



## John D. Haynes

Partner

+1 404 881 7737 | john.haynes@alston.com

Atlanta | One Atlantic Center, 1201 West Peachtree Street, Suite 4900 | Atlanta, GA 30309-3424

### Related Services

Intellectual Property ■ Intellectual Property Litigation ■ Patent Prosecution, Counseling & Review ■ Trademark & Copyright

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John Haynes is co-chair of Alston & Bird's Intellectual Property Litigation Group who counsels clients in all aspects of intellectual property law. He focuses his practice on patent litigation involving complex technology in the fields of telecommunications, wireless devices, electronics, semiconductor design, computer software, and computer networks. John has tried numerous cases in the International Trade Commission (ITC) and has litigated patent cases in district and appellate courts throughout the country. He also has extensive experience litigating patent cases involving standard essential patents subject to RAND or FRAND obligations both in the ITC and district courts.

John was named the "2015 IP Litigator of the Year" in Georgia by *ManagingIP* magazine and has been recognized by *The Best Lawyers in America*® in intellectual property 2013–2024, by *ManagingIP* magazine as an "IPStar" in 2014–2022, and by *Georgia Super Lawyers* magazine as a "Rising Star" 2009–2013.

John holds a degree in electrical engineering, is registered to practice before the U.S. Patent and Trademark Office, and is experienced in the preparation and prosecution of patents in the electrical, mechanical, and computer sciences fields. He has also handled inter partes review proceedings before the Patent Trial and Appeal Board.

### Representative Experience

- Patent litigation counsel to one of the world's largest cellular communications companies in patent cases in federal district and state courts and the ITC. Secured multiple substantial settlements with other large telecommunications companies, many of which followed successful litigation results in the ITC and district courts.
- Represented an international computer game development company in patent litigation and other IP matters.
- Defended the leading provider of photon emission tomography scanning equipment against a multimillion-dollar patent infringement claim. Obtained summary judgment of noninfringement and affirmance of the district court ruling by the Federal Circuit Court of Appeals.

### International Trade Commission

- Lead counsel to respondents Nokia Corporation and Alcatel Submarine Networks in an action regarding submarine fiber-optic transmission systems. *Certain Subsea Telecommunications Systems and Components Thereof*, Inv. No. 337-TA-1098.
- Lead counsel to complainant Nokia against Apple in separate ITC actions involving cellular communication chipsets and antenna design. Cases were resolved pursuant to a global settlement on very favorable terms. *Certain Electronic Devices, Including Mobile Phones, Tablet Computers, and Components Thereof*, Inv. Nos. 337-TA-1038 and -1039.

- Represented complainant Nokia in this offensive investigation brought against HTC Corporation and HTC America Inc. The six U.S. patents asserted covered a range of technologies used in portable communication devices. Due in part to a finding of infringement on two Nokia patents in Inv. No. 333-TA-847, a global settlement was reached. *Certain Portable Electronic Communications Devices, Including Mobile Phones and Components Thereof*, Inv. No. 337-TA-885.
- Represented respondent Nokia in this investigation brought by three InterDigital companies. InterDigital alleged infringement of seven U.S. patents that cover a range of wireless communication technology, but targeted Nokia with only three. The ALJ preliminarily determined that Nokia does not violate any of the patents at issue, and the commission affirmed three months later. *Certain Wireless Devices with 3G and/or 4G Capabilities and Components Thereof*, Inv. No. 337-TA-868.
- Represented complainant Nokia in this offensive action against HTC regarding accused infringement of nine separate Nokia patents that cover technology related to power consumption, data synchronization, signal compatibility, illumination, and other device features and functionality. The ALJ ruled that multiple HTC products infringed two of Nokia's patents. The two parties settled six months later. *Certain Electronic Devices, Including Mobile Phones and Tablet Computers, and Components Thereof*, Inv. No. 337-TA-847.
- Representing respondents Nokia Corporation and Nokia Inc. in an investigation brought by InterDigital Communications LLC. The ITC affirmed the ALJ's determination that Nokia does not infringe any of the patents asserted against it, and this decision was later affirmed by the Federal Circuit on appeal. We continue to represent Nokia in a parallel district court action. *Certain Wireless Devices with 3G Capabilities and Components Thereof*, Inv. No. 337-TA-800.
- Represented Nokia in patent infringement litigation against Apple over patents relating to computer and smart phone technology. *Certain Personal Data and Mobile Communications Devices and Related Software*, Inv. No. 337-TA-710.
- Represented Nokia in patent infringement litigation against Apple over patents relating to computer and smart phone technology. *Certain Mobile Communications and Computer Devices and Components Thereof*, Inv. No. 337-TA-704.
- Represented Nokia in a patent infringement dispute relating to second and third generation cellular technologies for data transmission and power control. *Certain 3G Mobile Handsets and Components Thereof*, Inv. No. 337-TA-613.
- Represented Nokia in a patent infringement dispute against Qualcomm involving 2G wireless standards. *Certain Telephone Handsets, Wireless Communication Devices, and Components Thereof*, Inv. No. 337-TA-578.

