

Ross R. Barton

Partner

+1 704 444 1287

ross.barton@alston.com

Charlotte | One South at The Plaza, 101 South Tryon Street, Suite 4000 | Charlotte, NC 28280-4000



Ross Barton is a trial lawyer focusing his practice on the litigation of complex patent disputes before district courts and the International Trade Commission. With a degree in physics and a deep understanding of mobile technologies, semiconductors, and software and hardware programming languages, Ross has spent the last 15 years taking high-stakes cases in the high-tech sector to trial.

Ross has been recognized annually in *The Best Lawyers in America*® since 2018 and was selected to the *Super Lawyers* “Rising Star” list for IP Litigation in 2007 in Virginia and 2012 in North Carolina. He previously taught patent litigation courses as an adjunct professor at the University of Virginia School of Law and at the Catholic University of America’s Columbus School of Law. For six years, Ross served as the hiring partner for Alston & Bird’s Charlotte office, and he currently serves as a firm-wide diversity partner for the IP Litigation Group.

Representative Experience

- Representing a national consumer lighting manufacturer in a case involving filament LEDs. *Certain Filament Light-Emitting Diodes and Products Containing Same (II)*, Inv. No. 337-TA-1220 (ITC).
- Representing a national wireless infrastructure supplier in multiple cases dealing with distributed antenna systems. *Dali Wireless, Inc. v. Corning, Inc., et al.*, No. 6:20-cv-01108 (W.D. Tex.); *Dali Wireless, Inc. v. Corning Optical Communications LLC*, No. 3:20-cv-06469 (N.C. Cal.).
- Representing a national telecommunications carrier in a case relating to passive intermodulation cancellation techniques. *Finesse Wireless LLC v. AT&T Mobility LLC, et al.*, No. 2:21-cv-00063 (E.D. Tex.).
- Representing a national media content provider in a case dealing with website design and development. *Express Mobile, Inc. v. Oath Holdings, Inc.*, No. 3:20-cv-08321 (N.D. Cal.).
- Represented a national telecommunications carrier in district court litigation relating to spread spectrum physical layer processes. *Castlemorton Wireless, LLC v. Charter Communications, Inc., et al.*, No. 6:20-cv-00024 (W.D. Tex.).
- Represented a national telecommunications carrier in district court litigation relating to base station antenna design. *Fractus S.A. v. Cellco Partnership d/b/a Verizon Wireless*, No. 2:18-cv-00138 (E.D. Tex.).
- Represented a national drywall manufacturer in district court litigation relating to additives used in drywall manufacturing. *United States Gypsum Company v. New NGC Inc.*, No. 1:17-cv-00130 (D. Del.).
- Represented a national telecommunications carrier in district court litigation involving 27 patents relating to 4G network infrastructure and devices. *Sol IP LLC v. Cellco Partnership d/b/a Verizon Wireless*, No. 2:18-cv-00526 (E.D. Tex.).
- Representing a national telecommunications carrier in district court litigation relating to handover procedures and testing equipment. *Mobility Workx LLC v. Cellco Partnership d/b/a Verizon Wireless*, No. 4:17-cv-00872 (E.D. Tex.).

