



JORDAN A. SIGALE
Partner and Co-Chair, Patent Litigation Department

321 North Clark Street
Suite 2300
Chicago, Illinois 60654

Direct 312.464.3109 **Fax** 312.276.8375

jsigale@loeb.com



Jordan Sigale practices in intellectual property, computer and patent law. Although Mr. Sigale's primary focus is in patent and trade secret litigation and alternative dispute resolution, he is also extensively involved in client counseling on issues of corporate and strategic planning involving copyrights, patents, trademarks and trade secrets.

One hallmark of Mr. Sigale's work is finding creative, practical approaches to reaching the client's immediate and long-range business goals through application of intellectual property licensing, procurement and litigation strategies. Mr. Sigale first strives to understand his client's business history and goals through a dialog and then frequently guides his client through the strategic decision making process.

Mr. Sigale has served as lead litigation and trial counsel in district courts throughout the US involving a variety of intellectual property issues including computer intrusion, copyright infringement, false advertising, design and utility patent infringement, trade secret misappropriation and trademark infringement. Mr. Sigale has also served as lead litigation and trial counsel on a variety of antitrust claims, usually focused on the antitrust-intellectual property interface. He has also had extensive involvement in coordinating foreign intellectual property litigation strategy in Australia, China, Europe and Hong Kong.

Mr. Sigale's litigation work has involved diverse technologies including cable television systems; chemical compositions (e.g. ceramics, ink and pharmaceuticals); consumer electronics (e.g. DVD players, small kitchen electrics, personal care devices, and toys); lab equipment (e.g. spectrophotometers); LED devices; lighting fixtures and power supplies; medical devices (e.g. laser devices, orthopedic devices, and radiological devices); packaging; software; and telephony (e.g. cellular, cordless and wired).

In the last ten years, as lead trial counsel, Mr. Sigale has successfully handled four preliminary injunction motions: three involving alleged patent infringement and one involving trade secret misappropriation. He also defended two of these patent infringement preliminary injunction victories on appeal before the Federal Circuit. In the same period, Mr. Sigale also won a preliminary injunction motion for his client in a patent infringement case (the case settled favorably while on expedited appeal to the Federal Circuit).

Mr. Sigale has also had substantial experience in developing strategies in view of the Hatch-Waxman Act and litigating the ensuing infringement, validity and enforceability of



pharmaceutical patents on behalf of generic and branded pharmaceutical companies. Most recently, he took a leading role in a multi-week bench trial involving seven Orange Book-listed patents covering issues of non-infringement, invalidity and inequitable conduct. A few months prior to trial, Mr. Sigale briefed and argued an emergency appeal involving a case of first impression before the U.S. Court of Appeals for the Federal Circuit involving the statutory 30 month stay provided under the Act. He has also had the rare experience of litigating a pharmaceutical patent infringement case for presentation to a jury in a case that settled following a number of successful pretrial rulings, jury selection and opening statements.

Mr. Sigale has served as lead litigation counsel on four U.S. District Court cases involving trade secret-antitrust and patent-antitrust claims. During that time, he successfully argued the summary judgment motions before the district court and U.S. Court of Appeals for the Federal Circuit that lead to U.S. Supreme Court's seminal decision in *Independent Ink, Inc. v. Illinois Tool Works Inc.* clearly abolishing any presumption of market power in a Sherman Act Section 1 "patent-tying" claim, thus, upholding the favorable summary judgment ruling for his clients in the district court.

Mr. Sigale's experience with the patent-antitrust interface reaches back to his extensive involvement on the trial and appellate teams in the mid-1990's in *C.R. Bard v. M3 Systems* (a medical device patent infringement action also involving both patent-based Section 1 and 2 antitrust claims as well as non-patent based monopolization claims). In between his two high-profile patent-antitrust cases, Mr. Sigale has continued to work in the antitrust area providing advice and opinions involving antitrust issues related to a broad range of activities, but most particularly issues involving technology distribution and exploitation.

Mr. Sigale has also been able to successfully combine his extensive litigation experience with his extensive knowledge of US and foreign patent prosecution practice. As an active member of the patent bar, he has prepared and prosecuted patent applications in the US in the chemical, electrical, electrochemical and mechanical arts including business methods; cable television equipment; computer circuits (including multiprocessor designs); computer peripherals (e.g. laser printers and user input devices); cosmetic preparations; electronic toys, electrical testing apparatuses, fiber optics, high-end audio circuitry; kitchen appliances, medical devices, networking devices and methods, personal care devices; semiconductor design and fabrication, paperboard and plastic containers, RF equipment, signal processing software, speech recognition software, and telephony-related inventions. Mr. Sigale has also actively worked with an extensive network of foreign patent lawyers to prosecute patent, and utility model applications world-wide for his clients. This experience allows him to consider multiple jurisdictions and venues (including inter parties proceedings at the US Patent Office) in mapping potential client strategies.

As a result of the breadth of Mr. Sigale's experience, he also frequently counsels clients on intellectual property acquisition and development; portfolio management; licensing; and joint ventures; and trade regulation issues.



