



Floyd G. Short Partner

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Overview

Floyd Short litigates and tries complex commercial and intellectual property cases on behalf of plaintiffs and defendants in the State of Washington and across the United States. A proficient and versatile trial lawyer, Mr. Short represents clients in cases involving patent infringement, trade secret misappropriation, breach of contract, bankruptcy, health care, ERISA, antitrust and unfair competition. He has also represented individuals and corporations in white collar criminal matters and SEC and other government investigations.

Mr. Short has successfully tried more than a dozen cases—most to a jury—and has appeared in federal and state courts in Alaska, California, Delaware, Georgia, Michigan, Minnesota, Missouri, New York, Texas, Utah, and Washington, proving himself a seasoned and effective trial lawyer. He also has tried cases involving patent infringement and trade secret misappropriation in front of the International Trade Commission in Washington, D.C.

For every one of his cases, Mr. Short masters his client's objectives, business, technology, products, and services in order to obtain the best possible outcome. He takes pride in his ability to explain complex issues and advocate his client's position to judge and jury in a clear and persuasive manner. Through nearly 30 years of civil and criminal trial practice, plus teaching law part-time, Mr. Short has honed his ability to communicate and connect with judges and juries, as well as with clients, witnesses, and other attorneys.

Mr. Short has been recognized for his skills and leadership by lawyers and judges alike. He has been named a Washington Super Lawyer for several years (2014-2020, Thomson Reuters) and has held a Peer Review Rating of AV® Preeminent™ (5.0 out of 5.0) from Martindale-Hubbell since 2013. Mr. Short currently serves as a Trustee on the Board of the King County Bar Association, and he previously served as the President of the Federal Bar Association of the Western District of Washington and a Lawyer Representative to the Ninth Circuit Judicial Conference by appointment of the federal judges of the Western District of Washington.

Before joining Susman Godfrey in 2006, Mr. Short was a federal prosecutor and the Supervisor of the Complex Crimes Unit of the U.S. Attorney's Office for the Western District of Washington, where he specialized in white collar criminal cases involving securities fraud, investment fraud, financial fraud, Internet and computer crime, and intellectual property crime.

At the beginning of his legal career, Mr. Short served as a law clerk to the Honorable Betty B. Fletcher of

the United States Court of Appeals for the Ninth Circuit, and spent three years at Preston Gates and Ellis (now K&L Gates), where he handled intellectual property litigation, First Amendment cases, and commercial litigation.

Education

- Williams College (B.A., magna cum laude, with Highest Honors in Political Science, 1985)
- Yale Law School (J.D., 1990)

Clerkship

Judicial Clerk, Honorable Betty B. Fletcher, U.S. Court of Appeals, Ninth Circuit, 1990-1991

Notable Representations

INTELLECTUAL PROPERTY

- Representing NetFuel, Inc. in a patent infringement case against Cisco Systems, Inc. in federal court in the Northern District of California.
- Defending Expedia, Inc. in claims initiated by TravelPass Group, LLC for breach of contract and trade secret misappropriation in federal court in the District of Utah and in private arbitration.
- Represented Aliphcom d/b/a Jawbone and BodyMedia, Inc. in patent infringement and trade secret misappropriation cases, including a Section 337 investigation and hearing in the International Trade Commission (ITC) against Fitbit and Flextronics.
- Represented Cresta Technologies, Inc. in patent infringement cases, including a Section 337 investigation and hearing in the International Trade Commission (ITC), against major television manufacturers and television tuner makers.
- Represented Eagle Harbor Holdings LLC and MediusTech LLC in a patent infringement case against Ford Motor Company in federal court in Tacoma, Washington.
- Represented Timeline, Inc. in a database software patent infringement case in federal court in Seattle, Washington, against ProClarity Corporation and Microsoft Corporation, and successfully obtained a confidential but substantial settlement for Timeline.
- Represented Burst.com, Inc. against Apple Computer Inc. in federal court in San Francisco, California, in patent litigation involving audio-video compression, editing, and transmission, and successfully obtained a confidential but substantial settlement for Burst.

