

## Frank G. Smith, III

Senior Counsel

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Frank Smith is a partner and senior trial lawyer in the firm's Intellectual Property Litigation Group. He concentrates his practice in the litigation of intellectual property matters, including patent and copyright cases as well as other complex matters, including antitrust and white collar crime. He is a former member of the firm's Partners' Committee.

Frank is featured as one of the leading Georgia lawyers for intellectual property matters in *Chambers USA: America's Leading Lawyers for Business*. He is also recognized in *The Best Lawyers in America*® and as one of Georgia's "Super Lawyers" in intellectual property. *Best Lawyers*® named Frank "2012 Atlanta Lawyer of the Year" in the litigation-patent area.

Frank received his undergraduate degree, cum laude, from Davidson College, where he was elected to Phi Beta Kappa. He received his law degree from Stanford University, where he was Order of the Coif.

### **Representative Experience**

- *Merial Inc., et al v. Ceva Santé Animale SA, et al.*, Civil Action No. 3:15-cv-00039-CDL, United States District Court for the Middle District of Georgia; patent infringement, breach of contract and business torts litigation against competitors in animal health field.
- *Biomune Company v. Merial Limited, et al.*, Civil Action No. 2:14-cv-02567-JWL-JPO, United States District Court for the District of Kansas; defend declaratory judgment action with regard to patent infringement concerning animal vaccines.
- *Perrigo Company, et al. v. Merial Inc., et al.*, 8:14-cv-00403-JMG-CRZ, United States District Court for the District of Nebraska; *Merial Inc., et al. v. Perrigo Company, et al.*, 1:15-c-00013-SCJ, United States District Court for the Northern District of Georgia; defend breach of contract case based on prior settlement of patent infringement litigation.
- *Beverage Dispensing Solutions v. The Coca Cola Company*, Civil Action No. 1:14-cv-00220-TCB, United States District Court for the Northern District of Georgia; represent The Coca Cola Company in multi-patent case over Freestyle beverage dispenser.
- *Merial, Inc. v. Elanco*, Civil Action No. 3:14-cv-00038-CDL, United States District Court for the Middle District of Georgia; represent Merial as declaratory judgment plaintiff in false advertising, Lanham Act case.
- *Mylan, Inc. v. SmithKline Beecham Corp. d/b/a GlaxoSmithKline, et al.*, Civil Action No. 10-cv-04809-JAP, United States District Court for the District of New Jersey; represented Mylan as plaintiff in breach of patent license. Plaintiff's verdict for \$106.7 million.
- *Pregis Innovative Packaging Inc. v. Sealed Air Corporation*, Civil Action No. 13-1084, United States District Court for the District of Delaware, represent Sealed Air in defense of patent infringement case over composition and method of installing sub-flooring.

