



Nicholas C. Marais

Senior Associate

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Related Services

Intellectual Property ■ Intellectual Property Litigation

Nic Marais is a senior associate on Alston & Bird's Intellectual Property Litigation Team. Nic routinely represents clients in complex patent litigation matters before U.S. District Courts, the U.S. International Trade Commission (ITC), and the U.S. Patent and Trademark Office's Patent Trial and Appeal Board. Nic also regularly handles matters at the appellate level, and particularly before the Federal Circuit. He is a former law clerk for the Hon. Kara F. Stoll of the U.S. Court of Appeals for the Federal Circuit and former extern for the Hon. Frank M. Hull of the U.S. Court of Appeals for the Eleventh Circuit.

Nic received his J.D., with high honors, from the Emory University School of Law, where he was elected to the Order of the Coif, was awarded the ABA-Bloomberg BNA Award for Excellence in Intellectual Property, served on the *Emory International Law Review*, and was president of the Intellectual Property Law Society. Before law school, Nic completed his master's and undergraduate degrees in bioengineering at Clemson University.

Representative Experience

- Representing a lithium-ion battery manufacturer as the appellee at the Federal Circuit. *Maxell, Ltd. v. Amperex Tech. Ltd.*, No. 23-2285, -2256, -2257, -2258 (Fed. Cir.).
- Representing a medical equipment provider as the appellant and appellee at the Federal Circuit. *Abiomed, Inc. v. Maquet Cardiovascular LLC*, No. 24-1062 (Fed. Cir.); *Maquet Cardiovascular LLC v. Abiomed, Inc.*, No. 23-2045 (Fed. Cir.).
- Representing a telecommunications company as the defendant in district court litigation relating to wireless routing technology. (E.D. Tex.).
- Representing a telecommunications company as the appellee at the Federal Circuit. (Fed. Cir.).
- Representing a consumer electronics company as the intervenor-appellee at the Federal Circuit. *Roku, Inc. v. International Trade Commission*, No. 2022-1386 (Fed. Cir.).
- Represented a global technology corporation as the defendant and counter-plaintiff in a district court litigation relating to voice solutions. *Voxware, Inc. v. Honeywell International, Inc., et al.*, No. 1:2023-cv-00052 (D. Del.).
- Represented a network infrastructure provider as the defendant in district court litigation relating to digital subscriber line (DSL) technology. *TQ Delta, LLC v. CommScope, et al.*, No. 2:21-cv-00310 (E.D. Tex.).
- Represented a telecommunications company as the defendant in district court litigation relating to digital subscriber line (DSL) technology. (E.D. Tex.).

- Represented a telecommunications company as the petitioner in six inter partes review proceedings related to digital subscriber line (DSL) technology. (PTAB).
- Represented a national real estate brokerage as the defendant in a district court litigation relating to 3D virtual tour technology. Obtained a rare jury verdict of both non-infringement and invalidity. (W.D. Tex.).
- Represented a global technology corporation as the complainant in an ITC investigation and district court litigation involving various barcode scanning technologies. *Barcode Scanners, Scan Engines, Mobile Computers with Barcode Scanning Functionalities*, No. 337-TA-1321 (ITC); *Certain Barcode Scanners, Scan Engines, Mobile Computers with Barcode Scanning Functionalities, Products Containing the Same, and Components Thereof*, No. 337-TA-1317 (ITC); *Honeywell Int'l Inc. et al. v. Zebra Techs. Corp., et al.*, No. 6:22-cv-00442 (W.D. Tex.); *Honeywell Int'l Inc. et al. v. Zebra Techs. Corp., et al.*, No. 6:22-cv-00517 (W.D. Tex.).
- Represented a global technology corporation as the complainant in an ITC investigation involving various barcode scanning technologies. *Certain Barcode Scanners, Scan Engines, Products Containing the Same, and Components Thereof*, No. 337-TA-1165 (ITC).

Publications & Presentations

Publications

- "Weaponizing Follow-On Petitions to Defeat IPR Estoppel," *AIPLA Innovate Magazine*, Summer 2018.

Education

- Emory University (J.D., 2018)
- Clemson University (M.S., 2015)
- Clemson University (B.S., 2014)

Admitted to Practice

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