



Brooke A. M. Taylor Partner

Seattle
(206) 373-7383
btaylor@susmangodfrey.com

Overview

*Currently on leave of absence

Brooke Taylor is a partner in the firm's Seattle, Washington office and a member of the firm's Executive Committee. Recognized as a [Powerbroker by Law360](#), Ms Taylor is proud to have represented clients including T-Mobile USA, Inc., Intellectual Ventures, Zillow Inc., and REI, Inc. Equally comfortable at home and on the road, Ms. Taylor's cases take her from Seattle to Venezuela, New York, Texas, California, Delaware and many spots in between. Ms. Taylor especially enjoys cases requiring a technical understanding and has handled significant intellectual property disputes. Ms. Taylor's successful track record is the result of around the clock dedication to her clients' interests, strategic thinking, and focus on details.

Ms. Taylor has filed multiple amicus briefs in cases pending before the United States Supreme Court, including eBay Inc. v. MercExchange, LLC. Outside the courtroom, Ms. Taylor has also provided legal commentary on CNBC regarding patent issues including eBay and KSR v. Teleflex cases. [Click here](#) to watch Ms. Taylor debate the eBay case. [Click here](#) to watch Ms. Taylor debate Callaway's entitlement to a permanent injunction enjoining further infringement of its golf ball patent.

Brooke's peers selected her for inclusion in *The Best Lawyers in America*® 2016 in the fields of Commercial Litigation, Intellectual Property, and Patent Litigation (Woodward & White, Ltd.). In 2012-2015, *Intellectual Asset Management* magazine named Ms. Taylor to the *IAM Patent 1000: The World's Leading Patent Practitioners*. Washington Law & Politics (Thomson Reuters) recognized Ms. Taylor as a Rising Star in 2009-2015 and featured her [in this article](#). Ms. Taylor is on the Executive Board and is one of the founding members of Seattle IP American Inn of Court.

Education

- Duke University
- The University of Chicago Law School

Clerkship

Law Clerk to The Honorable Gerald Bard Tjoflat, Court of Appeals, Eleventh Circuit

Honors and Distinctions

- Named “Lawyer of the Year” for Intellectual Property in Seattle by The Best Lawyers in America (2021, Woodward White, Inc.)
- 2015, Brooke was selected as a [Rising Star by Law360](#).
- Brooke was recently selected by her peers for inclusion in *The Best Lawyers in America*® 2015 in the field of Litigation – Intellectual Property (Woodward White, Inc.).
- In 2014, Law360 recognized Ms. Taylor as a Powerbroker [in this profile](#).
- In March 2013, Ms. Taylor was awarded a Distinguished Service Medal for her work forming and sustaining the Seattle IP American Inn of Court, a member of the Linn Inn Alliance.
- Executive Editor, The University of Chicago Legal Forum
- Washington Law & Politics (Thomson Reuters) recognized Ms. Taylor as a Rising Star in each year from 2009-2015 and featured her [in this article](#).
- In 2012-2015, *Intellectual Asset Management* magazine named Ms. Taylor to the *IAM Patent 1000: The World’s Leading Patent Practitioners*.

Professional Associations and Memberships

- Supreme Court of the United States
- The Federal Circuit
- Western District of Washington
- Eastern District of Washington
- Eastern District of Texas
- Southern District of Texas
- Seattle IP American Inn of Court, Executive Board Member and Co-Founder

Notable Representation

Intellectual Property

- *Zillow, Inc. v. Trulia, Inc.* (W.D. Washington) (2012 – 2014). Lead counsel for plaintiff Zillow, Inc. in patent infringement case. Case resolved after Zillow defeated Trulia motion to dismiss.
- *Paltalk Holdings, Inc. v. Sony and Activision* (E.D. Tex.) (2009 – 2011) — counsel for plaintiff in this patent infringement action. Result: Settled after favorable Markman ruling, intense discovery, and days before trial was to commence.
- *Intellectual Ventures I LLC v. Check Point, Technologies Ltd., et al.* (D. Del.) (2010 –) (representation of

plaintiff in significant patent infringement suit against Check Point, McAfee, Symantec, and Trend Micro). Court denied Defendants' summary judgment motions regarding non-infringement and validity of the asserted patents.