- *The Quantum World Corporation v. Dell, Inc., et al.*, Civil Action No. 1:11-cv-00688, United States District Court for the Western District of Texas; represent Dell in defense of patent infringement case over random number security methods.
- *Merial Ltd., et al. v. Ceva Animal Health, LLC, et al.*, Civil Action No. 3:12-cv-154, United States District Court for the Middle District of Georgia, represent Merial as plaintiff in patent infringement case against French competitor over flea and tick medicine.
- *Esoterix Genetic Laboratories, LLC v. Life Technologies Corp., et al.*, Civil Action No. 12-cv-411, United States District Court for the Middle District of North Carolina; represent Life Technologies in defense of patent infringement case over DNA primers used to detect certain diseases.
- *Invisaflow, LLC v. Euramax International, Inc., et al.*, Civil Action No. 1:12-CV-2971, United States District Court for the Northern District of Georgia; represent Euramax in defense of patent infringement case over gutter downspouts.
- *Ludowici Roof Tile, Inc. v. Boral Industries Inc., et al.*, Civil Action No. 2:12-CV-683, United States District Court for the Southern District of Ohio; represent Boral in defense of patent infringement case over roofing tiles.
- *Margel, et al. v. E.G.L. Gem Lab Ltd., et al.*, Civil Action No. 04-CV-1514, United States District Court for the Southern District of New York; represent defendants-counterclaimants in trademark, breach of contract and business tort litigation.
- *Merial Ltd. et al. v. Velcera, Inc., et al.*, Civil Action No. 3:12-CV-75, United States District Court for the Middle District of Georgia; represent Merial as plaintiff in patent infringement case over flea and tick medicine for cats and dogs; secured preliminary injunction for Merial to prevent sale and distribution of competing flea and tick product.
- *Velcera, et al. v. Merial Limited*, Civil Action No. 1:11-cv-134, United States District Court for the District of Delaware; represent Merial Limited in the defense of patent infringement claims with regard to fipronil, the active ingredient in the Frontline anti-flea and tick medicine for dogs and cats.
- *Fisher-Price, Inc., et al. v. Kids II, Inc.*, Civil Action No. 1:10-cv-988, United States District Court for the Western District of New York; represent Kids II, Inc. in defense of patent infringement claims with regard to a child's cradle swing with a detachable seat.
- *Lochner Technologies, LLC v. Lenovo (United States) Inc., et al.*, Civil Action No. 2:10-cv-430, United States District Court for the Eastern District of Texas; represent NCR Corporation in defense of a patent infringement claim related to accused NCR point-of-sale terminals.
- *EMG Technology, LLC v. Dr. Pepper Snapple Group, Inc., et al.*, Civil Action No. 6:10-cv-536, United States District Court for the Eastern District of Texas; represent AFLAC Incorporated in defense of patent infringement claims related to website navigation applications for handheld devices.
- *e2Interactive, Inc., et al. v. Blackhawk Network, Inc.*, Civil Action No. 3:09-629, United States District Court for the Western District of Wisconsin; represent Interactive Communications International, Inc. in the prosecution of patent infringement claims related to stored value cards.
- *Datatern, Inc. v. Eli Lilly and Company, et al.*, Civil Action No. 2:10-cv-413, United States District Court for the Eastern District of Texas; represent AFLAC, Inc. in defense of patent infringement claims related to relational databases and object-oriented website applications.

- *Merial Ltd. et al. v. Cipla Limtied, et al.*, Civil Action No. 3:07-cv-00125, United States District Court for the Middle District of Georgia, represented Merial in patent infringement against foreign manufacturer of flea and tick products; permanent injunction and contempt citation entered against foreign manufacturer.
- *Southwire Company v. Encore Wire Corporation, et al.*, Civil Action No. 6:10-cv-330, United States District Court for the Eastern District of Texas; represent Southwire in the prosecution of patent infringement claims against a competitor that makes pre-lubricated conduit and cable.
- Georgia-Pacific Consumer Products, LP: In the Matter of Certain Electronic Paper Towel Dispensing Devices and Components Thereof, Investigation No. 337-TA-718, The United States International Trade Commission; represent Georgia-Pacific Consumer Products in the prosecution of patent infringement claims related to paper towel dispensers.
- *BASF Agro B.V., et al. v. Cheminova, Inc., et al.*, Civil Action No. 1:10-cv-274, United States District Court for the Middle District of North Carolina; represent Merial Limited in the defense of patent infringement claims with regard to fipronil, the active ingredient in the Frontline anti-flea and tick medicine for dogs and cats.
- Nokia Corporation and Nokia, Inc.: In the Matter of Certain Electronic Devices, including Mobile Phones, Portable Music Players, and Computers, Investigation No. 337-TA-701, The United States International Trade Commission; represent Nokia in the prosecution of patent infringement claims against related touchpads.
- *Norit Americas Inc. v. ADA-ES, Inc., et al.*, Case No. 30-192-Y-718-09, AAA Arbitration; represent Norit Americas, Inc. in the prosecution of the theft of trade secrets relating to activated carbon.
- *Bedrock Computer Technologies LLC v. Softlayer Technologies, Inc., et al.*, Civil Action No. 6:09-cv-269, United States District Court for the Eastern District of Texas; represent MySpace, Inc., Amazon.com, Inc., AOL LLC, Ebay and CME Group, Inc. in the defense of patent infringement claims related to Linux software.
- *SPH America, LLC v. Apple, Inc. et al.*, Civil Action No. 1:09-cv-776, United States District Court for the Eastern District of Virginia; represent Nokia in the defense of the claim for patent infringement relating to cellular phone user interface.
- *WIAV Solutions, LLC v. Motorola, et al.*, Civil Action No. 3:09-cv-447; United States District Court for the Eastern District of Virginia; represent Nokia in the defense of patent infringement claims of nine patents relating to speech coding and GSM technology.
- *WIAV Solutions, LLC v. 3COM Corporation, et al.*, Civil Action No. 5:09-cv-101; United States District Court for the Eastern District of Texas; represent Nokia in a patent infringement suit involving wireless mesh packet data networks.
- *SPH America, LLC v. Acer, et al.*, Civil Action No. 1:09-cv-740; United States District Court for the Eastern District of Virginia; represent Nokia in a patent infringement suit involving code division multiple access technology. The case was transferred to the Southern District of California on the defendants' motion.
- *Southwire Company v. Encore Wire Corporation*, Civil Action No. 6:09-cv-382, United States District Court for the Eastern District of Texas; represent Southwire in prosecution of patent infringement claims against competitor that makes flexible conduit and cable.
- *Southwire Company v. Encore Wire Corporation, et al.*, Civil Action No. 6:09-cv-289, United States District Court for the Eastern District of Texas; represent Southwire in prosecution of patent infringement claims against competitor that makes pre-lubricated conduit and cable.

