

MVP: Erise's Eric Buresh

By **Tiffany Hu**

Law360 (September 8, 2022, 2:02 PM EDT) -- Eric Buresh of Erise IP has helped secure numerous victories over the past year, including a complete defense verdict for Sony in a patent infringement lawsuit over its PlayStation consoles, earning him a spot as one of Law360's 2022 Intellectual Property MVPs.

HIS BIGGEST ACCOMPLISHMENT THIS YEAR:

Buresh was part of the legal team representing Sony Interactive Entertainment LLC in a lawsuit alleging that its PlayStation console and Spider-Man and Gears of War video games infringed developers Infernal Technology LLC and Terminal Reality Inc.'s patented light rendering technology.

A Texas federal jury had determined that the PlayStation console and games did not infringe the patents, also finding that the patents cover technology that is "well-understood, routine and conventional," the first step in proving that the patents are invalid under the U.S. Supreme Court's Alice ruling.

In January, the game developers filed a motion for a new trial, but the district judge refused the request in March, holding that the developers' attempt to "un-do" the verdict fell flat because it contested the jury's interpretation of a term that they'd previously agreed to.

Buresh also helped NetScout Systems in Longhorn HD's lawsuit alleging that NetScout's software products infringed a patent covering a cybersecurity tool. The case was the first of numerous patent infringement suits that Longhorn, a patent-holding company, brought against various tech companies. In April, a jury sided with NetScout and found that it did not infringe the patent.

"I think just having them very close to back-to-back was a really big accomplishment, and the two defense verdicts were pretty big for us," Buresh said.

HIS BIGGEST CHALLENGE THIS YEAR:

Buresh said there's a "fairly lengthy preparation process" in advance of each trial, which includes two to



three months of working closely with witnesses for the entire period. In an ideal world, handling a trial every seven to eight months would be a "pretty healthy schedule," and it becomes a bit more of a challenge when it's closer together than that, he said.

Handling the two trials this year — one almost right after the other — was an "intense time" for the team, as they finished the first and immediately started prepping for the second one, Buresh said. But the team was able to do all of that successfully, he said.

"Just the organization and logistics to pull that off, keep the team healthy and well, and everyone having a good work-life balance while doing all that was a challenge. To do it well was an accomplishment," Buresh said.

WHY HE'S A PATENT ATTORNEY:

As someone who comes from a "long line of storytellers," Buresh said he enjoys taking patent cases and "making them super accessible to ordinary folks who sit on our juries."

Buresh said the video game space has always been an area that his team has specialized in, adding that it's always fun to work with the developers. In addition to Sony, which he's worked with for about 20 years, his firm also counts Ubisoft, Electronic Arts and Activision Blizzard as clients.

For instance, for one of the trials this year, Buresh said he spent months of weekly meetings and prep time with the developer behind the Spider-Man video games. It was a great experience for his team, some of which are lifelong gamers, he said.

"That makes the practice of law a whole lot more fulfilling when you get to develop those relationships with people you'd never get to meet in ordinary life," Buresh said.

HIS ADVICE TO JUNIOR ATTORNEYS:

Buresh said the most important thing for junior attorneys is to connect with a good mentor who's "further down the path you want to go on" — whether it's patent litigation, or even more specifically, video game software cases.

"Find someone that loves doing what they do in that space, attach yourself to them and learn from them," Buresh said. "Give yourself a multiyear window where you just watch, learn, do everything they do and make yourself an integral part of your team. That's the best way to learn how to practice law."

— *As told to Tiffany Hu.*

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