



Erik Paul Belt

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Intellectual Property | Post-Grant Proceedings | IP Litigation | Trademarks & Copyrights | Design, Fashion & Luxury | Healthcare | Life Sciences | Manufacturing

Clients say that Erik is “very knowledgeable and a great communicator; he simplifies what is going on, how he is going to execute it and aligns my goals with his execution.” —Chambers USA

Erik Paul Belt is a trial attorney concentrating in patent, trademark, and licensing disputes in federal and state courts, arbitrations, and the U.S. Patent and Trademark Office. He has handled a wide range of technology cases involving, for example, x-ray inspection systems, speech recognition software, Internet security software, diagnostic and medical devices, immunoassays, telecommunications electronics, and water purification systems.

Erik has extensive experience representing national and international clients in patent litigation in federal courts throughout the country. He has successfully enforced patent rights and has also defended companies accused of infringement. Erik has also designed and implemented trademark and copyright protection and enforcement strategies for clients in virtually every industry, including business consulting, financial services, life sciences, electronics, communications equipment, computer products, and consumer goods.

Erik’s recent litigation victories include, for example, a case involving infringement of x-ray technology patents in which he obtained sanctions against an alleged infringer for making material misrepresentations to the court and for other misconduct. Sanctions included an award of attorneys’ fees and striking of the validity defenses. He also successfully moved to exclude the alleged infringer’s expert witness. This case settled on the first day of trial, after Erik and his team defeated the accused infringer’s motion for summary judgment of non-infringement and won a number of motions *in limine*.

In a precedent-setting case, Erik represented a vendor of Internet security software that had been sued by an adware company for blocking pop-up ads and adware. A federal court dismissed the claims, holding that his client was immune from civil liability under the Communications Decency Act, 47 USC § 230(c)(2)(B). The United States Court of Appeals for the Ninth Circuit affirmed the district court’s ruling. See *Zango, Inc. v. Kaspersky Lab., Inc.* (9th Cir. Case No. 07-35800). The case set precedent as the first application of the Act to immunize a vendor of Internet security software used to screen adware and spyware.

Erik represented a Sonoma winery that owned a well-known trademark. In a summary judgment decision, a federal court ruled that the winery’s licensee, an importer of luxury vodka, breached the license, that the winery properly terminated the license, and that the importer’s continued sale of the vodka infringed the winery’s trademark rights. The case settled soon afterwards.

Erik represented an R&D lab that had invented the key component of a medical diagnostic device. When the R&D lab discovered that its licensee, the manufacturer of

the device, was using questionable accounting methods to reduce royalties, the lab sued to recover the unpaid royalties. Erik's client was awarded approximately \$11 million in unpaid royalties, attorneys' fees, and interest. The First Circuit Court of Appeals upheld this award. See *Cytyc Corp. v. DEKA Products Limited Partnership*, 439 F.2d 27 (1st Cir. 2006).

Erik is the past president of the Boston Patent Law Association. In addition, the judges of the District of Massachusetts appointed Erik to chair a blue ribbon committee charged with drafting proposed revisions to the local rules governing patent infringement cases. Previously, he served on IP Law360's Intellectual Property Editorial Advisory Board for 2012 and 2013.

Representative Matters

R&D lab—Litigation for unpaid licensing royalties

Represented a research and development (R&D) lab that had invented the key component of a medical diagnostic device. When the R&D lab discovered that its licensee, the manufacturer of the device, was using questionable accounting methods to reduce royalties, the lab sued to recover the unpaid royalties. Our client was awarded approximately \$11 million in unpaid royalties, attorneys' fees, and interest. The First Circuit Court of Appeals upheld this award. See *Cytyc Corp. v. DEKA Products Limited Partnership*, 439 F.2d 27 (1st Cir. 2006).

Sonoma winery—Breach of license litigation

Represented a Sonoma winery that owned a well-known trademark. In a summary judgment decision, a federal court ruled that the winery's licensee, an importer of luxury vodka, breached the license, that the winery properly terminated the license, and that the importer's continued sale of the vodka infringed the winery's trademark rights. The case settled soon afterwards.