- *Elan Microelectronics Corporation v. Apple, Inc.*, Civil Action No. 5:09-cv-1531; United States District Court for the Northern District of California; represent Elan in prosecution of patent claims in touch screen technology.
- *Tempur-Pedic Management, Inc., et al. v. Simmons Bedding Company, et al.*, Civil Action No. 9-CV-32; United States District Court for the Western District of Virginia, represent Simmons Bedding Company in patent infringement litigation over foam mattresses.
- *Southwire Company v. Cerro Wire Inc.*, Civil Action No. 3:08-cv-92, United States District Court for the Northern District of Georgia, represent Southwire in the prosecution of patent infringement claims against a competitor that makes pre-lubricated conduit and cable.
- *Water Visions International v. Kenneth Hughes*, Civil Action No. 1:08 cv 02169; United States District Court for the Northern District of Georgia, obtained dismissal of claims against an inventor that he is infringing his own patent for fluid filtration methods.
- *Light Valve Solutions, L.L.C. v. ViewSonic Corp.*, Civil Action No. 1:08 cv 1618; United States District Court for the Northern District of Georgia, represent ViewSonic Corp. in opposition to patent infringement claims brought by a subsidiary of Acacia Research Corporation relating to LCD Projectors.
- *Soff-Cut International, Inc. v. Swift Industries, Inc., et al.*, Civil Action No. 2:08-cv-304; United States District Court for the Eastern District of Pennsylvania, represent subsidiary of Husqvarna AB in the prosecution of patent infringement claims against a competitor that manufactures concrete saws and components.
- *Activision Publishing, Inc. v. Gibson Guitar Corporation*, Civil Action No. 2:08 cv-1653; United States District Court for the Central District of California, represent Gibson Guitar in patent infringement claims relating to the “Guitar Hero” series of video games.
- *Jack Brown v. Hospital Corporation of America*, Civil Action No. 2:08 cv 68; United States District Court for the Eastern District of Tennessee, represent HCA in the defense of patent infringement claims over patient monitoring systems.
- *Move, Inc. v. REAL Estate Alliance Limited*, Civil Action No. 2:07-cv-2185; United States District Court for the Central District of California, represent Move as the declaratory judgment plaintiff in a patent infringement litigation over the methods for locating real properties for sale in specific geographic areas.
- *Mallinckrodt Inc., et al. v. E-Z-EM, Inc., et al.*, Civil Action No. 1:07-CV-262, United States District Court for the Eastern District of Texas, represented defendant in patent infringement case over medical infusion pumps.
- *Avago Technologies v. Elan Microelectronics Corporation*, Civil Action No. 5:04-cv-05385; United States District Court for the Northern District of California, represent a Taiwanese semiconductor company, in defense of a patent infringed claim regarding sensors in optical computer mice; the jury verdict of noninfringement was rendered in favor of Elan.
- *Mohawk Industries, Inc., et al. v. Interface, Inc.*, Civil Action No. 4:07-cv 212; United States District Court for the Northern District of Georgia, represent Mohawk against a competitor for falsely marking its products with inapplicable patent numbers.
- *Qualcomm v. Nokia Corporation, et al.*, Civil Action No. 2:07-CV-111; United States District Court for the Eastern District of Texas, defend the world’s largest manufacturer of cell phones in patent infringement litigation.
- *Orion IP v. Xerox, et al.*, Civil Action No. 6:07-CV-138; United States District Court for the Eastern District of Texas, defend NAPA, Electrolux and Lexmark in patent infringement litigation.

