



## Ian B. Crosby

Partner

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### *Overview*

Ian Crosby is one of *Lawdragon's* inaugural Top 100 Leading AI and Tech Advisors in America. He has received national recognition from *U.S. News – The Best Lawyers in America*®, the American Intellectual Property Law Association, and *Managing IP Magazine* for his work and expertise in the field of intellectual property litigation and licensing. He has tried and litigated patent, copyright, antitrust, and other complex commercial cases in federal courts throughout the country. He has also represented parties before the U.S. International Trade Commission, in private arbitrations, and in confidential licensing negotiations. Ian is a member of Susman Godfrey's Executive Committee and serves as both an Executive Committee member and Chair of the Mentorship Program of the Seattle Intellectual Property American Inn of Court. He also serves on the Executive Committee of the Washington State Bar Association's IP Section.

*“Crosby speaks to Bloomberg TV about Generative AI”*

### *Notable Representations*

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#### Representative Matters

- ***New York Times v. Microsoft & OpenAI***, Case No. 1:23-cv-11195-SHS (S.D.N.Y. 2023) (lead counsel): Filed suit asserting that Microsoft and OpenAI infringed copyrights in millions of articles to train and run GPT artificial intelligence products.
- ***International Business Machines Corp. v. Zillow Group Inc.***, Case No. 22-01861 (Fed. Cir. 2024) (lead counsel): Federal Circuit affirmed

judgment of invalidity under 35 U.S.C. § 101 of two patents asserted against client Zillow.

- ***Stross v. Zillow Inc.***, Case No. 22-3600 (9th Cir. 2024) (lead counsel), Ninth Circuit affirmed dismissal of copyright infringement claims against client Zillow and awarded attorneys' fees on appeal.
- ***Stross v. Zillow Inc.***, Case No. 2:21-cv-01489-RAJ-BAT (W.D. Wa. 2022) (lead counsel): Won motion to dismiss claims that client Zillow infringed 106 real estate photographs and obtained award of attorneys' fees.
- ***International Business Machines Corp. v. Zillow Group Inc.***, Case No. 2:20-cv-01130 (W.D. Wa. 2022) (lead counsel): Obtained dismissal of five of five asserted patents.
- ***International Business Machines Corp. v. Zillow Group Inc.***, Case No. 2:20-cv-00851 (W.D. Wa. 2022) (lead counsel): Obtained dismissal of six of seven asserted patents and stay of seventh pending appeal of partial invalidation in IPR.
- ***International Business Machines Corp. v. Zillow Group Inc.***, Case No. 21-02350 (Fed. Cir. 2022) (lead counsel): Federal Circuit affirmed judgment of invalidity under 35 U.S.C. § 101 of two patents asserted against client Zillow.
- ***VHT, Inc. v. Zillow Group, Inc.***, Case No. 2:15-cv-01096-JLR (W.D. Wa. 2022): Prevailed on affirmative defense of innocent infringement for 388 images and obtained finding of near-minimum statutory damages for 2,312 more in bench trial on damages on remand from Ninth Circuit.
- ***Kean v. Seattle Children's Hospital***, Case No. 20-2-16194-2 SEA (King Co. Super. Ct. 2021): Obtained settlement following close of discovery of claims against client Seattle Children's Hospital by researcher seeking royalty on pharmaceutical license payments.
- ***Priceline.com v. DDR Holdings LLC***, IPR2018-00482 (P.T.A.B. 2018): PTAB affirmed patentability of all challenged claims of client DDR Holdings' e-commerce technology patent.
- ***Finjan Inc. v. Bitdefender Inc.***, Case No. 4:17-cv-04790-HSG (N.D. Cal. 2017): Obtained settlement claims against client Bitdefender following completion of summary judgment briefing.
- ***AlmondNet v. Oath Holdings***, Case No. 19-cv-00247 (D. Del. 2019): Obtained settlement for patent owner client AlmondNet after defeating eight covered business method review petitions and obtaining transfer to District of Delaware in lieu of dismissal following Supreme Court's intervening decision in *TC Heartland*.
- ***Uniloc U.S.A. v. Bitdefender LLC***, Case No. 2:16-cv-00394-RWS (N.D. Cal. 2017): Complete summary judgment in favor of client Bitdefender

LLC on grounds that asserted software distribution patents were invalid for claiming ineligible subject matter.

