

## **Glenn W. Rhodes**



Two principles have come to define Glenn Rhodes' approach to patent strategy. Strategy that cannot describe its endgame is not strategy at all—it is motion. Intellectual property only matters if it strengthens a company's competitive position in the real world.

For more than four decades, Glenn Rhodes has worked at the intersection of intellectual property, competition, and business strategy. His experience includes in-house responsibility for managing high-stakes patent litigation at Intel Corporation, patent litigation and appeals throughout the United States, international enforcement efforts across Asia and Europe, licensing disputes, portfolio evaluations, and successful advocacy before the United States Supreme Court.

That experience led to several simple conclusions: When a company considers its competitive position, it is ultimately asking: What makes this business difficult to displace? What protects our position when competitors move? Durable companies all have something in place that meaningfully limits competitors' options. The source may vary—scale, capital intensity, network effects, switching costs, regulation, brand dominance, technological advantage, or intellectual property. But the structure is consistent: durability depends on meaningful barriers to entry.

But patent strategies often fail long before a dispute arises. Critical decisions are frequently made before anyone has clearly defined what success is supposed to look like, how competitors are likely to respond, or which options will remain available when conditions change. By the time those questions become unavoidable, the range of viable outcomes has often narrowed considerably.

What matters in these situations is not how aggressively legal tools are used, but whether they remain aligned with outcomes a client can rationally live with.

Today, Glenn advises business leaders on patent strategy and related areas, including trade secrets, copyright, and competition law, with a focus on endgames rather than mechanics. His work often involves helping clients define success before major expenses are incurred, pressure-testing strategic assumptions, identifying hidden obstacles, evaluating litigation risk, and developing approaches that remain viable as circumstances evolve. His clients are typically companies facing important strategic decisions where intellectual property may shape competition, litigation, licensing, or investment.

Glenn writes and speaks frequently on patent strategy, competitive constraints, litigation endgames, and the gap between patent activity and business value. Much of that work appears through *The Patent Position*, where he examines how intellectual property performs under competitive and adversarial pressure.



Before entering the practice of law, Glenn served in the United States Coast Guard and continues to support its mission as a volunteer with the United States Coast Guard Auxiliary. The disciplines of preparation, navigation under uncertainty, and accepting responsibility for consequences continue to shape how Glenn thinks about strategic decisions.

### Key Representations

Mr. Rhodes' expertise developed over more than four decades of IP experience. Some key representations are as follows:

- In 1987, General Electric sued Hoechst Celanese Corporation on a patent relating to engineering resins (polyethylene terephthalate/polybutylene terephthalate blends) seeking damages and an injunction. As part of the team representing Hoechst Celanese, Mr. Rhodes was part of the successful effort that led to a judgment of invalidity of the re-examined General Electric patent. The case was successfully concluded in 1990.
- In 1992, Mr. Rhodes began a secondment at Intel Corporation as the manager of its patent litigation section. In this position, Mr. Rhodes oversaw patent litigations involving IBM, AMD, and Cyrix. In addition, Mr. Rhodes successfully represented Intel before the Federal Trade Commission. Mr. Rhodes concluded his secondment in 1995.
- In 1994, Taiwan semiconductor manufacturer United Microelectronics Corporation (UMC) started making clones of Intel's 486 microprocessor, marking them "Not For Sale in the United States." Mr. Rhodes was assigned the task of conducting the first foreign enforcements of Intel's patent portfolio. Mr. Rhodes developed the strategy for enforcing Intel's patents against UMC and oversaw the litigation commenced against distributors in Britain, Germany, Singapore and Hong Kong. In addition, Mr. Rhodes managed the efforts to defend against challenges to Intel's patents in Taiwan and Japan. The effort was successfully concluded in 1996 by a settlement agreement wherein UMC agreed to exit the 486-microprocessor business and agreed to pay Intel's \$5 million dollars in legal expenses.
- In 1995, Mr. Rhodes was asked by Celanese Corporation to oversee the enforcement of patents covering its low-water acetic acid manufacturing technology against Samsung-BP. Mr. Rhodes' efforts resulted in the successful defense against Samsung-BP's attempts to invalidate Celanese's Korean patents, and the successful enforcement of Celanese's patents in the Korean courts.
- In 1998, Mr. Rhodes led the successful effort to enforce Celanese's low-water acetic acid manufacturing patents against Taiwan's China Petrochemical Development Corporation.
- Between 2000 and 2006, Mr. Rhodes led the effort to defend an eight-patent case brought by LG Electronics against Taiwan-based Chunghwa Picture Tubes over thin-film transistor (TFT) technology. After invalidating six of the eight patents, the case was successfully settled in 2006.



- In 2005, South Korean biotech company HIF-Bio sued Taiwan-based Yung Shin Pharmaceuticals in Los Angeles Superior Court, alleging theft of intellectual property and claiming more than \$280,000,000 in damages. The suit alleged an action under the Racketeer Influenced & Corrupt Organizations Act (RICO), along with allegations of fraud, breach of contract, theft of inventorship, and numerous other state law actions. Mr. Rhodes removed the case to Federal Court, where he successfully defended against the federal court's effort to remand the case to state court by successfully challenging the remand order before the U.S. Court of Appeals for the Federal Circuit. In 2010, Mr. Rhodes obtained dismissal of HIF-Bio's cases in both the state and federal courts.
- In 2009, Mr. Rhodes successfully represented California-based Carlsbad Technology Inc. before the U.S. Supreme Court against South Korea-based HIF-Bio over an issue of federal appellate jurisdiction, achieving a 9-0 victory in a case characterized as "highly complex and unusual."
- In 2010, Mr. Rhodes took on the defense of Fivetech Technology Inc. in a patent and trademark suit brought by Pennsylvania-based Southco, Inc. The case alleged infringement of three patents and two trademarks. On motions for summary judgment, Mr. Rhodes obtained judgment of non-infringement on the three patents in suit and judgment of non-infringement of the two asserted trademarks. Four of the five judgments were affirmed by the U.S. Court of Appeals for the Federal Circuit. In a concurrent inter-partes reexamination in the U.S. Patent & Trademark Office, Mr. Rhodes obtained a judgment of invalidity of two of the third patent's independent claims. On remand the case settled successfully.
- Since 2010 Mr. Rhodes has focused his practice on advising companies on IP strategies and how IP shapes a company's competitive position – before expensive commitments become difficult to reverse.