- *European Copper v. Fabral*, Civil Action No. 06-CV-551; United States District Court for the Northern District of Oklahoma, representing subsidiaries of a publicly held company in the defense of claims of patent infringement with regard to specialized chimneys.
- *Husqvarna North America v. Sorensen Research & Development Trust*, Civil Action No. CV106-160; United States District Court for the Southern District of Georgia, representing Husqvarna as a declaratory judgment plaintiff in connection with alleged patent infringement concerning casing for chain saws.
- *Topp Inc. v. Uniden America Corporation*, Civil Action No. 1:05-CV-21698; United States District Court for the Southern District of Florida, represent a Japanese consumer electronics company in the defense of a breach of contract and fraud allegations.
- *Amerimax Home Products, Inc. v. Evergreen Products, LLC, et al.*, Civil Action No. 6-C-903; United States District Court for the Eastern District of Wisconsin, represent Amerimax Home Products on claims of patent infringement with regard to flexible gutters.
- *Intervet, Inc. v. Merial Limited*, Civil Action No. 1:06-CV-658; United States District Court for the District of Columbia, represent Merial, one of the world's largest animal pharmaceutical companies, as a declaratory judgment defendant in a patent infringement case involving a vaccine for a disease in swine.
- *Intervet, Inc., et al. v. Merial Limited*, Civil Action No. 5-887, United States District Court for the District of Delaware, represent Merial in the defense of a patent infringement suit over an animal vaccine.
- *Orion IP, LLC v. Nike, Inc., et al.*, Civil Action No. 2:06-CV-102; United States District Court for the Eastern District of Texas, represent Autozone in the defense of a patent infringement suit over a method of ordering parts.
- *NDCHealth Corporation, et al. v. Billingnetwork, Inc.*, Civil Action No. 1:06 CV-666, United States District Court for the Northern District of Georgia, represent NDCHealth and Per-Se Technologies in connection with a declaratory judgment action related to the electronic transfer of billing data.
- *Faus Group, Inc., et al. v. Columbia Flooring, Inc., et al.*, Civil Action No. 1:06 CV-218, United States District Court for the Northern District of Georgia, represent Unilin Holding, Inc. and related companies from Belgium in the defense of a claim for patent infringement involving laminated floor covering.
- *Faus Group, Inc. v. Mohawk Industries, Inc.*, Civil Action No. 1:05 CV 2373, United States District Court for the Northern District of Georgia, represent Mohawk in the defense of a claim for patent infringement involving laminated floor covering.
- *Rates Technology, Inc. v. Uniden America Corporation, et al.*, Civil Action No. 2:05-CV-5982, United States District Court for the Eastern District of New York, represent Uniden America Corporation and its Japanese parent in connection with the defense of a claim for patent infringement concerning voice over internet technology.
- *FYI Corporation v. Sabre, Inc. and Travelocity.com, LP*, Civil Action No. 6:05 CV 1395, United States District Court for the Middle District of Florida, represent Sabre and Travelocity in the defense of a claim for patent infringement related to seat reservation systems.
- *Silver Line Building Products Corp. v. YKK AP America, Inc.*, Civil Action No. 2:05-CV-03181, United States District Court for the District of New Jersey, represent YKK's aluminum products division in the defense of a claim for patent infringement related to storm proof windows.

