



## Anthony S. Gabrielson

Partner

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With extensive experience in all phases of litigation and vast exposure to myriad intellectual property and commercial business disputes, Anthony S. Gabrielson adeptly protects his clients' business and legal interests in patent infringement and other IP matters. In defending client technologies from such varied fields as Internet/e-Commerce, retail, computer software and hardware, cable television, pharmaceuticals and medical devices, and industrial and agricultural equipment, Mr. Gabrielson provides grounded and prudent counsel informed by his lifelong aptitude for technical detail. Clients ranging from several of the largest corporations on Earth to independent family farmers alike gain a committed, creative and energetic advocate.

In 2013, Mr. Gabrielson was selected from more than 1350 nominations as one of the *Law Bulletin* Publishing Company's "40 Illinois Attorneys Under Forty to Watch." He was selected by his peers for inclusion in the 2015-2017 editions of *The Best Lawyers in America*® in the practice area of Litigation – Intellectual Property. He was the exclusive winner in the 2014 International Law Office (ILO) Client Choice Awards "Intellectual Property Patents – Illinois" category. Mr. Gabrielson was selected for inclusion in the 2013-2017 *Illinois Super Lawyers*® lists. Only five percent of the lawyers in the state were selected for this honor. He was recognized as a 2015 winner by the *Corporate LiveWire* Legal Awards in the "Excellence in Patent Litigation Law – USA " category. In 2011, he was selected for inclusion in the *Illinois Rising Stars*® list, featuring outstanding young attorneys in the state. Mr. Gabrielson was selected as an "Emerging Lawyer" in the 2015-2016 editions of *Emerging Lawyers Magazine*, in which young attorneys are recognized among the top up-and-coming attorneys in Illinois. He also was selected for inclusion in the Cambridge Who's Who Registry of Executives, Professionals and Entrepreneurs, 2008-'09 edition.



## Practices

- IP Litigation

## Industries

- Internet & Cyberlaw

## Representative Experience

Anthony S. Gabrielson is a Partner with Marshall, Gerstein & Borun practicing in patent litigation. He has broad experience in all phases of litigation, and has been involved with patent infringement, intellectual property protection, technology law, breach of trademark license and trademark infringement, copyright, trade secret, commercial litigation, securities litigation, arbitration, mediation, class action, product liability, mass tort defense and breach of contract matters.

Mr. Gabrielson has extensive experience in trial and negotiation matters, including:

- Negotiated a favorable settlement of litigation in the Northern District of Illinois on behalf of a leading seller of information technology products and services regarding the alleged infringement of a patent directed to a dynamic taxonomy process for browsing/retrieving database information.
- Represented one of the nation's largest Internet retailers in the Eastern District of Texas in litigations over the alleged infringement of patents directed to an integrated computerized sales force automation system and a method for automatically invoking external applications displaying interactive embedded objects.
- Successfully represented a leading cable television provider in the Eastern District of Virginia in litigation over 11 patents directed to technologies such as fiber optic information distribution systems, signal modulation, video network switching, jitter correction and dynamic bandwidth allocation, resulting in a favorable settlement.
- Successfully defended divisions of the world's largest company in litigations alleging infringement of patents covering a documentation and reporting system and an industrial control system in which asserted patent claims were canceled during reexamination in the US Patent Office.
- Successfully represented at trial the named inventors and one of the world's top ten largest pharmaceutical companies, achieving entry of judgment upholding the inventorship rights of the named inventors in a patent covering the pegylated liposome drug delivery system technology used in the ovarian cancer medication Doxil®.

Mr. Gabrielson has had extensive involvement in numerous patent infringement matters involving technologies including:

- Computer software and hardware
- e-Commerce and Web interfaces
- Information transmission systems and components
- Fiber optic video networks
- Data communication and security systems
- Microprocessors and memory devices
- Industrial control systems
- Consumer products

- Electronic technology
- Pharmaceuticals and chemicals
- Medical devices
- Industrial, mechanical and agricultural equipment and devices

## Background and Credentials

Prior to joining the firm, Mr. Gabrielson was a litigation associate at a national corporate firm. Following law school, he served for two years as a law clerk for the Hon. Ann D. Montgomery of the U.S. District Court, District of Minnesota, where he drafted over 150 judicial orders on a myriad of federal and state law topics for a multitude of disparate civil suits and criminal prosecutions. Mr. Gabrielson also drafted multiple complex claim construction orders for patent infringement litigations, including construing numerous claim limitations covering “multiplexing” voice over data personal computing based systems, body implantable ventricular cardioverters (heart defibrillators) and all-plastic snowmobile skis.

