

Martin M. Zoltick

Member

Martin M. Zoltick has been practicing in the field of technology law, focusing on intellectual property matters, transactions, data protection, and privacy, for more than 25 years. He represents a wide range of clients, including independent inventors, entrepreneurs, emerging businesses, middle market, and mature companies, as well as investors and venture capitalists. A substantial portion of his practice is focused on handling matters before the U.S. Patent and Trademark Office, including post-grant proceedings before the Patent Trial and Appeal Board, and the preparation and prosecution of patent applications in a broad range of technologies and fields, with a concentration in the areas of computer software and telecommunications.

Mr. Zoltick has extensive patent litigation experience and has served as trial counsel in major patent disputes in the U.S. federal district courts and in Section 337 actions before the International Trade Commission. He also has substantial experience in preparing patent infringement and validity opinions, in handling transactional matters involving intellectual property rights, software licensing, and development and consulting agreements, and in counseling clients on patent strategies, due diligence, and portfolio development, valuation, and acquisition.

A Certified Information Privacy Professional in the United States (CIPP/US), Mr. Zoltick also handles matters related to cybersecurity, privacy, and data protection, including working closely with clients to ensure that they comply with laws and regulations related to privacy and that they are taking appropriate measures to protect and secure valuable intellectual property and data. He also advises clients on the broad range of issues and threats facing companies daily in order to minimize the serious risks associated with susceptible assets.

He is currently providing thought leadership on IP and related legal considerations in technology areas including data protection, privacy, cybersecurity, blockchain, cryptocurrency, and artificial intelligence.

Mr. Zoltick is a competitive Masters swimmer and regularly competes in U.S. Masters Swimming Meets, as well as competing in open water swims in the U.S. and abroad.



607 14th Street, N.W. Suite
800 Washington, DC 20005
P 202.783.6040
F 202.783.6031

Education

J.D., Catholic University of America,
Columbus School of Law - 1989

B.S., Computer Science,
Northeastern University, College of
Computer Science - 1985 (cum
laude)

Bar Admissions

Virginia (1989)

District of Columbia (1990)

New Jersey (1990)

U.S. Patent and Trademark Office
(1992)

Attorneys

Recognized as
2018 MIP IP Stars



Six Attorneys
Recognized in 2018
IAM Patent 1000



21 Attorneys

Relevant Experience

Proceedings Before the U.S. Patent Trial and Appeal Board

Lowe's Companies, Inc., Lowe's Home Centers, LLC and LG Sourcing, Inc. v. Nichia Corporation, Cases IPR2017-02011 & -02014, IPR2018-00601 & -00699

Vizio, Inc. v. Nichia Corp., Cases IPR2017-01608 & -01623, IPR2018-00386, -00437, & -00893

Stingray Digital Group, Inc. v. Music Choice, Cases IPR2017-00888, -01191, -01192, -01193, -01450, & IPR2018-00114

BigCommerce, Inc. v. Express Mobile, Inc., Case IPR2018-00750

Toshiba Samsung Storage Technology Korea Corporation v. LG Electronics, Incorporated, Cases IPR2014-00204 & -00205

Facebook, Inc., LinkedIn Corp., and Twitter, Inc. v. Software Rights Archive, LLC, Cases IPR2013-00478, -00479, -00480, & -00481

SAP America, Inc. and SAP AG v. Versata Development Group, Inc., Case CBM2013-00042

Volusion, Inc. v. Versata Software, Inc. and Versata Development Group, Inc., Cases CBM2013-00017 & -00018