- *Collins & Aikman Floorcoverings, Inc., et al. v. Interface, Inc.*, Civil Action No. 4:05-CV-133, United States District Court for the Northern District of Georgia, Rome Division, represent Mohawk in a declaratory judgment action (along with two other carpet manufacturers) against a fourth carpet company over a threat of patent infringement related to carpet tile; Mohawk has also asserted its own claim for patent infringement against the declaratory judgment defendant.
- *Activ8now, LLC, et al. v. Advance Publications, Inc., et al.*, Civil Action No. 1:05-CV-1529, United States District Court for the Northern District of Georgia, Atlanta Division, represent a New York company in a claim for patent infringement related to a method for interactive electronic shopping.
- *Analect LLC v. Executive Wealth Management, Ltd.*, 5-CV-2321, United States District Court, Southern District of New York, represent Morgan Stanley as a non-party subpoena respondent in an intellectual property dispute between two other companies.
- *Octanorm USA, Inc., et al. v. Changzhou Lingtong Exhibition Products Co., Ltd., et al.*, Civil Action No. CV-SA-05-0344, United States District Court for the District of Nevada, obtained preliminary injunction in patent and trademark infringement against a Chinese manufacturer of display racks for use at trade shows.
- *Maytag Corporation v. Electrolux Home Products, Inc., et al.*, Civil Action No. C 04-4067-MWB, United States District Court for the Northern District of Iowa, represent Electrolux in defense of patent infringement suit concerning components of clothes washers. Electrolux was granted summary judgment of invalidity on all claims, which Federal Circuit recently affirmed in all respects.
- *Nartron Corporation v. E.G.O. North America, Inc., et al.*, Civil Action No. 2:04-CV-74367, United States District Court for the Eastern District of Michigan represent a manufacturer of components for stove tops in patent infringement litigation.
- *Alexsam, Inc. v. Datastream Card Services Limited, et al.*, Civil Action No. 2 03-CV-337, United States District Court for the Eastern District of Texas, representing ITC Financial Services in patent infringement litigation over stored value products.
- *Shuffle Master, Inc. v. Gaming Entertainment, Inc.*, Civil Action No. 3:03-CV-122, United States District Court for the Northern District of Mississippi, represented the defendant accused of infringing a particular patent method for playing poker.
- *Milliken & Company v. Mohawk Industries, et al.*, Civil Action No. 7-02-3631-20, represented Mohawk and affiliated companies in the defense of patent infringement litigation over carpet tiles; the defendant's verdict was rendered by the jury following a three-week trial in Greenville, South Carolina.
- *Exigent Technology, Inc. v. PRE Solutions, Inc., et al.*, Civil Action No. 04-20415-CIV GOLD, United States District Court for the Southern District of Florida, represent the leading seller of pre-paid cell phone cards in patent infringement litigation.
- *EWI Holdings, Inc. v. PRE-Solutions, Inc.*, Civil Action No. 2:03-CV-340, United States District Court for the Eastern District of Texas, represent the leading seller of pre-paid cell phone cards in patent infringement litigation.
- *YKK (USA), Inc. v. Salomon S.A.*, Civil Action No. 5:03-CV-248 (DF), United States District Court for the Middle District of Georgia, represent YKK's U.S. subsidiary in patent infringement litigation with regard to a special type of zipper.
- *Executive Risk Indemnity, Inc. v. McLeod Regional Medical Center of the Pee Dee, Inc.*, Civil Action No. 4:03-430-25, United States District Court for the District of South Carolina, represent McLeod Regional Medical Center in Florence, South Carolina in a \$17M dispute with one of its insurance companies.

