



Russell A. Korn

Partner

1100 Peachtree Street NE
Suite 2800 , Atlanta , GA USA 30309
t 404.745.2552 | f 404.393.6548
rkorn@kilpatricktownsend.com

Services

Asset Creation - Prosecution &
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ITC Section 337
Patent Litigation

Industries

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Russell Korn focuses his practice on patent infringement litigation.

Mr. Korn has experience representing companies accused of infringement in cases involving various industries, including telecommunication systems, software-related systems, electrical systems, mechanical systems and pharmaceuticals. He also has significant experience in patent, trademark and copyright prosecution, copyright litigation, strategic IP counseling and licensing.

Mr. Korn has significant courtroom experience in patent cases. He has jury trial experience, including second-chairing a jury trial in which the jury returned a verdict that his client did not infringe and that his opponents patent claims were invalid, as well as second-chairing several other jury trials in the Eastern District of Texas. Mr. Korn further has argued in numerous *Markman* hearings, pretrial hearings, and discovery-related hearings.

Prior to practicing law, Mr. Korn was a defense contractor for Sverdrup Technologies, Inc. at Eglin AFB. Mr. Korn has extensive experience developing software, including writing source code for simulation image analysis, three-dimensional rendering, and guidance and control applications. Mr. Korn received an Achievement Award for the software development of a three-dimensional rendering simulation tool. He also attended the University of Florida, where he completed graduate courses in Electrical Engineering: Digital Signal Processing.

Mr. Korn was recognized by *The Best Lawyers in America*® in 2019 and 2020 for Patent Law. He was recognized in 2013 and the three years immediately preceding as a Georgia "Rising Star" in the area of Intellectual Property Litigation by *Super Lawyers* magazine.



Experience

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. (Judge Brinkema). *TecSec, Inc. v. IBM Corp., et al.*, No. 1:10-cv-115 (E.D. Va. filed Feb. 5, 2010).

The firm served as lead counsel on behalf of Cox Communications, which was accused of infringing a competitor's patents relating to 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).

The firm served as lead counsel in the representation of Epic Systems Corporation, a leading Wisconsin-based health care software company, against claims of patent infringement in a suit involving Internet-based doctor-patient communications software. The district court held that Epic and its health care provider customers did not and could not infringe the patent. The case settled while on appeal. *McKesson Info. Solutions v. Epic Sys. Corp.*, No. 06-2965 (N.D. Ga. filed Dec. 6, 2006), No. 2010-1291 (Fed. Cir. Apr. 12, 2011).

We represented Motorola Mobility in defending patent infringement claims related to wireless earpiece technology in the Western District of Texas. After winning summary judgment on certain of the claims and forcing plaintiffs' voluntary dismissal of others before trial, we presented a defense that led the jury to return a verdict of non-infringement and invalidity against the remaining claims that were at issue. *Effingo Wireless, Inc. v. Motorola Mobility LLC*, No. 5:11-cv-00649 (W.D. Tex.) We also invalidated the patent in a re-examination proceeding.

Counsel for Red Hat, Inc., Amazon.com, SoftLayer Technologies, Rackspace, Whole Foods, The Planet.com Internet Services, and NYSE Euronext in a patent infringement litigation regarding caching functionality in the Linux operating system in the Eastern District of Texas. A favorable settlement occurred shortly before trial. *Bedrock Computer Technologies, LLC v. SoftLayer Technologies Inc., et al.*, No. 06-269 (E.D. Tex. filed June 16, 2009) and *Red Hat Inc. v. Bedrock Computer Technologies, LLC*, No. 09-549 (E.D. Tex. filed Dec. 9, 2009). (Judge Davis and Magistrate Judge John Love).

Lead counsel on behalf of Cox Communications and EarthLink in a suit filed by Ronald A. Katz Licensing Technology in the U.S. District Court for the Eastern District of Texas. The suit claims patent infringement stemming from our clients' use of automated telephone processing systems. The action was consolidated for



pre-trial proceedings with other suits brought by Katz against various other defendants in the Central District of California, with Judge Klausner presiding over discovery and other pre-trial matters. *Ronald A. Katz Tech. Licensing, LLP v. Cox Commc'ns*, No. 07-2299 (E.D. Tex. filed April 6, 2007); *In re Katz Interactive Call Processing Patent Litig.*, No. 07-01816 (E.D. Tex. filed July 7, 2008) and *Ronald A. Katz Tech. Licensing, LLP v. EarthLink, Inc.*, No. 07-2235, No. 07-2299 (E.D. Tex. filed April 9, 2007); *In re Katz Interactive Call Processing Patent Litig.*, No. 07-01816 (E.D. Tex. filed July 7, 2008).

Counsel for Cisco in a patent litigation brought in the Eastern District of Texas. The plaintiff asserted a patent related to call and message flow technology. In defending Cisco, we successfully transferred the case to the District of Massachusetts and ultimately forced settlement through early summary judgment proceedings. *MicroLog Corp. v. Cisco Systems, Inc., et. al.*, No. 1:13-cv-10338 (D. Mass.)

Education

Florida State University College of Law, J.D. (2002) *highest honors, Order of the Coif*

Auburn University, B.M.E. (1996) *magna cum laude*

Admissions

Georgia

Court Admissions

U.S. Court of Appeals for the Federal Circuit (2004)

U.S. Court of Appeals for the Eleventh Circuit (2003)

U.S. District Court for the Northern District of Georgia (2003)

U.S. District Court for the Middle District of Georgia (2003)

Georgia Supreme Court (2004)

Georgia Court of Appeals (2004)

Georgia Superior Court (2002)

U.S. Patent and Trademark Office (2003)

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