

**Clyde E. Findley**

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**Practice Areas**

- Intellectual Property
- Litigation

**Clyde Findley** is an intellectual property litigator and registered patent attorney who brings to his legal practice over 20 years of experience as a software engineer, technical manager and business executive. As a litigator, Mr. Findley focuses on the enforcement of intellectual property rights in computer software and related inventions. He is involved in all aspects of litigation, from pre-suit investigations and opinions through discovery, motions practice, trial and appeal. His software cases have involved a variety of technologies, such as object linking and embedding, vehicle interface and control systems, variable data printing, network monitoring, and digital music.

Mr. Findley is also experienced in other aspects of intellectual property law, including drafting and prosecuting patent applications and the preparation of opinions covering patent validity, enforceability and infringement. His subject matter experience includes software integration architectures, network management, games, digital image recognition, telecommunications, database management and cryptography.

As an attorney, business owner and technical manager, Mr. Findley has negotiated and drafted a number of licenses and contracts in the software engineering field, including government contracts, software development contracts, software licenses, and employment agreements.

In addition to his work as an IP litigator, Mr. Findley also is an adjunct professor of law at the George Mason University School of Law, where he teaches an overview course in United States law to international L.L.M. students.

Mr. Findley is admitted to the Virginia and District of Columbia bars, and he is admitted to practice before the U.S. Courts of Appeals for the Federal Circuit and the Fourth Circuit, and the U.S. District Courts for the Eastern District of

Virginia and the Eastern District of Michigan. He is a member of the American Intellectual Property Law Association and the American Bar Association.

### Representative Cases

- *602531 British Columbia Ltd. v. Mercedes-Benz USA*, No. 2:08-cv-6023 (D N.J.) (represented defendant in patent infringement suit involving vehicle navigation interface software, securing voluntary dismissal with prejudice).
- *St. Clair IP Consultants, Inc. v. Siemens AG, et al.*, No. 06-cv-403 (D Del.) (represented defendant in patent infringement suit involving digital camera software).
- *Quantum Systems Integrators, Inc. v. Sprint Nextel Corporation*, No. 1:07-cv-00491 (E.D. Va.) (represented defendant in copyright infringement trial involving network monitoring software).
- *R.R. Donnelley v. Kodak*, No. 06-cv-032 (D. Del.) (represented defendant in patent infringement action involving variable data printing software).
- *Hayes v. Penny & Giles*, No. 2:04-cv-3084 (D. N.J.) (represented defendant in patent infringement action involving endothermic heat sink for protecting flight data recorders from fire).
- *Curtiss-Wright v. Velan*, No. 04-cv-1157 (W.D. Tex.) (represented plaintiff in patent infringement action involving industrial valves used to de-head coke drums during oil refining operations).
- *Weyer v. Network Solutions, LLC*, No. 04-cv-119 (represented defendant in patent infringement action involving domain name assignment).
- *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc.*, No. 03-cv-927 (D. Del) (represented defendant in patent infringement action involving interactive phonics learning devices).
- *Sightsound.com v. Napster*, No. 04-cv-1549 (W.D. Pa.) (represented plaintiff in patent infringement action involving sale of music in digital form over the Internet).
- *Sightsound.com v. CDNow*, No. 98-cv-0118 (W.D. Pa.) (represented plaintiff in patent infringement action involving sale of music in digital form over the Internet).

### Education

- James Madison University, B.S. (1977) Major: Mathematics; minor: biology
- George Washington University (1981) Graduate study in Computer Science

- Virginia Tech (1987) Graduate study in Computer Science
- George Mason University School of Law, J.D. (2002) *cum laude* - Managing Editor, *George Mason Law Review*

### Affiliations

Admitted to practice:

Virginia

District of Columbia

District of Columbia Court of Appeals

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Federal Circuit

U.S. District Court for the Eastern District of Virginia

U.S. District Court for the Eastern District of Michigan

Registered Patent Attorney, U.S. Patent and Trademark Office

### Publications

- "Unfair Competition and The ITC," *Actions Before the International Trade Commission Under Section 337 of the Tariff Act of 1930* (2004 Edition). Author: Donald Knox Duvall; General Editors: Philip J. McCabe, John W. Bateman; Senior Co-Editor: Fred T. Grasso; Co-Editors: Clyde E. Findley, John B. McDaniel, Robert F. Vroom.
- "Getting Patently Offensive," (an analysis of recent high-dollar awards in patent cases) *C|Net News.com* (January 2004). Co-Authors: Brian S. Mudge and Clyde E. Findley.

### Alerts & Newsletters

- "Federal Circuit Holds That Settlement Negotiations Are Not Privileged," *IP Insights* (April 17, 2012). Contacts: Mark A. Klapow, Sonia Williams Murphy, Clyde E. Findley.

- "At Least One Said Index" Is Identical To "Said At Least One Index," *Intellectual Property Bullet Analyses* (October 10, 2008). Contacts: Mark Supko, Clyde E. Findley.
- "Mere Demonstration At A Trade Show Does Not Constitute Infringing Use," *Intellectual Property Bullet Analyses* (September 11, 2008). Contacts: Mark Supko, Clyde E. Findley.
- "Joint Infringement of a Method Claim Requires "Direct Control" of Each Step," *Intellectual Property Bullet Analyses* (July 16, 2008). Contacts: Mark Supko, Clyde E. Findley, Michael I. Coe.
- "No Right to a Jury Trial on the Jurisdictional Issue of Standing," *Intellectual Property Bullet Analyses* (February 15, 2008). Contacts: Clyde E. Findley, Michael I. Coe.

### Speaking Engagements

- "International Patent Licensing Issues and Concerns," American Conference Institute conference on Licensing Intellectual Property - San Francisco, CA (December 2003). Co-Presenters: William K. Wells and Clyde E. Findley.