

Susman Godfrey Secures Preliminary Injunction for Mobius Medical Systems Against Sun Nuclear in Trade Secrets Case

In Major Early Win, Firm Moves Fast to Prevent Client's Competitor from Selling Software Rip-Off

HOUSTON (December 16, 2013) — In a case pitting former partners in a David-versus-Goliath intellectual property dispute, David has won the early battle. On December 10, 2013, Mobius Medical Systems, LP, a pioneering start-up in radiation oncology software, obtained a preliminary injunction against its former exclusive distributor Sun Nuclear, a global manufacturer and distributor of radiation measurement instrumentation and software.

In March 2011, Mobius formed a strategic partnership with Sun Nuclear to distribute DoseLab, Mobius's highly successful quality assurance software for radiation oncology linear accelerators. At the time, Sun Nuclear did not offer a software product similar to DoseLab.

Less than three years later, however, Sun Nuclear abruptly terminated the agreement and within months released its own radiation oncology QA software product, ImagePro. ImagePro's striking similarity to Mobius's DoseLab confused customers, who thought ImagePro was simply a different version of DoseLab.

"This is a classic example of a large company thinking it can trample the intellectual property rights of a small competitor, assuming that the 'small guy' will simply roll over," said John P. Lahad, one of the two Susman Godfrey attorneys on the case. "But regardless of your size—whether you're a three-year-old company like Mobius or major conglomerate—it's incredibly important to stand up for your IP rights."

Mobius filed for breach of contract, trade secret misappropriation, trade dress infringement, tortious interference with existing contracts, and tortious interference with prospective contracts on October 11, 2013, seeking temporary and permanent injunction to stop Sun Nuclear from marketing and selling ImagePro.

Susman Godfrey attorneys Chanler A. Langham and John P. Lahad moved incredibly fast, learning the complex technology and background facts and distilling them into an understandable, persuasive argument. In less than three months, Langham and Lahad marshaled the evidence, filed a complaint, moved for a preliminary injunction and expedited consideration, obtained a hearing date, prepared witnesses, exhibits, and demonstratives, and convincingly presented their client's case to the court during an evidentiary hearing.

"I'm incredibly proud of our team," said Langham, a Susman Godfrey partner. "While it's still early in the case, for a client of this size, securing temporary injunction can make or break it."

"As always, our attorneys worked tirelessly to learn the technology and prepare the witnesses to withstand any possible cross-examination," Langham continued. "In the end, the court adopted all of our arguments and wholly discredited those of our opponents."

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The case is Mobius Medical Systems, LP v. Sun Nuclear Corporation in the United States District Court for the Southern District of Texas, Houston Division, Case No. 4:13-cv-03182.