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How Quinn Emanuel Persuaded an E.D. Texas Jury to Award Nothing in a Patent Case

Partner Sean Pak says his team trusted jurors to understand complex AI technology and took care to fully integrate local counsel into the trial over digitized key duplication.

By Scott Graham

Finnegan, Henderson, Farabow, Garrett & Dunner partner Gerald Ivey stood before jurors in Marshall, Texas, on Friday and told them not to believe the "very big words" about artificial intelligence and neural networks that opponent KeyMe LLC had used in a trial over key duplication technology.

"It was as if, ladies and gentlemen, after using all of those impressive words, an ocean roared for KeyMe, and brought forth not one single drop of water during the course of this trial," Ivey, who is based in New York, told the jury.

The tide rolled in Monday, when jurors in Judge Rodney Gilstrap's courtroom sided with KeyMe and Quinn Emanuel Urquhart & Sullivan. **Jurors found** that KeyMe had not infringed any of the 18 patent claims asserted by key duplication competitor The Hillman Group Inc., and that eight of 11 claims challenged by KeyMe are invalid.

Photo: Carmen Natale/ALM

Sean Pak, with Quinn Emanuel Urquhart & Sullivan.

The defense verdict in *The Hillman Group v. KeyMe* ends a round of hard-fought, competitor-versus-competitor litigation over self-serve kiosks that are deployed to supermarkets and other retailers where consumers can create digitized copies of their keys. San Francisco Quinn partner Sean Pak said Tuesday that his firm was brought

into the case about a year ago after Hillman, which markets Minute Key and other kiosks, disqualified KeyMe's previous counsel.

"Once we dug in, it was really remarkable to learn about the technology they're using now," he said.

KeyMe uses machine learning to recognize a wide variety of key types and determine the best fit while making adjustments for wear that may have occurred on key teeth, Pak said. A copy of the design is uploaded to KeyMe's platform so that if an owner gets locked out they can quickly get a duplicate at one of the kiosks.

"This is not about mechanical key cutting," Pak told jurors in his closing last week. "It's about software technology for detecting key types. We developed that technology."

The Eastern District of Texas is considered dangerous territory for accused infringers. Adding to the challenge was the six different patents Hillman was asserting at trial, issued over a span of more than 10 years, including some while the case was being litigated. "It was about 15 or 16 years of patenting history," Pak said.

Pak said his team took several steps to optimize their chances. One was bringing in Deron Dacus of Tyler, Texas' The Dacus firm as local counsel and integrating him in every aspect of the case—not just jury selection, but also some cross examinations and the direct examination of KeyMe's chief technology officer.

They also trusted the jury to understand the technology, Pak said. Instead of oversimplifying, they brought in an artificial intelligence expert to explain how machine learning works, and how the KeyMe platform is trained to "think about" what a lock would look like from the inside.

Also helping was obtaining claim construction rulings that allowed the team to organize the many various patent claims into a few categories, Pak said.

Quinn's trial team also included partners David Nelson and Eric Huang and associates Jeff Nardinelli, Zachary Flood and Samantha Cutler.

Last week's trial may be over, but the litigation between the two companies isn't. "We've actually asserted some patents against Hillman," Pak said. Trial in that case is scheduled for November in the District of Delaware.

Pak said: "It's an opportunity for us to showcase some of the patented technology we believe was taken from us."

Scott Graham *focuses on intellectual property and the U.S. Court of Appeals for the Federal Circuit. He writes ALM's Skilled in the Art IP briefing. Contact him at sgraham@alm.com*