

Mitchell G. Stockwell

Partner

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Services

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Intellectual Property
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Medical & Surgical Devices
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Technology



Mitch Stockwell focuses his practice on intellectual property dispute resolution, with particular emphasis on patent infringement, trade secret and related intellectual property litigation and licensing transactions. He also handles *inter partes* reviews, reexaminations and other adversary proceedings before the U.S. Patent and Trademark Office.

Mr. Stockwell has represented companies in more than 60 lawsuits and arbitrations in federal courts throughout the country. He has tried to verdict, and litigated through judgment and appeal, more than a dozen disputes. He has litigated and evaluated patents and trade secret claims in technologies including cable and telephony communications, wireless communications (including GSM, NMTS and VOIP standards) software, e-commerce,



electronics, medical products (including athletic knee and hip systems) and athletic shoes and equipment.

Mr. Stockwell was selected by his clients to BTI Consulting's 2010 and 2011 Client Service All-Star Team in recognition of his client service excellence. He was recognized in *The Best Lawyers in America*[®] for Intellectual Property Law in 2020 and the 12 years immediately preceding. He has been named repeatedly for Life Sciences to *The International Who's Who of Business Lawyers* and the *International Who's Who of Patent Lawyers* in 2007, 2011 and 2013. Mr. Stockwell was also recognized as a Georgia "Super Lawyer" in Intellectual Property Law in 2009 and in Intellectual Property Litigation in 2019 and the ten years immediately preceding by *Super Lawyers* magazine. He is listed in the 2019 and each of the ten years immediately preceding editions of *Chambers USA: America's Leading Lawyers for Business*. Mr. Stockwell has been recognized as one of *Georgia Trends* 2012 "Legal Elite" in the areas of General Practice/Trial Law and Intellectual Property Law. He has been selected as a "2013 Top Rated Lawyer in Intellectual Property" by Martindale-Hubbell and American Lawyer Media in *The American Lawyer & Corporate Counsel* magazine. Mr. Stockwell was named an "IP Star" by *Managing Intellectual Property* magazine in 2019 and the six years immediately preceding. In 2019 and the six years immediately preceding, he was named a top patent practitioner by *IAM Patent 1000 – The World's Leading Patent Practitioners*. He was honored with *Managing IP's* 2018 Americas IP Award for Outstanding Litigator: Georgia. Mr. Stockwell is AV[®] Preeminent[™] rated by Martindale-Hubbell.*

Mr. Stockwell regularly assists companies with intellectual property and related disputes and counseling. He has spoken on related topics at seminars sponsored by the ABA, PLI and various state and national bar and CLE organizations. Mr. Stockwell acted as an adjunct professor for the University of Georgia on intellectual property courses, and is an active member in the State Bar of Georgia.

*CV, BV and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedure's standards and policies.

Experience

In *Oracle Corp. et al. v. Click-To-Call Technologies LP*, Click-to-Call Technologies LP ("CTC") asserted patent infringement claims against our client, YP Interactive LLC ("YP"), formerly known as YellowPages.com LLC, as well as patent infringement actions against Oracle and several of Oracle's customers. The patent claimed technology that allowed users to make a phone call by clicking on a link in a website. In response to the patent infringement actions, Kilpatrick Townsend attorneys filed an *inter partes* review of the patent asserted by CTC. After briefing and a hearing, the Board determined that the arguments proffered by the Kilpatrick Townsend team were persuasive and thus invalidated 13 claims of the asserted patent. United States Patent and Trademark Office Patent Trial and Appeal Board Case Number IPR2013-00312.

Successfully represented the patent owner in four, serial *ex parte* reexaminations brought by Medtronic, a large



medical device company. After the reexaminations, obtained a judgment in excess of \$12 million that was affirmed on appeal.

The firm represented adidas against plaintiff Orion IP LLC, now Clear With Computers, in a suit where multiple defendants, including PACCAR and Lenovo were accused of infringing two business method patents related to sales configuration software and part identification software. Settlement was reached for all parties. (Judge Davis). *Orion IP, LLC v. Nike, Inc., et al.*, No. 06-0102 (E.D. Tex filed Mar. 16, 2006).