BANKRUPTCY

- Defended Avatar Financial Group in a fraudulent transfer case brought by the Trustee as an adversary proceeding in the largest bankruptcy case ever filed in the Western District of Washington, *In re Michael R. Mastro*, and obtained a successful settlement for Avatar.
- Represented a defendant in consolidated adversary proceedings relating to the bankruptcies of Michael R. Mastro and Thomas R. Hazelrigg, III in the Western District of Washington, and obtained a successful settlement.
- Represented the court-appointed receiver in *U.S. v. Thomas Joseph Petters*, in the District of Minnesota, for the purpose of investigating potential claims of the receivership estate against a third-party professional.
- Represented the Metropolitan Mortgage and Summit Securities Creditors' Trusts as special counsel in

federal court and private arbitration in the State of Washington against two major accounting firms for auditing malpractice, and successfully obtaining a confidential but substantial recovery for the Trusts.

ANTITRUST AND UNFAIR COMPETITION

- Representing the class of End-Payor Plaintiffs in claims against world-wide suppliers of auto parts for price-fixing and bid-rigging, in *In Re: Automotive Parts Antitrust Litigation* in federal court in the Eastern District of Michigan, recovering over \$1.2 billion in settlements to date.
- Defended Dialysis Cost Containment, Inc., and Payor Reimbursement Negotiators, Inc., against DaVita, Inc., in a Lanham Act false advertising and unfair competition case in federal court in Dallas, Texas, and obtained a successful settlement.

HEALTHCARE/ERISA

- Defending Amy's Kitchen, Inc. and its Employee Health Plan in a lawsuit filed in federal court in the Northern District of California by DaVita Inc., alleging violations of the Medicare Secondary Payer Act and ERISA.
- Defending St. Joseph's/Candler Health Systems, Inc. in a lawsuit in Georgia state court for breach of contract initiated by DaVita Inc.
- Defending SoutheastHEALTH and the Southeast Missouri Hospital Association Employee Health Plan in a lawsuit in Missouri state court for breach of contract initiated by two subsidiaries of Fresenius Medical Care.

OTHER HIGH STAKES LITIGATION

- Represented minority shareholders in ODN Holding Corporation (the parent company of Oversee.net) in an action against the company and its majority shareholders for breach of fiduciary duty and breach of contract in state court in Los Angeles, California.
- Represented Univision Communications Inc. in federal and state court litigation in New York and Minnesota concerning the collapse of the Reserve Primary Fund money market fund.
- Represented Petro Star Inc., a subsidiary of Arctic Slope Regional Corporation (ASRC), in a breach of contract case against BP in federal court in Anchorage, Alaska.

WHITE COLLAR CRIMINAL MATTERS AND INVESTIGATIONS

- Representing an individual in connection with parallel health care-related investigations by the Washington Attorney General and United States Department of Justice.
- Represented an attorney in connection with an SEC investigation.
- Represented the CEO of a technology company as a witness in connection with a federal grand jury investigation and criminal prosecution in Seattle, Washington.
- Represented the CEO of a large organization as a witness in connection with a federal grand jury investigation in Seattle, Washington.

Honors and Distinctions

- Recognized for [Outstanding Antitrust Litigation Achievement in Private Law Practice](#) by the [American Antitrust Institute](#) (2019) for work on *In re: Automotive Parts Antitrust Litigation*.
- Washington Super Lawyer, 2014 - 2020 (Thomson Reuters)
- King County Bar Association, Trustee, 2017 - present
- Seattle IP Inn of Court, Master, 2017 - present
- Criminal Justice Act Standing Committee for the Western District of Washington, Member, 2012 - 2019
- Federal Bar Association of the Western District of Washington

- President, 2014
- Vice President, 2013
- Secretary, 2012
- CLE Committee Chair, 2008 – 2010
- Lawyer Representative to the Ninth Circuit Judicial Conference (appointed by the federal judges of the Western District of Washington), 2011 – 2014
- Part-time Lecturer, Computer Crime and Internet Privacy, University of Washington School of Law, 2001 – 2005
- Teaching Assistant, Professor Harold H. Koh, Yale Law School
- Editor, Yale Law Journal

Professional Associations and Memberships

- Washington State Bar Association
- U.S. District Courts for the Western and Eastern Districts of Washington
- U.S. District Courts for the Eastern District of Michigan
- U.S. Court of Appeals for the Ninth Circuit
- Federal Bar Association, Western District of Washington
- American Bar Association
- King County Bar Association