Intellectual Property Litigation ■ Patent Litigation ■ Patent Prosecution, Counseling & Review ■ Food, Beverage & Agribusiness ■ Gray Market & Counterfeit Goods

Neal McLaughlin represents clients in all areas of intellectual property, including litigation in the International Trade Commission and federal district courts, developing patent portfolios, counseling, and transactional support. He represents companies ranging from startups to Fortune 50 companies. Neal has dealt with a plethora of technologies, including industrial automation, building security, mobile device software, semiconductors, medical devices, financial services software, inkjet and laser imaging, and all types of electronics. Neal also assists clients with thwarting the illegal distribution of goods in the gray market.

Neal also has experience in freedom-to-operate, infringement, validity, and due diligence investigations. He earned his B.E. in mechanical engineering from The Cooper Union for the Advancement of Science and Art and his J.D. from Brooklyn Law School. Before attending law school, Neal was a product engineer at an award-winning product development firm where he handled the design and engineering of consumer, medical, and industrial products.

### *Representative Experience*

- Defending a German provider of tennis let detection devices against claims of patent infringement, false advertising, unfair competition, and claims related to the use of the product at professional tennis tournaments such as the U.S. Open. *Group One Ltd. v. GTE GmbH et al.*, No. 1:20-cv-02205 (E.D.N.Y.).
- Representing Rockwell Automation in a trademark infringement and unfair competition action against a gray market reseller. *Rockwell Automation Inc. v. Radwell International Inc.*, No. 1:15-cv-05246 (D.N.J.).
- Representing a medical device company asserting patent infringement claims related to blood pumps. *Abiomed Inc. v. Maquet Cardiovascular LLC*, No. 1:16-cv-10914 (D. Mass).
- Represented complainant Rockwell Automation in an ITC investigation against 15 gray market respondents alleging trademark, copyright, and unfair competition claims, resulting in GEO and consent orders. *Certain Industrial Automation Systems and Components Thereof Including Control Systems, Controllers, Visualization Hardware, Motion and Motor Control Systems, Networking Equipment, Safety Devices, and Power Supplies*, Inv. No. 337-TA-1074 (ITC).
- Defended Rockwell Automation against an antitrust and unfair competition investigation in the ITC launched by gray market reseller. *Certain Programmable Logic Controllers (PLCs), Components Thereof, and Products Containing Same*, Inv. No. 337-TA-1105 (ITC).
- Represented Rockwell Automation in bringing a declaratory judgment action in response to patent infringement allegations related to simulation software. *Rockwell Automation Inc. v. InvestPic LLC*, No. 2:17-cv-00258 (E.D. Wis.).

