



## Parker C. Folsie Partner

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### Overview

*"Parker Folsie is a 'prominent lawyer' who is 'highly regarded by many people' as 'one of the best litigators around town.' He impresses market observers for his sheer breadth of litigation expertise, including contract disputes, antitrust, intellectual property, audit malpractice and other areas."*  
- As quoted in Chambers USA 2019 rankings

Parker Folsie is a partner with Susman Godfrey, L.L.P. in the firm's Seattle, Washington office, which he founded in 1995. He represents both plaintiffs and defendants in a wide variety of complex commercial litigation matters, including contract disputes, antitrust litigation, and patent infringement cases. Called a "very strong litigator" by *Chambers USA* in their 2020 rankings, Mr. Folsie has been a fellow of the American College of Trial Lawyers since 2012 and has extensive experience in difficult, complex commercial cases. *Lawdragon* has included Mr. Folsie on their "Top 500 Lawyers in America" list from 2015 through 2018, most recently inducting him into their "[Hall of Fame](#)" in 2019. In 2016, *Lawdragon* profiled Mr. Folsie as part of their prestigious "[Limelight Series](#)."

Mr. Folsie has also been listed in *The Best Lawyers in America* for the last eleven years (2010 - 2020), most recently selected for inclusion in the 2020 edition in the categories of Bet-the-Company Litigation, Commercial Litigation, Litigation-Antitrust, Litigation-Intellectual Property, and Litigation-Patent. In 2014, 2016, 2018 and 2020 Best Lawyers named Folsie "Lawyer of the Year - Antitrust" in Washington. He was also recognized as "Lawyer of the Year" in Commercial Litigation and Intellectual Property in 2012 and 2015, respectively.

He is also regularly retained by clients for the purpose of negotiating settlement of substantial commercial disputes prior to the commencement of litigation. His role as counsel for Novell, Inc. in negotiating a landmark settlement of disputes with Microsoft was featured in [American Lawyer](#) magazine.

*"I've seen him argue; the guy is amazing."*  
- As quoted in Chambers USA 2019 rankings

Mr. Folsie has been a frequent CLE speaker on trial practice, patent infringement, antitrust and other commercial litigation issues. He is a member of the American Bar Association and the State Bar of Washington, and is a Life Fellow of the Texas Bar Foundation. He has served on the Council of the ABA's Section of Antitrust Law (2013-2015) and he has served as a Vice Chair of the Trial Practice Committee and of the Civil Practice and Procedure Committee, and as a member of the Section's Task Force on Civil

Practice and Procedure and on Remedies. He is also the former Chair of the Washington State Bar Association Section on Antitrust, Consumer Protection, and Unfair Business Practices.

*"Parker Folsie is a distinguished figure in the market, widely praised for his expertise in intellectual property litigation. He also offers a wealth of experience in antitrust and contractual disputes.."*  
- As quoted in Chambers USA 2018 ranking

From December 2012 through September 2018, Mr. Folsie served by appointment of the Chief Justice of the United States as a member of the Judicial Conference Advisory Committee on the Federal Rules of Civil Procedure.

Mr. Folsie is also a former officer and director and continuing supporter of the Osteogenesis Imperfecta Foundation, a charitable organization dedicated to improving the quality of life for people affected by osteogenesis imperfecta.

## Education

- Harvard University (B.A., magna cum laude, 1977)
- University of Texas School of Law (J.D. with high honors, 1980)

## Clerkship

Law clerk to then-Associate Justice William H. Rehnquist, United States Supreme Court.

Law clerk to the Hon. Joseph T. Sneed, United States Court of Appeals for the Ninth Circuit.

## Current Representations

- **TravelPass Group v. Expedia** (2017-present) *I represent Expedia in defense of complex claims originally brought by one of its online travel agency affiliates in federal court in Utah and subsequently proceeding in a private commercial arbitration pending in Seattle.*
- **Left Coast Ventures v. Brightstar, LLC** (W.D. Wash.; 2019-present) *I am defending the owner of substantial retail marijuana businesses in Colorado against a claim for breach of contract and declaratory judgment by a putative purchaser of the business. The court granted our motion to dismiss the suit in October 2019, and an appeal is now pending in the Ninth Circuit.*
- **Confidential International Airline Negotiation** *I have been advising a major international airline in confidential negotiations with Boeing over compensation for losses caused by the 787 MAX grounding.*
- **Confidential Social Media Legal Consultation** *I have been confidentially assisting a major social media company in responding to government requests for information in domestic and international antitrust investigations of other participants in the marketplace.*

## Past Representations

## Multiple Matters on Behalf of Two-Way Media

- ***Two-Way Media, LLC. v. AT&T, Inc.***(W.D. Tex.; 2008 – 2015) I obtained a \$27.5 million jury verdict in 2013 on behalf of Two-Way Media in a patent infringement suit relating to the streaming of audio and video content over the Internet. A judgment of approximately \$40 million was entered after the jury verdict and later affirmed by the Federal Circuit. The case settled for a confidential amount following affirmance.
- ***Two-Way Media, LLC. v. AOL***(S.D. Tex.; 2004 – 2007) I represented Two-Way Media in their patent infringement suit against AOL. The case settled during trial on confidential terms.