Mr. Gabrielson received his J.D. from Harvard Law School. While at Harvard, he participated in Harvard Defenders providing student legal representation for indigent clients, was a line editor for the *Harvard International Law Journal*, worked as a research assistant for Professor Charles J. Ogletree, Jr., and served as special events coordinator of the Student Activities Council.

Mr. Gabrielson received his B.A., with highest distinction and honors in philosophy, from the University of Iowa. He also received a certificate in philosophies and ethics of politics, law and economics, and completed the University’s Unified Program, an advanced two-year general education course curriculum for 88 selected students. Upon graduation, Mr. Gabrielson was presented the Hancher-Finkbine Medallion, the University’s highest honor, bestowed on two students annually, and earned the Gustav Bergmann Philosophy Prize, awarded annually to the most outstanding senior in the Department of Philosophy. While at Iowa as one of 20 Presidential Scholars, Mr. Gabrielson was conferred the Rhodes Dunlap Scholarship by the University’s Honors Program, served as a research assistant to Professor N. William Hines, then the Dean of the University of Iowa College of Law, for four years, and was instrumental in converting the Pre-Law Society into the Phi Alpha Delta Law Fraternity, serving as President of both organizations for three years. Additionally, Mr. Gabrielson served as President and junior-year inductee member of the Phi Beta Kappa Society, Alpha of Iowa chapter, and was a member of the Mortar Board National College Senior Honor Society, the Omicron Delta Kappa National Leadership Honor Society and the Phi Eta Sigma National Honor Society.

Mr. Gabrielson is currently serving on the Board of Managers for the Intellectual Property Law Association of Chicago (IPLAC) (2014-'16), and previously served four years as the Chair of IPLAC’s Membership Committee (2010-'14). Mr. Gabrielson is a past Chair of the Amicus Briefs Subcommittee of the Litigation Committee of IPLAC (2009-'10) and past Chair of the Chicago Bar Association’s Intellectual Property Law Committee (2008-'09; Vice-Chair 2007-'08). Mr. Gabrielson is a member of The Richard Linn American Inn of Court, Chicago chapter (2009-'14). He is also a member of the American Bar Association (2001-'14) and past member of the American Intellectual Property Law Association and the Illinois State Bar Association. He enjoys working with Lawyers for the Creative Arts on a pro bono basis, a non-profit organization providing free legal service to all areas of the arts. Additionally, Mr. Gabrielson currently serves on Marshall, Gerstein & Borun’s Business Development Committee, Recruiting Committee and Litigation Practice Support Committee, and has previously served on its Professional Development Committee and Sustainability Task Force. Mr. Gabrielson has also been an actor with the iO (formerly ImprovOlympic) theatre in Chicago where he trained and performed long form group improvisation.

## Education

- Harvard Law School (J.D.)
- University of Iowa (B.A.)
  - Philosophy

## Bar Admissions

- Illinois
- Minnesota
- U.S. Circuit Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Central District of Illinois
- U.S. District Court, Southern District of Illinois
- U.S. District Court, District of Minnesota
- U.S. District Court, Eastern District of Texas
- District of Utah (pro hac vice)
- Eastern District of Virginia (pro hac vice)
- District of New Jersey (pro hac vice)

## Publications and Presentations

Mr. Gabrielson has served as a speaker on numerous intellectual property issues.