Internet security software vendor—Precedent-setting federal case

In a precedent-setting case, we represented a vendor of Internet security software that had been sued by an adware company for blocking pop-up ads and adware. A federal court dismissed the claims, holding that our client was immune from civil liability under the Communications Decency Act, 47 USC § 230(c)(2)(B). The United States Court of Appeals for the Ninth Circuit affirmed the district court's ruling. See *Zango, Inc. v. Kaspersky Lab., Inc.* (9th Cir. Case No. 07-35800). The case set precedent as the first application of the Act to immunize a vendor of Internet security software used to screen adware and spyware.

X-ray technology patent holder—Patent litigation

Represented a client in a case involving infringement of x-ray technology patents in which we obtained sanctions against an alleged infringer for making material misrepresentations to the court and for other misconduct. Sanctions included an award of attorneys' fees and striking of the validity defenses. We also successfully moved to exclude the alleged infringer's expert witness. This case settled on the first day of trial, after we defeated the accused infringer's motion for summary judgment of non-infringement and won a number of motions in limine.

Education

University of Michigan Law School, JD, *cum laude*, 1991

Brown University, AB English, *magna cum laude*, 1986

Bar Admissions

Massachusetts

Court Admissions

U.S. Court of Appeals, First, Ninth, and Federal Circuits

U.S. District Court, District of Massachusetts

U.S. Supreme Court,

Memberships and Certifications

Alan D. Lourie Boston IP American Inn of Court
Board Member

Boston Patent Law Association
Past President
Amicus Committee Co-Chair

Board of Governors of the Boston Patent Law Association
Member

Combined Jewish Philanthropies
2009 Lawyers & Accountants Dinner, Co-Chair

IP Cases Task Force
Member

IP Law360's Intellectual Property
Editorial Advisory Board, 2012 and 2013

Recognitions*

The Best Lawyers in America, Intellectual Property Litigation, Massachusetts, 2014–2024

Chambers USA, Intellectual Property, Massachusetts, 2017–2023

World Trademark Review 1000, Enforcement and Litigation, Massachusetts, 2016–2024

IAM Patent 1000, 2016–2023

Massachusetts Super Lawyer, 2005–2008 and 2011–2023

"He is a really impressive lawyer."—*Chambers USA*

* No aspect of this or any advertisement has been approved by the Supreme Court of New Jersey. For ranking methodologies, please see [here](#).

Alerts

Does Not Compute: UK Supreme Court Rules That AI-Generated Inventions Cannot Receive Patents, Intellectual Property Alert, 1.8.2024

Congress Considering Bill to Boost Patent Quality, Intellectual Property Alert, 8.17.2022

New Bill Seeks to Remove Long-Standing Roadblock to Patent Protection, Intellectual Property Alert, 8.15.2022

“You Can’t Challenge This (Unless)”—SCOTUS Upholds but Limits 140-Year-Old Doctrine of Assignor Estoppel, Intellectual Property Alert, 7.12.2021

Book It: Supreme Court Holds Booking.com Is Registrable as a Trademark, Intellectual Property Alert, 5.30.2020

Some Brands Have All the Luck, Intellectual Property Alert, 5.20.2020

STOLEN TREASURE – Supreme Court Says States May Not Copyright Annotated Laws, Intellectual Property Alert, 4.30.2020

Trademark State of Mind: Willfulness Not Required for an Award of a Trademark Infringer’s Profits, Intellectual Property Alert, 4.24.2020

THE PIRATES OF PRECEDENCE, or How a Modest Copyright Case Could Affect Controversial Supreme Court Cases, Intellectual Property Alert, 3.27.2020

No Fees for You – Supreme Court Says USPTO May Not Recover Attorneys’ Fees for Defending Certain Appeals, Intellectual Property Alert, 12.12.2019

Sovereign Immunity Does Not Shield State-Owned Patents from Inter Partes Review, Patent Alert, 5.18.2019

“Oh Yes, Wait a Minute, Mr. Postman”—Supreme Court Says Post Office (and the Government) Can’t Challenge Patents in Patent Office Proceedings, Patent Alert, 5.11.2019

Articles

Wallflowers: Biosimilars Don’t Dance – They Go to the PTAB, IAM Life Sciences 2021, 7.1.2021

Patent Infringement, Chapter 6, Business Torts in Massachusetts, 2nd Edition, 2.9.2016

