

3 Things To Know After Busy WDTX Patent Judge's 1st Trial

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MV3 v. Roku, the first patent jury trial before Western District of Texas Judge Alan Albright, ended with a complete verdict for the defense. Winston & Strawn attorneys Danielle Williams and DaWanna McCray covered the trial on Winston's [WacoWatch](#) series. A former partner, covered the trial on the ground, recently spoke with Law360 to offer takeaways for litigants gearing up for future trials in the burgeoning patent hotspot of Waco.

Defense Win Likely Won't Curb New Suits

Plaintiffs have been drawn to Judge Albright's court in part because he's indicated that he will bring cases to trial quickly and likely won't stay them for reviews by the Patent Trial and Appeal Board. As such, attorneys say the enthusiasm patent owners feel for Waco is unlikely to be dampened by the defendant's win in the first trial. Yet the way MV3's case against Roku proceeded up until the point the verdict was reached is likely to encourage plaintiffs, he explained. "The case got to a trial; a trial lawyer can't ask for more than that," he said. "If you're trying to file cases on behalf of plaintiffs, anything can happen in a trial."

Judge Runs a Tight Ship

Attorneys who were in the courtroom said Judge Albright did an admirable job of keeping the trial on track and making sure the witnesses gave straight answers on the stand. When they didn't follow that admonition, the judge would "politely interject" and remind them to answer yes or no, he said, calling the move "really good for the search for the truth."

"He's not going to let the expert witness rattle off a two-minute answer that gobbles up a lot of your time," he said. "He doesn't want that, and nobody does."

Virus Safety Measures Praised

The Roku case was originally slated to go to trial in June but was delayed multiple times due to the coronavirus pandemic. When it finally got underway, observers said they were impressed by Judge Albright's commitment to enforcing virus safety measures in the courthouse. "The court did everything it could and will continue to do more to improve the safety of the environment, but it was safe, and I think everyone felt safe," he said. "The judge made it very clear it's a priority for him."

His efforts included making sure everyone wore a mask throughout the trial, apart from the attorneys speaking and the witnesses, who spoke from behind a set of plexiglass barriers that was nicknamed the “dunk tank.”

Read the full article [here](#).

For more insights on the trial, visit Winston’s WacoWatch blog [here](#) or sign up [here](#) to receive updates.

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