

Mr. Speirs is a litigation shareholder in Parsons' Salt Lake City office. His background in electrical engineering and decades of experience as an intellectual property litigator, trial lawyer, and appellate lawyer provide him with the skills and perspective to handle lawsuits and appeals involving virtually any technology.



C. Kevin Speirs

Shareholder | Salt Lake City

Biography

Kevin Speirs is a shareholder in Parsons Behle & Latimer's Litigation practice group. His practice focuses on intellectual property litigation, with an emphasis on patent infringement litigation and on antitrust matters. Mr. Speirs has handled patent infringement, trade secret, and other intellectual property litigation in many states. He has handled patent infringement matters covering a wide range of technologies, including biomedical and surgical devices, explosives and detonators, computer software, computer and electrical devices, oil and gas production devices and processes, microscopes and optics, nucleic acid and microbiological products and processes, wastewater treatment equipment, amino acid chelates, and many different types of mechanical devices, among others. His background in electrical engineering and years of experience as a litigator and trial lawyer provide him with the skills and perspective to handle lawsuits involving virtually any technology.

Contact information

801.536.6716

kspeirs@parsonsbehle.com

Capabilities

Patent Litigation
Business & Commercial Litigation
Federal Circuit Appeals
USPTO Proceedings

Licensed/Admitted

Utah
U.S. Court of Appeals, Federal Circuit
U.S. Patent & Trademark Office

Additionally, Mr. Speirs has extensive appellate experience. He has handled over 20 appeals in the United States Court of Appeals for the Federal Circuit.

Mr. Speirs is a member of the Utah State Bar and its Intellectual Property Section. He is also a member of the American Bar Association and its Committee on Intellectual Properties Litigation.

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Experience

Celsis In Vitro, Inc. v. CellzDirect, Inc., et al. (N.D. Ill. 2010 – Present), 995 F. Supp.2d 855 (N.D. Ill. 2011), 21 F. Supp.2d 960 (N.D. Ill. 2014), 83 F. Supp.3d 774 (N.D. Ill. 2015), 94 F. Supp.3d 940 (N.D. Ill. 2015), and 827 F.3d 1041 (Fed. Cir. 2016):

Represented defendants CellzDirect and Invitrogen (now Life Technologies) in a patent infringement action relating to method of preparing frozen hepatocytes. Successfully defeated a motion for preliminary injunction. Denial of injunction upheld on appeal. The case is pending.

Aleksandr L. Yufa v. Hach Ultra Analytics, Inc., 2014 WL 2450749 (D. Or. 2011-2015), affirmed, No. 2015-1626, Slip op. (Fed. Cir. 2015)

In re BRCA-1 and BRCA-2-Based Hereditary Cancer Test Patent Litigation (a/k/a University of Utah Research Foundation, et al. v. Ambry Genetics Corp.)

(D. Utah 2014-2015), 3 F. Supp.3d 1213 (D. Utah 2014), 999 F. Supp. 2d 1377 (Judicial Panel on Multidistrict Litigation 2014), 774 F.3d 755 (Fed. Cir. 2014)

Super Resolution Technologies, Inc. v. Leica Microsystems, Inc. (S.D. Tex. 2013-2015)

AntiCancer, Inc. v. Leica Microsystems, Inc. (S.D. Cal. 2011-2013)

Parallel Networks, LLC v. Abercrombie & Fitch Co. (E.D. Tex. 2010-2013), 2011 U.S. Dist. LEXIS 93875 (E.D. Tex. 2011), affirmed, 704 F.3d 958 (Fed. Cir. 2013)

Sunstone Dental, LLC v. KaVo Dental Corp. (C.D. Cal, 2009 - 2011)

Represented defendant KaVo in patent infringement action relating to power supply for dental handpieces. Obtained a favorable claim construction ruling and obtained summary judgment of non-infringement. The case settled during the appeal.

Thomas & Betts Power Solutions, LLC v. Power Distribution, Inc. (E.D. Va. 2007 - 2008)

Represented declaratory judgment plaintiff Thomas & Betts in action to declare patent not infringed by a branch circuit monitor made by Thomas & Betts. Conducted a Markman hearing and obtained favorable claim interpretation ruling on critical "circuit board" term. Secured summary judgment of non-infringement based on claim interpretation and "exceptional case" finding and fee award when patent owner continued to pursue infringement claim after adverse claim construction.