SAP America, Inc. et al. v. Versata Development Group, Inc., Case CBM2012-00001

Johnson v. Ryan, Interference No. 105,522

Cording v. Richardson et al., Interference No. 105,224

Uddenfeldt v. Sainton, et al., Interference No. 105,076

Christ et al. v. Blake, Interference No. 103,434 and No. 103,435

Kawaguchi V. Kelly et al., Interference No. 103,063

Davidson et al. v. Cannon v. Goodman v. Buckley et al., Interference No. 102,872

English et al. v. Toedter, Interference No. 102,473

Helferich v. Bennett et al., Interference No. 102,558

Federal District Court

Finite State Machine Labs, Inc. v. Spectracom Corporation et al, No. 1:17-cv-01040 (W.D. TX)

Nutrition Distribution LLC v. Nexxt Level Nutrition LLC et al, No. 2:17-cv-01870 (D. AZ)

Nichia Corporation v. Vizio, Inc., No. 8:18-cv-362-AG-KES (C.D. CA)

Nichia v. Feit Electric Company, Inc., No. 2:18-cv-01390 (C.D. CA)

Nichia Corporation v. Lowe's Home Centers, LLC et al, No. 2:16-CV-01455 (E.D. TX)

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Nichia Corporation v. Lowe's Home Centers, LLC et al, No. 2:16-CV-00613-JRG (E.D. TX)

Music Choice v. Stingray Digital Group Inc., No. 2:16-cv-00586 (E.D. TX)

Nichia Corporation v. Vizio, Inc., No. 2:16-cv-01453-JRG (E.D. TX)

Nichia Corporation v. TCL Multimedia Technology Holdings Limited et al, No. 2:16-cv-01452-JRG (E.D. TX)

Nichia Corporation v. TCL Multimedia Technology Holdings Limited et al, No. 2:16-cv-00875-JRG (E.D. TX)

Nichia Corporation v. Feit Electric Company, Inc., No. 2:16-cv-01454 (E.D. TX)

Nicha Corporation v. Feit Electric Company, Inc., No. 2:16-cv-00616 (E.D. TX)

Nichia Corporation v. Vizio, Inc., No. 2:16-cv-00246 (E.D. TX)

Nichia Corporation v. Mary Elle Fashions, Inc. d/b/a Meridian Electric, No. 2:16-cv-00615 (E.D. TX)

Music Choice v. Stingray Digital Group Inc., No. 2:16-cv-00876 (E.D. TX)

Nichia Corp. v. Everlight Everlight Electronics Co., Ltd., Everlight Americas, Inc., Zenaro Lighting, Inc., & Zitroz Llc, C.A. No. 2:13-cv-702 JRG (E.D. TX)

National Cheng Chung Univ. v. Nichia Corp & Nichia Am. Corp., No. 13-cv-467 (E.D. TX)

Music Choice v. Viacom Int'l, Inc. & MTV Networks, No. 08-cv-130 (D. DEL)

Armacell Enterprise Gmbh & Armacell United States Holdings, Inc. v. K-flex USA, LLC & L'isolante K-flex Srl, No. 09-cv-102 (E.D. NC)

AFGD, Inc. v. Tristar Glass, Inc., Kely Ransom, Paul Sullivan, John D. Williams, Lora Cloyd, Blake Neafus, and Kevin Livingston, Case No. 05 CV 300T CK-PJC, N.D. OK.

NetRatings, Inc. v. Visual Sciences, LLC, Civil Action No. 2:05-CV-349, E.D. VA.

Guardian Industries Corp., et al. v. AFG Industries, Inc., Case No. 03-73722, E.D. Mi.

Merck and Company, Inc. v. Mylan Pharmaceuticals, Inc., Civil Action No. 03-CV-1953 (NRW), S.D. N.Y.

NaPro BioTherapeutics, Inc. and Abbott Laboratories v. Mylan Laboratories, Inc. et al., Civil Action No. 01-CV-1048, W.D. Pa.

Abbott Laboratories v. City of Hope, Civil Action No. 00 C7970, N.D. Ill.

Victor Yodaiken and Finite State Machine Labs, Inc. v. Lineo, Inc., C.A. No. 01417, D.Del.

Techsearch, LLC v. ESchool.com, Inc., et al., Civil Action No. H-01-126, S.D. Tx.