- Defended a party goods manufacturer against patent infringement claims related to drink coasters. *Small Axe Enterprises v. Amscan Inc., et al.*, No. 3:16-cv-00981 (S.D. Cal.).
- Defended a building security product manufacturer against patent infringement claims related to RFID tracking products brought by a nonpracticing entity. *Theft Prevention Innovations LLC v. Elpas Inc., et al.*, No. 2:16-cv-01057 (E.D. Tex.).
- Defended a building security product manufacturer against patent infringement claims related to RFID tracking products brought by a nonpracticing entity. *Forward Thinking Tracking LLC v. Elpas Inc., et al.*, No. 2:16-cv-01143 (E.D. Tex.).
- Defended a building security product manufacturer against patent infringement claims related to video surveillance software brought by a nonpracticing entity. *SecureNet Solutions Group LLC v. Tyco Integrated Security LLC, et al.*, No. 2:16-cv-01258 (E.D. Tex.).
- Represented Rockwell Automation in patent infringement actions against a competitor's industrial automation programming software. *Rockwell Automation Inc. v. 3S-Smart Software Solutions GmbH*, Nos. 2:15-cv-01543 and 2:16-cv-00869 (E.D. Tex.); Inv. No. 337-TA-1020 (ITC).
- Defended a party goods manufacturer against patent infringement claims related to web-based printing functionality brought by a nonpracticing entity. *Graham Springs LLC v. Party City Corp.*, No. 2:15-cv-00794 (E.D. Tex.).
- Defended a party goods manufacturer against patent infringement claims related to web-based printing functionality brought by a nonpracticing entity. *Opal Run LLC v. Party City Corp.*, No. 2:15-cv-02043 (E.D. Tex.).
- Defended a building control product manufacturer against patent infringement claims related to building monitoring software brought by a nonpracticing entity. *Specialized Monitoring Solutions LLC v. Johnson Controls Inc.*, No. 2:15-cv-00034 (E.D. Tex.).
- Represented a building control product manufacturer against patent infringement claims related to thermostats brought by a nonpracticing entity. *FTC Sensors LLC v. Johnson Controls Inc.*, No. 2:15-cv-02031 (E.D. Tex.).
- Defended Rockwell Automation in an inventorship and noninfringement action involving industrial automation software. *Auvesy GmbH & Co. KG v. Rockwell Automation Inc. et al.*, No. 2:14-cv-01258 (E.D. Wis.).
- Defended Rockwell Automation against a declaratory judgment action involving patents related to industrial motors and drives. *MagneMotion Inc. v. Rockwell Automation Inc.*, No. 4:14-cv-40172 (D. Mass.).
- Represented an automotive component manufacturer against patent infringement claims related to fastening tools brought by a nonpracticing entity. *Wildcat Licensing WI LLC v. Johnson Controls Inc.*, No. 3:13-cv-00328 (W.D. Wis.).
- Represented Rockwell Automation in a patent infringement action related to industrial motors and drives. *Rockwell Automation Inc. v. Beckhoff Automation LLC, et al.*, No. 2:13-cv-01616 (D. Nev.).
- Defended a direct-to-consumer product marketing company against patent infringement claims related to expandable garden hoses. *Blue Gentian LLC v. Telebrands Corp.*, No. 9:12-cv-81169 (S.D. Fla.).
- Represented a video storage and editing product manufacturer asserting patent infringement claims against a competitor. *Avid Technology Inc. v. Harmonic Inc.*, No. 1:11-cv-01040 (D. Del.).
- Defended Rockwell Automation against an action involving industrial control equipment. *WAGO Verwaltungsgesellschaft mbH v. Rockwell Automation Inc.*, No. 1:11-cv-00756 (N.D. Ohio).
- Defended a manufacturer of optical discs against patent infringement and breach of contract claims brought by a patent licensing pool. *Koninklijke Philips Electronics N.V. v. Cinram International Inc., et al.*, No. 7:08-cv-00515 (S.D.N.Y.).

- Represented an Italian restaurant in a long-standing feud with a rival pizzeria. *Patsy's Italian Restaurant Inc. v. Banas*, Nos. 1:06-cv-00729; 1:06-cv-05857 (E.D.N.Y.).

## **Publications & Presentations**

### **Publications**

- "Gray-Market Solutions: Many Tools in the Toolbox," *Business Law Today*, February 9, 2024.
- "Protecting Against Unauthorized Gray-Market Goods in the Time of COVID-19," *Business Law Today*, American Bar Association, July 14, 2020.
- "Protecting Against Unauthorized Gray-Market Goods in the Time of COVID-19," *Business Law Today*, American Bar Association, July 14, 2020.
- "Combating Gray Market Goods: Using the ITC to Solve the Gray Market," *Business Law Today*, American Bar Association, July 2, 2019.
- "FTC Held to Have Authority to Regulate Cybersecurity Practices Under Section 5 of the FTC Act," *Pratt's Privacy & Cybersecurity Law Report*, Vol. 2, No. 1, January 2016.
- "The Wrongful Act Requirement for Piercing the Corporate Veil," *New York Law Journal*, August 15, 2014

### **Education**

- Brooklyn Law School (J.D., 2009)
- The Cooper Union for the Advancement of Science and Art (B.E., 2005)

### **Admitted to Practice**

- New York
- U.S. Patent and Trademark Office