



Christopher J. Fahy

Partner

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OVERVIEW

Christopher ("C.J.") Fahy is an intellectual property litigator and client counselor. As a seasoned litigator, he has litigated intellectual property matters before numerous U.S. district courts and courts of appeals, the International Trade Commission (ITC) and the U.S. Patent and Trademark Office. Christopher leads cases involving patents, copyrights, trade secrets, trademarks, trade dress, the Lanham Act, unfair competition and false advertising. He has developed and implemented litigation strategy and counseled clients in a variety of technology fields including robotics, automotive systems, gaming devices, stem cells, electrical and mechanical devices, outdoor goods and services, and confectionaries. He has negotiated settlements and litigated numerous matters involving patent trolls/non-practicing entities and has experience with emergency motion practice for temporary restraining orders and preliminary injunction proceedings.

As a trusted advisor, Christopher provides strategic counsel to clients in the acquisition, protection and exploitation of their patents, trademarks, copyrights and trade secrets. He also counsels clients on a number of other intellectual property issues including brand licensing and data privacy.

Christopher's legal expertise is complemented by practical experience gained as a mechanical engineer. Before becoming a lawyer, he worked for several years as a mechanical engineer with ASEA Brown Boveri (ABB), Inc., where he specialized in mechanical issues with their robotic products, and SubZero Freezer Company, Inc., where he oversaw the manufacture of refrigeration equipment parts. In large part because of his experience in industry, Christopher prides himself on knowing his clients' business and is dedicated to client service.

ACHIEVEMENTS

- Selected for inclusion in Illinois Super Lawyers®—Rising Stars Edition (2012–2017: Intellectual Property Litigation)

PROFESSIONAL / CIVIC ACTIVITIES

- American Bar Association
- Illinois Bar Association

- Wisconsin Bar Association

SPEAKING ENGAGEMENTS

- Co-host, “US Trademark Case Law Review” International Trademark Association (“INTA”) Roundtable, 2017.
- Co-host, “As the World Turns – International Trademark Developments” International Trademark Association (“INTA”) Roundtable, 2016.

EDUCATION

- J.D., University of Wisconsin Law School, 2005 (*cum laude*)
- B.S., University of Wisconsin, 1999 (*mechanical engineering*)

ADMISSIONS

- Bar of Illinois
- Bar of Wisconsin
- United States Court of Appeals for the Federal Circuit
- United States Court of Appeals for the Seventh Circuit
- United States District Court for the Eastern District of Michigan
- United States District Court for the Eastern District of Wisconsin
- United States District Court for the Northern District of Florida
- United States District Court for the Northern District of Illinois
- United States District Court for the Western District of Wisconsin

THOUGHT LEADERSHIP POWERED BY HUB

- 17 May 2018, Federal Circuit Declines to Alter Alien Venue Rule in Patent Cases Post-*TC Heartland* (*Alerts/Updates*)

OTHER PUBLICATIONS

- Co-author, “Patent Review, Three Years In: The Pendulum Swings,” *Chicago Daily Law Bulletin* 2015.
- Author, “Are patent damages really what they seem?” *Intellectual Property Magazine* 2014.
- Co-author, “Proving and Defending Lost-Profits Claims,” *American Bar Association Section of Litigation*, 2007.

NEWS & EVENTS

- 19 March 2018, K&L Gates Welcomes Returning Chicago IP Litigation Partner (*Press Release*)

AREAS OF FOCUS

- IP Litigation
- E-Discovery Analysis and Technology (e-DAT)
- IP Procurement and Portfolio Management

REPRESENTATIVE EXPERIENCE

- Member of an appellate team that obtained the reversal of a multi-million dollar jury verdict for fraudulent misrepresentation and tortious interference in the Seventh Circuit Court of Appeals.
- Member of a trial team defending against preliminary injunction in the District of Massachusetts alleging theft of trade secrets related to robotic technology that resulted in favorable settlement.
- Member of a trial team that successfully obtained summary judgment of all claims brought against Cabela's in a complex intellectual property litigation case in the District of Montana, involving copyright infringement, trademark infringement, unfair competition, unfair trade practices, and trade secret misappropriation claims. The case is the seminal case on the copyright standards applied to photo-realistic camouflage.
- Defended an international tier-one automotive supplier in a patent infringement case in the Eastern District of Michigan that resulted in an early settlement after a claim construction hearing.
- Member of a trial team in a patent infringement case in the Northern District of Illinois that secured favorable "specification disclaimer" ruling against plaintiff's patent, leading to summary judgment of non-infringement both literally and under the doctrine of equivalents.
- Co-lead counsel for international specialty retail brand in trademark dispute in the Northern District of Illinois.
- Lead counsel for headphone manufacturer in trademark and right of publicity dispute in Wisconsin Circuit Court.
- Successfully argued appeal at the United States Court of Appeals for the Federal Circuit on behalf of the patent owner, a multi-national manufacturing company, resulting in order affirming validity of multiple patent claims.
- Lead counsel for an international manufacturer of arrestor beds in a bet the company patent dispute. Secured a denial of the plaintiff's preliminary injunction request along with a favorable settlement following a full preliminary injunction hearing.
- Trial counsel in multiple inter partes review (IPR) proceedings before the Patent Trial and Appeal Board, as petitioner, on behalf of one of the largest providers of chemicals and related services in the United States.

- Obtained an injunction and Special Master's recommendation of \$5 million damages award in a trademark infringement case for a nationwide bedding retailer in the Northern District of Florida.
- Defended Cabela's in a patent infringement suit in the Northern District of California brought by a notorious patent troll where the district court found the patent at issue invalid and was affirmed by the Federal Circuit.
- Trial counsel in multiple inter partes review (IPR) proceedings before the Patent Trial and Appeal Board, as both patent owner and petitioner, on behalf of a multi-national manufacturing company.
- Represented the family of a famous Chinese entertainer and author and obtained a settlement against an international media company in a copyright infringement case in the Southern District of New York.