- *Rock-Tenn Company v. Cryovac, Inc.*, Civil Action No. 1:02-CV-2437-JTC, United States District Court for the Northern District of Georgia, represent Cryovac, Inc., a subsidiary of Sealed Air, in patent infringement litigation over food packaging. Cryovac was granted summary that the patents were invalid in light of prior art.
- *Ricon Corporation v. T&T Transit Products, et al.*, Civil Action No. 01-01585 SWV, United States District Court for the Central District of California, defense of a claim of patent infringement concerning a patent related to transit lifts for public transportation vehicles. After a favorable claim construction, we were able to settle the case without our client paying any money for a license to the patent.
- *AudioFAX IP LLC v. Cisco Systems, Inc.*, Civil Action No. 1:01-CV-3369-CC, United States District Court, Northern District of Georgia, represent Cisco in patent infringement.
- *Auburn University v. The Southern Association of Colleges and Schools, Inc., et al.*, Civil Action No. 1:01-CV-2069-JOF; United States District Court, Northern District of Georgia, successful representation of Auburn University in a dispute with its primary academic accreditor over constitutional issues relating to accreditation procedures.
- *Virginia Electric and Power Company v. International Paper Company*, Civil Action No. 2:01CV703, United States District Court, Northern District of Virginia, successful representation of an International Paper Company as the plaintiff in counterclaim in a \$27 million dispute over a power supply contract.
- *Maxwell Chase Technologies v. KMB Produce, Inc., et al.*, Civil Action No. 1:99 CV 0916, United States District Court, Northern District of Georgia; represent a subsidiary of a publicly held company as the defendant in patent infringement and theft of trade secret claims with respect to packaging of fresh cut fruits and vegetables.
- *Philip S. Jackson v. Uniden America Corporation, et al.*, Civil Action No. 99-002, United States District Court, District of Delaware; represent U.S. subsidiary of a Japanese electronics firm in patent infringement litigation.
- *Foundation for Interior Design v. Savannah College of Art and Design*, Civil Action No. 1:98-CV-000346, United States District Court, Western District of Michigan; represent a college in antitrust claims against accrediting association.
- *Professional Skills Training, Inc. v. Andromeda Training, Inc.*, Civil Action No. 1:98 CV 00330, United States District Court, Middle District of North Carolina; represented the plaintiff in a copyright infringement action during a three-week trial in Greensboro, North Carolina; the matter settled on a confidential basis during trial.
- *Hartford Underwriters Insurance Company, et al. v. All Purpose Temporarys, Inc., et al.*, Civil Action No. 5:96-CV-51-2, United States District Court, Middle District of Georgia; represented worker's compensation carriers in connection with their civil RICO claims against a variety of businesses and individuals for insurance fraud.
- *Six Flags Over Georgia, LLC et al. v. Time Warner Entertainment Company, L.P., et al.*, Civil Action No. 97-A-1939-1, Superior Court of Gwinnett County, Georgia; represent subsidiaries of Time Warner in a \$250 million dispute over the management of the Six Flags Over Georgia Theme Park.
- *Worldspan, Inc. v. Sabre Group, Inc.*, Civil Action No. 1:98 CV 0098, United States District Court, Northern District of Georgia; represent a subsidiary of American Airlines in an antitrust case over computerized airline reservation systems in Asia.
- *Airgas Inc. v. Discount Auto Parts, Inc.*, United States District Court, Southern District of Georgia; represent the plaintiff in a civil RICO action with over \$20 million of Freon illegally smuggled into the United States.