3DP, AM, 3DS and Product Liability, Santa Clara Law Review, 10.7.2015

The Patent Is Dead; Long Live The Royalties!, Pharma & Medtech Business Intelligence, 5.13.2015

Speaking Engagements

The Secret Sauce: Protecting Trade Secrets, McCarter & English CLE Program, 12.5.2019

The Boston Patent Law Association 2016 Annual Meeting, 12.7.2016

Evolution of Patent Litigation – Interface of Judicial and Administrative Patent Proceedings, Federal Circuit Bar Association and the Boston Patent Law Association, 11.9.2016

Patent Law Roundtable, PricewaterhouseCoopers, 4.30.2015

Recent US Supreme Court Decisions on Patent Law and the Influence on Current Patent Practice and Potential US Patent Law Reform, NYIPLA & NJIPLA Joint Program, 9.18.2014

Webinars

Patent Eligibility 101, Federal Circuit Bar Association, 10.15.2020

Intellectual Property 101, UMass Berthiaume Center for Entrepreneurship's Collegiate Summer Venture Program, 5.24.2020

Quoted

Mass. Bench Makeover Leaves Attorneys 'Looking For An Edge', Law360, 11.1.2023

NPE Litigation in the US Bounces Back, IAM Media , 9.29.2021

Facebook Ruling Splits Courts over Liability Shield Limits for IP, Bloomberg Law, 9.29.2021

Industry Reacts to the Supreme Court's Arthrex Ruling: Chaos Averted – or Just Delayed?, IPWatchdog, 5.22.2021

For IP Bar, New Federal Laws a Pleasant Surprise, Massachusetts Lawyers Weekly, 1.19.2021

Attorneys React to High Court's Copyright Ban for Annotated State Laws, Westlaw Journal Intellectual Property, 5.6.2020

Old-School Mass. Courts Ill-Equipped For Pandemic, Attys Say, Law360, 3.26.2020

Mass. Patent Troll Bill May Be Just a Superfluous Solution, Law360, 2.8.2019

Patent Lawsuits Dropped Off Sharply in Mass. Courts Last Year, Boston Business Journal, 1.11.2019

AIA Case at High Court May Be about More Than Patents, Law360, 10.30.2018

Rocket-er Docket: Mass. IP Case Sees 2 Trials in 6 Months, Law360, 9.28.2018

For CRISPR Patents, the Ugliest Phase May Be Still to Come, STAT News, 9.17.2018
Boston Business Journal, 1.28.2018

Change to Local Rules May Bring More Patent Cases to Mass., Law360, 1.11.2018

4 Reasons Boston Can Be A Great Place For Patent Cases, Law360, 9.20.2017

5 Recent Fed. Circ. Rulings IP Attys Need to Know, Law360, 4.7.2017

Justices' Enhanced Damages Ruling Gives Patents More Teeth, Law360, 5.13.2016

5 Ways To Botch A Patent Trial, Law360, 5.27.2016

Is Filing a Patent Worthwhile?, The Herald-Tribune, 1.10.2016

5 Ways IP Attys Can Make The World Better This Year, Law360, 1.4.2016

Erik Belt comments on BPLA quoted in "Law & Money" section of Boston Business Journal, Boston Business Journal, 12.18.2015

Forget Patent Trolls. This Boston Attorney Is Battling Silicon Valley's Darth Vader, Boston Business Journal, 12.10.2015

BU Wins \$13 Million in Patent Infringement Suit, BU Today, 12.7.2015

PTAB's Joinder Ruling Gives Petitioners Extra Flexibility, Law360, 10.13.2015

Attorneys React to Supreme Court Patent Royalties Case, Law360, 5.22.2015

Attorney: Supreme Court's Spider-Man Ruling Could Help Biotech, Tech Deals, Boston Business Journal, 5.22.2015

Supreme Court Ruling in Drug Case Has Broad Implications for Tech Sector, Boston Business Journal's Bioflash, 1.21.2015

Lawyers Weigh In on High Court Claim Construction Ruling, Law360, 1.20.2015

Suit Against Finnegan Could Be Patent-Practice Game Changer, The Recorder, 1.13.2015

5 Tips For Getting Software Patents Approved Post-Alice, Law360, 9.2.2014

Lawyers Weigh In on High Court's Software Patent Ruling, Law360, 5.19.2014