- *Vasudevan Software, Inc. v. IBM and Oracle* (N.D. Cal.) (2009 - 2011) — lead counsel for patentee VSi, Ms. Taylor, asserted US. Patent Nos. 6,877,006; 7,167,864; and 7,720,861, related to VSi's company's data fusion and analysis software called MIDaS™. Result: settled after favorable Markman ruling and after completion of discovery, including after Ms. Taylor argued a motion to compel discovery from Oracle Corporation.
- *WizKids, Inc. v. Wizards of the Coast, Inc.* (W.D. Wash.) (2007-2008) — lead counsel for patentee Wizards of the Coast, Inc. Successfully opposed two early summary judgment motions; case settled just before Markman proceedings.
- *Leap Wireless International and Cricket Communications v. Metro PCS Communications, Inc.* (E.D. Tex.) (2006-2008) – Representation of plaintiff in patent infringement suit against Metro PCS involving U.S. Patent No. 6,813,497, and defense of Leap in cases filed in courts in Dallas, Tampa, and California. Case settled before Markman proceedings.
- *MicroUnity Systems Engineering, Inc. v. Sony* (E.D. Tex.) (2005-2007) — Prosecution of MicroUnity's patent claims alleging that Sony's PlayStation 2 and PlayStation Portable infringe MicroUnity's patents covering mediaprocessor and memory controller technology.
- *In re CLI Patent Litigation* (N.D. Cal.) (2004-2006) — Representation of Compression Labs, Inc. and Forgent Networks in prosecution of patent claims against numerous defendants including Apple Computer Incorporated, Eastman Kodak Company, Hewlett-Packard Company, International Business Machines Corporation, and Xerox Corporation.
- *MicroUnity Systems Engineering, Inc. v. Intel and Dell* (E.D. Tex.) (2004-2005) — Prosecution of MicroUnity's patent claims alleging that Intel's Pentium III, Pentium 4, and Pentium M processors infringed MicroUnity's patents covering "mediaprocessor" technology; case settled a month before trial for a confidential sum; Intel publicly disclosed the financial terms of the settlement in its Third Quarter 2005 10-Q.
- *Autobyte Inc. v. Dealix Corporation* (E.D. Tex.) (2004 — 2007) — Defended Dealix against patent infringement claims relating to purchase requests over a computer network; case settled after jury selection and after the Court granted in part one of Dealix's motions for summary judgment argued by Ms. Taylor, limiting the plaintiff's damages before March 23, 2004.

Significant Commercial Litigation Matters

- *Kater v. Churchill Downs Incorporated* (W.D. Washington) (2015 -). Lead counsel for Defendant Churchill Downs Incorporated in a class action case alleging violations of Washington state's gambling statute, Washington Consumer Protection Act, and unjust enrichment.
- *Top Agent Network, Inc. v. Zillow, Inc.* (N.D. California) (2014 -) - Counsel for Zillow regarding trade secret misappropriation claim.
- *T-Mobile USA, Inc. v. IDT Domestic Telecom* (King County Superior Court in Washington) (2009 - 2012) - Counsel for plaintiff in this \$44 million dollar breach of contract action. Result: Settled days before trial was to begin after Ms. Taylor argued and won dismissal of certain IDT counterclaims.
- *T-Mobile USA, Inc. v. AU Optronics* (MDL) (2011 - 2013) — Successful prosecution of T-Mobile's antitrust claims relating to price-fixing of LCD panels and products. Terms of resolution are confidential.
- *Lyondell-Citgo Refining, Co. v. PDVSA* (S.D.N.Y.) (2002-2006) — Prosecution of breach of contract claim alleging that PDVSA, the national oil company of Venezuela, made improper declarations of force majeure to avoid fulfilling contractual obligations to sell crude to LCR. After defeating PDVSA's motion to dismiss the case under the "act of state" doctrine and completing extensive discovery in the United States and Venezuela, Susman Godfrey obtained an adverse inference against PDVSA for refusing to

produce documents, and, following that discovery sanction, filed a motion for summary judgment on behalf of the plaintiff. The case settled while that summary judgment motion was pending.

