



Douglas J. Feichtner

Partner
doug.feichtner@dinsmore.com

Cincinnati, OH
Tel: (513) 977-8497

Doug has more than a decade of litigation experience in multiple states, enabling him to counsel business clients on a variety of issues. He has experience litigating in state and federal courts in Ohio, Kentucky, and Pennsylvania on a range of issues, including product liability, workplace exposures, personal injury claims, manufacturing and distribution issues connected with the Lanham Act, unfair and deceptive trade practices, and unfair competition.

He is co-chair of the firm's Toxic Torts group, and his practice focuses on the mining, flavoring, chemical, automotive, power distribution, transportation, residential construction, and fencing industries. Companies with different objectives that present unique legal issues rely on his specific knowledge, and his clients have included coal mining operations, flavoring and food manufacturers, office furniture distributors, and chemical industries.

Doug's trial experience includes claims of chemical exposures in the workplace, insufficient Materials Safety Data Sheets and warning labels, poor industrial hygiene, and non-compliance with OSHA regulations. He has represented a large coal mining operation in a multi-million dollar property-rights case adverse to a gas pipeline operation, and he has pursued breach of contract claims on behalf of a European seasoning producer, which involved the examination of witnesses from Denmark and Germany. Doug has also argued before the West Virginia Supreme Court, which ultimately overturned the decision of a lower court that had been adverse to his client's interests.

He is actively involved with the Volunteer Lawyers for the Poor and coordinates the firm's staffing of a broad spectrum of pro bono cases – divorce, custody, eviction, contract, and expungements. He is a former chair of the Blue Ash YMCA Branch Board, member and volunteer for the YMCA Board of Directors, and coached the boys' and girls' swim team at Madeira High School for almost 10 years with his wife Megan.

Services

- Toxic Tort
- Product Liability
- Litigation

- Mass Tort
- Tort
- Intellectual Property
- Intellectual Property Litigation
- Construction Industry

Education

- University of Cincinnati College of Law (J.D., 2002)
- Miami University (B.A., *cum laude*, 1999)

Bar Admissions

- Ohio
- Kentucky

Court Admissions

- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Western District of Kentucky
- U.S. District Court for the Western District of Pennsylvania

Affiliations/Memberships

- Blue Ash YMCA Board, chairman
- ASTM Building Energy Performance Assessment and Disclosure Task Force, Legal Subcommittee
- Defense Research Institute, Young Lawyers Steering Committee
- Volunteer Lawyers for the Poor coordinator
- Evans Scholars Alumnus, Birdie Club
- Ohio State Bar Association
- Cincinnati Bar Association, YLS Run for Kids Planning Committee
- Kentucky Bar Association
- United Way, Emerging Leaders Society
- Madeira High School, varsity swim coach
- Cincinnati Art Museum, futures member

Distinctions

- Ohio *Rising Stars*®

Experience

Natural Resource Company

Obtained a voluntary dismissal of a strict liability tort lawsuit against a homeowner arising out of damage to property sustained during planned subsidence

Food Manufacturer and Supplier

Lead counsel for an international manufacturer and global supplier of food ingredients in a breach of contract case taken to verdict

Fencing Company

Obtained a complete recovery with interest in a breach of contract and Prompt Payment Act lawsuit against a construction company and general builder and construction management firm

Flavoring Supplier

Represented a leading supplier of flavors and extracts in a Carmack Amendment lawsuit against a carrier

Enforce Property Rights Against Natural Gas Transmission Pipeline Operator

We successfully litigated (2010-2013) and obtained a summary judgment order compelling a natural gas transmission pipeline operator to implement and pay for mitigation measures so that client could mine its coal, as well as defeating the natural gas transmission pipeline operator's claims based on property rights, eminent domain, and adverse possession.

NPE Experience

We have defended clients in challenges to their patents from a wide variety of NPEs. Several representative examples of patents we have defended are below:

- **Cascades Publishing Innovation, LLC:** U.S. Patent 8386484
- **Data Speed Technology LLC:** US Patent 5,867,686 – High speed real-time information storage system
- **eTagz:** US Patent 7,503,502 – Computer readable hang tag and product
- **eTagz:** US Patent 7,703,686 – Consumer computer-readable product label apparatus and method
- **eTagz:** US Patent 6,298,332 – CD-Rom product label apparatus and method
- **eWatch:** US Patent 6,970,183 – Multimedia surveillance and monitoring system including network configuration
- **Helfrich Patent Licensing:** Various US Patents related to mobile device technology
- **Honeywell International, Inc.:** Various US Patents related to bar code and QR code technology
- **Infinite Data, LLC:** US Patent 5,790,530 – Message passing multiprocessor system)
- **Innovatio IP Ventures:** Various US Patents related to local area network radio frequencies and multiple channel wireless access
- **Lemolson Foundation:** Various US Patents relating to bar code technologies

- **Lodsys:** US Patent 7,222,078 – Interactive applications (smartphone apps)
- **Mobile Logistics:** Various US Patents related to transportation yard management systems
- **MPHJ (formerly Project Paperless):** Various US Patents related to computer architecture and document management
- **Pragmatum Telecom, LLC:** US Patent 6,322,231 – Method and system for coordinating data and voice communications via customer contract channel changing system using voiceover IP)
- **Round Rock:** Various US Patents related to radio frequency identification
- **TPQ Development LLC:** US Patent 5,412,730 – Encrypted data transmission system employing means for randomly altering the encryption keys)
- **US Ethernet Innovations:** Various US Patents related to Ethernet connections and point of sale
- **Wireless Media:** Various US Patents related to transportation yard management systems
- **You Technology, Inc.:** Various US Patents related to biometric technology

Breach of Stock Purchase Agreement with Alleged Fraud-Related Counterclaims

When early negotiations failed, I filed suit on behalf of a group of shareholders who were seeking recovery of contingent payments from a multi-billion dollar international corporation. The payments were owed for breach of a stock purchase agreement and for unauthorized transfers of intellectual property. The opposing corporation filed fraud-related counterclaims, vigorously contesting the claim. I advised the client at each step, including seeking detailed discovery and undertaking thorough analysis of intellectual property transfers to demonstrate the triggering of payment obligations. I personally handled five key depositions of lead witnesses, and our team handled more than 20 depositions overall. I also employed a predictive coding document review system, enabling our team to efficiently examine approximately 250,000 of the opponents' documents as we prepared our case against a better-financed adversary. The corporation decided to settle the matter prior to trial, resulting in the successful resolution of contingent payments owed to the client under the stock purchase agreement.

Popcorn Flavoring / Diacetyl Litigation

Dinsmore & Shohl represents International Flavors & Fragrances in the butter flavoring litigation that arose after a NIOSH investigation found a significant lung disease, bronchiolitis obliterans, in a Missouri popcorn plant. The firm's trial team, consisting of Frank C. Woodside, III, Mary-Jo Middelhoff and J. David Brittingham, has taken 8 cases to trial since 2003 and continues to litigate numerous cases in a variety of jurisdictions.