



Robert W. Dickerson, Jr.

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Pronouns: he, him, his

Robert Dickerson, Jr., Chair of Burke's [IP Practice Group](#), has been litigating patent, trademark, copyright, trade secret, and antitrust cases for over 30 years, most of those as first chair, and many of those for Fortune 500 companies. He has litigated cases in many U.S. District Courts throughout the country, before the International Trade Commission, and in the United States Patent and Trademark Office, compiling an exceptional win-to-loss ratio. He has also successfully argued cases before various appellate courts, including the Federal Circuit, and has been retained to lead and consult on litigation in other countries.

Robert's litigation experience involves a multi-billion dollar antitrust case, copyright infringement cases, and patent cases involving a wide range of technologies, including various types of medical devices, optical networks, content delivery systems, web hosting, 3-D printing, flashlights, laser sintering, stereolithography, biotechnology (including genetically modified plants), integrated chip design, medical diagnostic methods and devices, veterinary products, commercial garment processing, laminated flooring panels, computer switch products, non-volatile memory, business methods, video and other games, database management, data encryption and securitization, and mechanical devices, among many others.

He is registered to practice patent law by the U.S. Patent and Trademark Office, oversees patent and trademark prosecution matters, and advises clients on their overall IP portfolios, including national and global IP strategies and licensing programs for patents and trademarks. He has also successfully asserted copyright infringement cases, obtaining large settlements for his clients.

Robert has litigated general business and franchise matters in state courts and before administrative agencies. He has represented a national distributor of motor vehicles and handled a wide variety of motor vehicle distributor/dealer issues and litigation throughout the country, in addition to its IP and antitrust matters.

PRACTICES

Intellectual Property

EDUCATION

J.D., cum laude, Southwestern University School of Law

B.S., Industrial Engineering and Operations Research, University of California, Berkeley

ADMISSION

State Bar of California

United States Patent Bar

United States Court of Appeals for the First Circuit

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals for the Ninth Circuit

United States Court of Appeals for the Tenth Circuit

United States Court of Appeals for the Federal Circuit

United States District Court for the Central District of California

United States District Court for the Eastern District of California

United States District Court for the Northern District of California

United States District Court for
the Southern District of
California

Robert also counsels clients on all IP aspects of transactional matters (including M&A) and provides infringement and freedom-to-operate analysis and opinions for patents, trademarks and copyrights. He has directed the development and implementation of IP audit, capture, evaluation, and monetization programs for companies engaged in research and development.

Robert has twice been named as one of the Best Lawyers in America, and twice named a one of the Top 75 IP attorneys and one of the Top 30 Patent Litigators in California by *California Daily Journal* on the basis of results obtained in large-stakes patent litigation. He has been named as a Tier 1 Patent litigator and as a California Highly Recommended Litigation Star by Benchmark Plaintiff, an IP Superstar by *Los Angeles Magazine* for each of the last 20 years, and has been recognized in several Who's Who listings of IP attorneys.

Robert has often been quoted in major publications, including the *New York Times* and the *Wall Street Journal*, on hot topics and current cases in IP law, and has published articles in the *ABA Journal* and other legal publications.

Robert was lead counsel in a pro bono matter that resulted in the largest judgment ever obtained in a Public Counsel pro bono consumer fraud case, for which he received the "California Angel" award from *California Magazine*.

Robert started his career at IP powerhouse Lyon & Lyon, where he was Associate, then Partner, and then the first ever Managing Partner of the firm, and he has also been Chair and Co-Chair of the IP Groups of large national and international law firms.

In law school, Robert was a member of Moot Court Honors Program and on the intercollegiate team competing in the Giles Sutherland Rich Patent Law National Competition (Winner, Regional Finals), a member of Law Review, and winner of the Jurisprudence Award in Property.

Prior to starting law school, Robert worked as a cowboy on a cattle ranch, paid for his undergraduate education by playing lead guitar in a professional rock n' roll band, and worked for Shell Development Corporation involved in research and development of herbicides and pesticides.

"Success is 10 percent inspiration and 90 percent perspiration."
(Thomas Alva Edison).

"Very few things are ever as good or bad as they seem at the moment, so don't overreact to either." (Author Unknown).

PUBLICATIONS

5 Things Every Non-Patent Attorney Should Know About Recent Changes In Patent Law

New Trends in Trademark Law

Just Browsing: Bringing Your Patent Case in California

Apple v. Samsung: Impact of the Verdict

Indemnification for Infringement

RECOGNITIONS

Selectee, Best Lawyers in America (2022, 2023)

Selectee, Tier 1 Litigator, Benchmark IP (2013, 2015)

Selectee, Top IP Attorneys, Legal 500 (2014)

Selectee, IAM Patent 1000: The World's Leading Patent Litigators (2014)

Selectee, IP Superstar, Los Angeles Magazine (2019)

Selectee, Southern California Super Lawyers (2004-2023)

Selectee, Daily Journal Top Patent Litigators of California (2012, 2014)

Selectee, Angel Award, California Magazine (2008)

Founding Member, Board of Directors, Association of Patent Law Firms (1999-2001)

Past Member, Board of Directors, Los Angeles County Bar Foundation (2003-2010)