## **District Courts**

- Representing defendant Jamba Juice in an action involving the distribution of gift cards over the Internet. *Bartaga LLC v. Jamba Juice Company*, No. 2:14-cv-01349 (E.D. Tex.).
- Representing Dell and Sonicwall in this multidefendant action involving IEEE 802.11 chip designs from multiple chip manufacturers. Following a favorable Markman ruling, a consent judgment of noninfringement was entered, and the case is currently on appeal. *Northpeak Wireless LLC v. 3COM, et al.*, No. 3:09-cv-00602 (N.D. Cal.).
- Represented Nokia in the defense of patent infringement claims of nine patents relating to speech coding and GSM technology. *WIAV Solutions LLC v. Motorola, et al.*, No. 3:09-cv-00447 (E.D. Va.).
- Represented Nokia in patent infringement litigation against Apple over patents relating to computer and smartphone technology. *Nokia Corporation v. Apple Inc.*, No. 1:09-cv-00791 (D. Del.).
- Represented Nokia in a patent infringement dispute relating to second and third generation cellular technologies for data transmission and power control. *Nokia Corporation and Nokia Inc. v. InterDigital Communications Corporation and InterDigital Technology Corporation*, No. 1:05-cv-00016 (D. Del.).

- Represented Nokia in the defense of a claim for patent infringement relating to a cellular phone user interface. *SPH America LLC v. Apple Inc., et al.*, No. 1:09-cv-00776 (E.D. Va.).
- Represented Nokia in a patent infringement suit involving wireless mesh packet data networks. *WIAV Solutions LLC v. 3COM Corporation, et al.*, No. 5:09-cv-00101 (E.D. Tex.).
- Represented 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. *SPH America LLC v. Acer, et al.*, No. 1:09-cv-00740 (E.D. Va.).
- Represented Nokia in a patent infringement claim relating to cellular telephone antenna design. *DownUnder Wireless v. Nokia*, No. 2:09-cv-00206 (E.D. Tex.).
- Represented Nokia in patent infringement litigation relating to wireless distribution of contact information. *Aloft v. Nokia, et al.*, No. 2:08-cv-00099 (E.D. Tex.).
- Represented Gibson Guitar in patent infringement claims relating to the Guitar Hero series of video games. *Activision Publishing Inc. v. Gibson Guitar Corporation*, No. 2:08-cv-01653 (C.D. Cal.).
- Defended Nokia in patent infringement litigation relating to 2G wireless standards. *Qualcomm v. Nokia Corporation, et al.*, No. 2:07-cv-00111 (E.D. Tex.).
- Represented Nichiha in a patent infringement suit involving commercial siding products. *Nichiha USA Inc. v. CertainTeed Corp. and Saint-Gobain Materiaux de Construction S.A.S.*, No. 5:08-cv-00117 (M.D. Ga.).
- Defended CDI against claims of patent infringement relating to commercial fertilizers used in agriculture. *More Enterprises Limited Inc. v. Chemical Dynamics Inc.*, No. 8:05-cv-00641 (M.D. Fla.).
- Represented Visa and Target in a patent infringement suit involving electronic coupon distribution. *Softcard Systems Inc. v. Target Corporation and Visa U.S.A. Inc.*, No. 1:03-cv-03585 (N.D. Ga.).
- Obtained summary judgment of noninfringement on behalf of CTI in a case involving photon emission tomography. *The University of Texas M.D. Anderson Cancer Center v. CTI Molecular Imaging Inc.*, No. 3:03-cv-00228 (E.D. Tenn.).
- Represented NDCHealth and Per-Se Technologies in connection with a declaratory judgment action related to the electronic transfer of billing data. *NDCHealth Corporation, et al. v. Billingnetwork Inc.*, No. 1:06-cv-00666 (N.D. Ga.).
- Represented a multinational home appliance manufacturer in defense of a patent infringement suit concerning components of clothes washers. Our client was granted summary judgment of invalidity on all claims, which the Federal Circuit affirmed in all respects.
- Represented Mohawk and affiliated companies in the defense of patent infringement litigation over carpet tiles; defendant's verdict rendered by jury following a three-week trial in Greenville, SC. *Milliken & Company v. Mohawk Industries, et al.*, No. 7:02-cv-03631 (D.S.C.).
- Represented Cisco in a patent infringement suit. *AudioFAX IP LLC v. Cisco Systems Inc.*, No. 1:01-cv-03369 (N.D. Ga.).
- Represented Diamond Power in a patent infringement suit involving nozzle designs used in commercial soot blowing operations. *Clyde Bergemann Inc. v. Diamond Power International Inc.*, No. 1:99-cv-01221 (N.D. Ga.).

## Publications & Presentations

### Publications

- "Patent Owners Should Mind Assignee Rights Restrictions," *Law360*, June 1, 2020.

- “Drafting Exclusive Patent Licenses and Standing Considerations,” *Bloomberg BNA Patent, Trademark & Copyright Journal*, February 16, 2018.

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

- Atlanta Bar Association, Intellectual Property Section

## ***Court Admissions***

- Supreme Court of Georgia
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the Middle District of Georgia
- U.S. District Court for the Northern District of Georgia
- U.S. Patent and Trademark Office

## ***Education***

- Columbia University (J.D., 1999)
- Florida State University (B.S., 1996)

## ***Admitted to Practice***

- Georgia
- U.S. Patent and Trademark Office