



RICHARD L. BROPHY

PARTNER

St. Louis, MO

314.342.4159

rbrophy@atllp.com



Richard Brophy has a proven track record of trying and winning complex intellectual property cases across the United States. He has earned a particular reputation for winning cases by dismantling opposing expert witnesses in deposition and on the stand. His practice encompasses many areas of complex civil litigation, but he focuses primarily on disputes involving patents, trademarks, copyrights and antitrust violations.

Drawing on his expansive background as an aerospace engineer and computer scientist, Richard stands out by distilling complex technical and legal issues in ways that judges and juries can easily understand. Clients routinely praise Richard for his ability to quickly become knowledgeable in the technologies at issue in his cases, and retain him to manage their most complex technical litigation.

In addition to providing strategic defense to clients who become litigation targets, Richard has demonstrated a talent for accomplishing the challenging task of enforcing his clients' intellectual property. His two most recent trials resulted in multimillion-dollar jury verdicts against his clients' competitors. One case involved explosives detection equipment used by the TSA and the other involved software used by healthcare companies to evaluate physician performance.

Richard has experience as a practicing engineer in both aerospace engineering and embedded software engineering, and he is also an FAA licensed pilot.

EDUCATION

- Saint Louis University School of Law (J.D., 2007)
- University of Illinois at Urbana-Champaign (B.S., 2002)
 - Aerospace Engineering

PROFESSIONAL ACTIVITIES

- The Missouri Bar
- Bar Association of Metropolitan St. Louis
- American Bar Association (Litigation, Antitrust, Intellectual Property)

CHARITABLE AND CIVIC INVOLVEMENT

- St. Louis Volunteer Lawyers and Accountants for the Arts

SERVICES AND INDUSTRIES

Intellectual Property Litigation
Intellectual Property
Post Grant Proceedings
Copyright
Noncompete and Trade Secrets
Technology
Antitrust and Trade Practices

ADMISSIONS

Missouri
U.S. Patent and Trademark Office
U.S. Court of Appeals, Federal Circuit
U.S. Court of Appeals, Sixth Circuit
U.S. Court of Appeals, Eighth Circuit
U.S. District Court, Eastern District of Missouri
U.S. District Court, Eastern District of Texas

ACCOLADES

- *Chambers USA: America's Leading Lawyers in Business* for Intellectual Property (2019-present)
- IAM Patent 1000: The World's Leading Patent Professionals (2021)
- Benchmark Litigation, Local Litigation Star, Intellectual Property (2021-present)
- Benchmark Litigation, "40 & Under Hot List" (2018-2020)
- *The Best Lawyers in America*[®]; Litigation - Intellectual Property, Litigation - Patent (2019-present); Lawyer of the Year, Litigation - Patent (2023)
- [*Missouri/Kansas Super Lawyers*](#)[®] (2021-present); Rising Star (2012-2020)

BACKGROUND

In his previous career as an engineer, Richard provided pilot training and simulation services for the Navy's F/A-18 program at Boeing Co. and, before that, ensured the security of MasterCard International's network as a technical consultant.

Prior to joining the firm, Richard was in private practice at a boutique intellectual property firm.

EXPERIENCE

Beat Force Majeure Claims and Secured \$3 Million in Damages in Pandemic-Driven Dispute

Represented WideOpenWest, a cable TV, internet and phone provider, before a panel of arbitrators on dueling breach of contract claims after WideOpenWest terminated its agreement with ad partner Viamedia in the midst of the COVID-19 pandemic. In the arbitration, Viamedia contended that the pandemic, as a *force majeure* event, excused its failure to pay WideOpenWest. The panel found Viamedia liable for breach of contract and awarded WideOpenWest nearly \$3 million in damages, plus attorneys' fees and costs.

Successful Defense of Game-Changing Technology for Agricultural Manufacturer

Successfully defended game-changing agricultural equipment patents before the USPTO during reexamination related to a pending infringement suit in which the major manufacturer is the plaintiff.

Summary Judgment in Trademark Dispute Affirmed on Appeal

Successfully defended a manufacturer of pet supplies in a lawsuit in which a competitor alleged trademark infringement. The decision by the U.S. District Court for the Eastern District of Missouri was affirmed on appeal to the Eighth Circuit. In addition, the circuit court reversed and remanded the lower court's finding of validity regarding the competitor's trademark, which the client had challenged.

Favorable Result in DMCA Copyright Case

Obtained an order dismissing claims for secondary copyright infringement against an internet service provider (ISP) and its management company. The plaintiffs sought to hold the clients liable for copyright infringement allegedly committed by the ISP's

subscribers through peer-to-peer file-sharing. The U.S. District Court for the Western District of Texas dismissed the plaintiffs' vicarious infringement claims against the ISP with prejudice, and ordered that all claims against the management company be dismissed with prejudice.

Dismissal of Patent Claims with Prejudice for Telecom Company

Successfully defended client against patent infringement claims brought by non-practicing entity, resulting in the plaintiff voluntarily dismissing its claims with prejudice.

Inter Partes Review for Multinational Security Company

Handled four different *inter partes* reviews for multinational company specializing in security and identity solutions.

Secured Dismissal for Biometric Solution Client in Patent Infringement Case

Obtained voluntary dismissal with prejudice of a patent infringement case brought by a patent assertion entity against biometric solution client.

Successfully Defended Augmented Identity Company Against Patent Infringement Claims

Successfully defended our client, a technology company focusing on augmented identity, against patent infringement claims brought by a non-practicing entity, resulting in the plaintiff voluntarily dismissing its claims with prejudice.

Summary Judgment for Manufacturer in Patent Case

Obtained summary judgment and favorable resolution for our client, a major manufacturer, regarding six patents in U.S. District Court for the Eastern District of Missouri.

\$12 Million Jury Verdict in Patent Infringement Case

Obtained jury verdict and award of \$12 million in past damages against a client's subsidiary for infringement of computer software patent. Additionally, obtained jury verdict of noninfringement on patent infringement counterclaims.

Secured Consent Judgment for Manufacturer in Patent Infringement Case

Defended manufacturer of night-vision systems against claims of patent infringement and secured a consent judgment of non-infringement.

Multimillion-Dollar Patent Infringement Verdict

Won multimillion-dollar jury verdict of patent infringement for trace detection equipment in the United States District Court for the Eastern District of Virginia.