## Multiple Matters on Behalf of Alaska Airlines

- ***Tauber v. Alaska Airlines, et al.***(Los Angeles Superior Court; 2001 – 2003) I defended Alaska Airlines in a class action suit alleging violation of state labor law in connection with pilot applications for employment. The case settled for a nominal sum.
- ***Strotek Corp. v. Air Transport Association***(D. Nev.; 1999 – 2002) I defended Alaska Airlines against claims by a provider of strobe-light testing services. I obtained summary judgment dismissing antitrust and state-law claims. The decision was affirmed on appeal.
- ***Howell v. Alaska Airlines, Inc.***(Washington Superior Court) I defended Alaska Airlines in a consumer class action challenging the airline's ticket refund policies. I obtained dismissal of the suit, which was affirmed on appeal.
- ***Brennan v. Alaska Airlines***(N.D. Cal.; 1997 – 1998) I defended Alaska Airlines in a consumer class action seeking refund of transportation excise taxes. I obtained dismissal of suit, which was affirmed on appeal.

## Multiple Matters on Behalf of Northwest Airlines

- ***Northwest Airlines, Inc. v. Sabre, Inc.***(D. Minn.; 2004 – 2006) and ***Sabre, Inc. v. Northwest Airlines, Inc.*** (N.D. Tex.; 2004 – 2006 ) I represented Northwest in prosecuting antitrust claims against a provider of computerized reservation services to travel agents, and in defending against Sabre's breach of contract claims against Northwest. The cases were settled as part of a renegotiation of the companies' commercial relationships.
- ***Midwestern Machinery Co. v. Northwest Airlines, Inc.***(D. Minn.; 1999 – 2004) I defended Northwest Airlines in a class action suit challenging on antitrust grounds the merger of Northwest and Republic Airlines. The court granted summary judgment in favor of Northwest in February 2003 which was later affirmed by the Eighth Circuit on appeal.
- ***Reno Air v. Northwest Airlines, Inc.***(D. Nev.; 1998 – 2000) I defended claims against Northwest for attempted monopolization. The suit was voluntarily dismissed by plaintiff after completion of discovery.
- ***In re Airline Ticket Commission Litigation***(D. Minn.; 1995 – 1998) I defended Northwest Airlines in a consumer class action alleging a conspiracy among airlines to reduce commissions payable to travel agents. We obtained a favorable settlement shortly before trial.

## Multiple Matters Against Microsoft

- ***Gateway, Inc. and Microsoft Corporation*** (2005) I represented Gateway, Inc. in negotiation of an

agreement pursuant to which Microsoft agreed to pay Gateway \$150 million over four years. As part of the agreement, Gateway released antitrust claims against Microsoft.

- **Timeline, Inc. v ProClarity Corp. and Microsoft Corp.** (W.D. Wash.; 2006 – 2007) I represented Timeline, Inc in prosecuting patent infringement and breach of contracts claims against Microsoft and its wholly owned subsidiary. The case settled on confidential terms.
- **Novell, Inc. v. Microsoft Corporation** (2004) I represented Novell, Inc. in developing antitrust claims against Microsoft and in negotiating a \$536 million cash settlement of those claims before filing suit.
- **Be Incorporated v. Microsoft Corporation** (N.D. Cal.; 2002 – 2003) I prosecuted claims of monopolization of the market for PC operating system software by Microsoft. The case settled during discovery.
- **Caldera, Inc. v. Microsoft Corp.** (D. Utah; 1996 – 2000). I prosecuted antitrust claims against Microsoft alleging monopolization of the market for PC operating system software; the case settled shortly before trial for an amount publicly reported as \$275 million; the precise amount is confidential.

## Other Trial Wins and Favorable Settlements

### INTELLECTUAL PROPERTY

- **Intellectual Ventures I LLC v. Symantec Corp.** (D. Del.; 2011 – 2019) I obtained a jury verdict of \$17 million in February 2015 in a patent infringement trial in Delaware on behalf of plaintiff Intellectual ventures against Symantec; on post-verdict motions, the court granted a summary judgment of invalidity under section 101 of the Patent Act as to some claims and noninfringement as to others, and the Federal Circuit subsequently affirmed these rulings.
- **DataQuill Ltd. v. ZTE (USA) Inc.** (E.D. Tex.; 2013 – 2015) I obtained a \$31.5 million jury verdict in June 2015 on behalf of the plaintiff in a patent infringement case relating to smartphone technologies; the case settled for a confidential amount while one remaining post-verdict motion was still pending.
- **Rockstar Consortium US LP v. Google Inc.** (E.D. Tex.; 2013 – 2015) I represented a consortium of major patent owners in their patent infringement suit against Google. The case ultimately resulted in a settlement and sale of the patents for \$900 million
- **Apple Corp. v. Burst.com, Inc.** (N.D. Cal.; 2006 – 2007) I represented Burst.com in pursuing patent infringement claims in this declaratory judgment suit filed by Apple. The case settled for \$10 million.

