
Reese Gordon Marketos Scores \$10.4M Patent Defense Verdict for WatchGuard

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By *Natalie Posgate*

(July 18) – A federal jury in Sherman tossed claims late Friday by Denver-based Evicam that an Allen-based competitor had violated two of its patents related to the technology in law enforcement video surveillance equipment.

The jury also invalidated one of Evicam’s patents at dispute, which legal experts say is a somewhat unusual outcome in the Eastern District of Texas.

Evicam and the defendant, WatchGuard, are both in the business of manufacturing and supplying surveillance systems for law enforcement vehicles to record incidents on the road – traffic stops, police chases, arrests, etc. – which can later be used as evidence in court. WatchGuard also makes body cameras, which are growing in demand among police departments in light of the tense national debate on the use of excessive force by police.

At issue in this case was the technology that these companies use to secure their car surveillance systems. Evicam sued WatchGuard in November 2015 claiming that WatchGuard infringed two patents related to its “secure, vehicle mounted, surveillance system” and “incident recording secure database,” court documents say.

Evicam sought \$10.4 million and asked the court to issue a permanent injunction to prevent WatchGuard from using its products. It argued that WatchGuard was infringing Evicam’s patents by continuing to sell products that allegedly rely on these patents and by continuing to instruct customers on how to use them.

WatchGuard contended at trial that it did not infringe on Evicam’s patents because its products relied on technology – developed by WatchGuard’s own engineers – that is fundamentally different from Evicam’s. It also argued that Evicam’s patents in dispute should not have been issued in the first place because others in the industry had developed the exact same technology before Evicam obtained its patents in the late 1990s.

“We relied on some patents that predated Evicam’s ... you can’t patent an idea that has already been published in a publicly available document,” said **Adam Sanderson**, WatchGuard’s lead trial attorney.



Jamil Alibhai

Munck Wilson Mandala partner **Jamil Alibhai**, Evicam’s lead lawyer in the trial, said although his client “invented this technology before” others in the business, he was disappointed that “the jury did not find for them.”

He said he has not yet had the chance to discuss any appeal options with Evicam.

Sanderson said he believed the strongest evidence during the one-week trial came when Robert Vanman, WatchGuard’s founder and CEO, took the witness stand and told his company’s story.

Vanman founded WatchGuard in 2002 out of his house and has since grown the company to 250 employees. Today, it is now the “undisputed market leader for providing video surveillance equipment to law enforcement,” as Sanderson puts it, and services a third of police agencies in the U.S. and Canada.

During Vanman’s testimony, he explained that he started WatchGuard because he didn’t feel the law enforcement market was being provided with “the solution he had in mind,” Sanderson said.

Vanman testified that Evicam’s patent design is focused on restricting and preventing unauthorized access, whereas WatchGuard’s detects after the fact whether any video surveillance evidence has been changed, which makes WatchGuard’s products easier for officers to use because they don’t impose technology hurdles on officers such as complicated passcodes.

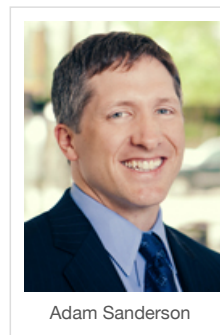
“When the jury heard that testimony, they became convinced that WatchGuard products are different from Evicam’s,” Sanderson said, which led to a unanimous verdict in WatchGuard’s favor late Friday night after several hours of deliberation. “Robert wasn’t going to compromise his principles and settle the case; he wanted to ride it out in trial from the beginning.

“I think it was a good case because these law enforcement surveillance systems are really going to be a hot technology for at least five to 10 years, or longer,” Sanderson said. “There are going to be more [legal] fights like this, but you have to encourage innovation [in this industry].

“I think it’s a good result for this market,” he added.

WatchGuard’s trial team also included Reese Gordon Marketos associate Tyler Bexley and Nick Davis, as well as Winstead of counsel Allen Moon.

Munck Wilson partner Michael C. Wilson and Sarah J. Lopano also represented Evicam in the case.



Adam Sanderson

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