

Carl E. Sanders

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Services

Asset Creation - Prosecution &
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Intellectual Property
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Industries

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Technology

Carl Sanders focuses his practice on intellectual property, particularly patent prosecution, licensing, and litigation. He has prosecution experience in a wide range of technologies, including software, electro-mechanical devices, haptics, medical and surgical devices and simulations, business methods, and distributed computing systems. He has experience with all aspects of prosecution, including application drafting, responding to Office Actions, and addressing more recent rejections under 35 U.S.C. § 101 and *Alice*. He has successfully appealed a substantial number of applications to the Patent Trial and Appeal Board.

Carl also has litigation experience with a variety of software and electronics-based patents, include database technology, locationing and dispatching systems, cellular technologies, and banking systems. He has also counseled clients regarding software licenses and professional services agreements.

Prior to joining Kilpatrick, he worked as a software engineer and developed real-time embedded systems, including remote monitoring, diagnostic systems, and cellular technology.

Carl currently serves on the patent local rules advisory committee for the Eastern District of North Carolina. He was recognized in 2027 and the six years immediately preceding for Patent Law and was named the 2023 "Raleigh Lawyer of the Year" for Patent Law by *The Best Lawyers in America*®. Carl was named a 2019 "Legal Elite" for Intellectual Property by *Business North Carolina* magazine. He was recognized as a North Carolina "Rising Star" in Intellectual Property Law in 2016 and the five years immediately preceding by *Super Lawyers* magazine. Carl has been recognized as a member of the North Carolina Pro Bono Honor Society for providing more than 50 hours of pro bono legal service in 2017.

Experience

Drafted and prosecuted significant number of applications for a leading company in the haptics and tactile response space, including technologies related to user interfaces, embedded tactile output devices and methodologies, and medical devices and simulations.

Drafted and prosecuted significant number of applications for a leading software company in technologies related to document processing, image processing, distributed and cloud computing technologies, and online advertising.

Drafted and prosecuted significant number of applications for a prominent wireless telecommunications company in various technologies, including positioning, telecommunications protocols, handset sensing and computer vision technologies, speech processing, and various wireless technologies.

Prosecuted a significant number applications for a leading company in satellite technologies, including techniques for managing and optimizing usage of high latency, low bandwidth communications links.

The firm served as lead counsel on behalf of telecommunications company in a patent infringement matter in the Northern District of Georgia involving fleet management and vehicle location systems. Following discovery of the inventors and filing of a summary judgment motion of invalidity, we helped client obtain a favorable settlement of all claims.

On March 5, 2014, Kilpatrick Townsend was successful on behalf of Motorola Mobility in winning summary judgment against EON Corp. IP Holdings, LLC less than three weeks before trial, in a case that had been pending in the District of Delaware for nearly three and one-half years. The court's grant of summary judgment was decided on the relatively uncommon ground of invalidity by indefiniteness, and entirely invalidated EON's patent, ending the case at the district court. On May 6, 2015, the Federal Circuit, in a unanimous opinion, affirmed summary judgment granted by the District of Delaware. *EON Corp. IP Holdings, LLC v. FLO TV Inc.*, No. 10-812-RGA, 2014 WL 906182 (D. Del. Mar. 4, 2014).

The firm served as lead counsel on behalf of Red Hat, an open-source software company, in a patent infringement suit brought by Firestar related to database technology—in particular, object-relational mapping. This suit is believed to be the first patent infringement suit involving open-source software. Red Hat recently settled this suit and another recently-filed suit with the same plaintiff. The settlement was structured to be compatible with all versions of the GPL (General Public License), the open-source license under which many Red Hat products are developed and distributed, and provides licenses to the patents for all of Red Hat's products. In addition, the license extends not only to Red Hat and its customers, but also to members of the open-source community who contribute to the development of Red Hat's products. *Firestar Software, Inc. v. Red Hat, et al.*, No. 06-00258 (E.D. Tex. filed June 26, 2006). (Judge Ward).

Defending Motorola Mobility LLC in the District of Delaware. Intellectual Ventures filed a patent infringement action against Motorola accusing certain smartphones and tablets of infringing six different patents directed toward (1) back-lit LCD screens, (2) distributing software updates, (3) transporting content to mobile devices, (4) portable computer/docking stations, (5) allocation of wireless bandwidth, and (6) file transfer systems. (Judge Robinson). *Intellectual Ventures I LLC, et al. v. Motorola Mobility, LLC*, Civ. No. 11-908 (D. Del. filed Oct. 6, 2011).

Lead counsel for Wachovia Bank, Branch Banking & Trust Company, M&T Bank and Comerica Bank against DataTreasury in patent infringement suits in the Eastern District of Texas. The patents at issue involved various technologies, including telecommunications, electronic payment and clearing systems, software, business methods, and electrical and mechanical devices. The plaintiff in these cases sued more than 40 defendants, including many leading banks and financial institutions. Cases settled in 2009 and 2010 shortly before trial. *DataTreasury Corp. v. Wachovia Corp., et al.*, No. 05-0293 (E.D. Tex. filed June 28, 2005) and *DataTreasury Corp. v. Wells Fargo & Co., et al.*, No. 06-0072 (E.D. Tex. filed Feb. 24, 2006). (Judge Folsom).

Education

Wake Forest University J.D. (2005)

Swarthmore College B.S. (1998) Engineering

Swarthmore College B.A. (1998) Computer Science

Admissions

North Carolina

Court Admissions

U.S. Patent and Trademark Office

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