### BREACH OF CONTRACT / BANKRUPTCY LITIGATION

- **In re Washington Mutual, Inc.** (Bankr. D. Del.; 2010 – 2012) I represented an Official Equity Committee in a major corporate bankruptcy in landmark evidentiary hearings. I helped defeat two Plans that would have wiped out shareholders and assisted in negotiating a new Plan that awarded significant value to the former equity holders.
- **Native American Marketing and Development Corp. v. Arctic Slope Regional Corp., et al.** (D. Md.; 2007 – 2010) I represented an Alaska Native Corporation in defense of 9-figure claims for breach of contract and unjust enrichment arising from government contract award. The court granted summary judgment in my clients' favor on all claims.
- **Metropolitan Mortgage and Securities, Inc. and Summit Securities, Inc. v. PricewaterhouseCoopers, L.L.P.** (E.D. Wa.; 2005 – 2008) I litigated this suit for breach of contract and accounting malpractice on behalf of bankrupt financial companies against their former auditor. The case settled for \$30 million just before the start of trial.
- **Bensimon v. Amazon.com Commerce Services** (Bankr. C.D. Tex.; 2002 – 2003) I defended Amazon in a suit by a bankruptcy trustee to recover damages for alleged fraudulent conveyance and breach of

contract. The court granted summary judgment in favor of Amazon and the case then settled for nominal sum.

- **Livingston Rebuild Corp. v. Washington Corp.** (D. Mont.; 1997 – 1999) I defended Washington Corp. against claims for breach of contract and fraud in connection with the sale of a locomotive rebuild facility. The case settled favorably before trial.

## ANTITRUST

*In addition to the antitrust matters handled for Northwest Airlines and against Microsoft, Mr. Folsie has handled the following antitrust matters:*

- **Northshore Sheet Metal Inc. Sheet Metal Workers International, Local 66** (W.D. Wash.; 2019) I defended this labor union in a suit alleging antitrust and labor law violations. After aggressive discovery on our clients' behalf, the plaintiff voluntarily dismissed the suit.
- **Siegel v. AU Optronics Corp., et al.** (N.D. Cal.; 2010 – 2015) I represented Circuit City's liquidating trust in antitrust price-fixing suits against manufacturers of liquid crystal display panels and cathode ray tubes, which were subsequently made a part of massive MDL proceedings in San Francisco. All claims eventually settled, resulting in recoveries for Circuit City's estate in the hundreds of millions of dollars.
- **T-Mobile USA Inc. v. AU Optronics Corp., et al.** (N.D. Cal.; 2011 – 2013) I represented T-Mobile in an antitrust price-fixing suit against manufacturers of liquid crystal display panels and related products, subsequently made a part of MDL proceedings in San Francisco. All claims were settled.
- **Z-Rock v. AMFM, Inc.** (E.D. Wash.; 2000 – 2002) I defended a large operator of radio stations against claims of restraint of trade in connection with marketing of radio advertising time. The case settled on favorable terms.

## ENVIRONMENTAL / PRODUCT LIABILITY

- **Union Station Associates v. Puget Sound Energy** (W.D. Wa.; 2001 – 2002) I represented a developer in a suit to recover environmental remediation costs pursuant to state and federal environmental laws. The case settled successfully following completion of discovery.
- **Recycling and Disposal Services, Inc. v. Whatcom County** (Seattle arbitration; 1996 – 1997) I obtained an award following arbitration trial enjoining, on constitutional grounds, Whatcom County's enforcement of county regulations directing disposal of solid waste.
- **Louisiana Pacific Siding Litigation** (various courts, 1995 – 1996) I represented more than 40 commercial property owners in claims arising from defective exterior siding on properties located in the Northwest. All of the cases were successfully settled.

