

Sheppard Mullin Obtains Attorneys' Fees Award and Exceptional Case Finding for Wargaming in NPE Patent Suit

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Sheppard Mullin defended Wargaming Group Limited, a leader in the games industry known for its *World of Tanks*, *World of Warships* and *World of Planes* titles, against a patent infringement lawsuit brought by a non-practicing entity in the Central District of California.

In a decision today, the Central District of California Court found that the plaintiff's conduct warranted finding that the case was litigated in an exceptional manner and awarded Wargaming over \$133,000 in attorneys' fees and additional costs, for a total award of over \$142,000 against Game and Technology Co. Ltd.

The Sheppard Mullin team previously represented Wargaming in an inter partes review proceeding that found all claims of the plaintiff's invalid based in part on *Dungeons and Dragons*. During that proceeding, the plaintiff urged the Patent Trial and Appeal Board to dismiss the petition on the grounds that the plaintiff had earlier served Wargaming in the United Kingdom. The team uncovered that the plaintiff's evidence of service filed in the inter partes review and the district court were not true and accurate, and the PTAB invalidated all asserted claims. Plaintiff appealed the invalidity decision to the Federal Circuit Court of Appeals, which affirmed the PTAB's decision invalidating all claims in the fall of 2019.

The Central District of California Court found that Game and Technology had acted improperly for a number of reasons, including its failure to conduct a reasonable investigation, for improperly filing a Proof of Service with the Court in which Game and Technology improperly represented service had occurred, and in continuing to pursue untenable and constantly switching positions regarding service of process. In conclusion, the Court award the full amount of attorneys' fees requested by Wargaming.

"We are pleased that the Court considered the full evidentiary record and agreed that Wargaming's costs for defending itself against a non-practicing entity were improperly inflated by the plaintiff's exceptional litigation conduct," said Sheppard Mullin partner Harper Batts.

Wargaming's in-house legal team included Roman Zanin, Chrissie Scelsi, and Darya Firsava. Sheppard Mullin Silicon Valley patent litigation team members Harper Batts, Chris Ponder, and Jeff Liang represented Wargaming before the Patent Trial and Appeal Board, the U.S. Court of Appeals for the Federal Circuit, and the U.S. District Court for the Central District of California.

[Click here to read the decision.](#)

Attorneys

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Practice Areas

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