

## Michael J. Turton

### Partner

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#### Services

Adversarial Patent Prosecution<sup>SM</sup>  
Asset Creation - Prosecution &  
Counseling  
Intellectual Property  
ITC Section 337  
Licensing, Transactions &  
Monetization  
Market Protection - Opinions &  
Dispute Avoidance  
Patent Due Diligence  
Patent Litigation  
Patents  
Post-Grant Proceedings  
Trade Secrets

#### Industries

Electronics & Computer  
Technology  
Financial Institutions  
Financial Services  
Fintech  
Media & Entertainment  
Technology

Michael Turton concentrates his practice in intellectual property law, with a primary focus on patent litigation and intellectual property strategy and licensing. Fields of technology in which he has experience include computer hardware and software, computer security, telecommunications, computer networking, film and digital projection technologies, financial services item processing, fiber optic networks, Internet search and services, electronic commerce, semiconductor and integrated circuit technology, and electro-mechanical devices.

Mr. Turton has represented companies in patent litigation actions in California, Delaware, Georgia, Iowa, Massachusetts, Texas, Virginia, and the International Trade Commission. Additionally, he regularly assists companies with a variety of intellectual property matters, including pre-suit matters, such as analyzing patents held by competitors, conducting freedom to practice analysis, and providing written opinions.

Before joining the firm, Mr. Turton practiced with a Houston, Texas, intellectual property firm. Mr. Turton has



been recognized as a 2012 and 2013 Georgia "Super Lawyer" and 2009 Georgia "Rising Star" in Intellectual Property Law by *Super Lawyers* magazine. He is AV<sup>®</sup> rated by Martindale-Hubbell.\*

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## Experience

Representing Respondent ARRIS in patent infringement and importation investigation brought by Rovi, related to on-screen programming guide technology, with related actions in S.D. of New York and New York State Court. *In re Digital Video Receivers, U.S. ITC Investigation*, No. 337-TA-1001.

Represented Respondent ARRIS in a patent infringement and importation investigation brought by NagraVision SA et al., related to digital content and voice command technology. Case settled. *In re Certain Digital Television Set-Top Boxes*, U.S. ITC Investigation No. 337-TA-1041.

Represented Comcast in a patent infringement action related to set-top box technology brought by NagraVision SA et al. Case settled. *NagraVision SA et al. v. Comcast Cable Communications, LLC*, Case no. 2:16-cv-1362 (EDTX filed December 5, 2016).

Represented Cox Communications in an inter partes review proceeding involving cable system networking technology. PTAB decision finding claims at issue not patentable was upheld by the Federal Circuit. IPR2015-01796. Also representing Cox in a related patent infringement action brought by C-Cation. *C-Cation Technologies, LLC v. Atlantic Broadband Group LLC et al.*, Case no. 1:15-cv-00295 (D. Del. filed April 7, 2016).

We served as lead counsel for Cisco in a patent infringement litigation in the Eastern District of Virginia. The plaintiff asserted 11 patents related to encryption and network hardware technology against Cisco and several other defendants. In connection with defending Cisco, we performed significant analysis on the network hardware at issue. The court stayed the case for all defendants except for IBM, which was successful in getting summary judgment of non-infringement and on appeal. *TecSec, Inc. v. IBM Corp., et al.*, No. 1:10-cv-115 (E.D. Va. filed Feb. 5, 2010).

Represented Alfresco Software in a lawsuit involving allegations of patent infringement related to content management systems. The lawsuit involved nine patents from two distinct families of patents, each covering different subject matter. After successfully transferring the case from the Eastern District of Virginia to the Northern District of California, Alfresco invalidated two of the asserted patents at the 12(b)(6) stage under the Supreme Court's Alice standard for patentable subject matter under 35 U.S.C. § 101. The remainder of the case



was settled shortly thereafter on confidential terms. *Open Text SA v. Alfresco Software Ltd., et al.*, 13-cv-04843 JD (N.D. Cal., filed October 18, 2013).

Represented AT&T in a patent litigation in the District of Delaware. The plaintiff asserted a patent relating to DSL against AT&T and several other defendants. Plaintiff dismissed the case with prejudice after we proved AT&T's accused products and services did not operate as the plaintiff alleged. *Driden v. AT&T, Inc. et al.*, Civ. No. 12-cv-1469 (D. Del. filed November 14, 2012).

Represented firm client in patent licensing dispute involving arbitration via the International Centre of Dispute Resolution.

Represented AirWatch LLC in a patent and trade secret litigation relating to mobile device management and security software. Case settled. *AirWatch LLC v. Mobile Iron, Inc.*, Civ. No. 12-cv-03571 (N.D. Ga. filed October 16, 2012).

Represented CoxCom, Inc. and Cox Communications, Inc. in the U.S. District Court for the District of Delaware. BT filed a patent infringement action against Cox accusing certain aspects of its telecommunications and television network of infringing eight different patents. The case settled a week before the scheduled trial. (Judge Robinson). *British Telecommunications, PLC v. Coxcom Inc.*, No. 1:10-cv-00658 (D. Del. filed Aug. 5, 2010).