## Other High-Stakes Litigation

- **Eagle Harbor Holdings LLC and MediusTech LLC v Ford Motor Co.** (W.D. Wash.; 2011 – 2015) I represented Eagle Harbor Holdings (MediusTech) in a significant plaintiff's patent infringement suit that was tried to a verdict in favor of the defendant Ford.
- **Petro Star, Inc. v. BP Oil Supply Co.** (D. Alaska; 2011 – 2016) I represented Alaska-based oil refining company Petro Star in a substantial breach of contract suit against shipper of Alaska North Slope crude, which was tried to the court and resulted in a defense verdict.
- **Cresta Technology Litigation** (ITC; 2014 – 2015) I represented Cresta Technology Corporation in its complaint before the U.S. International Trade Commission against MaxLinear, Inc.; Silicon Laboratories, Inc.; Samsung; LG; Sharp; and Vizio; seeking an exclusion order and cease and desist order based on infringement of Cresta's patents. The case was tried over multiple weeks to an administrative law judge,

who ruled substantially in favor of defendants.

- ***Soverain Software v. Amazon.com*** (E.D. Tex.; 2004 – 2005) I represented Amazon.com in defense of patent infringement claims relating to web site shopping cart technology. The case settled shortly before trial.
- ***Bank of America v. REI, Inc.*** (King County, Washington Superior Court; 2001 – 2003) I defended REI in a suit alleging misappropriation of trade secrets in connection with marketing of co-brand credit cards. The case settled near the end of discovery.
- ***Alakayak v. British Columbia Packers, Ltd.*** (Alaska; 1996 – 2004) I represented a certified class of Bristol Bay salmon fishers in a \$1 billion price-fixing suit against seafood processors and foreign importers of processed seafood. I obtained substantial settlements from multiple defendants and obtained others after we convinced the Alaska Supreme Court to reverse a summary judgment granted in favor of non-settling defendants. In May 2003, the jury returned a verdict in favor of non-settling defendants following a four-month trial. Later, the Superior Court approved further settlements resolving all remaining issues.

## Honors and Distinctions

- Fellow, American College of Trial Lawyers
- Law clerk to the Hon. Joseph T. Sneed, United States Court of Appeals for the Ninth Circuit, and then-Associate Justice William H. Rehnquist, United States Supreme Court
- Inducted into Lawdragon's "[Hall of Fame](#)" in 2019.
- Named among The 500 Leading Lawyers in America by *Lawdragon* magazine (2015-2018).
- Named among The 500 Leading Plaintiff Financial Lawyers by *Lawdragon* magazine ([2019](#))
- Profiled in *Lawdragon's* [Limelight Series](#) in 2016.
- Washington State "Super Lawyer" in business litigation (Thomson Reuters, 1999-2020); "Top 100" Super Lawyers list for 2005-2009, 2015-2016, and 2018-2020, and "Top Ten" Super Lawyers list for 2013, 2014, 2017, 2018, 2019, and 2020 (the lawyers who received the highest point totals in the Washington nomination, research and blue ribbon review process across all practice areas, Thomson Reuters).
- Listed in IAM Patent 1000 (2012-2019) (International Asset Management).
- Named a "Recognized Practitioner" by Chambers USA for Intellectual Property in Washington (2017 – 2019)
- Named a "Leader in the Field" by Chambers USA for Litigation in Washington (2014 – 2020).
- Named as one of six "Top Lawyers" in the practice area of Business Litigation by *Seattle* magazine (January 2007 issue).
- Listed in *The Best Lawyers in America* from 2010-2020, (Woodward-White Inc.). Selected for inclusion in the 2020 edition for Bet-the-Company Litigation, Commercial Litigation, Litigation-Antitrust, Litigation-Intellectual Property, and Litigation-Patent.
- Selected by Best Lawyers as "Lawyer of the Year" in Washington for "Litigation – Antitrust" in 2014, 2016, 2018, and 2020 (Woodward-White Inc.)
- Selected by Best Lawyers as "Lawyer of the Year" in Washington for "Litigation – Intellectual Property" in 2015 (Woodward-White Inc.)
- Selected by Best Lawyers as "Lawyer of the Year" in Washington for "Litigation – Commercial Litigation" in 2012 (Woodward-White Inc.)
- Listed in *Best Lawyers in Washington State* for Commercial Litigation and Bet-the-Company Litigation (*Seattle Business Monthly*, January 2011).

- In April 2008, received the Leon Green award from the Texas Law Review Association “for outstanding contributions to the legal profession.”
- Editor-in-chief of the Law Review, University of Texas School of Law

## Professional Associations and Memberships

- Fellow, American College of Trial Lawyers
- United States Supreme Court, the Fifth and Ninth Circuits
- American Bar Association
- State Bar of Washington
- Life Fellow of the Texas Bar Foundation
- Serves on the Council of the ABA’s Section of Antitrust Law (2013-2016) and Former Vice Chair of the Trial Practice Committee and the Civil Practice and Procedure Committee of the ABA Section of Antitrust Law, member of the Section’s Task Force on Civil Practice and Procedure, and member of its Task Force on Remedies
- Former Chair, Washington State Bar Association Section on Antitrust, Consumer Protection, and Unfair Business Practices (2009-2010) and current member of the Section’s executive committee