

Rodger D. Smith II

Partner



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Practices

- Intellectual Property Litigation

Education

- J.D., magna cum laude, 1993,
New York University School of
Law
- B.S., magna cum laude, 1990,
University of Pennsylvania

Clerkships

- Law Clerk to The Honorable W.
Eugene Davis, United States
Court of Appeals for the Fifth
Circuit

Rodger is a partner in the firm's Intellectual Property Litigation Group.

Rodger's practice focuses on intellectual property and other complex commercial litigation, with a particular emphasis on patent litigation. Rodger has litigated numerous cases on behalf of clients such as The Dow Chemical Company, Acuity Brands, Scientific Games and Sony. Prior to joining the firm, Rodger was an associate at Cravath, Swaine & Moore, where he was involved in a variety of complex litigation matters.

NOTEWORTHY

- 2004 Governor's Outstanding Volunteer Award
- 2004 Kind Policy Award from the Delaware Housing Coalition

REPRESENTATIVE MATTERS

The Dow Chemical Company v. Nova Chemicals. Represent patentee in patent infringement litigation involving polyethylene blends.

Acuity Brands, Inc. v. Cooper Industries, Inc. Represented patentee in patent infringement litigation involving fluorescent light fixtures.

Cooper Technologies Co. v. Acuity Brands Lighting, Inc. Represented accused infringer in patent infringement litigation involving downlights and emergency exit signs.

Hubbell Inc. v. Acuity Brands Inc. Represented accused infringer in patent infringement and trade dress litigation involving antique pole top luminaires.

W.L. Gore & Associates, Inc. v. Valeo-Sylvania L.L.C. Represented patentee in patent infringement litigation involving headlamp vents.

E.I. du Pont de Nemours & Co. v. Bio-Rad Laboratories, Inc.
Represented accused infringer in patent infringement litigation involving fluorometers for measuring fluorescences in conjunction with polymerase chain reactions (PCR).

continued

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GTECH Corp. v. Scientific Games Int'l, Inc., et al. Represented accused infringers in patent infringement litigation involving lottery ticket vending machines.

Scientific Games Royalty Corp. v. GTECH Corp. Represented patentee in patent infringement litigation involving group participation lottery games.

American International Group, Inc. v. C.V. Starr & Co., et al. Represented trademark owner in action for temporary restraining order and preliminary injunction for trademark infringement.

QUALCOMM Inc. v. Texas Instruments, Inc. Represented plaintiff in a breach of contract action involving a patent portfolio agreement.

Pharmacia Corp. v. Par Pharmaceutical, Inc. Represented patentee in Hatch-Waxman litigation concerning generic pharmaceutical composition for the treatment of glaucoma and ocular hypertension.

Pharmacia Corp. v. Alcon Laboratories, Inc. Represented patentee in patent litigation concerning pharmaceutical compositions for the treatment of glaucoma and ocular hypertension.

Bayer AG v. Sony Electronics, Inc. et al. Represented accused infringers in patent litigation concerning magnetic metal particles used in manufacturing magnetic recording tapes.

NEWS

- 26 Morris Nichols Attorneys Named to The Best Lawyers in America 2011; Firm is Top-Listed in Eight Categories in Delaware
- Morris Nichols serves as Delaware counsel for Successful Patent Litigation Team in Dow Chemical's \$61.7 Million Patent Infringement Verdict
- Chambers USA 2010 Names Twenty Morris Nichols Attorneys as Leading Lawyers

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- IP Law & Business Ranks Morris Nichols' Patent Litigation Practice #1 in Delaware

PROFESSIONAL & COMMUNITY ACTIVITIES

- Board Member, Delaware Community Legal Aid Society
- Member, American Bar Association
- Member, Delaware State Bar Association

ADMISSIONS TO PRACTICE

- Delaware, 1998
- New York, 1994