

PhaseLocked Systems
San Diego County, CA
Robert T. Short, Ph.D., Principal

Legal Experience for Robert T. Short, Ph.D.

Patent infringement case against Broadcast International.

1995, Salt Lake City, Utah

Technical issues: The plaintiff alleged that my client (Broadcast International) was infringing on a patent that involved a software implementation of a standard error correction code. My responsibility was to understand the algorithm and analyze the accused devices for the presence of infringement. This involved examination of firmware, real-time operating system software, hardware structures, and system results. Of course an understanding of error correction was required.

Responsibilities: (1) I analyzed the accused equipment by experiment and by reverse engineering the assembly language code (firmware) to demonstrate non-infringement, (2) I wrote a report, (3) I was deposed.

Disposition: This case was settled among the parties.

Peavey Electronics Corporation vs. Behringer International

United States District Court for the District of New Jersey

Case number: 2:09-cv-00918-JLL-CCC

Technical issues: This was a patent infringement case in which Peavey accused Behringer of infringing a patent regarding detection of feedback signals in audio electronics intended for live performance (powered mixer consoles). This involved understanding, analyzing and breadboarding audio circuits.

Responsibilities: I supported the defendant's law firm. (1) Performed experiments, analysis of circuits, and circuit measurements to demonstrate a lack of infringement, (2) assisted with claims construction efforts including teaching my clients several technical issues, (3) wrote expert report and declaration to support claims construction efforts, (4) testified before Judge Linares (not a jury) in U.S. District Court in a Markman hearing supporting claim construction terminology.

Disposition: The Markman opinion issued by Judge Linares was in almost complete agreement with the claim construction offered by the defendant. The plaintiff dropped the case shortly after the Markman hearing.

Law Firm: Stoel-Rives LLP, Portland, OR.

Opposing Law firm: Bienstock & Michael, P.C. Hackensack, NJ.

Multiple Cases

This was a series of cases in which Aerielle Technologies accused several manufacturers of patent infringement. The following describes the effort from 2005-2009. My involvement essentially as a consultant and I was kept

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isolated from the specifics of the cases (e.g. I never saw actual court documents). The intent was to use me as a testifying expert if necessary, but it was never necessary.

Technical issues: Aerielle Technologies owns two patents describing antenna structures used for portable FM transmitters for portable electronic devices. The technical details involved antenna theory and practice, RF circuits, audio circuits, and various structures commonly used in wireless communication systems (e.g. phase-locked loops, filters, common-mode chokes, etc.).

Responsibilities: (1) Reverse engineered FM transmitters from a variety of manufacturers to determine infringement, (2) Wrote expert reports in claim chart format, (3) taught my client about the various circuits and concepts involved. My client (Taylor-Lord-Dunham of Austin, TX) prepared the formal infringement contentions.

Disposition: Several settlements in favor of Aerielle.

Law Firm: Taylor, Lord, Dunham, Austin, TX

Aerielle Technologies, Inc. Vs. Belkin International, Inc., Best Buy Co., Inc., Bestbuy.com, LLC, Best Buy Stores, L.P., and Radio Shack Corporation

Court: United States District Court, Northern District of California, San Jose Division

Case number: C 10-01301 LHK (HRL)

This was a continuation of the previous case, but with a different firm as my clients.

Technical issues: Aerielle Technologies owns two patents describing antenna structures used for portable FM transmitters for portable electronic devices. The technical details involved antenna theory and practice, RF circuits, audio circuits, and various structures commonly used in wireless communication systems (e.g. phase-locked loops, filters, common-mode chokes, etc.).

Responsibilities: (1) Reverse engineered FM transmitters from a variety of manufacturers to determine infringement, (2) Wrote expert reports in claim chart format, (3) taught my client about the various circuits and concepts involved, (4) assisted with writing claim construction documents, (5) assisted client with writing infringement contentions (6) wrote expert reports and declarations in support of infringement contention and claim construction documents, (7) attended Markman hearing with my client – was not called on to testify, (8) attended several depositions with my client. The case was dropped before I was deposed.

Disposition: Aerielle dropped the case because of mounting costs.

Law Firm: DLA Piper, Palo Alto, CA