



## ZACHARY C. HOWENSTINE

### PARTNER

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A member of the firm's Intellectual Property practice group, Zach Howenstine focuses on complex intellectual property matters in federal and state trial and appellate courts throughout the United States. His practice encompasses many areas of complex civil litigation including patents, trademarks, trade secrets, antitrust issues, and contract matters involving technologies in the mechanical, electrical, and chemical arts. Zach also defends individuals and companies in civil actions and proceedings instituted by the U.S. government, including False Claims Act litigation and investigatory and enforcement actions involving the Securities and Exchange Commission.

Zach has litigated cases in federal and state courts around the country, including federal jury trials in the Northern District of California and Eastern District of Texas, and appeals to the Federal Circuit and Eighth Circuit Courts of Appeals.

*\*Admission to practice law in New York is pending.*

### EDUCATION

- University of Missouri School of Law (J.D., 2009)
  - Order of the Coif
- Macalester College (B.A., *cum laude*, 2002)
  - German Studies

### BACKGROUND

Prior to joining the firm, Zach was a law clerk for U.S. District Judge E. Richard Webber.

## EXPERIENCE

### 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

### SERVICES AND INDUSTRIES

Intellectual Property  
Intellectual Property Litigation  
Litigation  
Appellate  
Complex Commercial  
Litigation  
Noncompete and Trade  
Secrets  
Trademark  
Copyright  
Technology  
Antitrust and Trade Practices

### ADMISSIONS

Missouri  
U.S. Court of Appeals, Federal  
Circuit  
U.S. Court of Appeals, Eighth  
Circuit  
U.S. District Court, Eastern  
District of Missouri  
U.S. District Court, Eastern  
District of Texas  
U.S. District Court, District of  
Colorado  
U.S. District Court, Eastern  
District of Tennessee  
U.S. District Court, Eastern  
District of Arkansas

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

#### **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.

#### **\$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.

#### **Dismissal in Patent Infringement Action**

Obtained order denying plaintiffs request for jurisdictional discovery in a patent infringement action. This resulted in the plaintiff voluntarily dismissing the case against the client.

#### **Successfully Defended Snack Chip Manufacturer Against Infringement, Other Claims**

Successfully defended client against claims of patent infringement, trademark infringement, trade secret misappropriation and unfair competition brought by leading manufacturer of snack chips. Secured a defense verdict on all claims.

## **THOUGHT LEADERSHIP**

April 25, 2018

**Trio of Cases Will Significantly Impact Post Grant Proceedings**