- **VHT, Inc. v. Zillow Group, Inc.**, Case No. 2:15-cv-01096-JLR (W.D. Wa. 2017): Ninth Circuit affirmed judgment for client Zillow on over 95% of claims for infringement of copyrighted images and vacated award of damages for the remainder.
- **In the Matter of Certain Wearable Activity Tracking Devices**, Investigation No. 337-TA-973 (I.T.C. 2016): Complaint against client Jawbone withdrawn after finding that asserted fitness tracking patents were invalid for claiming ineligible subject matter.
- **In Re Queen's University at Kingston**, No. 2015-145 (Fed. Cir. 2016): Grant of mandamus petition for client Queen's University at Kingston established the application of the attorney-client privilege to prosecution related communications with registered patent agents.
- **Two-Way Media LLC v. AT&T et al.**, No. 2014-1302 (Fed. Cir. 2015): Affirmed \$40 million judgment obtained at trial for client Two-Way Media LLC for infringement of streaming content delivery patents by AT&T.
- **ViaSat, Inc. v. Space Systems/Loral, Inc. et al.**, No. 3:12-cv-00260-H (S.D. Cal. 2014): Vacated award of damages against client Space Systems/Loral for alleged infringement of satellite communications patents.
- **DDR Holdings, LLC v. Hotels.com, L.P. et al.**, No. 2013-1505 (Fed. Cir. 2014): Opinion affirming in part trial judgment obtained for client DDR Holdings was first, and, for eighteen months, only Federal Circuit decision to uphold the validity of a computer software patent on subject matter grounds after the Supreme Court's decision in *Alice Corp. v. CLS Bank Int'l*, 134 S. Ct. 2347 (2014).
- **Native American Marketing and Development Corp. v. Arctic Slope Regional Corporation et al.**, No. 8:07cv-02436 (D. Md. 2009): Complete summary judgment for client Arctic Slope Regional Corporation in a suit seeking a hundred-million dollar finder's fee on the largest single-source government contract in history.
- **Novell, Inc. v. Microsoft Corp.** (2004): Settlement of antitrust claims for client Novell in a confidential amount that the New York Times later reported to be \$536 million.

## *Honors & Distinctions*

- Top 100 AI and Legal Tech Advisor, *Lawdragon* (2024)
- Panelist on Generative AI at 2023 Digital Media Licensing Association CLE
- Intellectual Property Trailblazer, *National Law Journal* (2023, ALM)

# SUSMAN GODFREY

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- Recognized Nationally by *U.S. News – The Best Lawyers in America*® for Intellectual Property Litigation and Patent Litigation (2018- 2024, Woodward White Inc.)
- Invited speaker on patent licensing, 2018 American Intellectual Property Association Spring Meeting
- Recipient of the 2017 Editor’s Choice Award from Managing IP (Euromoney Legal Media Group) for work on In re: Queen’s University at Kingston et al.
- Master of the Bench and Executive Committee Member, Seattle IP Inn of Court
- Executive Committee, Washington State Bar Association – IP Section
- *Washington Law & Politics Magazine* (Thomson Reuters) “Rising Star” from 2003 to 2009

## *Clerkships*

Honorable Robert Boochever, United States Court of Appeals for the Ninth Circuit, 1999-2000

Honorable John C. Coughenour, United States District Court for the Western District of Washington, 1998-1999

## *Education*

**The University of Texas School of Law** (J.D., with High Honors, 1998)

- Order of the Coif and Society of Chancellors Articles Editor, Texas Law Review
- Norman S. Davis, Clarence Leon Carter, and Locke Purnell Rain Harrell Endowed Presidential Scholarships in Law
- Awards for highest achievement in several subjects, including Patent Litigation and Antitrust

**Reed College** (B.A., faculty commendation, 1995)

**Goethe Institut, Bremen, Germany** (Certificate of German as a Foreign Language, , 1989)

## *Wins*

Susman Godfrey Wins First-Ever Recognition of Patent Agent Privilege from Federal Circuit

Susman Godfrey LLP \$40 Million Judgment in Patent Infringement Suit Against AT&T Inc. Affirmed by Federal Circuit

## *Languages*

German

Hebrew