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Related Services

Intellectual Property ■ Intellectual Property Litigation ■ Intellectual Property Licensing Transactions ■ Patent Prosecution, Counseling & Review ■ Life Sciences ■ ITC Section 337 ■ Patent Litigation

Ben Pleune is a partner in Alston & Bird's Intellectual Property Litigation Group, with extensive experience litigating patents in U.S. district courts, the Court of Appeals for the Federal Circuit, and the International Trade Commission. Ben also has extensive experience in post-grant reviews before the Patent Trial and Appeal Board. He has co-authored a book on PTAB practice and is a recognized authority in this area, frequently speaking and offering insights in industry journals and publications. Ben also has significant experience in international matters, partnering with patent counsel in Germany, the Netherlands, the UK, China, and Japan in patent infringement and validity proceedings.

Ben has been recognized as one of *The Best Lawyers in America*® since 2015, and has been honored multiple times as the Intellectual Property Litigation "Lawyer of the Year." He has also been consistently recognized by Patexia Inc. as one of the most active and best performing attorneys representing both petitioners and patent owners in IPR proceedings. Ranked by the IAM Patent 1000, Ben "demonstrates excellent tactical judgement whether litigating in the district courts, the ITC, or PTAB, making him a good fit for complex cases with potentially winding paths to their ultimate resolution."

Ben is a member of the board of directors of the Charlotte chapter of the Cystic Fibrosis Foundation and the chair of the firm's Charlotte Pro Bono committee.

Representative Experience

International Trade Commission

- Represented Honeywell in multiple investigations relating to image and bar code readers that ultimately resulted in a nine-figure settlement. *Certain Barcode Scanners, Scan Engines, Mobile Computers, with Barcode Scanning Functionalities, Products Containing the Same, and Components Thereof*, Inv. Nos. 337-TA-1317 and -1321.
- Represented Resideo in an investigation relating to smart thermostats and load control switches that resulted in a finding of no violation by Chief Administrative Law Judge Clark S. Cheney, which was subsequently confirmed by the Commission. *Certain Smart Thermostats, Load Control Switches, and Components Thereof*, Inv. No. 337-TA-1277.
- Represented Resideo and Honeywell in an investigation relating to smart thermostat systems. *Certain Smart Thermostat Systems, Smart HVAC Systems, Smart HVAC Control Systems, and Components Thereof*, Inv. No. 337-TA-1258.
- Represented Honeywell in an investigation relating to image and bar code readers and related technology. *Certain Barcode Scanners, Scan Engines, Products Containing the Same, and Components Thereof*, Inv. No. 337-TA-1165.

- Represented Honeywell in an investigation relating to image and bar code readers and related technology. *Certain Barcode Scanners, Scan Engines, Products Containing the Same, and Components Thereof*, Inv. No. 337-TA-1061.
- Represented a multinational telecommunications, information technology, and consumer electronics corporation in investigation relating to handheld telecommunication devices and related base stations that resulted in a finding of no violation. *Certain Wireless Devices with 3G Capabilities and Components Thereof*, Inv. No. 337-TA-800.
- Represented a multinational telecommunications, information technology, and consumer electronics corporation in investigation related to telecommunications and computer devices. *Certain Electronic Devices, Including Mobile Phones, Mobile Tablets, Portable Music Players, and Computers, and Components Thereof*, 337-TA-771.
- Represented a multinational telecommunications, information technology, and consumer electronics corporation in investigation related to telecommunications and computer devices that resulted in a finding of no violation. *Certain Mobile Communications and Computer Devices and Components Thereof*, Inv. No. 337-TA-704.

Federal District and Appellate Courts

- Representing Resideo in a Federal Circuit appeal of the determination of the International Trade Commission that Resideo did not violate Section 337. *Causam Enterprises, Inc. v. International Trade Commission*, No. 2023-1769 (Fed. Cir.).
- Representing Honeywell in patent infringement suit relating to surgical sutures made from ultra-high molecular weight polyethylene. *DSM IP Assets, B.V., et al. v. Honeywell International Inc.*, No. 1:23-cv-00675 (D. Del.).
- Representing Vocollect in a declaratory judgment patent infringement suit relating to voice recognition and processing systems. *Voxware, Inc. v. Vocollect, et al.*, No. 1:23-cv-00052 (D. Del.).
- Representing Resideo in a patent infringement suit relating to energy management systems. *EcoFactor, Inc. v. Resideo Technologies, Inc.*, No. 6:23-cv-00061 (W.D. Tex.).
- Representing Snap One in a patent infringement suit relating to wireless communication devices. *Stingray IP Solutions LLC v. Snap One Holdings Corp. and Snap One, LLC.*, No. 2:23-cv-00003 (E.D. Tex.).
- Representing Resideo in a patent infringement suit relating to calculating thermal mass and HVAC system efficiency. *EcoFactor, Inc. v. Resideo Technologies, Inc.*, No. 6:22-cv-00069 (W.D. Tex.).
- Represented Honeywell in multiple patent infringement suits relating to bar code readers and related technology. *Honeywell International Inc., et al. v. Zebra Technologies Corporation and Symbol Technologies Inc.*, No. 22-cv-442 and -517 (W.D. Tex.).
- Represented Resideo in a patent infringement suit relating to thermostats and related technology. *Rosen Technologies LLC v. Resideo Technologies, Inc.*, No. 6:22-cv-00131 (W.D. Tex.).
- Represented Resideo in a patent infringement suit relating to smart home energy management systems. *Ollnova Technologies Ltd. v. Resideo Technologies, Inc.*, No. 6:22-cv-00390 (W.D. Tex.).
- Representing Resideo in a patent infringement suit relating to encryption for wireless communication devices and networks. *Stingray IP Solutions LLC v. Resideo Technologies, Inc. and Ademco Inc.*, No. 2:22-cv-00420 (E.D. Tex.).
- Representing Resideo in an appeal of a successful inter partes review. *Ubiquitous Connectivity, LP v. Resideo Technologies, et al.*, No. 2021-1813 and -1814 (Fed. Cir.).
- Represented Honeywell in a breach of contract suit that resulted in two consecutive trial victories, one before a North Carolina jury and the other in a subsequent bench trial. *Honeywell International Inc., et al. v. Opto Electronics Co., Ltd.*, No. 3:21-cv-00506 (W.D.N.C.).