General Motors Corp. v. General Electric Transportation Systems, 275 F. Supp.2d 850 (2003), appeal dismissed, 109 Fed. Appx. 429, 2004 WL 1921148 (Fed. Cir. 2004), and 2004 WL 3550145 (July 28, 2004), affirmed, 417 F.3d 1203 (Fed. Cir. 2005) (E.D. Mi

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Represented defendant GE in patent infringement action pertaining to bearings utilized in locomotive engine turbochargers. Successfully defeated motion for preliminary injunction. Obtained summary judgment of invalidity based on the on-sale bar. Judgment affirmed on appeal.

Invitrogen Corp. v. Stratagene, Inc., 327 F.3d 1364, 424 F.3d 1374 (W.D. Texas 2001 - 2006)

Represented plaintiff in patent infringement action pertaining to highly competent E. coli cells used in DNA research and to the process of making such cells. Conducted Markman hearing. Adverse claim interpretation defeated in first appeal. Obtained affirmance of summary judgment ruling of infringement and obtained reversal of summary judgment ruling of invalidity on second appeal. After a jury trial in the summer of 2006, the court awarded client \$16.2 million plus prejudgment interest and attorneys' fees. Case settled during appeal.

Natural Reserves Group, Inc. v. Baker Hughes Inc., (333rd Judicial District, Harris County, Texas 1996 -2000):

Defended Baker Hughes against claims of misappropriation of trade secrets pertaining to technology for completion of multi-lateral oil wells. Judgment of "no cause" entered after six-week bench trial.

Atlas Powder Co. & Hannex Products, Inc. v. IRECO Inc., 190 F.3d 1342 (Fed. Cir. 1999)

Obtained affirmance of ruling invalidating patent on a blasting composition as anticipated by prior act. District court ruling that patent not infringed literally or by equivalence moot.

Utah Medical Products, Inc. v. Clinical Innovations Associates, Inc., 79 F. Supp.2d 1290, aff'd 251 F.3d 171, 2000 WL 1838586, 2000-2 Trade Cases P 73, 125 (D. Utah 1999 - 2000)

Represented defendant in patent infringement/misappropriation of trade secret action relating to medical devices for measuring intrauterine pressure during labor and delivery. Obtained summary judgment on all claims. Affirmed on appeal.

Altiris, Inc. v. Symantec Corp., 160 F. Supp.2d 1274 (D. Utah 2001), rev'd in part, aff'd in part, vacated in part, 318 F.3d 1363 (Fed. Cir. 2003) (D. Utah 1999 - 2005)

Represented Altiris in software patent infringement action. Conducted Markman hearing. Obtained reversal of various adverse claim interpretation rulings on appeal, and obtained reversal of summary judgment of noninfringement. Case settled after remand.

Baker Hughes, Inc. v. Davis-Lynch, Inc. (S.D. Texas 1997 - 2003)

Represented plaintiff in patent infringement action relating to inflatable packers used in oil and gas production. Conducted Markman hearing. Summary judgment of literal infringement obtained based on favorable Markman ruling. Summary judgment also obtained on laches and on-sale bar. Conducted two-week jury trial on issues of willfulness and damages. Obtained verdict of willfulness and damage award in excess of \$1 million. Court trebled damage award, awarded attorneys' fees and prejudgment interest at client's weighted average cost of capital, and entered judgment for over \$5 million. After remand by Federal Circuit on obviousness and on-sale bar defenses (31 Fed.Appx. 650, 2002 WL 410485) conducted jury trial on those issues. Obtained verdict for plaintiff patent owner on both defenses.

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Accomplishments

Professional

Recognized in *Chambers USA*, 2008-present

Recognized in *The Best Lawyers in America*, 2008-present; Salt Lake City Lawyer of the Year, Patent Law, 2022; Salt Lake City Lawyer of the Year, Copyright Law, 2024 and 2026

Mountain States SuperLawyers, Intellectual Property Litigation

Academic

University of Utah, S.J. Quinney College of Law (J.D. 1988)

Utah Law Review, Associate Editor, 1987-88

“The Seventh Circuit Shoots for Multiple Transfer of Cases,” *Utah Law Review*, February 1988

University of Utah (B.S. Electrical Engineering, 1985)

Cum Laude

Associations

Professional

American Bar Association, Intellectual Properties Litigation Committee – Member - (1989 - Present)

Utah State Bar, Intellectual Property Section - Member - (1989 - Present)

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