REPRESENTATIVE MATTERS

- Obtained a jury verdict for a medical device company that the asserted patent was invalid under 35 U.S.C. § 112, and then argued and sustained that result on appeal to the Federal Circuit. The same plaintiff asserted other patents against the client in the U.S. and Germany. The Federal Circuit opinion in the first case, and an extensive anti-trust counterclaim prepared by Mr. Dickerson in the second U.S. case, led to a global settlement. This allowed the client to obtain additional financing to proceed with clinical trials for its medical device, which has since been approved.
- Defended a product manufacturer in a patent case in which the plaintiff claimed past damages going back 6 years before suit on the basis that the patentee had not sold any patented products and thus had no obligation to “mark” under 35 U.S.C § 287(a). During discovery, obtained deposition testimony establishing that there was an obligation to “mark.” This had the effect of removing most of the alleged infringing revenue from the damages period. Also discovered new prior art and obtained deposition testimony of third party witnesses that placed the patent’s validity in doubt on both anticipation and obviousness. The case then settled on a very favorable basis for the client.

- Defended a patent case brought by a very well-known and successful patent plaintiff's firm against two global manufacturers of consumer products. Over twenty other companies had taken licenses under the asserted patent. At the hearing on the client's motion for summary judgment, the Judge took the motion under advisement but indicated that the motion and request for attorney fees appeared to have merit, such that plaintiff should consider settlement. The case settled three days later on the basis of a walk-away by plaintiff (no money paid), and a complete release of all claims against the client on the asserted patent, and also on any other patents related to the asserted patent.
- At the demand of the client, was brought into a case shortly before trial to be lead trial counsel. Convinced the Court to bifurcate trial on damages from liability and to allow additional discovery on damages, with Robert taking a key deposition. Plaintiff's damages expert stated after the damages trial that the deposition "pretty much eviscerated" their key evidence and case on damages.
- In a trademark matter for a well-known consumer product manufacturer, obtained a world-wide injunction against an infringer, and a cancellation of registrations on the infringing mark, along with a sizeable payment to reimburse the client's attorney fees.
- Was brought into a very complex trade secret case as lead lawyer after the defendants substituted in an AmLaw 100 firm which ramped up the defense effort immensely, and after the Judge had issued an Order on their Motion to Dismiss that was very critical of the clients' case, and would have inevitably led to the dismissal of the case (although leave to amend was granted, it would have been futile under the circumstances). After taking over as lead attorney in the case, and, among other things, making the final decision on all strategic moves, editing all briefing, and appearing at all court hearings, obtained an Order granting our Motion for Reconsideration reversing the earlier Order that effectively saved the case from being dismissed. Later, obtained a Sanctions Order that provided sizeable monetary sanctions and a dismissal of defendants' key affirmative defense, which in turn led to settlement on terms extremely favorable for the clients
- Lead trial counsel for a large consumer products company that was defendant in multiple-patent litigation that lasted over 6 years, beginning in the International Trade Commission. Won the ITC case. Plaintiff then filed in the ED Texas, and added additional patents. Obtained a transfer of the case to the Central District of California. After a successful *Markman* ruling that essentially precluded a finding of infringement, the case settled on a walk-away global settlement that obtained a release for the client not only on the asserted patents, but also on any related patents anywhere in the world.
- Represented a major garment manufacturer in defense of patent

litigation in the U.S. and abroad in which plaintiff sought damages well in excess of \$100,000,000. Found prior art that resulted in partial summary judgment in the U.S., which led to a settlement of the U.S. case on very favorable terms, and which also led to summary dismissal of the foreign litigation.

- Retained by a global products manufacturer to take the lead in a major litigation and dispute involving the client's exclusive distributor for all of Mexico, which had spawned an ICC Arbitration and seventeen different court actions in Mexican courts, and which placed the client's market share and brand name reputation at risk in this important market. When the litigation (which was being handled by a mega-firm's Mexico City office) was not going well, the client retained Mr. Dickerson to take the lead in the dispute. Obtained an agreed stay of all litigation, and thereafter was lead counsel in the negotiations that resulted in an omnibus settlement agreement that resolved all issues and litigation, obtained a very large payment to our client, and installed a new exclusive distributor such that the client's market share and brand name reputation were preserved.
- Lead counsel for a small company in a patent infringement case against a major corporation. The defendant retained an AmLaw 100 law firm and litigated the case in a scorched-earth manner, among other things searching the world over for more relevant prior art than that considered by the Patent Office, and finding prior art abroad that they asserted to be invalidating. After obtaining a very favorable *Markman* ruling, and establishing why the newly-found prior art was not invalidating, negotiated a multi-million dollar settlement.
- Lead defense counsel in a multiple-patent case brought against large consumer product companies. The patents had been successfully asserted against several other large companies, all of whom had taken licenses. Plaintiff's settlement demand at the mediation was in excess of \$25,000,000. The clients rejected the demand and decided to litigate aggressively. After a successful *Markman* and after uncovering compelling evidence on other potentially dispositive issues, the matter settled on terms extremely favorable for the clients.
- Successfully protected client's right in a world famous trademark, including winning an important opposition proceeding in the United States Patent and Trademark Office that established that the trademark had not become generic.
- Retained by a company that provides an online video-sharing platform to file a copyright infringement case against an international publishing company, replacing prior counsel (an AmLaw100 firm) who had recommended a 5-figure settlement; obtained a 7-figure settlement shortly before trial.