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Services

Intellectual Property
Litigation

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Litigation

Trade Secrets

Anti-Counterfeiting

Grant is an experienced litigator and Chair of Fredrikson's Intellectual Property Litigation Group. He specializes in patent, licensing and trade secret litigation, using his experience to advise clients on ways to maximize the value of their intellectual property assets or defend against attacks from other companies.

Among others, Grant has litigated cases involving medical devices, biotechnology advances, chemical coatings, mechanical devices, electronics, software code and computer hardware. Grant is also a qualified neutral under Rule 114 of the Minnesota General Rules of Practice.

Grant's practice is truly national. In addition to Minnesota, he litigates in IP litigation hotbeds like California, Delaware and Texas. He also appears in cases before the U.S. Court of Appeals for the Federal Circuit. Grant is a recognized expert in intellectual property litigation, having been listed in *The Best Lawyers in America®* for Litigation—Intellectual Property and in the *IAM Patent 1000: The World's Leading Patent Professionals®*.

Grant also chairs the firm's Anti-Counterfeiting Practice Group. One unfortunate byproduct of the growth of online marketplaces is that product counterfeiting and intellectual property piracy have exploded in recent years. Knockoff products can quickly erode prices and damage a legitimate seller's reputation, particularly if the counterfeit products prove to be unsafe. Grant helps his clients use their intellectual property assets to remove knockoffs from the market.

Outside of work, Grant is a guitar player and sings in a cover band. He enjoys traveling with his wife and two kids, and he loves winter because that means it is downhill-skiing season.

Experience

Recent Cases

- *Core Distribution v. OxGord Inc., et al.* – Central District of California
- *CoreLogic, et al. v. Geospan Corporation, et al.* – Central District of California

- *Doda USA, Inc., et al. v. Waste Management, Inc., et al.* – District of Delaware
- *Edelbrock, LLC v. Whipple Industries, Inc. d/b/a Whipple Superchargers* – Eastern District of California
- *JMC Acquisition Corp dba Justrite Safety Group, et al. v. DOES 1-10* – Northern District of Illinois
- *Paisley Park Enterprises, Inc. and Comerica Bank & Trust v. Ziani, et al.* – District of Minnesota
- *Paisley Park Enterprises, Inc. and Comerica Bank & Trust v. Boxill* – AAA Arbitration
- *Paisley Park Enterprises, Inc. and Comerica Bank & Trust v. Boxill, et al.* – District of Minnesota
- *QFO Labs, Inc. v. Target Corporation* – District of Minnesota
- *QFO Labs, Inc. v. Amazon.com, Inc.* – District of Minnesota
- *QFO Labs, Inc. v. Best Buy Stores, L.P., et al.* – District of Minnesota
- *Core Distribution v. John Does 1-14 (Yaheetech)* – District of Minnesota
- *Holmberg v. USA and L-3 Communications* – Court of Federal Claims
- *MasterMine Software, Inc. v. Microsoft Corp.* – District of Minnesota and Court of Appeals for the Federal Circuit
- *Petzila, Inc. v. Anser Innovation LLC* – Northern District of California and Court of Appeals for the Federal Circuit
- *IOENGINE, LLC v. Imation Corp.* – District of Delaware
- *Core Distribution, Inc. v. Xtreme Power (USA), Inc.* – District of Minnesota
- *Medtronic Navigation, Inc. v. St. Louis University* – District of Colorado
- *Ergotron, Inc. v. Rubbermaid Commercial Products, LLC* – District of Minnesota
- *Rubbermaid, Inc. v. Ergotron, Inc.* – Western District of North Carolina
- *Silver Screen Tele-Reality, Inc. v. Liquidus Marketing, Inc. and Digital Motorworks, Inc.* – Northern District of Texas
- *Medtronic Xomed, Inc. and Vision-Sciences, Inc. v. Q Park Medical Ltd. and Invotec International, Inc.* – Middle District of Florida
- *Geospan Corporation v. Pictometry International Corporation* – District of Minnesota
- *Uniloc USA, Inc. v. MakeMusic, Inc., et al.* – Eastern District of Texas
- *Medtronic, Inc., et al. v. Brasseler USA, Inc.* – District of Minnesota

