



James A. Medford

Retired Partner

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Jim concentrated his practice primarily on intellectual property litigation, white-collar criminal defense and international business agreements with an emphasis on intellectual property and the CISG. His litigation practice emphasized patent infringement, unfair competition, trademark and trade secret litigation.

Jim's criminal law practice emphasized white collar criminal defense, especially *qui tam* cases and Medicare fraud and abuse counseling, investigations and trials. He tried numerous criminal cases to a jury verdict, including criminal antitrust bid-rigging cases as well as crimes of violence. He is a member of the White Collar Crime Committee of the ABA Section of Criminal Justice, and the National Association of Criminal Defense Lawyers.

He was actively involved defending hospitals in HHS and Justice Department national initiatives such as lab unbundling and pneumonia upcoding as well as regional matters such as MRI overreach.

Jim also provided intellectual property counseling to a number of large corporations, domestic and foreign, including licensing, joint research and development, and joint venture work in the NAFTA region, Western Europe (with emphasis on Germany, Switzerland and Denmark) as well as China and India. He counseled and represented foreign companies regarding the formation and further representation of their US subsidiaries. He also oversaw patent prosecution for these companies in the US and coordinated patent and trade secret litigation and opposition proceedings in Europe with similar matters in the United States. His clients included Evonik Corporation, Emery Oleochemicals GmbH; Ducon GmbH and Genan Inc.

Before Fox Rothschild

After 42 years with the firm Smith More Leatherwood LLP, Jim retired from the practice of law. He was a retired partner and former Litigation Practice Area Leader at Smith Moore Leatherwood, which combined with Fox Rothschild in 2018.

Jim served a clerkship under the Honorable J. Braxton Craven, Jr., Fourth Circuit Court of Appeals (1971-1972).

Representative Matters

Patent and other Intellectual Property cases include:

- *Evonik Stockhausen, LLC v. Peter Greven, et al.* (M.D.N.C., Judge William L. Osteen, Jr.) (Prosecution of trademark infringement and unfair trade practices) (2010 – 2012)

- *Robert E. Houchin v. VS2 Worldwide Communications, LLC, et al.* (M.D.N.C., Judge William L. Osteen, Jr.) (Prosecution of patent infringement action by owner of patent relating to sweepstakes methods and devices) (2008 – 2011)
- *Volumetrics Medical Imaging v. Medison America, Inc., et al.* (M.D.N.C., Judge N.C. Tilley, Jr.) (Defense of patent infringement action and prosecution of invalidity and non-infringement counterclaims in connection with ultrasound equipment with 3D capabilities) (working in association with Bingham McCutchen LLP) (2006 – 2009)
- *Nochar, Inc. v. Stockhausen GmbH & Co.* (S.D. In.) Judge Larry J. McKinney) (Defense of declaratory judgment action against owner of patent relating to use of superabsorber polymers and fire fighting application) (2005- 2006)
- *Barricade International, Inc. v. Stockhausen GmbH & Co. KG* (So. District of Florida and M.D.N.C. following transfer, Judge Frank W. Bullock, Jr.) (Defense of state law claims relating to alleged ownership claim to patent issued to Stockhausen, Inc. associated with use of superabsorbent polymers in firefighting applications) (2004)
- *Blue Rhino Corporation, Blue Rhino Global Sourcing, LLC and CPD Associates, Inc. v. Sunjoy Industries, Inc. and Dandy Arambulo* (M.D.N.C., Judge Frank W. Bullock, Jr.) (Defense of patent infringement claim by owner of patent relating to outdoor heaters) (2003 – 2005)
- *Specialty Manufacturing Company Co. v. Transpec, Inc.* (M.D.N.C., Judge N.C. Tilley, Jr.) (Defense of patent infringement suit and prosecution of related counterclaim associated with mechanical device involved in school bus safety equipment) (2002 – 2007)
- *Thomasville Furniture Industries, Inc. v. Ashley Furniture Industries, Inc.* (M.D.N.C., Judge William L. Osteen) (Defense of action in alleged infringement of design patents and traddress rights associated with furniture collection) (2002 – 2004)
- *LaneVenture, a division of Lane Furniture Industries, Inc. v. D&F Wicker Rattan Imports, et al.* (M.D.N.C., Judge William L. Osteen) (Defense of patent infringement claim relating to design patents associated with outdoor furniture collection) (2002 – 2003)
- *Chambers Fabrics, Inc. v. Hoffman Mills Inc.* (M.D.N.C., Judge William L. Osteen) (Defense of copyright suit relating to design of upholstery fabric) (2001 – 2002)
- *Regent Lighting Corp. v. American Lighting Concept*, 25 F. Supp. 2d 705 (1997)
- *Burlington Industries, Inc. v. Dayco Corp.*, 849 F. 2d 1418 (1988)
- *Ashley Furniture Industries v. Sangiacomo*, 11 F. Supp. 2d 773 (1998)