Represented Cox Communications, Inc. in a patent infringement suit filed by Bear Creek Technologies, Inc. in the Eastern District of Virginia. Obtained successful transfer out of the E.D. of Virginia to the N.D. Georgia. The action was consolidated for pre-trial proceedings with other suits brought by Bear Creek against various other defendants in the District of Delaware, with Judge Sleet presiding over discovery and other pre-trial matters. The plaintiff alleged that providing voice-over-IP technology infringes its patented technology and has brought suit across multiple industries for infringement of this patent. Case was dismissed after reexamination proceeding successfully invalidated the patent. (Judge Sleet). *Bear Creek Technologies, Inc. v. Cox Communications, Inc. et al.*, No. 1:2012cv00565 (D. Del. filed May 4, 2012).

Represented Manhattan Associates in a patent infringement litigation in the District of Massachusetts. The plaintiff asserted a patent related to supply chain software against Manhattan Associates and several other defendants. Case settled. (Judge Young). *Sky Technologies LLC v. Microsoft Corp., et al.*, No. 1:11-cv-10833 (D. Mass. filed May 11, 2011).

Represented Delta Air Lines and United Airlines in a patent infringement litigation in the Eastern District of



Texas. The plaintiff asserted patents related to secure online transactions against Delta, United, and several other defendants. Case settled. (Judge Gilstrap). *Stambler v. Atmos Energy Corp., et al.*, No. 10-594 (E.D. Tex. filed Dec. 28, 2010).

Represented Wells Fargo Bank against Innova Patent Licensing in a patent infringement suit in the Eastern District of Texas. The bank's systems, services and processes at issue include information security technologies such as spam-blocking software. The plaintiff in this suit sued numerous defendants, including some of the largest banks in the country. Case settled. (Judge Folsom). *Innova Patent Licensing, LLC v. 3Com Corp., et al.*, No. 10-0251 (E.D. Tex. filed July 20, 2010).

Represented Wells Fargo Bank in a patent infringement suit involving customer service and payment acceptance technologies. The case was originally filed in the Eastern District of Virginia but was successfully transferred to Iowa. Case settled. *Autoscribe Corp. et al., v. Wells Fargo Bank N.A. et al.*, No. 4:10-cv-00202 (S.D. Iowa filed Apr. 30, 2010).

Represented Cox Communications in a patent infringement suit involving voice over IP technology. We obtained a jury verdict of no patent infringement of six patents and invalidity of two patents. Affirmed by the Federal Circuit. *Verizon Servs. Corp. v. Cox Fibernet Va., Inc.*, No. 08-157 (E.D. Va. filed Jan. 11, 2008).

## **Education**

Wake Forest University School of Law, J.D. (1995)

North Carolina State University, B.S., Electrical Engineering (1992)

## **Admissions**

Georgia (1999)

Texas (1995)

## **Court Admissions**

U.S. District Court for the Eastern District of Texas (2010)

U.S. Court of Appeals for the Federal Circuit (2001)

U.S. District Court for the Northern District of Georgia (1999)

U.S. Patent and Trademark Office (1996)

## **Professional & Community Activities**

Atlanta IP Inn of Court



Orange Duffel Bag Initiative, Board Member  
American Intellectual Property Association, Member  
Wake Forest Law Review, Notes & Comments Editor (1994-1995)

## Insights

### Perspectives

Video | Kilpatrick Townsend Day of Understanding 2018  
January 31, 2019

### In The News

Kilpatrick Wins Asylum for Transgender Woman in Hard-Fought Pro Bono Case  
May 29, 2018

### In The News

Kilpatrick Townsend Referenced as Counsel to Estrella Sanchez in the Atlanta Journal-Constitution Article, "Transgender Mexican woman in Georgia wins asylum after legal battle"  
May 29, 2018

### Events

Roundtable 1: Selling Patent Rights for Revenue Generation in Today's Environment  
April 25, 2018

### News Releases

Kilpatrick Townsend's Michael Turton Elected to the Board of Directors of the Orange Duffel Bag Initiative  
January 17, 2017

### In The News

Kilpatrick Townsend's Media Report April 22-28, 2016  
April 29, 2016

### Events

Responding to Non-Practicing Entities, the Latest  
February 24, 2016

### In The News



Kilpatrick Townsend's Media Report June 26 - July 9, 2015

July 10, 2015

#### [In The News](#)

Kilpatrick Townsend's Media Report June 19-25, 2015

June 26, 2015

#### [In The News](#)

Kilpatrick Townsend's Jeff Fisher quoted by Daily Report re: "Kilpatrick Lawyers Handling Asylum Case for Transgender Mexican Woman"

June 26, 2015

#### [Publications](#)

Kilpatrick Townsend & Stockton LLP Intellectual Property Desk Reference-7th Edition

May 1, 2015

#### [Publications](#)

Patent Portfolio Creation, Management, and Licensing

May 1, 2015