

DERRICK W. TODDY

PARTNER

503.473.0827 | derrick.toddy@klarquist.com



OVERVIEW

Since joining Klarquist in 2006, Derrick has focused his practice on all aspects of intellectual property disputes, from pre-litigation and “alternatives to litigation” such as PTO *inter partes* reviews (IPRs) and other post-grant proceedings, to litigating cases through discovery, motion practice, summary judgment, and trial preparation, and related settlement and licensing work. Derrick has particular experience litigating patents involving computer and mobile device hardware, software and accessories, video game technology, and e-commerce applications. His clients span multiple different technological areas, from technology companies Microsoft, SAP, Samsung, eBay, Adobe, LinkedIn, Netflix, Twitter, Hewlett-Packard, Nokia, and Amazon, to medical device manufacturers Dexcom and Edwards Lifesciences and sports equipment manufacturers such as Nike and Taylor Made Golf, to retail clients Office Depot, Staples, J.C. Penney, Burlington Coat Factory, and Costco. He has handled patent and trademark disputes nationwide, from California to Massachusetts to Puerto Rico to Washington, and points in between.

Derrick also has experience in advising clients regarding freedom to operate issues, crafting settlement agreements, and addressing intellectual property licensing, and has prepared a number of opinions regarding both non-infringement and invalidity. Additionally, he has extensive experience in preparing or defending IPRs and other post-grant proceedings, and has played an integral role in successfully appealing or defending appeals to the Patent Trial and Appeal Board and Federal Circuit. Derrick’s work on IPRs, in particular, often resulted in cancellation of all challenged claims. In many cases, these same patents were asserted in a litigation for which Klarquist’s client had obtained a stay, and the successful IPR outcome entirely avoided or greatly reduced the cost of having to litigate them in court.

Derrick’s practice emphasizes computer- and mechanical-related fields, including everything from heart valve repair devices and continuous blood glucose monitors to golf clubs to mobile device applications and e-commerce.

EDUCATION

J.D., James Kent Scholar,
Harlan Fiske Stone
Scholar, Columbia
University, 2004

Post-graduate
coursework in Computer
Science, Oregon State
University, 2015

B.S., Philosophy and
Literature, Engineering
Sequence in Information
Systems Engineering,
Dean’s List, United
States Military Academy
(West Point), 1995

ADMISSIONS

Oregon, 2007

California, 2004

U.S. Patent and
Trademark Office, 2016
(Reg. No. 74,591)

U.S. Court of Appeals for
the Federal Circuit

U.S. Court of Appeals for
the Ninth Circuit

U.S. District Court for the
Northern and Central
District of California

U.S. District Court for the
District of Oregon

U.S. District Court for the
Eastern District of Texas

Klarquist

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PRIOR PROFESSIONAL EXPERIENCE

- ▶ Morgan Miller Blair | Associate, 2005 – 2006 | Walnut Creek, CA
- ▶ Quinn Emanuel Urquhart Oliver & Hedges | Associate, 2004 – 2005 | San Francisco, CA
- ▶ U.S. District Court for the Eastern District of New York | Judicial Extern to the Honorable Jack Weinstein, 2003 | Brooklyn, NY

PRESENTATIONS & PUBLICATIONS

- ▶ “Navigating Your Business Through the Rising Tide of Patent False Marking Suits”, Portland (OR) Business Journal, September 2010
- ▶ “False Marking Suits: Rising Tide or Blip on the Radar?”, Oregon State Bar Intellectual Property Section, August 2010

PRACTICE AREAS

Post-Grant USPTO Proceedings
Intellectual Property Counseling
Litigation
Patents
Trademarks

TECHNOLOGY AREAS

Software & Internet Technology
Medical Devices
Athletic Equipment