



# GENERAL OVERVIEW: FEDERAL CIVIL LITIGATION

Cislo & Thomas LLP – Staff Training Session

November 30, 2022

Katherine Bond



# PRE-LITIGATION

- Over the past 20 years, the overall number of intellectual property cases filed in the U.S. courts has increased dramatically

<https://www.uscourts.gov/news/2020/02/13/just-facts-intellectual-property-cases-patent-copyright-and-trademark>



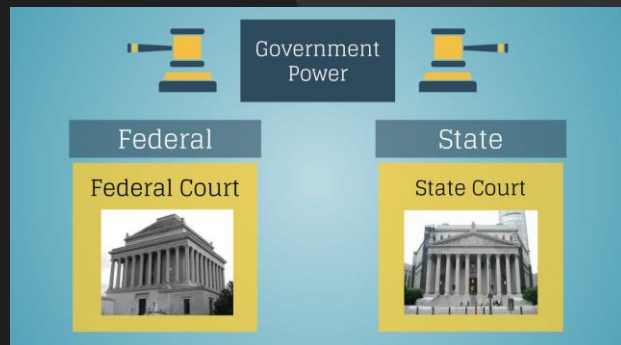
- Litigation:
  - Unpredictable
  - Costly
  - Taxing (financially and emotionally)
- Cease & Desist Letters- To give notice or not?
- Declaratory Judgment Action

VS





# FORMALITIES



- Who are the parties?
  - Plaintiff- person bringing the suit
  - Defendant – person being sued
  - DOE Defendants (A fictitious defendant is a person that cannot be identified by the plaintiff before a lawsuit is commenced)
- State v. Federal
  - Federal Question (patent, copyright trademark); or
  - Diversity (\$75K/Citizenship)
- Where can we sue (location)?

# PLEADING STAGE

- Complaint
- Respond to the Complaint
  - Answer
  - File a motion challenging the sufficiency of the complaint/case (procedural challenge)
- Counterclaim

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1 Courtney A. Hasselberg (88125118)  
2 chass@shookhardin.com  
3 SHOOK, HARDIN & BACON LLP  
4 Southern Cross  
5 3 Park Plaza, Suite 1000  
6 Irvine, California 92614  
7 Telephone: 949.475.1000  
8 Facsimile: 949.475.8019  
9  
10 Attorney for Plaintiff  
11 TELESIGN CORPORATION  
12  
13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA  
15  
16 TELESIGN CORPORATION, ) Case No.  
17 )  
18 PLAINTIFF, ) COMPLAINT FOR PATENT  
19 ) INFRINGEMENT  
20 v. )  
21 TWILIO, INC., )  
22 ) JURY TRIAL DEMANDED  
23 )  
24 DEFENDANT. )  
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**TELESIGN CORPORATION'S  
COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Telesign Corporation ("Telesign") for this Complaint against Defendant Twilio, Inc. ("Twilio") and on information and belief alleges as follows:

**Introduction**

1. Telesign is an industry leader in internet security and user authentication. Telesign is one of the fastest growing technology companies in North America, and is one of the top webhooks in the world, and is a market leader in two-step verification technology.

COMPLAINT

CASE 14-cv-00660-JRT-TNL Document 25 Filed 08/01/15 Page 1 of 35

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

REGENTS OF THE  
UNIVERSITY OF MINNESOTA,  
Plaintiff,  
v.  
AT&T MOBILITY LLC,  
Defendant.

Civil Action No. 14-cv-8666  
JURY TRIAL DEMANDED

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Regents of the University of Minnesota ("the University" or "Plaintiff") states and files this First Amended Complaint for Patent Infringement against Defendant AT&T Mobility LLC ("AT&T" or "Defendant"). In support of this First Amended Complaint, the University alleges as follows:

**THE FACTS**

1. The University is a leading public institution of higher education and advanced research created by charter and perpetuated by the Constitution of the State of Minnesota, Article XIII, Section 3. The University's main offices are located in Minneapolis, Minnesota.

2. On information and belief, Defendant is a limited liability company organized and existing under the laws of the State of Delaware doing business in the State of Minnesota, and having a principal place of business in Atlanta, Georgia.

not for distribution or publication.

# DISCOVERY



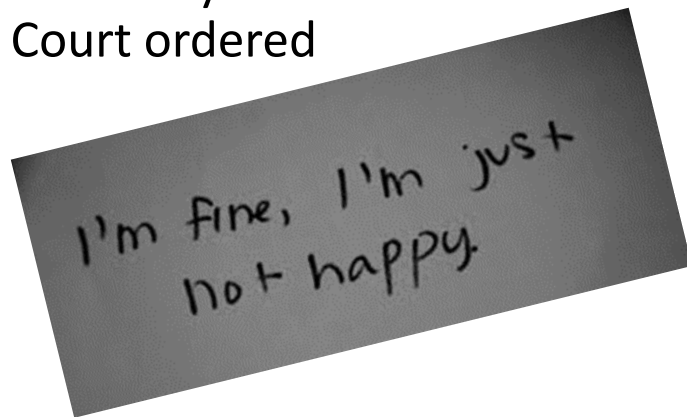
- 26(f) Conference (Claims, Defenses, Evidence, Witness, Settlement, Trial Schedule)
- Request for Documents
- Request for Admission
- Interrogatories
- Depositions
- Non-parties?
  - Subpoena
- Protective Order v. Motion to Compel

# WAYS TO AVOID TRIAL



## Settlement

- Voluntary
- Court ordered



## Summary Judgment (Partial)

- When the court rules that a trial is not necessary because no factual issues remain to be tried
- No genuine dispute of material fact, and the moving party is entitled to judgment as a matter of law, it will issue a judgment in favor of the moving party and end the case

# Pre-Trial Preparation and Trial



Bench Trials or Jury Trials



Motions in Limine



Pre-Trial Conference and Order

Witness lists,  
Exhibits, Jury  
Instructions



Trial



# POST TRIAL

- MOTIONS
  - Motion for a New Trial
    - Lose at trial as a result of an apparent error. Significant deference is given to juries, so the error must be obvious.
  - Motion for Judgment Notwithstanding the Verdict (JNOV)
    - JNOV for the losing side when a jury's verdict was clearly not based on the evidence.
- APPEAL