Representing adidas in *inter partes* review proceedings against patent owned by Nike concerning footwear manufacturing technology.

Defending ARRIS in patent infringement and importation investigation brought by Rovi, related to on-screen programming guide technology. Trial set for December before Administrative Law Judge David P. Shaw, with related actions in E.D. Texas and New York State Court. In re Digital Video Receivers, U.S. ITC Investigation No. 337-TA-1001.

The firm served as lead counsel on behalf of CoxCom, Inc. in two suits brought by Rembrandt in the Eastern District of Texas and other districts on nine patents related to the technology involved in the delivery of cable services. We persuaded the judicial panel on multi-district litigation to consolidate, for pre-trial purposes, numerous proceedings and transfer the matter to the District of Delaware. A *Markman* order from the first case in the series was subsequently vacated by the transferee judge, thus limiting the plaintiffs to a single claim construction. Case pending. (Originally assigned to Judge Ward; transferred to Judge Davis). *Rembrandt Techs., LP v. Charter Commc'ns, Inc.*, No. 06-223 (E.D. Tex. filed June 1, 2006), *In re Rembrandt Techs. LP Patent Litig.*, No. 07-01848 (D. Del. filed June 21, 2007).

Representing Respondent ARRIS in a patent infringement and importation investigation brought by OpenTV/Nagra/Kudelski, related to digital content and voice command technology. Trial is estimated for November 2017 before Administrative Law Judge Theodore R. Essex. In re Certain Digital Television Set-Top Boxes, ITC Investigation No. 337-TA-1041.

Reebok against Respondents RBX Active in patent infringement and importation investigation related to athletic shoe sole functionality. Case favorably settled after Respondents agreed to cease importation. In re Certain Athletic Footwear, U.S. ITC Investigation No. 337-TA-1018.

Served as lead counsel on behalf of Peach State Labs in a patent infringement suit related to the use of urea

hydrochloride as a cleaning agent. After a week long jury trial, the jury found that the defendant had willfully infringed Peach State's patent and awarded damages leaving the defendant with \$0.01 per unit profit. The district court later granted Peach State a permanent injunction. The district court further found that Peach State had demonstrated clear and convincing evidence that the infringer engaged in egregious litigation misconduct sufficient to meet the standards for awarding enhanced damages and attorneys' fees. *Peach State Labs, Inc. v. Environmental Manufacturing Solutions*, No. 09-cv-395 (M.D. Fla. filed Feb. 27, 2009).

Served as lead counsel on behalf of Jan Voda, M.D., a cardiologist, in a patent infringement suit related to angioplasty catheters against Medtronic, Inc. and Medtronic Vascular, Inc., in the Western District of Oklahoma. After a two-week trial in January 2012, a jury found Dr. Voda's patents to be valid and Medtronic willfully infringed. The jury awarded Dr. Voda a royalty rate of over 14 percent. *Voda v. Medtronic, Inc. et al.*, No. 09-cv-95 (W.D. Okla. filed Jan. 22, 2009).

The firm served as lead counsel on behalf of Chrysler Group and Mercedes-Benz USA LLC in connection with a string of successes in the United States District Court, Western District of Wisconsin and the United States District Court, Eastern District of Texas against related entities Orion, Taurus and ST Sales Tech. The plaintiff entities, who had asserted several patents against Chrysler and Mercedes after a settlement agreement was in place, were put on the defensive when we asserted counterclaims for breach of a previous settlement agreement. The United States District Court, Western District of Wisconsin granted summary judgment for Chrysler and MBUSA finding non-infringement, invalidity and dismissing all the patent-related claims. Later a jury returned a verdict on liability in favor of Chrysler and MBUSA on the breach of contract claims. After a finding that the plaintiff had not acted in good faith, the court then awarded contract damages and legal fees. Related suits were later dismissed. The Federal Circuit affirmed the finding of no liability and the award of attorney fees to our client. (Judge Crabb and Judge Davis). *Taurus IP, LLC v. Chrysler, LLC and Mercedes-Benz USA, LLC*, No. 07-0158 (W.D. Wis. filed Mar. 20, 2007); *Orion IP, LLC v. DaimlerChrysler* (E.D. Tex.) and *Orion IP, LLC v. MBUSA* (E.D. Tex.).