- *Gateway, Inc. and Microsoft Corporation* (2005) — Representation of Gateway, Inc. in negotiation of agreement pursuant to which Microsoft will pay Gateway \$150 million over four years; as part of the agreement, Gateway released antitrust claims against Microsoft.
- *Be Incorporated v. Microsoft Corporation* (N.D. Cal.) (2002-2003) — Prosecution of antitrust claims alleging monopolization of the market for PC operating system software; case settled during discovery. Under the terms of the settlement, Be received a payment of \$23,250,000 after attorneys' fees and expenses. All other terms of the settlement remain confidential.
- *Bank of America v. REI, Inc.* (King County, Washington Superior Court) (2002-2003) — Defense of suit alleging misappropriation of trade secrets in connection with marketing of co-branded credit cards; case settled near end of discovery.

Amicus Briefs

- *eBay Inc. v. MercExchange L.L.C.*, in the United States Supreme Court (2006) — Represented the most important American inventors of our time in an amicus brief filed with the United States Supreme Court in the *eBay Inc. v. MercExchange L.L.C.* case. The following inventors signed a brief focusing on the importance of injunctive relief in our patent system, their inventions are noted in parentheses: Martin Cooper (cell phone); Dr. James Ferguson (liquid crystal displays); Dr. Ray Damadian (Magnetic Resonating Imaging (MRI)); Dr. Leroy Hood (DNA sequencer); Dr. Paul MacCready (human-powered flying machine); Burt Rutan (SpaceShipOne reusable private aircraft to travel into space); and Dr. Nathan Myhrvold, former Chief Technology Officer of Microsoft and co-founder and CEO of Intellectual Ventures, a firm that provides inventors with necessary research tools and funding, develops inventions internally, and buys and licenses inventions from others. [Click here](#) to view the brief.
- *KSR International Co. v. Teleflex, Inc.*, in the United States Supreme Court (2006) — Represented Intellectual Ventures in an amicus brief. [Click here](#) to view the brief.
- *MedImmune, Inc. v. Genentech, Inc.*, in the United States Supreme Court (2006) — Represented licensing executives in this [brief](#) in support of Genentech; co-counsel with Professor Richard A. Epstein.
- *Microsoft Corporation v. i4i Limited Partnership*, in the United States Supreme Court (2011) — Represented Intellectual Ventures and inventors in support of i4i. [Click here](#) to view the brief.

Speaking Engagements

June 24, 2015 - *Pretrial Practice: Settlement*, organized by PLI and presented in San Francisco, California

March 23, 2015 - USC IP Institute, Damages Roundtable

June 26, 2014 - *Pretrial Practice: Settlement*, organized by PLI and presented in San Francisco, California

July 17, 2012 - *Speaking Different Languages: Alternative Fee Arrangements for Law Firms and Legal Departments*, a webinar sponsored by LexisNexis and CounselLink

March 13, 2012 - *Pricing and Profitability Models*, a conference organized by Sandpiper Partners, San Francisco, California

References

Vasudevan Software, Inc. (VSi) sought advice and guidance in the enforcement of our patent portfolio. We were most fortunate to become clients of Susman Godfrey. Our team was led by Brooke Taylor and we could not have asked for a better lead counsel. The ability of Ms. Taylor to understand the intricacies of software patent claims, especially viewed in light of their enforcement in the marketplace, was nothing short of spectacular. It was a pleasure working with Brooke Taylor; she was a steady hand over the course of the litigation, especially in those fluid situations that often occur in the midst of complex patent litigation. Brooke's guidance was invaluable, enabling VSi to successfully license our patent portfolio.