

## Guy Ruttenberg



### Partner

#### Los Angeles

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### Practice Areas

- Commercial Litigation
- Insurance Litigation
- Intellectual Property
- Litigation
- Patent Infringement Litigation

### Admissions

- 2000, California

### Clerk & Government

- Judicial Clerk, The Honorable Chief Justice Warren Matthews, Alaska Supreme Court, 1999-2000

### Education

- Harvard Law School, J.D. 1999 cum laude; Harvard Legal Aid Bureau; Harvard Journal on Legislation, Supervising Editor
- University of California at Los Angeles, B.A., Political Science & History 1996 summa cum laude

### Professional Profile

Guy Ruttenberg is a partner in the Los Angeles office of Kirkland & Ellis, where he focuses on intellectual property litigation and Pacific Rim matters. A graduate of the Harvard Law School and the University of California, Los Angeles (UCLA), Mr. Ruttenberg has represented major corporate clients in federal and state courts, primarily in patent litigation but also in other areas of intellectual property and general litigation. Before returning to Los Angeles, Mr. Ruttenberg spent six months as a visiting attorney in Beijing at the Chinese law firm of Broad & Bright and one year as an exchange attorney in Tokyo at the Japanese law firm of Nagashima Ohno & Tsunematsu. Mr. Ruttenberg is also a frequent lecturer in the area of transnational intellectual property litigation. A native speaker of English and Hebrew, Mr. Ruttenberg also has a basic working knowledge of German and Japanese.

### Representative Matters

#### Intellectual Property Cases

##### *Solvay v. Honeywell*

Obtained fully favorable defense verdict for Honeywell in patent infringement involving foam blowing agents. Obtained special jury verdict invalidating plaintiff's patent-in-suit based upon three independent grounds. Post trial motions are presently pending.

##### *AWR v. ZTE*

Successfully represented AWR in action alleging copyright infringement, software piracy, fraud and breach of contract against major Chinese telecom. Obtained summary judgment on liability issues. Solicited key admissions is depositions of ZTE's damages expert, technical expert, engineers, and Rule 30(b)(6) witness on alter ego.

##### *Northpoint Technology v. DIRECTV*

Obtained summary judgment invalidating plaintiff's patent-in-suit. Before summary judgment was granted, obtained stay of litigation pending resolution of DIRECTV's summary judgment motion and claim construction. Case is presently on appeal to the Federal Circuit.

##### *Mallinckrodt v. E-Z-EM*

Represented Mallinckrodt in two patent infringement actions, one in Eastern District of Texas, the other in District of Delaware, involving medical equipment. Second chaired jury trial before Judge John Ward in Marshall, TX. Successfully opposed multiple summary judgment motions brought by Defendants. Case settled favorably hours before closing arguments.

##### *Level 3 Communications v. Limelight*

Successfully represented Limelight in patent infringement litigation involving

content delivery networks. Obtained fully favorable defense verdict from jury in the Eastern District of Virginia. Successfully defended verdict on post-trial motions and on appeal before the Federal Circuit.

*Wi-LAN v. Intel*

Represented Intel in two patent infringement actions, one in Eastern District of Texas, the other in Northern District of California, involving WiFi and WiMAX telecommunications technology. Coordinated damages theories for nearly 20 Defendants in the EDTX case. Case settled favorably on the eve of trial.

*Samsung v. Ericsson*

Represented Samsung in two simultaneous Section 337 investigations before the United States International Trade Commission (ITC) and in two federal district court actions in the Eastern District of Texas involving a total of 60 wireless communications patents. Successfully opposed multiple summary determination motions brought by Ericsson in the ITC investigation. Case settled favorably shortly before the first ITC trial.

*Gemstar v. Digeo*

Represented Digeo against Gemstar's allegations of patent infringement relating to interactive programming guide technology, and in asserting antitrust claims challenging Gemstar's licensing practices. Case settled favorably after Digeo submitted summary judgment motions.

*Cadent, Ltd. v. 3M Unitek Corp.*

Represented 3M in breach of contract and inventorship litigation involving software patents related to orthodontic treatment. Obtained favorable settlement for client.

*Zenith Electronics Corp. v. Sichuan Changhong Electric Co., Ltd.*

Represented Zenith in suit asserting Zenith's television tuner patents against Chinese television importer. Obtained favorable settlement for client.

*Lesley v. Tokyo Broadcasting System, Bellon Entertainment and MTV Networks*

Represented Defendants in a copyright and breach of contract suit. Successfully dismissed Plaintiff's state-law claims for breach of his right of publicity and unfair competition. Obtained summary judgment on breach of contract and copyright claims. Defended judgment on appeal to the 9th Circuit.

*Apple Computer, Inc. v. UNOVA, Inc. et al.*

Represented Apple in a suit asserting six hardware and software patents. Obtained favorable settlement for client.

*D.R.I.P., Inc. v. R.M. Wade & Co.*

Represented D.R.I.P. in suit alleging breach of licensing agreement and infringement of pulsating sprinkler patent. Successfully dismissed Wade's counterclaims for breach of contract, and defeated Wade's motion to transfer venue. Obtained favorable settlement for client after filing summary judgment motions.

