



Kurt J. Niederluecke

SHAREHOLDER

Minneapolis

612.492.7328

kniederluecke@fredlaw.com

Services

Intellectual Property
Litigation

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Litigation

Patents

Anti-Counterfeiting

Life Sciences

Non-Competes

Trade Secrets

Kurt is an experienced trial lawyer focusing on complex intellectual property litigation, with a particular emphasis in patent litigation.

Kurt has successfully led trial teams in the enforcement and defense of patent litigation throughout the United States. In addition, Kurt has led and participated in trials involving trade secrets and other technology-based complex litigation. He has also successfully led appeals to, among others, the Federal Circuit Court of Appeals. Complementing his litigation practice, Kurt counsels his clients on intellectual property acquisition, valuation, due diligence, maintenance and licensing strategies.

Kurt believes that each lawsuit must be approached uniquely, focusing on his clients' goals and recognizing the level of opportunity or exposure. Working closely with his clients produces not only the greatest possibility for litigation success, but also his clients' business success. Kurt leverages his background as a registered patent attorney and real-world experience in aerospace engineering and mechanics to emphasize the importance of transforming complex technology into manageable concepts and convincing stories to educate and persuade judges and juries.

Experience

- Defended one of the leading food and bacon producers in the world against claims that it misappropriated trade secrets, and breached multiple contracts relating to a failed joint development program. The plaintiff sought damages in excess of \$60 million. At the center of the lawsuit was a revolutionary new process for making a next generation of pre-cooked bacon. After two years of litigation, Kurt's litigation team defeated each of the plaintiff's claims on summary judgment. The Eighth Circuit Court of Appeals affirmed the victory in 2018. Kurt's team is now proceeding with attorneys' fees motions to recover our client's fees incurred in defending the lawsuit.
- Led a successful patent litigation action relating to high speed medical drills on behalf of the world's largest medical device manufacturer. Kurt's team obtained a consent permanent injunction on behalf of his client preventing the competitor from eroding his client's market share.
- Led the successful enforcement of patent rights relating to computer accessory lift systems for use in healthcare. Kurt's litigation team obtained judgment disposing of virtually all defenses, including a claim to invalidate the patent-at-

issue. After prevailing over the defendant's summary judgment motion, and on the evening before jury selection was to begin, Kurt's team negotiated a very favorable settlement with the defendant.

- Represented a leading medical products manufacturer defending a claim that it breached a patent license agreement, resulting in well over \$100 million in claimed past and future damages. Kurt's team won partial summary judgment on a key defense, and then proceeded through trial, where the court questioned whether a valid contract even existed, resulting in further trial related to a related unjust enrichment claim. Days after the second trial phase in which Kurt's team demonstrated no unjust enrichment existed, the court conducted a settlement conference resulting in a very favorable settlement.
- When a smaller competitor began pilfering a leading medical device company's technical and sales personnel to gain its confidential information and introduce a competing advance energy device, Kurt and his litigation team partnered with our client to initiate an action for trade secret misappropriation and breach of certain employees' employment agreements, among other claims. Through a year of intense litigation, we obtained a temporary restraining order, a preliminary injunction, and ultimately settled the lawsuit very favorably in a confidential settlement.
- Leads the world's largest medical device manufacturer's worldwide enforcement of its endoscope sheath patent portfolio. Kurt's litigation team obtained a consent permanent injunction against a U.K. manufacturer and U.S. distributor of infringing endoscope sheaths, resulting in their departure from the U.S. endoscope sheath market. Buoyed by that success, Kurt continues to lead the enforcement efforts of his client's worldwide patent rights in Europe and elsewhere.
- Led a successful patent litigation defense for his clients related to dynamic video products. Kurt's litigation team vigorously defended the plaintiff's claims brought in the Northern District of Texas, and simultaneously brought Inter Partes Reexamination proceedings against the patents-in-suit. As a result, Kurt's clients settled the lawsuit favorably, and the Inter Partes Reexamination eventually resulted in the invalidity of the asserted claims.
- Retained to handle the appeal of an adverse judgment for a client who had been found liable for inequitable conduct in its patent infringement enforcement case involving computer-related technology, resulting in a finding that its entire family of patents was unenforceable, and an award of \$3.3 million dollars in attorneys' fees. Kurt successfully obtained a reversal of the inequitable conduct finding by the Federal Circuit Court of Appeals, reviving the enforceability of his client's family of patents and reversing the \$3.3 million judgment.

Representative Clients

- AGA Medical Corporation
- Arkwright Advanced Coatings, Inc.

- Avery Dennison Corporation
- Ergotron, Inc.
- Hormel Foods Corporation
- Medtronic, Inc.
- Research & Diagnostic Systems, Inc.
- St. Jude Medical, Inc.
- Techne Corporation

Credentials

Education

- William Mitchell College of Law, J.D., 1996, *magna cum laude*
- University of Minnesota, B.S., Aerospace Engineering and Mechanics, 1988, *with distinction*

Admissions

- Minnesota, 1996
- U.S. Patent & Trademark Office, 1996
- Various U.S. District Courts
- U.S. Court of Appeals for the Federal Circuit, 2000
- U.S. Court of Appeals for the Seventh Circuit, 2006
- U.S. Court of Appeals for the Eighth Circuit, 2016
- U.S. Supreme Court, 2008

Recognition

- *The Best Lawyers in America*, Litigation – Intellectual Property, 2018-present
- *The Best Lawyers in America*, Litigation – Patent, 2021-present
- Listed in *IAM Patent 1000: The World's Leading Patent Professionals*, 2015-2021
- Super Lawyer – Intellectual Property Litigation, *Minnesota Super Lawyers*, 2021-present
- Recommended Attorney for Patent Litigation, *Intellectual Asset Management's Patent 1000*, 2013
- *Chambers USA 2013: America's Leading Lawyers for Business*, Litigation Group
- North Star Lawyer, Minnesota State Bar Association, 2012

Civic & Professional

Professional Activities

- American Intellectual Property Law Association, Member
- Federal Bar Association, Minnesota Chapter, Member
- Federal Circuit Bar Association, Member
- Hennepin County Bar Association, Member
- Minnesota Intellectual Property Law Association, Member
- Minnesota State Bar Association, Member
- PTAB Bar Association, Member

Legal Updates

Legal Update | 09.11.2015

District Court in Octane Fitness Remand Awards Majority of Requested Attorneys' Fees Under Section 285

Publications & Presentations

Panelist, "Trade Secret Conference," hosted by Intellectual Property Institute at Mitchell Hamline School of Law, April 21, 2017

Speaker, "2015 MIPLA Stampede: Post-Grant Strategies for Attacking & Defending Issued Patents," co-presented with Adam Steinert, May 18, 2015