Practice Areas

- Intellectual Property
- Litigation
- Patent
- Life Sciences, Medical Devices and Pharmaceuticals
- Emerging Media

Prior Experience

Prior to joining Loeb, Mr. Sigale was a partner at Sonnenschein Nath & Rosenthal LLP, where he practiced in the area of intellectual property litigation and counseling. Prior to joining Sonnenschein in 1998, Mr. Sigale was with The Law Offices of Dick and Harris, a intellectual property litigation and prosecution boutique in Chicago.

Publications/Speeches

- Speaker, Patent False Marking: How To Spot and Avoid Physical and Virtual Landmines in Marketing and Advertising Your Products (November 16, 2010)
- Speaker, "Implementing Successful Approaches to IP Protection While Maximizing Business Value", IQPC's 4th Patent Strategies, New York, NY (2007)
- Speaker, "Up-to-the-Minute Analysis of Court Decisions Affecting the Generic Drug Industry", IIR's 8th Annual Generic Drugs Summit, Washington, District of Columbia (2007)

Media Mentions

- Solo Cup Decision Makes It Easier to Defend False Patent Marking Cases By Steven Seidenberg, *Inside Counsel*
- US Appeals Court Questions Lilly About Earlier Evista Ruling By Jared A. Favole, *CNNMoney.com*

Distinctions

- Recommended "Top Lawyers in Illinois" in Intellectual Property Law, Leading Lawyers Network, a division of Law Bulletin Publishing Company (2004-2010)

Education

University of Illinois College of Law, J.D., 1992, *magna cum laude*
University of Illinois College of Electrical and Computer Engineering, B.S., 1989

Bar Admissions

Illinois
United States Patent and Trademark Office



JORDAN A. SIGALE
PARTNER

Court Admissions

U.S. District Court for the Northern District of Illinois, Trial Bar

U.S. Court of Appeals, Federal Circuit

U.S. Court of Appeals, Seventh Circuit



ALISON POLLOCK SCHWARTZ
Senior Counsel

321 North Clark Street
Suite 2300
Chicago, Illinois 60654



Direct 312.464.3169 **Fax** 312.275.7917

aschwartz@loeb.com

Alison Pollock Schwartz is a Senior Counsel in Loeb's Intellectual Property and Advanced Media & Technology groups. She maintains an extremely broad practice counseling clients in all aspects of patents, copyrights, trademarks and technology, including intellectual property and technology transactions; acquisition and development of technology and related intellectual property; patent and trademark prosecution before the US Patent and Trademark Office; risk of infringement; trademark and technology clearance; settlement of disputes; and validity and non-infringement analyses. The breadth of Ms. Schwartz's practice enables her to take a comprehensive approach when counseling clients on intellectual property matters, thus allowing clients to make well-informed decisions. When helping clients determine how best to protect and enforce their intellectual property rights, Ms. Schwartz strives to take the client's business objectives, product or service types, budget considerations, and any other pertinent business or industry related factors into account.

While practicing in all areas of intellectual property, Ms. Schwartz focuses primarily on technology related transactions and counseling, with concentrations in intellectual property and technology licensing and acquisition, technology-related outsourcing, open source software issues, and product and service clearance opinions. In connection with her transactional practice, Ms. Schwartz has significant experience conducting intellectual property due diligence and drafting a wide variety of agreements that touch on all aspects of intellectual property rights and technology, including ownership, licensing, confidentiality, liability, and manufacturing. She has experience drafting and negotiating an array of agreements, including technology transfer agreements, technology license agreements, patent and trademark license agreements, joint development agreements, service agreements, SMS aggregator agreements, consulting agreements, distribution agreements, exhibition agreements, technology-related outsourcing agreements, non-disclosure/confidentiality agreements, term sheets, statements of work, and letters of intent. Ms. Schwartz has experience in technology outsourcing on both the customer and provider sides, and has significant experience evaluating and managing risks associated with clients' use of open source in connection with proprietary software.

Ms. Schwartz's patent prosecution and counseling experience has involved a wide variety of technology areas including Internet business and software methods; speech recognition; magnetic motors; telecommunications; electrical testing devices; fiber-optic communications networks; small and large appliances; audio equipment; image processing; digital imaging



methods and devices; information processing systems; and a variety of other consumer products.

Practice Areas

- Advanced Media and Technology
- Patent
- Intellectual Property
- Litigation
- Technology and Outsourcing

Prior Experience

Prior to joining Loeb & Loeb, Ms. Schwartz was Of Counsel at The Eclipse Group LLP. She also spent six years with Sonnenschein, Nath & Rosenthal LLP, where she practiced in the areas of intellectual property litigation, prosecution, transactions and counseling.

Publications/Speeches

- Speaker, Patent False Marking: How To Spot and Avoid Physical and Virtual Landmines in Marketing and Advertising Your Products (November 16, 2010)

Education

University of Chicago Law School, J.D., 1997

Member, *Order of the Coif*

University of Illinois College of Electrical and Computer Engineering, B.S., 1994

Electrical Engineering; Highest Honors

Bar Admissions

Illinois, 1997

United States Patent and Trademark Office, 1998