Commercial cases include:

- *Hest Technologies, Inc., et al. v. State of North Carolina ex rel.* (N.C. Superior Court) (Prosecution of declaratory judgment action relating to invalidity of state law attempting to prohibit sweepstakes) (2008 – 2012)
- *Evonik Stockhausen, Inc. v. Tyco Healthcare Group, LP* (D.Del., Judge Gregory M. Sleet)(Prosecution of breach of contract claims relating to supply agreement relating to supply of superabsorbent polymers) (2008 - 2010)
- *Evonik Stockhausen, Inc. v. Attends Healthcare Products, Inc.* (N.C. Superior Court) (Prosecution of breach of contract claims relating to supply agreement for supply of superabsorbent polymers) (2007 - 2009)
- *Cone Mills Corp. v. Allstate Insurance Co.*, 340 S.E.2d 354; 457 S.E. 2d 301 (1995), and *Cone Mills Corp. v. Allstate Insurance Co.*, 340 S.E.2d 353; 457 S.E. 2d 300 (1995)
- *Vernon Carlton Sales v. SSMC, N.V.*, 53 F. 3d 330 (1995)



- *B.B. Walker Co. v. Burns International Security Services, Inc.*, 333 N.C. 536, 429 S.E.2d 552 (1993)
- *Yarborough & Co. v. E. I. du Pont de Nemours & Co.*, 332 N.C. 672, 424 S.E. 2d 408 (1992)

Honors & Awards

- *Law & Politics Magazine*, North Carolina Super Lawyers, Intellectual Property Litigation, 2006-2008
- Greensboro *Best Lawyers* Lawyer of the Year, Litigation – Patent (2014)
- *The Best Lawyers in America*, Arbitration, Commercial Litigation, Copyright Law, International Trade and Finance Law, Intellectual Property Litigation, Patent Litigation, Patent Law, Trademark Law, listed more than 15 years
- *Business North Carolina's* Legal Elite, Patents/Intellectual Property, 2004-2007, 2009-2011
- *Chambers and Partners*, USA, Recognised Practitioner, Intellectual Property (2014-2015)
- Martindale-Hubbell's top (AV) Peer Review Rating

Practice Areas

- Litigation
- IP Litigation
- White-Collar Criminal Defense & Regulatory Compliance

Education

- Harvard University (J.D., *cum laude*, 1971)
- Johannes Gutenberg Universität (1968)
 - Fulbright Scholar
- University of North Carolina at Chapel Hill (A.B., 1967)
 - Phi Beta Kappa; Morehead Scholar

Memberships

- Fellow, American Bar Foundation
- American Law Institute
- International Bar Association
- North Carolina Bar Association Section on International Law; Council, 1994-1997, 1998-2001, 2005-2008
- White Collar Crime Committee, ABA Section, Criminal Justice
- American Health Lawyers Association
- Wong Sun Society

Languages

- German

Publications

March 1, 2009

Quick Reference: Lex Loci - Enforcement of U.S. Judgments in Argentina, Brazil and Mexico
Transnational Dispute Management

December 16, 2002

Claiming Your Biotechnology Company's Intellectual Property: Guidelines for Claim Construction of United States Patents
National Law Journal

July 6, 1999

Contracting in the Global Marketplace
NC Bar Association Periodical