Lead counsel defending adidas in a patent infringement suit brought by Nike in the Eastern District of Texas related to Nike Shox technology and the use of electronic sensors in shoes. After we obtained a favorable *Markman* ruling for adidas, Nike stipulated to non-infringement by adidas of the Shox patent. We successfully negotiated a favorable settlement agreement for adidas prior to trial. (Judge Clark). *Nike, Inc. v. adidas America, Inc., et al.*, 479 F. Supp. 2d 664 (E.D. Tex. 2007).

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).

Education

University of Virginia School of Law, J.D. (1993)

Virginia Military Institute, B.S., Electrical Engineering (1990) *with distinction*

Admissions

Georgia (1993)

Court Admissions

U.S. Patent and Trademark Office

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Northern District of Georgia

U.S. District Court for the Middle District of Georgia

Professional & Community Activities

American Bar Association, Member

American Intellectual Property Law Association, Member

Co-Chair, Atlanta Program, *Practising Law Institute's Patent Litigation* (2003-2010)

Federal Bar Association, Member

Patent Bar of the United States, Member

State Bar of Georgia, Investigative Panel, Former Member

University of Georgia School of Law, Former Adjunct Professor

Insights

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Thirty-nine Kilpatrick Townsend Attorneys Named to 2018-2019 *International Who's Who of Business Lawyers*
October 22, 2019

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Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2020



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August 6, 2019

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June 17, 2019

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Kilpatrick Townsend Achieves Top-Tier Recognition from Chambers USA 2019

May 2, 2019

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February 28, 2019

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Kilpatrick Townsend Named 2019 Law Firm of The Year for IP Litigation by U.S. News-Best Lawyers “Best Law Firms”

November 6, 2018

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Update on Key Patent Cases and Trends

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March 19, 2018

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June 8, 2017



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May 30, 2017

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February 28, 2017

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Kilpatrick Townsend's Media Report September 9-15, 2016

September 16, 2016

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Kilpatrick Townsend's Josh Pond, Mitch Stockwell, Matias Ferrario, and Jon Harris Noted as Counsel to Reebok by Law360 re: "ITC To Investigate Reebok Patent Infringement Claims"

September 16, 2016

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Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2017

August 16, 2016

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Kilpatrick Townsend's Media Report July 22-28, 2016

July 29, 2016

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Kilpatrick Townsend's Media Report July 1-14, 2016

July 15, 2016

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Kilpatrick Townsend Attorneys Named to 2016 IAM Patent 1000

June 2, 2016

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May 31, 2016



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Thirty-Two Kilpatrick Townsend Attorneys Named 2016 Managing Intellectual Property IP Stars

May 26, 2016

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Kilpatrick Townsend's Media Report May 6-12, 2016

May 13, 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's Media Report February 17-25, 2016

February 26, 2016

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Kilpatrick Townsend's Media Report December 11-24, 2015

December 24, 2015

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Kilpatrick Townsend's Media Report September 4-10, 2015

September 11, 2015



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August 19, 2015

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Kilpatrick Townsend's Media Report August 7-13, 2015

August 14, 2015

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

June 26, 2015

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Twenty-Two Kilpatrick Townsend Attorneys Named to 2015 IAM Patent 1000

June 18, 2015

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Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2015

May 22, 2015

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Twenty-Nine Kilpatrick Townsend Attorneys Named 2015 Managing Intellectual Property IP Stars

May 6, 2015

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

May 1, 2015

[Publications](#)

Enforcement of Patents -- Injunctions, Pre-Litigation Techniques, and Strategy

May 1, 2015

[Publications](#)

Practice Guide to New USPTO Proceedings and Procedures Implemented by the Leahy-Smith America Invents Act

May 1, 2015



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Kilpatrick Townsend Once Again Achieves Recognition for 2015 Georgia Super Lawyers

February 26, 2015