

Susan Y. Tull

PRACTICE AREAS

Intellectual Property
Patent Litigation

EDUCATION

Temple University School of Law, J.D. 2008, Magna Cum Laude
Duke University, BSE in Mechanical Engineering with a minor in Art History, 2003

ABOUT


Susan Tull, a seasoned intellectual property trial lawyer, represents clients across a range of technologies in all phases and forums of litigation.

Trial-ready and technically knowledgeable, Mrs. Tull delivers pragmatic advice to clients in complex patent and trade secret disputes. Her experience covers a multitude of industries, including the mechanical, industrial, computer-science, electrical, and medical device fields. She has successfully tried cases in venues across the country, including the US district courts, the US International Trade Commission, the US Court of Appeals for the Federal Circuit, and the Patent Trial Appeal Board of the US Patent and Trademark Office. She also brings experience representing clients in jury trials through verdict and post-trial motions.

Mrs. Tull participates in and manages every aspect of patent litigation, including examining and cross-



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 stull@raklaw.com

 310.826.7474

 Los Angeles



examining fact and expert witnesses, developing litigation strategies, taking complex discovery, working with technical and damages experts, and drafting and arguing motions. She also frequently advises on pro bono matters. Her work has included serving as lead appellate counsel in a successful post-conviction appeal before the District of Columbia Court of Appeals.

Mrs. Tull was formerly an adjunct professor of Patent Litigation and Dispute Resolution at George Mason University School of Law. She previously served as an adjunct professor of scholarly writing at George Washington University School of Law.

Recently, during her tenure at Latham & Watkins, Mrs. Tull participated in multiple litigation wins, including a \$199 million settlement for J&J Surgical Vision against Alcon, a victory before the ITC for Netgear against TP-Link, and a favorable settlement for defendant Taiwan Semiconductor Manufacturing against Daedalus in the ITC. She also helped lead a team to successfully defend against a patent infringement action filed by The Chamberlain Group LLC against The Overhead Door Corporation in the Western District of Texas before Judge Rodney Gilstrap.

Other representative matters include:

- Peloton in a series of offensive patent litigations and defensive IPRs involving Peloton's patents on its leaderboard technology. Cases settled following favorable claim construction and IPR decisions
- Peloton in a series of patent litigations brought by iFIT. Invalidated one of iFIT's asserted patents at the claim construction phase. Cases settled favorably
- Decco U.S. Post-Harvest, Inc. in an action involving patent infringement, trade secrets, and torts claims relating to pre-harvest technology used with produce
- Zipher and Videojet Technologies in a successful Federal Circuit appeal
- Koninklijke Philips Electronics in a patent suit before the Patent Trial and Appeal Board, which denied institution of inter partes review of eight Philips patents on automated external defibrillators (AEDs); on appeal, the Federal Circuit dismissed all eight of the plaintiff's appeals, and Supreme Court denied cert *Patent owner Zimmer Surgical in litigation involving surgical waste management and a counterclaim; settled favorably before trial
- Syneron-Candela and MGH in patent infringement litigation concerning RF micro-needling technology
- Elekta in patent litigation proceeding before the ITC, as well as related district court actions and IPR proceedings, on technology directed to radiotherapy systems and software. Case settled favorably after trial.
- Koninklijke Philips in defending against nine requests for ex parte reexamination filed by Zoll Medical and Zoll Lifecor at the US Patent and Trademark Office on five patents involving defibrillator waveform technology; patentability of challenged claims confirmed or pending
- Patent owner Philips in litigation involving wearable defibrillators; case settled favorably after defendant's motions for summary judgment of no infringement and invalidity were denied
- Toyota in a utility patent litigation related to the hybrid-engine system found in the Prius. The court granted summary judgment of non-infringement on all Toyota products prior to trial.