



## District Court Awards Attorney Fees against Intellect Wireless' Lawyers

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By: Daniel L. Moffett

In 2010, Intellect Wireless filed a complaint against the defendants alleging infringement of two patents. Judge Pallmeyer stayed the case pending Judge William Hart's ruling on an inequitable conduct defense asserted against Intellect Wireless in a related case asserting the same patents. Following a bench trial, Judge Hart concluded that Henderson had filed false declarations with the PTO and held the patents unenforceable based on inequitable conduct. The Federal Circuit affirmed. After the Federal Circuit's affirmance, Judge Pallmeyer granted defendants' motion for an award of attorney fees against Intellect Wireless under 35 U.S.C. § 285, finding the

case to be "exceptional" based on Henderson's pattern of deceit. After conducting additional discovery, the defendants asserted that Intellect Wireless' attorneys were aware of the false declarations and knew or reasonably should have known that the patents were invalid, but nevertheless forged ahead with the litigation.

In a fiftyfive page opinion, Judge Pallmeyer ordered that the attorneys be held jointly and severably liable for the defendants' reasonable attorney fees. As the court explained, the record showed that Intellect Wireless' attorneys "not only repeatedly misrepresented the functionality of Henderson's prototypes, but . . . continued to make misleading statements about what [they] actually knew and when they knew it." As a result, "their lack of candor unnecessarily prolonged the litigation as [the] defendants had to respond to those inaccurate statements, and required the court to expend unnecessary time and energy parsing the record."

*Intellect Wireless Inc. v. Sharp Corporation*, 1:10cv06763 (N.D. Illinois, March 31, 2015).

## Categories

District Court

35 U.S.C. § 285

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