Intellectual Property Experience

- In a patent infringement case against the U.S. Army on behalf of a Vietnam-era veteran, Grant and his team won every issue at claim construction, defeated two motions to invalidate the asserted patents, and convinced the Court to sanction one defendant for discovery misconduct. Grant ultimately obtained a multi-million

dollar judgment for the client.

- Grant is currently representing three of the nation's largest retailers in patent suits in the District of Minnesota.
- Grant successfully moved the Northern District of California to dismiss a competitor's declaratory judgment complaint asserting non-infringement and invalidity because the district court lacked personal jurisdiction over Grant's client. Grant then convinced the Federal Circuit to affirm that decision on appeal. The appellate court upheld Grant's victory on the briefs without needing an oral argument.
- Grant and his colleagues defeated a competitor's motion for preliminary injunction seeking to shut down his client's aerial photogrammetry business due to alleged patent infringement. Grant then convinced the District of Minnesota to dismiss the infringement claim on summary judgment. As the Court noted, there was not "even a wisp" of evidence that Grant's client infringed the patent.
- Grant and his team brought a lawsuit in the District of Minnesota against a foreign competitor and its United States distributor for infringing a patent covering agricultural heating devices. After defeating his opponents' attempt to relocate the case to North Carolina, Grant's team convinced the competitor and distributor to redesign the accused product to end the litigation.
- Grant and his colleagues brought a lawsuit in the District of Minnesota against a competitor for infringing a patent covering coating compositions for eyeglasses. After Grant's team moved for a preliminary injunction, his opponent agreed to stop selling the product and stipulated to a permanent injunction.
- Grant and his team brought a lawsuit in the Middle District of Florida against a competitor for infringing a medical device patent covering disposable sheaths for flexible endoscopes. Grant's team was able to convince the opponent to stop selling the accused product at an early stage, before the claim construction hearing.
- Grant was a member of a successful trial team in a patent infringement case in the Eastern District of Texas. The client, a leading manufacturer of computer display stands, and its downstream customers faced an opponent who was seeking nearly \$200 million in damages and attorney's fees. Grant's trial team convinced the jury to reject that exorbitant amount.
- Grant and his team defended co-owners of a patent relating to reactors for ethanol plants against a declaratory judgment action brought by a competitor in the District of Idaho. The competitor sought to invalidate the clients' patent. Grant and his team successfully moved the Court to dismiss the lawsuit for lack of personal jurisdiction, and the competitor chose to give up rather than re-file in Minnesota.

Anti-Counterfeiting & Anti-Piracy Experience

- Grant and his team obtained an award of nearly \$4 million in damages and attorney's fees in an arbitration hearing involving the unauthorized use of music owned by the Estate of Prince Rogers Nelson.

- Grant is part of a team representing the Prince Estate in litigation concerning the late superstar's intellectual property assets. In one of his cases, Grant brought suit against a bootleg record label asserting claims for trademark infringement, trademark counterfeiting, copyright infringement, bootlegging and violating Prince's right of publicity. The District of Minnesota entered default judgment against one of the bootleggers for \$7 million based on the bootlegger's willful copyright infringement and counterfeiting.
- Grant and his team have successfully removed hundreds of infringing products from e-commerce platforms for a manufacturing client using a combination of informal enforcement mechanisms and patent infringement suits.
- Grant led a team that obtained a default judgment in the District of Minnesota against a defendant who was selling counterfeit ladders on Amazon. The district court found willful patent infringement, entered a permanent injunction against the seller, awarded treble damages and attorney's fees, and held the defendant in contempt when it violated the injunction. Grant's team also defeated the seller's attempt to vacate the judgment.
- Grant brought suit against a large group of counterfeiters in the District of Minnesota who were selling on Amazon. He obtained a consent judgment against the largest violator and negotiated settlements with the remaining defendants. As a result of the lawsuit, the infringing products were removed from Amazon.
- Grant is leading a team that is actively representing a start-up storage and organization products company in asserting its intellectual property rights against counterfeiters selling knockoff products on Amazon, eBay, Alibaba, and other e-commerce sites. His team has successfully removed numerous sellers from the market without resorting to litigation.