- Representing multiple defendants in multiple patent infringement suits relating to connectivity and control systems for home appliances. *Ubiquitous Connectivity, LP v. City of San Antonio, et al.*, No. 5:18-cv-00718 and 5:20-cv-00815 (W.D. Tex.).
- Represented Honeywell in a patent infringement suit relating to Opto's manufacture and sale of 2D and 1D Barcode Products. *Honeywell International Inc. v. Opticon, Inc., et al.*, No. 1:19-cv-01019 (D. Del.).
- Represented Honeywell in a patent infringement suit relating to the preparation of hydrofluorocarbon. *Honeywell International Inc. v. MEK Chemical Co., et al.*, No. 3:17-cv-01390 (N.D. Tex.).
- Represented Honeywell in a patent infringement suit relating to bar code readers and scan engines. *Honeywell International Inc. v. Code Corp.*, No. 1:17-cv-000594 (D. Del.).

Patent Trial and Appeal Board

- Representing K-fee in multiple inter partes review proceedings concerning coffee portion capsules and associated coffee brewing machines. *Nespresso USA, Inc. v. K-fee System GmbH*, No. IPR2023-00485 and -00502; No. IPR2022-01574; No. IPR2021-01221, -01222 and -01223.
- Representing Universal Electronics Incorporated in an inter partes review proceeding relating to universal remote controls. *Universal Electronics, Inc., v. Roku, Inc.*, No. IPR2022-00818.
- Representing Universal Electronics Incorporated in multiple inter partes review proceedings concerning remote control devices and voice configuration of controlling devices. *Roku v. Universal Electronics, Inc.*, No. IPR2022-00943 and -01289; No. IPR2021-00261, -000262, -00263, -00264, -00299, -00455 and -00758; No. IPR2020-00951, -00952 and -00953; No. IPR2019-01595, -01608, -01612, -01613, -01614, -01615, -01619, -01620 and -01621.
- Represented Resideo in multiple inter partes review proceedings relating to remote monitoring and control systems for an environment. *Resideo Technologies, Inc., et al. v. Ubiquitous Connectivity, LP*, No. IPR2021-01355; No. IPR2019-01335 and -01336.
- Represented a multinational telecommunications, information technology, and consumer electronics corporation in multiple inter partes review proceedings relating to fiber optic networks.
- Represented a multinational telecommunications, information technology, and consumer electronics corporation in multiple inter partes review proceedings relating to 3G cellular networks.
- Represented Honeywell in an inter partes review proceeding relating to Internet and video-based security systems. *Honeywell International Inc. v. ComCam International, Inc.*, No. IPR2017-01165.
- Represented Honeywell in multiple inter partes review proceedings relating to systems for managing energy consumption. *Honeywell International Inc. v. Allure Energy, Inc.*, No. IPR2016-01093, -01094, -01475 and -01605; No. IPR2015-01248, -01251 and -01253.
- Represented Honeywell in an inter partes review proceeding relating to a scan engine having a CMOS image sensor with global shutter. *Fujian Newland Computer Co., Ltd., v. Hand Held Products*, No. IPR2013-00595.

Publications & Presentations

Publications

- *USPTO Post-Grant Trials Handbook*, 3rd Edition, Wolters Kluwer, 2023.
- "What Ethernet Patent Ruling Means for Claim Amendments," *Law360*, October 5, 2020.
- *USPTO Post-Grant Trials Handbook*, 2nd Edition, Wolters Kluwer, 2018.

- *USPTO Post-Grant Trials Handbook*, Wolters Kluwer, 2016.
- “New Federal Rules Directed to E-Discovery,” *The Inside Scoop*, Vol. 28, No. 3, April 2016.
- “New PTAB Rules Level the Playing Field for Patent Owners in IPR,” *IPWatchdog*, April 19, 2016.
- “Patent Practice Before the ITC: Standard-Essential Patents and Exclusionary Relief,” *NCBA IP Links*, December 2013.

Presentations

- “The Supreme Court’s Foray into Brand Protection: A Review of Trademark Cases Heard by the Supreme Court in the Last Five Years,” Association of Corporate Counsel, webinar, April 23, 2020.
- “Evidence in Trade Secret Litigation,” China Academy of Chief Legal Officer (CACLO), December 2018.

Professional & Community Engagement

- North Carolina Bar Association, Intellectual Property Section
- Intellectual Property Owners Association

Court Admissions

- Federal district courts in the Western, Middle, and Eastern Districts of North Carolina
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Federal Circuit

Accolades

- *The Best Lawyers in America*® Intellectual Property Litigation “Lawyer of the Year” (2017, 2019, 2021, 2023)
- Patexia Inc. IPR Intelligence Report, “Top 25 Best Performing Attorneys in Inter Partes Review”
- IAM Patent 1000 Annual Report, ranked (2022)

Education

- University of Illinois Urbana–Champaign (J.D., 2002)
- University of Wisconsin (B.S., 1999)

Admitted to Practice

- North Carolina
- U.S. Patent and Trademark Office