Dr. Bradley S. Fordham v. Onesoft Corporation, et al., Civil Action No. 00-1078-A, E.D. Va.

Inline Software Corporation v. Tendril Software Inc., C.A. No. 00-213, D. Del.

General Signal Power Systems, Inc. v. American Power Conversion Corp., Civil Action No. 99-C-0510-S, W.D. Wis.

Chantal Cookware Corp. v. Vitrex Gourmet Corp., et al., Civil Action No. H-97-3978, S.D. Tx.

Hockerson-Halberstadt, Inc. v. Nike, Inc., et al., Civil Action No. 91-1720, E.D. La.

Neles-Jamesbury, Inc. v. Fisher Controls International, Inc. and Fisher Service Company, C.A. No. 94-40200-NMG, D. Mass.

Catalina Marketing International, Inc. v. Credit Verification Corporation, Civil Action No. 98-4135-SAC, D. Kan.

Credit Verification Corporation v. Catalina Marketing International, Inc. and Catalina Marketing Corporation, Civil Action No. 198-CV-1072C, N.D. Tx.

Mitsubishi Chemical America, Inc. and Mitsubishi Chemical Corporation v. AEG Elektrofotografie GmbH, Civil Action No. 2:98cv483, E.D. Va.

Relume Corporation v. Dialight Corporation, et al., Civil Action No. 98-72360, E.D. Mi.

Foam Innovations, Inc. v. Truly Nolan of America, No. CV-95-8857 JGD (RNBx), C.D. Calif.

Glaxo Wellcome, Inc., et al. v. Geneva Pharmaceuticals, Inc., et al., Civil Action No. 94-1921 and 94-4589 (NHP), D. N.J.

In Re Recombinant DNA Technology Patent and Contract Litigation, MDL Docket No. 912, and The Regents of the University Of California v. Eli Lilly and Company, Civil Action No. IP-92-224-C, S.D. Ind.

Personal Computer Peripherals Corp. v. Arcada Software, Inc. et al., Civil Action No. 95-301-SLR, D. Del.

Interchem Corporation and Orion Corporation Fermion v. Marion Merrell Dow Inc. and Tanabe Seiyaku Co., Ltd., Civil Action No. 93-427 (DRD), D. N.J.

Scitex America Corp. and Printing Technologies Associates, Inc. v. Aldus Corporation and V.I.P. Systems, Inc., Civil Action No. 94-214-A, E.D. Va.

Kuhn, S.A. v. Allied Products Corporation, Civil Action No. 3:91-CV-7098, N.D. Oh.

PPG Industries, Inc. v. AFG Industries, Inc. and Gemtron Corporation, Civil Action No. IP92-1401 C, S.D. Ind.

State Court

Minilec Services, Inc., Richard J. Helferich, and Martin A. Schwartz v. Motorola, Inc., Court of Chancery, State of Delaware in and for New Castle County, C.A. 19958

Section 337 Actions

In The Matter Of Certain Laser Imageable Lithographic Printing Plates, Investigation No. 337-TA-636

In The Matter Of Certain Organic Photoconductor Drums And Products Containing The Same, Investigation No. 337-TA-411

In The Matter Of Certain Salinomycin Biomass And Preparations Containing Same, Investigation No.: 337-TA-370

In The Matter of Certain Diltiazem Hydrochloride and Diltiazem Preparations, Investigation No.337-TA-349

Arbitration Proceedings

AGC Flat Glass North America, Inc. v. Guardian Industries Corp., Case No. 51 125 00285 10