- “A Holistic Approach to Reducing I.P. Exposure,” CLE Presentation, Motorola Mobility, LLC, Libertyville, Illinois (presenter), January 21, 2014.
- “Navigating Indemnity Protections that Leverage the Manufacturer-Reseller Relationship,” The Illinois Manufacturers’ Association (presenter), January 15, 2014.
- “Claim Construction Battle Royal,” The Richard Linn American Inn of Court, Chicago, Illinois (presenter), November 12, 2009.
- “Dousing the Flames and Fireproofing the House: A Holistic Approach to Reducing Clients’ Exposure,” CLE Presentation, Marshall, Gerstein & Borun LLP, Chicago, Illinois (presenter), August 6, 2009.
- “Ten Thoughts on Good Writing,” CLE Presentation, Marshall, Gerstein & Borun LLP, Chicago, Illinois (presenter), June 30, 2009.
- “Initial Considerations for IP Protection from Inside and Out,” CBA IP Law Committee seminar, Chicago, Illinois (moderator), April 1, 2009.
- “My client has been accused of patent infringement! Now what?,” CBA IP Law Committee seminar, Chicago, Illinois (moderator and presenter), January 7, 2009.
- “Lunch With Experience,” ABA 2008 Fall Leadership Summit (Law Student Division, Circuits 7, 8, 10 & 13), Chicago, Illinois (panelist), October 4, 2008.
- “Intellectual Property Law Basics for Non-IP Attorneys,” CBA IP Law Committee seminar, Chicago, Illinois (moderator), October 1, 2008.
- “Management and Enforcement of Digital Rights on the Web,” CBA Cyber Law and Data Privacy Committee, Chicago, Illinois (moderator), June 13, 2008.

- “Internet Intellectual Property Issues for Small Businesses,” CBA IP Law Committee, Chicago, Illinois (moderator), April 1, 2008.
- “Permanent Injunctions After eBay v. MercExchange,” CBA IP Law Committee, Chicago, Illinois (presenter), May 22, 2007.
- “Offline Legal Research,” CLE Presentation, Jenner & Block LLP, Chicago, Illinois (presenter), September 21, 2006.

## **Community and Professional Involvement**

- American Bar Association (ABA)
- American Intellectual Property Law Association (AIPLA)
- Chicago Bar Association (CBA)
- Illinois State Bar Association (ISBA)
- Intellectual Property Law Association of Chicago (IPLAC)
- The Richard Linn American Inn of Court

## **Representative Experience (Cont.)**

- Network interface and Ethernet adapter patents
- Manipulation of audio/video signals and computer files/programs system and method patents
- Distributed hypermedia method and system for automatically invoking external application providing interaction and display of embedded objects within a hypermedia document patents
- Digital image frame apparatus and method patent
- Integrated computerized sales force automation system and method patent
- Processor-terminal communications protocol method patent
- Script-based data communication system and method utilizing state memory patent
- Personal computer power supply apparatus patent
- Computer toolbar tool group manipulations method patent
- Fiber optic line information distribution and switching system and method patent
- Dynamic bandwidth allocation in fiber optic network transmission device patent
- Data packet jitter detection and correction apparatus and method patents
- Digital entertainment terminal with dynamic switching system and method patent
- Memory architecture and downloading for set-top terminals system and method patent
- Full service video network and selective switching system patent
- Secure customer interface for web based data management system patent
- Multimedia distribution system using fiber optic lines system and method patent
- Information signal modulation data transmission method and apparatus patent
- Dynamic taxonomy process for browsing/retrieving database information method patent
- Flash memory card reader apparatus patents
- High performance microprocessor system patents
- E-Commerce network sales system and method software patents (shopping carts, hypertext statements)
- Internet server access control system and method software patent (session identifiers)
- Documentation and reporting system software patent
- Industrial control system software patent
- Real-time database communication apparatus and method patent

- Adult-child toilet seat apparatus patent
- Pressure cylinder with electrostatically assisted ink transfer (printing press) patent
- Poultry loading system apparatus patents
- Anticonvulsant pharmaceutical patent (Hatch-Waxman Act litigation)
- “Pegylated” liposome drug delivery system patent (inventorship trial)
- Computer floppy disk controller error detection and correction patents
- Refrigerator shelf patent
- Intraluminal anastomotic device (medical stapler) patent
- All-plastic snowmobile skis patent
- “Multiplexing” voice over data computing technology system and apparatus patents
- Body implantable ventricular cardioverter (heart defibrillator) patents