

# MORRIS NICHOLS ARSHT & TUNNELL



**RODGER D. SMITH II**  
PARTNER

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## PRACTICE AREAS

Intellectual Property Litigation  
Patent Litigation  
Trade Secret Litigation  
Trademark & Copyright Litigation

## EDUCATION

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

## CLERKSHIPS

Law Clerk to The Honorable W. Eugene Davis, U.S. Court of Appeals for the Fifth Circuit, 1993-1994

## ADMISSIONS

Delaware, 1998  
New York, 1994  
U.S. District Court for the District of Delaware, 1999  
U.S. Court of Appeals for the Federal Circuit, 2001

With more than 20 years of experience helping companies solve complex problems, Rodger's practice focuses on intellectual property and other complex commercial litigation, with a particular emphasis on patent litigation. The Dow Chemical Company, DISH Network, The Gillette Company, Purdue Pharma and Sony Electronics are among the companies that have relied on his legal skill and judgment.

Rodger has been consistently recognized as a leading Delaware patent litigator by *The Best Lawyers in America*, *Chambers USA*, *IAM Patent 1000* and *Who's Who Legal*.

He previously served as chair of Morris Nichols' executive committee from 2014-2017.

## Honors

- *Chambers USA: America's Leading Lawyers for Business*, Ranked in Delaware for intellectual property (2009-2018)
- *IAM Patent 1000: The World's Leading Patent Practitioners*, Silver-ranked among leading Delaware patent professionals (2014-2018)
- *The Best Lawyers in America*, Listed for patent and intellectual property litigation work (2011-2019); Designated "Lawyer of the Year" in Delaware IP litigation category (2017)
- *Acquisition International*, Named "Best Patent Litigator" in Delaware (2016)
- *Who's Who Legal: Patents*, Listed among top patent practitioners (2014-2018)

## Professional Activities

- American Bar Association (Antitrust Law, Litigation, and Intellectual Property Law sections)
- Delaware State Bar Association
- Federal Bar Association
- Federal Circuit Bar Association

## Community Activities

- Delaware Community Legal Aid Society, Inc. (Past President, Board of Directors)
- Delaware Housing Coalition (Kind Policy Award recipient)
- District of Delaware Lawyer Advisory Committee (Member)

## Representative Matters

- Represent patentee in patent infringement action regarding therapy for treatment of hemophilia A. *Bayer Healthcare Inc. v. Baxalta Inc.*

- Represent plaintiff in trade secret misappropriation action involving opaque and non-opaque polymers in the Delaware Court of Chancery. *The Dow Chemical Company v. Organik Kimya*
- Represent patentee in patent infringement action regarding coatings on razor blades. *The Gillette Company LLC v. Dollar Shave Club, Inc.*
- Represent patentee in patent infringement action involving self-serve milkshake blenders. *freal Foods, LLC v. Hamilton Beach Brands, Inc.*
- Represented Lindsay as lead counsel in patent infringement action involving graphical user interfaces for irrigation equipment. *Valmont Industries, Inc. v. Lindsay Corp.*
- Represented Dow Chemical in a patent infringement case in the District of Delaware and a breach of contract case in the Court of Chancery involving coatings for beverage containers. *Akzo Nobel Coatings Inc. v. The Dow Chemical Company.*
- Represented Solenis as lead counsel in various actions regarding Solenis's patents related to the use of chemical additives to extract corn oil from corn-to-ethanol production streams. *Buckman Laboratories, Inc. v. Solenis.*
- Represented patentee in patent infringement litigation involving polyethylene blends. *The Dow Chemical Company v. Nova Chemicals*
- Represented patentee as lead counsel in patent infringement litigation involving fluorescent light fixtures. *Acuity Brands, Inc. v. Cooper Industries, Inc.*
- Represented patentee as lead counsel in patent infringement litigation involving headlamp vents. *W.L. Gore & Associates, Inc. v. Valeo-Sylvania L.L.C.*
- Represented accused infringers as lead counsel in patent infringement litigation involving lottery ticket vending machines. *GTECH Corp. v. Scientific Games Int'l, Inc., et al.*
- Represented plaintiff as lead counsel in a breach of contract action involving a patent portfolio agreement. *QUALCOMM Inc. v. Texas Instruments, Inc.*
- Represented patentee in Hatch-Waxman Abbreviated New Drug Application (ANDA) litigation concerning generic pharmaceutical composition for the treatment of glaucoma and ocular hypertension. *Pharmacia Corp. v. Par Pharmaceutical, Inc.*
- Represented patentee in patent litigation concerning pharmaceutical compositions for the treatment of glaucoma and ocular hypertension. *Pharmacia Corp. v. Alcon Laboratories, Inc.*
- Defended accused infringers in patent litigation concerning magnetic metal particles used in manufacturing magnetic recording tapes. *Bayer AG v. Sony Electronics, Inc. et al.*

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