

### Steve Korniczky Named Litigator of the Week by The American Lawyer

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On June 26, 2014, following a trial and appellate victory, Steve Korniczky, Martin Bader and Matt Mueller convinced U.S. District Judge William T. Hart to find this case is exceptional and that Plaintiff Intellect Wireless should reimburse his client HTC Corp.'s attorney fees and costs. Subsequently, on January 8, 2015, Hart also found that Intellect's lawyers, the prominent Niro, Haller & Niro firm including name partner Ray Niro Sr., should be jointly and severally liable for HTC's attorneys' fees and costs, which are estimated at nearly \$4 million. 2015 U.S. Dist. LEXIS 2864 (N.D. Ill. Jan. 8, 2015). This ruling follows the team's related 2012 trial victory, where Judge Hart ruled that Intellect Wireless' two patents covering wireless picture phones were unenforceable because the inventor, Daniel Henderson, had submitted false declarations to the Patent Office. *Intellect Wireless, Inc. v. HTC Corp.*, 910 F. Supp. 2d 1056 (N.D. Ill. 2012). In October 2013, the decision was affirmed by the Federal Circuit in a precedential opinion that set forth the requirements to correct false declarations filed before the patent office. *Intellect Wireless, Inc. v. HTC Corp.*, 732 F.3d 1339 (Fed. Cir. 2013). It was one of the first Federal Circuit decisions to uphold an inequitable conduct defense after *Therasense, Inc. v. Becton, Dickinson & Co.*, 649 F.3d 1276 (Fed. Cir. 2011) (*en banc*).

#### Attorneys

Martin Bader

Stephen S. Korniczky

#### Practice Areas

Intellectual Property

Patent Litigation

Patent Prosecution and Counseling