

Joshua H. Lee

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Services

Intellectual Property
ITC Section 337
Patent Litigation
Patents
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Industries

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Technology
Health & Life Sciences
Medical & Surgical Devices
Technology

Josh Lee concentrates his practice on patent infringement litigation.

Mr. Lee has litigated and/or analyzed patents in a wide range of technologies, including telecommunication systems, software-related systems, electrical and mechanical systems, chemical products, textile products, retail goods, and financial related technologies. Mr. Lee has represented companies in patent infringement suits in various United States courts, including in Texas, California, Delaware, Georgia, Florida, and Oregon, as well as before the International Trade Commission (ITC).

Mr. Lee has regularly coordinated many aspects of litigation, including infringement and validity analyses, motion practice, claim construction, discovery, taking and defending of depositions, expert discovery, pre-trial proceedings, and trial. Mr. Lee has jury trial experience, including serving as the lead associate in a jury trial in which the jury returned a verdict that his client did not infringe and that the opponent's patent claims were invalid.

Mr. Lee is a registered patent attorney before the U.S. Patent and Trademark Office. He has prepared and prosecuted patent applications in a wide range of technologies, including mechanical, aerospace, and medical device technologies.

During law school, Mr. Lee was named National Champion in the 2010 AIPLA Giles Sutherland Rich Memorial Moot Court Competition, which focuses on issues in patent law.

Prior to his legal career, Mr. Lee worked as a process engineer in the textile industry.

Mr. Lee was recognized as a Georgia "Rising Star" in the area of Intellectual Property Litigation in 2020 and the six years prior by *Super Lawyers* magazine.

Experience

Defended Sidense Corp. in litigation asserting patent infringement, trade libel and defamation, intentional interference with prospective economic advantage, false advertising under the Lanham Act, and unfair competition under Cal. Bus. & Prof. Code § 17200, relating to one-transistor, one-time programmable embedded non-volatile memory (eNVM) technology. Defeated patent claims on summary judgment and plaintiff dismissed business tort claims with prejudice. District Court ordered Kilopass to pay Sidense \$5.5 million in attorneys' fees and costs. *Kilopass Tech., Inc. v. Sidense Corp.*, No. 10-2066 (N.D. Cal. filed May 14, 2010).

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, 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.) The asserted patent was also invalidated in a re-examination proceeding prosecuted by the firm.

Defending Respondent ARRIS in patent infringement and importation investigation at ITC brought by Rovi, related to on-screen programming guide technology, with related actions in various U.S. district courts 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 OpenTV/Nagra/Kudelski, related to digital content and voice command technology. In re Certain Digital Television Set-Top Boxes, ITC Investigation No. 337-TA-1041.

The firm served as lead counsel on behalf of 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).

Lead counsel for adidas in patent infringement suit regarding athletic performance measurement technology.



After engaging in early fact discovery, we obtained a favorable resolution of this matter for our client prior to claim construction briefing. *Leeper Footwear, LLC v. adidas America, Inc.*, No. 2:11-cv-00470 (D. Utah filed May 25, 2011).

Education

University of Tennessee College of Law, J.D. (2010) *with honors*

Clemson University, B.S., Industrial Engineering (2006) *magna cum laude*

Admissions

Georgia (2010)

Court Admissions

U.S. Patent and Trademark Office (2007)

U.S. Court of Appeals for the Federal Circuit (2013)

Georgia Superior Court (2010)

Georgia Court of Appeals (2011)

Georgia Supreme Court (2011)

U.S. District Court for the Northern District of Georgia (2011)

U.S. District Court for the Eastern District of Texas (2014)

Professional & Community Activities

American Intellectual Property Law Association (AIPLA), Member

AIPLA Giles Sutherland Rich Moot Court Competition, Volunteer

American Bar Association, Member

Atlanta Bar Association, Member

State Bar of Georgia, Member

Insights

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Kilpatrick Townsend Attorneys Named 2020 Georgia Super Lawyers

March 6, 2020

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Kilpatrick Townsend Achieves Recognition for 2019 Georgia Super Lawyers
February 28, 2019

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Kilpatrick Townsend Once Again Achieves Recognition for 2018 Georgia Super Lawyers
February 28, 2018

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Kilpatrick Townsend Once Again Achieves Recognition for 2017 Georgia Super Lawyers
February 28, 2017

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Kilpatrick Townsend's Media Report May 13-19, 2016
May 20, 2016

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

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Kilpatrick Townsend's Media Report April 15-21, 2016
April 22, 2016

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What Happens At PTAB May Not Stay At PTAB
April 15, 2016

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Interim IPR Results & Litigation – What Happens At The Board May Not Stay At The Board
April 8, 2016

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Kilpatrick Townsend Once Again Achieves Recognition for 2015 Georgia Super Lawyers
February 26, 2015