Credentials

Education

- University of Colorado, B.S. in Applied Computer Science (in progress)
- Georgetown University Law Center, J.D., 2003, *cum laude*
- University of Wisconsin, B.A., Economics and History, 2000

Admissions

- Minnesota
- U.S. District Court for the District of Minnesota
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. Supreme Court

Recognition

- *The Best Lawyers in America*, Litigation—Intellectual Property, 2020-present
- Listed in *IAM Patent 1000: The World's Leading Patent Professionals*, 2019-2021
- Rising Star—Intellectual Property Litigation, *Minnesota Super Lawyers*, 2014-2017

Civic & Professional

Professional Activities

- Federal Bar Association
- Federal Circuit Bar Association
- Federal Bar Association IP Litigation Committee for the District of Minnesota, Member
- Minnesota State Bar Association
- Minnesota Intellectual Property Law Association
- Minnesota Intellectual Property Law Association, Patent Litigation – ADR – CAFC Committee, Former Chair

Community

- Hennepin County District Court Pilot ADR Project, Volunteer Mediator
- Volunteer Lawyers Network, Volunteer at Consumer Protection Workshop
- MSBA Professionalism Committee, Former Committee Member
- Minnesota Sinfonia, Former Board Member and Chairman of the Board

Legal Updates

Legal Update | 03.23.2020

Counterfeit COVID-19 Test Kits Land in the United States

Legal Update | 01.18.2018

Counterfeiters Can Do Major Damage to Your Brand's Reputation

Legal Update | 09.01.2017

On the Move: Judge Nelson Ships a Patent Case to Pennsylvania Under TC Heartland

Legal Update | 12.23.2016

The District Court Knocks Down a Counterfeiter—Hydreon Corp. v. JC Brothers, Inc.

Legal Update | 07.07.2016

The Supreme Court Turns Back the Clock on Willful Infringement with Halo Electronics

Legal Update | 12.02.2015

Patent Plaintiffs Beware!

Legal Update | 07.21.2015

Kimble v. Marvel Entertainment - The Supreme Court Tells Patent Licensors to Get Creative

Legal Update | 05.19.2015

Wait for the PTAB to Institute an IPR Before Moving to Stay Litigation

Legal Update | 03.05.2014

Is It Time to Reevaluate Your Patent Licenses? The Supreme Court Strengthens the Hand of Licensees in MedImmune and Medtronic

Publications & Presentations

Co-Presenter, *Anti-Counterfeiting and Infringement Developments and Trends*, Associated Corporate Counsel (ACC) Minnesota, February 11, 2021

Presenter, *Anticounterfeiting Strategies and Trends*, Minnesota Paralegal Association, October 6, 2020

Moderator and Panelist, *Landslide: How to Effectively Respond to Third-Party IP Infringement Through Online Platforms*, American Bar Association CLE, September 24, 2019

Presenter, *The Year in Review for Minnesota IP Litigation*, MIPLA Stampede, May 2018

Co-Presenter, *Fake vs. Real: Anti-Counterfeiting Strategies to Protect Your Brand*, Fredrikson & Byron Anti-Counterfeiting Seminar, November 30, 2017

"Avoid the Pitfalls Encountered by Makin Bacon," *Star Tribune*, April 17, 2017

Speaker, *Reading the Tea Leaves—The Impact of Early PTAB Decisions on Litigation and Prosecution Strategy*, MIPLA Stampede, May 2014