*Zenith Electronics Corp. v. Konka Group Co. Ltd.*

Represented Zenith in suit asserting Zenith's television tuner patents

against Chinese television importer. Obtained default, pursued default judgment, and then agreed to vacate default in exchange for favorable settlement.

*Funai Electric Co., Ltd. v. Zenith Electronics Corp.*

Defended Zenith in a suit involving a challenge to Zenith's television tuner patents and counterclaims by Zenith for infringement of the patents. Won summary judgment motion regarding patent enforceability issues, and defeated Funai's summary judgment motions on patent validity issues. Obtained favorable settlement for client on the eve of trial.

*Razor USA LLC v. Asa Products, Inc. et al.*

Represented Razor in a suit asserting Razor's brake patent, trademark and trade dress against various infringing importers. Obtained temporary restraining orders and preliminary injunctions against multiple defendants. Defeated Defendants' interlocutory appeals to the Federal Circuit. Case settled favorably for client.

*Image One v. Transwestern Publishing*

Defended Transwestern in a copyright infringement case seeking damages in excess of \$8 million. Obtained favorable settlement for client.

## **Commercial Litigation Cases**

*Pioneer Digital Technologies, Inc. v. Gemstar-TV Guide International, Inc.*

Represented Pioneer in a suit involving antitrust and unfair competition claims against Gemstar-TV Guide. Obtained favorable settlement for client.

*Hughes Aircraft/Raytheon Insurance Litigation*

Represented Raytheon (formerly known as Hughes Aircraft) in a number of suits seeking insurance coverage for environmental liabilities. Defeated insurers' motion for summary judgment on case-dispositive issues. Obtained favorable settlement for client.

*Azteca America Stations Group, L.L.C. v. Citicorp Venture Capital, Ltd.*

Defended Citicorp against allegations of fraud and breach of contract. Won summary adjudication on Azteca's fraud claims. Client obtained fully favorable jury verdict after trial.

*Northpoint Theater Associates, LLC v. Wind Point Partners IV, LP*

Defended Wind Point in a suit alleging misrepresentation and interference with contract. Successfully demurred to negligent misrepresentation claims. Obtained favorable settlement for client after filing case-dispositive summary judgment motion.

## **Publications**

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*Confronting Patent Infringement Litigation in the US: A Primer for Chinese Businesses*, published by China Federation of Industrial Economics in *Manua Manual of International Trade Disputes* (October 2005)

## **Seminars**

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*Town Hall Meeting*, Moderator, Federal Circuit Bench & Bar Conference, Colorado Springs, Colorado (June 2010)

*Trends in International Mediation*, Panelist, 19th Annual Southern California Mediation Association Conference; Malibu, California (November 2007)

*China as an Outsourcing Destination*, Moderator of Panel Discussion, International Association of Outsourcing Professionals, San Francisco Chapter; San Francisco, California (July 2006)

*Protecting Intellectual Property Rights in China*, Joint lecture with Ms. Min Wang and Mr. Wengeng He, Kirkland & Ellis 13<sup>th</sup> Annual Technology & Law Seminar; Chicago, Illinois (May 2006)

*Practicing Far from Home*, Lecture before the Japan Law Society, University of Chicago Law School; Chicago, Illinois (April 2006)

*Identifying Opportunities and Mitigating Risks in Transborder Transactions*, Panelist; London, U.K. (November 2005)

*Discovery in US Litigation*, Lecture at ZhongLun law firm; Beijing, China (July 2005)

*ITC Strategies and Proceedings*, Joint lecture with Ms. Shannon Hansen before the China National Forest Products Industry Association; Beijing, China (July 2005)

*Basics of Trademark Litigation*, Joint lecture with Ms. Shannon Hansen at Broad & Bright law firm; Beijing, China (June 2005)

*China & Technology*, Joint lecture with Ms. Min Wang, Kirkland & Ellis 12<sup>th</sup> Annual Technology & Law Seminar; Chicago, Illinois (May 2005)

*Legal Writing for U.S. Clients*, Lecture at Broad & Bright law firm; Beijing, China (April 2005)

*U.S. Patent Litigation Procedures*, Lecture at Nagashima Ohno & Tsunematsu law firm; Tokyo, Japan (November 2004)

## **Prior Experience**

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Kirkland & Ellis LLP, Partner, Oct. 2005 - Present

Kirkland & Ellis LLP, Associate, Oct. 2000 - Sept. 2005

Broad & Bright Law Firm, Beijing, China, Visiting Attorney, Feb. - Aug. 2005

Nagashima Ohno & Tsunematsu, Exchange Attorney, Jan. - Dec. 2004

## **Courts**

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California Supreme Court

United States Court of Appeals for the Federal Circuit

United States Court of Appeals for the Ninth Circuit

United States District Court for the Central District of California  
United States District Court for the Northern District of California  
United States District Court for the Southern District of California  
United States District Court for the Eastern District of California