- *United States v. Jackson et al.*, CV 96-AR-1428-E, United States District Court, Northern District of Alabama; represent a publicly held health care company in a \$75 million qui tam action for alleged billing errors.
- *Supermarket of Marlinton, Inc. v. Meadow Gold Dairies, Inc., et al.*, Civil Action No. 93 0968 R, United States District Court, Western District of Virginia; represent Borden in the defense of a class action alleging price fixing in the sale of fluid milk to commercial accounts in Virginia and West Virginia.
- *Castleberry's Food Company v. Borden, Inc.*, Civil Action No. CV194-173, United States District Court, Southern District of Georgia; represent Borden in the defense of a fraud/breach of contract action arising out of the sale of seafood processing assets.
- *B.E.L-Tronics Ltd. v. Uniden Corp.*, Civil Action No. 1 93-CV-1087-CC, United States District Court, Northern District of Georgia; represented Japanese manufacturer of consumer electronics and its U.S. subsidiary as the defendants and counterclaimants in patent infringement litigation involving disputes over five patents.
- *United States v. First American Health Care of Georgia, Inc.*, Indictment No. CR295-42, United States District Court, Southern District of Georgia; represented a corporate defendant in connection with an 82-count indictment alleging fraudulent practices in the home health care industry; two week jury trial in January, 1996.
- *The Goodyear Tire & Rubber Company v. Continental General*, Civil Action No. 3:93CV220-MU, United States District Court, Western District of North Carolina; represented Goodyear in the defense of antitrust counterclaims asserted by General Tire.
- *Cajun Electric Power Cooperative, Inc. v. Gulf States Utilities Company*, Civil Action No. 89-474, United States District Court, Middle District of Louisiana; represented the nation's second largest electrical cooperative in connection with allegations of fraud and breach of contract in connection with Cajun's \$1.5 billion investment in a nuclear power plant; five-month bench trial in 1994.
- *Cajun Electric Power Cooperative, Inc. v. Fischbach & Moore, Inc., et al.*, Civil Action No. 86-491, United States District Court, Middle District of Louisiana; represented the nation's second largest electrical power cooperative as the plaintiff in an antitrust action against contractors; the \$9 million verdict was in favor of Cajun Electric following the two-week jury trial in 1993.
- *Poland Spring Corp. v. Belmont Springs Water Company*; Civil Action No. 91-12830MA, United States District Court, Massachusetts; represented Belmont Springs as the defendant in a Lanhan Act litigation.
- *State of Georgia v. Borden, Inc.*; Criminal Action No. 9000602, Superior Court of Georgia, Glynn County; represented Borden in the defense of criminal bid rigging charges brought by the state of Georgia; the indictment dismissed after the jury impaneled.
- *Phillips Coal Company v. Cajun Electric Power Cooperative, Inc.* ; Civil Action No. 85-768A; United States District Court, Middle District of Louisiana; defense of Cajun Electric in a \$40 million breach of contract and fraud action, the jury trials were in 1988 and 1990.
- *Southern College of Optometry v. Tennessee Academy of Ophthalmology*, Civil Action No. 02472-8, Circuit Court of Tennessee for the 13th Judicial Circuit of Memphis; secured a multimillion-dollar jury verdict on behalf of the Southern College of Optometry following a three-month jury trial in 1987.
- *DCA v. SoftKlone*, Civil Action No. 86-128-A, United States District Court for the Northern District of Georgia; represented the defendant SoftKlone in a landmark computer copyright infringement action.
- *Hospital Building Company v. Trustees of the Rex Hospital*, United States District Court for the Eastern District of North Carolina; a three-month jury trial involving multiple antitrust issues in 1984.

***Grand jury and other government investigations in the following industries***



- Health Care (Georgia, Alabama, Missouri, South Carolina)
- Fluid Milk (Georgia, Virginia, Alabama, North Carolina, West Virginia)
- Soft Drink Beverages (Georgia, Tennessee, North Carolina, South Carolina)
- Industrial Chemicals and Solvents (Georgia)
- Snack Foods (Puerto Rico)
- Iron Ore Shipping (Ohio)
- Health Food Products (Florida, California)
- Commercial Garbage Removal (Georgia)
- Residential Real Estate Brokerage Commissions (Georgia)

### ***Antitrust counseling***

- Coordinating Research Council, Inc. (coordinates joint research endeavors by the automotive and petroleum industries)
- First Multiple Listing Service, Inc. (one of the nation's largest residential multiple listing services)

### ***Publications & Presentations***

#### ***Publications***

- "How—and When—to Try a Major Patent Litigation," ExecSense, 2013.

### ***Professional & Community Engagement***

- State Bar of Georgia, Antitrust Section
- Atlanta Bar Association
- American Bar Association, Antitrust Section, Sub-Committee on Criminal Procedure
- Stanford University and Davidson College Alumni Associations

### ***Education***

- Stanford University (J.D., 1977)
- Davidson College (B.A., 1974)

### ***Admitted to Practice***

- Georgia

### ***Related Services***

Intellectual Property Litigation | Antitrust | Patent Litigation | Intellectual Property