AutoBid Systems, Inc. v. Next Tier Concepts, Inc., Case No. 16 117 00667 06

AFG Industries, Inc. v. TruSeal Technologies, Case No. 30 181 00571 02

Fitness MX.com Inc. v. Unibex, Inc., Case No. 16 117 00444 01

Vivus, Inc. v. AndroSolutions, Inc., Case No. 51 E 161 00437 00

Areas of Concentration

Counseling

Cybersecurity, Privacy, and Data Protection

Licensing and Transactions

Litigation

- Federal District Court
- International Trade Commission

Patent Interferences

Patent Prosecution

- Electrical and Computers
- Software, E-Commerce and Business Methods

Post-Grant Trial Practice

Publications & Presentations

IEEE Radio & Wireless Week The Internet of Things Meets the Internet of Space Summit, Presenter, "IoT and IoS Technologies and the Evolving Data Privacy and Cybersecurity Legal Landscape: "Danger, Will Robinson!" (January 2019).

Northern Virginia Technology Council (NVTC) International Committee Event, Presenter and Panelist, "Complying with General Data Protection Regulation (GDPR) and the California Consumer Privacy Act (CCPA) - What Companies Need to Know" (November 2018).

Zoltick, M. and Parker, R., Are US patents losing value? A practitioner's perspective, IAM: Japanese (September 2018).

Zoltick, M. and Maisel, J., Data privacy and cyber security: the importance of a proactive approach, Financier Worldwide (June 2018).

Zoltick, M. and Rawls, M., The evolving cryptocurrency patent landscape: who is winning the race?, Financier Worldwide (March 2018).

Intellectual Asset Management Issue 83 Co-published feature, Five years of the Patent Trial and Appeal Board, Interviewee (May/June 2017).

Intellectual Asset Management Issue 76 Co-published feature, A closer look at the PTAB's new post-issuance review procedures, Interviewee (March/April 2016).

Bloomberg BNA and the International Intellectual Property Institute AIA Post-Grant Patent Practice Conference, Participant in Mock Inter Partes Review Proceeding (February 19-20, 2014).

2013 International Series, Korea-US IP Judicial Conference Program, Panel Member, Recent IP Related Legislation (October 2013).

Japan Intellectual Property Association, Leahy-Smith America Invents Act (AIA), Working Committee Participant (March 2012).

District of Columbia Bar Continuing Legal Education Program, Faculty Member, "Software Patent Primer: Acquisition, Exploitation, Enforcement, and Defense" (August 2004-2009).

The 2001 Intellectual Property Conference, Amelia Island Plantation, Amelia Island, Florida, Invited Speaker, "Counseling Clients on Licensing and Marketing IP" (May 2001).

Georgetown University, Graduate School of Business, Entrepreneurship, Invited Lecturer (Spring Semester 2000).

Zoltick, M. and Orange, D., "On the Open-Source Frontier," Legal Times (October 2006).

District of Columbia Bar Continuing Legal Education Program, "Software Patent Primer: Acquisition, Exploitation, Enforcement, and Defense," August 2004 and August 2005.

"Like It or Not -- E-Patents Are For Real", Internet Law Update (Fall 1999).

Zoltick, M. & Green, P., "Calculating Damages the Rite Way: Applying the Federal Circuit's Decision in Rite-Hite Corp. v. Kelley Co., Inc.", Intellectual Property Today (July 1997).

Zoltick, M. & Green, P., "Calculating Damages the Rite Way: Applying the Federal Circuit's Decision in Rite-Hite Corp. v. Kelley

Co., Inc. (Japanese Language)", International Legal Strategy, Vol. V-12 (December 1996).

Professional Affiliations, Honors & Recognition

Certified Information Privacy Professional in the United States (CIPP/US)

Washington, DC Super Lawyers (2013-2018)

IAM Patent 1000 for the DC Metro Area and National (2014-2018)

IP Star, Managing Intellectual Property (MIP) (2014-2018)

Member of the Ad Hoc Legal Counselors Committee

Member of the Global Register's Who's Who in Executives and Professionals (2006-2007)

Director of The National Council of Northeastern University (inducted Spring 2004)

American Jurisprudence Award for Federal Civil Practice and Procedure (1988-89)