Wayne Stacy is an attorney in the Intellectual Property Litigation Practice Group and the Patent Counseling and Prosecution Practice Group at Cooley Godward. He is also an adjunct professor of law at the University of Colorado School of Law and the University of Denver School of Law, where he teaches classes on patent prosecution and patent litigation.

Mr. Stacy's practice focuses on patent litigation—with particular emphasis on software patent litigation. He has recently litigated patents involving geo-location software, educational software, electronic-commerce software, database-management software, communication software, and power-usage management software.

Mr. Stacy's experience with software patents also includes pre-litigation and litigation-avoidance counseling. For example, he has helped several clients redesign their software products to minimize patent-infringement risks. He has also guided several clients through the reexamination process at the U.S. Patent and Trademark Office and advised clients on the strategic use of reexamination during and prior to litigation. His article on reexamination, *Reexamination Reality: How Courts Should Approach a Motion to Stay Litigation Pending the Outcome of Reexamination,* is one of the most cited in the field. Additionally, Mr. Stacy is experienced in using copyright litigation to protect computer software from direct copying and reverse engineering.

Mr. Stacy also helps clients obtain and license software and software-related patents. He specializes in assisting emerging and mid-size companies obtain high-value, strategic patents that can be used to increase or protect market share. Mr. Stacy has helped clients build patent portfolios involving several different types of software and software-related systems, including network-management software, interactive TV systems, electronic-commerce systems, streaming-media systems, identity-protection software, anti-spyware software, graphics-management systems, storage-area-network systems, and voice-recognition software.

Mr. Stacy's practice extends well beyond the software field. He has significant experience litigating patent cases and building high-value, strategic patent portfolios in technology areas such as microelectronics, cellular telephony, power supplies, chemical-vapor-deposition systems, sputtering systems, semiconductor laser components, video-graphics processors, consumer electronics, video-distribution equipment, and cable-industry equipment.

He is a frequent speaker on patent-litigation and patent-prosecution topics and has recently spoken on topics such as software-patent acquisitions, inequitable conduct during patent prosecution, legal ethics, director liability for patent infringement, and efficient patent portfolio development. Mr. Stacy is also an editor for the Intellectual Property column of the *Colorado Lawyer* and an organizer for one of Colorado's leading annual legal-education events, the Rocky Mountain Intellectual Property Institute.

Mr. Stacy received his law degree, with high honors, from The George Washington University School of Law in Washington, D.C. While at George Washington, he served on Law Review, won first prize in ASCAP's Nathan Burkan Memorial Writing Competition, won fourth prize nationally in that same competition, and published two articles in the George Washington University Law Review. And upon graduation, Mr. Stacy was elected to the *Order of the Coif.*

He also served as an extern for the Honorable Judge Rader of the United States Court of Appeals for the Federal Circuit.

Mr. Stacy received his B.S. degree, *cum laude,* in Computer Engineering from Southern Methodist University in Dallas, Texas.

He is a member of the State Bar of Colorado, the State Bar of Texas, and the Patent Bar. He is admitted to practice before all Colorado and Texas state courts, including the Colorado Supreme Court and the Texas Supreme Court. Additionally, Mr. Stacy is licensed to practice before the United States Court of Appeals for the Federal Circuit, the District Court for the District of Colorado, and the District Court for the Eastern District of Texas.

Representative Litigation Cases:

Applied Films GMBH v. Galileo Vacuum Systems (Northern District of Georgia) – litigation counsel to Applied Films in a patent litigation against Galileo Vacuum Systems and its U.S. subsidiary. The technology in this case involves web coating systems.

Galileo Vacuum Systems Italy v. Applied Films GMBH (Court of Milan, Italy) – consultant to Applied Films in a patent nullity proceeding brought by Galileo Vacuum Systems in the Court of Milan.

Phillips v. AWH Corp. (Federal Circuit Court of Appeals) (en banc) – consultant to Phillips' trial counsel in an appeal to the Federal Circuit. The technology involved modular building technologies.

Quest Software v. Saint Technologies (Canadian Federal Court) – U.S. litigation counsel to Quest Software and consultant for Canadian litigation involving software copyright issues. The technology in this case involves database-management software.

Kyocera International, Inc. v. Nokia, Inc. (Southern District of California) – litigation counsel to Kyocera in a patent litigation against Nokia. The technology in this case involves cellular phones and power-management systems.

HyperRoll Israel, Ltd. v. Hyperion Solutions (Eastern District of Texas) – litigation counsel to HyperRoll Israel, Ltd. in a patent litigation against Hyperion Solutions. The technology in this case involves database-management software.

HyperRoll, Inc. v. Hyperion Solutions (Northern District of California) – litigation counsel to HyperRoll, Inc. in a declaratory judgment action brought by Hyperion Solutions. The technology in this case involves database-management software.

Outlast Technologies v. Frisby Technologies (Colorado District Court) (Federal Circuit Court of Appeals) – litigation counsel to Outlast Technologies. The technology in this case involved phase change materials used to regulate body temperature.

Quova v. Digital Envoy (Northern District of California) – litigation counsel to Quova in a declaratory judgment action for non-infringement. The technology in this case involved geo-location software and systems.

MKS Industries v. Advanced Energy (Delaware District Court) – litigation counsel to Advanced Energy in a patent litigation initiated by MKS Industries. The technology in this case involves high-voltage power supplies and gas-disassociation systems.

IPLearn v. Skillsoft (Northern District of California) – litigation counsel to IPLearn in a patent litigation against Skillsoft. The technology in this case involved computerized-learning software.

IPLearn v. SmartForce (Northern District of California) – litigation counsel to IPLearn in a patent litigation against SmartForce, which eventually was merged into Skillsoft. The technology in this case involved computerized-learning software.

Stratos LightWave v. Picolight (Delaware District Court) – litigation counsel to Picolight in a patent litigation initiated by Stratos LightWave. The technology in this case involved vertical cavity surface emitting lasers (VSCELS).

Picolight v. Honeywell (Delaware District Court) – litigation counsel to Picolight in a patent litigation against Honeywell. The technology in this case involved vertical cavity surface emitting lasers (VSCELS).

Murex Licensing v. Vicinity (Eastern District of Virginia) – litigation counsel to Murex Licensing in patent litigation against Vicinity. The technology in this case involved location and mapping software.