



Victor J. Castellucci

Member

Charlotte

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Victor is a registered patent attorney who has led the patent process for many of America's largest and most successful corporations. He has broad experience in all aspects of patent prosecution in the electrical and mechanical arts, emphasizing computer hardware and software, robotic systems, telecommunications, networking and data encoding protocols, bioinformatics, and medical diagnostics systems.

Victor also provides strategic IP counsel including: preparation of opinions of counsel regarding validity, infringement, enforceability, and freedom to operate; analysis, evaluation, and management of technology portfolios; preparation of licensing and technology transfer agreements; and audits of in-house IP management practices. He has provided opinions of counsel on some of the most contentious patents in recent memory and has evaluated high-profile patent portfolios on behalf of top online retailers, consumer electronics and microprocessor technology companies, and natural resource prospectors.

Prior to joining the firm, Victor served as an in-house IP executive and trusted advisor for several leading Silicon Valley enterprises where he excelled in the design of IP strategies, portfolio development, and inbound and outbound technology licensing campaigns. During his time in-house with a leading Silicon Valley semiconductor company, he managed a portfolio of more than 600 assets and was credited with creating and negotiating the highest value patent license agreement in company history, generating more than \$26.5 million in revenue.

Not admitted to practice in North Carolina; practice in North Carolina limited to patent prosecution matters.

Experience

Represented Utz Quality Foods, LLC, the largest family-managed, privately held salty snack food company in the United States, in its acquisition of Kitchen Cooked Inc., a manufacturer and distributor of snack foods serving Central Illinois and Eastern Iowa. This transaction drew on the experience of the firm's corporate, tax, real estate, intellectual property, employee benefits and executive compensation, and environmental attorneys.

Represented an early-stage technology company in its acquisition of the assets of another technology company in exchange for equity in the acquirer. The client also raised capital in a private offering to further develop and commercialize the technology and fund the company's operations for two years.

Represented LD Technology, a provider of sudomotor function monitoring systems based on the galvanic skin response, in a case that involved issues of patent and trademark infringement, breach of contract and misappropriation of trade secrets. After gaining access to confidential information, two former employees left LD Technology to start a competing company, which then filed patents on the stolen technology and thereafter sued LD Technology on those patents. After extensive litigation, the matter settled on favorable terms for our client.

Practice Areas

- Patents
- Licensing & Transfer
- e-commerce
- Intellectual Property Litigation

Industry Sectors

- Media & Entertainment

Education

- University of San Diego School of Law, J.D., 1999
- Princeton University, B.S.E., 1993

Bar Admissions

- California
- District of Columbia
- United States Patent and Trademark Office
- Florida

Court Admissions

- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court -- Northern District of California
- U.S. District Court -- Central District of California
- U.S. District Court -- Southern District of California

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Secured favorable results in enterprise-critical ex parte and inter partes reexamination proceedings for several leading corporations.

Created and negotiated license terms that were vital to several nine-figure corporate mergers.

Managed patent, trade dress, and trademark litigation matters in U.S. Federal District Courts resulting in favorable outcomes and lucrative settlement arrangements for litigation clients.

Created corporate policies and training materials related to intellectual property and presented to executive staff and board of directors; coordinated with senior executives regarding initiatives and messaging for a Silicon Valley corporation.

Coordinated with sales and business development functions to draft technology license agreements and to optimize terms and conditions of counterparties' agreements for various corporations.

Aligned semiconductor designer's internal and third-party resources to secure approval for patent monetization campaign.

Authored unenforceability opinions which included a novel argument on materiality issues that was subsequently adopted by the Court of Appeals for the Federal Circuit.

Prepared and prosecuted two patents that each sold for undisclosed seven-figure sums.