



Richard T. "Rick" Matthews

Partner

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Rick Matthews concentrates his practice on intellectual property matters, including patent, trademark, copyright, trade secret, licensing and related litigation. He has represented companies in intellectual property disputes in over 40 states as a first-chair trial attorney and in bet-the-company litigation. He has extensive experience handling every aspect of litigation through trial and appeal. His cases have spanned federal courts across the country and before the Patent Trial and Board (PTAB), International Trade Commission (ITC), Trademark Trial and Appeal Board (TTAB), Fourth Circuit, Sixth Circuit, Federal Circuit and Supreme Court.

While Rick has been practicing patent law since 2003, he is also certified by the North Carolina State Bar Board of Legal Specialization as a Specialist in Trademark Law. Rick has been recognized by *Chambers USA* for Intellectual Property Law (2019). He has also been named among North Carolina's *Legal Elite* by *Business North Carolina* (2014-present); listed in *The Best Lawyers in America* for Trademark Law and Patent Law (2017-present); listed in *North Carolina Super Lawyers* for Intellectual Property Law (2011-2016, 2022); and named among the Top 40 Lawyers Under 40 in Intellectual Property for North Carolina by the American Society of Legal Advocates.

Rick is licensed to practice law in North Carolina, Virginia and the District of Columbia, and he is registered to practice before the U.S. Patent and Trademark Office (USPTO). Rick received a B.S. in chemistry with a focus in biochemistry from the University of North Carolina at Chapel Hill; a J.D. from the Norman Adrian Wiggins School of Law at Campbell University; and a Masters of Law degree in intellectual property law from the George Washington University Law School. He clerked in the ITC's Office of Unfair Import Investigation, focusing on Section 337 patent cases. In addition, he interned at the U.S. Court of Federal Claims for the Honorable Judge Susan G. Braden.

Practice Areas

- Intellectual Property
- Trademarks
- Patent Prosecution
- Copyrights
- Education
- IP Due Diligence & Opinions
- Trade Secrets, Employee Mobility and Restrictive Covenants
- Intellectual Property Litigation
- Emerging Technology
- Solar & Energy Storage
- Renewable Energy
- Wind Energy
- Emerging Companies
- Manufacturing
- Firearms Industry

Experience

THE CASES LISTED BELOW ARE ILLUSTRATIVE OF THE MATTERS HANDLED BY THE FIRM. CASE RESULTS DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH CASE. NOT ALL CASE RESULTS ARE PROVIDED. CASE RESULTS DO NOT GUARANTEE OR PREDICT A SIMILAR RESULT IN ANY FUTURE CASE UNDERTAKEN BY THE LAWYER.

Patent Litigation

- Served as lead counsel for Plaintiff in asserting patent and copyright infringement involving hyperspectral imaging technology.
- Represented Plaintiff, a manufacturer, in patent infringement action involving mechanical hitch devices.
- Represented Plaintiff, a developer and manufacturer of photoluminescent safety products, against a competing manufacturer in a patent infringement suit.
- Represented Defendant, a medical device developer, in a suit regarding oscillating positive expiratory pressure (OPEP) devices.
- Served as lead counsel for Plaintiff, a manufacturer of water drainage systems, in a patent infringement suit.
- Defended a full-service national event ticket marketplace, against a non-practicing entity (NPE) claiming infringement of a patent related to the use of intermediaries to securely broker exchanges

of personal information.

- Represented Defendant, a leading manufacturer/wholesaler of security products, in an infringement suit related to a design patent for a combination flashlight stun gun.
- Represented Defendant, a chemical manufacturer, against claim of patent infringement.
- Served as counsel for Plaintiff in patent infringement case involving specialty medical balloon.
- Served as lead counsel for a private university in a patent infringement action involving genome editing technology.

Trademark Litigation

- Served as Defense counsel in a trademark infringement and anti-cybersquatting suit.
- Represented Defendant, a multinational corporation engaged in the design, development, manufacturing, and worldwide marketing and sales of footwear, apparel, equipment and other services, against claims of trademark infringement.
- Represented Plaintiff, an aircraft engine parts manufacturer, in a trademark infringement matter.
- Defended a real estate development firm in a trademark dispute.
- Represented Defendant, a major online e-commerce platform, in a trademark dispute.
- Served as lead counsel for Plaintiff, a nutritional and herbal supplements manufacturer, against Defendant in a case for trademark infringement.
- Represented Defendant, a furniture retail company, in a suit alleging trademark and copyright infringement and false advertising.
- Represented Defendant, a North Carolina-based restaurant, in a trademark dispute alleging improper use of Plaintiff's mark.
- Represented Plaintiff in a trademark dispute alleging misuse of mark without Plaintiff's consent.
- Served as lead counsel for Plaintiff, a national real estate developer, in a trademark dispute through appeal to the Sixth Circuit.
- Represented Plaintiff, an eyewear company, in a suit alleging infringement of its name and mark related to digital/gaming eyewear with similar angles and language.
- Represented Defendant, a manufacturer of poultry and farming products, in a suit alleging trademark and trade dress infringement by competing manufacturer.
- Represented Plaintiff, an online e-cards service provider, in a suit asserting trademark infringement.
- Represented Plaintiff, a public university, in a trademark suit alleging infringement of Plaintiff's trademark.
- Represented Defendant, a furniture manufacturer and a national retail chain, in a trademark and trade dress infringement case related to the sale of a specific line of children's furniture.
- Represented Defendants, two national aviation parts manufacturers, asserting counterclaims of trademark infringement and unfair competition against the opposing parties. Summary judgment awarded for clients.

Trade Dress Litigation

- Represented Defendant, a manufacturer of poultry and farming products, in a suit alleging trademark and trade dress infringement by competing manufacturer.

Trade Secret Litigation

- Served as lead counsel for Defendant, a bioscience company, in a trade secret and breach of contract action through settlement.

Copyright Litigation

- Served as lead counsel for Plaintiff in asserting patent and copyright infringement involving hyperspectral imaging technology.
- Represented Defendant, a furniture retail company, in a suit alleging trademark and copyright infringement and false advertising.

Education

- George Washington University School of Law (LL.M., Intellectual Property), 2005
- Campbell University School of Law (J.D.), 2004
Campbell Law Observer ? Editor-in-Chief and Case Law Editor
- University of North Carolina at Chapel Hill (B.S., Chemistry, Biochemistry Focus), 1999
American Chemical Society Freshman Chemistry Achievement Award

Professional Affiliations

- American Intellectual Property Law Association ? Special Education Committee; Amicus Committee Member; Membership Committee Board Member; Former NLC-CLE Subcommittee Founder and Chair; Former NLC Vice Chair
- North Carolina Bar Association ? IP Section Council; Ethics Committee co-chair; Litigation Committee co-chair
- Federal Bar Association
- Federal Circuit Bar Association
- American Bar Association ? IP Section
- International Trade Commission Trial Lawyers Association
- Association of University Technology Managers
- U.S. District Court for Eastern District of North Carolina Local Patent Rules Committee Member

Awards

- *Chambers USA* ? Intellectual Property (2019-present)

- *Business North Carolina's* - "Legal Elite," Intellectual Property (2014-present)
- *The Best Lawyers in America*® ? Trademark Law, Patent Law (2017-present)
- *North Carolina Super Lawyers* ? Intellectual Property Law (2011-2016, 2022-present)
- American Society of Legal Advocates ? Top 40 Lawyers Under 40 in Intellectual Property for North Carolina
- *World Trademark Review* ? WTR 1000 (2021, 2023)