- Represented a global infrastructure equipment supplier as intervenor in eight co-pending cases relating to 4G network infrastructure and devices. *Huawei Technologies Co. Ltd. v. T-Mobile US Inc., et al.*, Nos. 2:16-cv-00052, -55, -56, -57 (E.D. Tex.); *Nokia Solutions and Networks US LLC v. Huawei Technologies Co. Ltd.*, Nos. 2:16-cv-00753, -754, -755, -756 (E.D. Tex.).
- Represented a national telecommunications carrier in district court litigation relating to handover and testing equipment. *Mobility Workx LLC v. T-Mobile US Inc., et al.*, No. 4:17-cv-00567 (E.D. Tex.).
- Represented a global telecommunications device manufacturer in a case involving 10 patents relating to mobile devices. *Koninklijke Philips N.V., et al. v. ASUSTeK Computer Inc., et al., and Acer Inc., et al.*, Nos. 1:15-cv-01125, -01170 (D. Del.).
- Represented a global DSL modem manufacturer in a case involving 32 patents relating to DSL technology. *TQ Delta LLC v. ZyXel Communications Inc., et al.*, No. 1:13-cv-02013 (D. Del.).
- Represented defendants United Airlines, Verizon, Wells Fargo & Company, American Airlines, and another major airline in a series of cases related to database marketing. *Phoenix Licensing LLC, et al. v. AAA Life Insurance Co., et al.*, No. 2:13-cv-01100 (E.D. Tex.).
- Represented national telecommunications carriers in a case related to 3G and WiFi technologies. *SPH v. Cellco Partnership d/b/a Verizon Wireless and T-Mobile US Inc.*, Nos. 3:13-cv-02325, -02324 (S.D. Cal.).
- Represented respondents in 10 patent cases relating to LED chips and lighting technologies. *Certain Light-Emitting Diode Products and Components Thereof*, Inv. No. 337-TA-947 (ITC).
- Represented respondent Nokia against InterDigital in multiple cases and appeals relating to wireless telecommunications. *Certain 3G Wideband Code Division Multiple Access (WCDMA) Handsets and Components Thereof*, Inv. Nos. 337-TA-601, -613, -800 and -868 (ITC).
- Represented Nokia in multiple cases against Apple regarding mobile communication devices. *Certain Electronic Devices, Including Mobile Phones, Portable Music Players, and Computers*, Inv. Nos. 337-TA-701, -704, -710 and -771 (ITC).
- Represented complainant Ineos Fluor at trial and Federal Circuit appeal in a case involving chemical manufacturing methods for a refrigerant. *Certain R-134a Coolant (Otherwise Known as 1,1,1,2-Tetrafluoroethane)*, Inv. No. 337-TA-623 (ITC).
- Represented defendants Dell and Nokia in a patent infringement suit involving various code division multiple access wireless technologies. *SPH America LLC v. Acer Inc., et al.*, No. 3:09-cv-02535 (S.D. Cal.).
- Defended Nokia in patent infringement claims of nine patents relating to speech coding and GSM technology. *WIAV Solutions LLC v. Motorola Inc., et al.*, No. 3:09-cv-00447 (E.D. Va.).
- Represented plaintiff Nokia in a Lanham Act case involving more than 400 patents related to 3G wireless communication standards. *Nokia Corp., et al. v. InterDigital Communications Corp., et al.*, No. 1:05-cv-00016 (D. Del.).
- Represented defendant Xilinx in patent infringement litigation relating to capacitor design. *Lonestar Inventions LP v. Xilinx Inc.*, No. 6:07-cv-00393 (E.D. Tex.).
- Represented plaintiff 911EP in patent infringement litigation relating to LED light bars for police and emergency vehicles. *911EP Inc. v. Whelen Engineering Company Inc., et al.*, No. 2:05-cv-00137 (E.D. Tex.).
- Represented appellee RHI Hotels in an appeal relating to wired telephony systems. *Phonometrics Inc., et al. v. Hospitality Franchise Systems Inc.*, No. 05-1095 (Fed. Cir.).

- Represented defendants Bank of New York and Union Bank of California in patent infringement litigation involving digital check imaging and storage. *DataTreasury Corp. v. Wells Fargo & Co., et al.*, No. 2:06-cv-00072 (E.D. Tex.).
- Represented defendant Webdate in patent infringement litigation relating to online dating services. *Netdate of Texas LLC v. Yahoo! Inc., et al.*, No. 2:05-cv-00114 (E.D. Tex.).
- Represented defendant Stanley Tools in patent infringement litigation relating to laser levels. *Black & Decker Inc., et al. v. The Stanley Works*, No. 1:05-cv-00636 (D. Del.).
- Represented plaintiff IQ Solutions in litigation relating to government contracts. *IQ Solutions Inc. v. Professional & Scientific Associates Inc.*, No. 1:06-cv-01019 (E.D. Va.).
- Representing defendant Flightcom in patent infringement litigation relating to noise-reducing headsets. *TechnoFirst S.A. v. Flightcom Corp.*, No. 2:05-cv-00411 (E.D. Va.).
- Represented defendant Stanley Tools through appeal in patent infringement litigation relating to wrench design. *Maxwell v. The Stanley Works, et al.*, No. 3:06-cv-00201 (M.D. Tenn.).
- Represented defendant/cross-appellant JMS in an appeal relating to dialysis/pheresis needles. *DSU Medical Corp., et al. v. JMS Co. Ltd., et al.*, Nos. 04-1620, 05-1048, -1052 (Fed. Cir.).
- Represented defendant Campbell Soup in design patent litigation relating to gravity-fed vertical soup displays. *Linz v. Campbell Soup, et al.*, No. 2:04-cv-00785 (D. N.J.).
- Represented amicus curiae National Retail Federation in a Federal Circuit appeal relating to the defense of prosecution laches. *Symbol Technologies, et al. v. Lemelson Medical, Education & Research Foundation LP*, No. 04-1451 (Fed. Cir.).

Publications & Presentations

Publications

- “Patent Trolls. NPEs. Menaces? Or Just Doing What’s Allowed? A USPTO Solution?” *Intellectual Property Today*, September 2014.
- “Defending a Client in Complicated Standard-Essential Patent Assertion Cases,” in *Inside the Minds: Litigation Strategies for Intellectual Property Cases: Leading Lawyers on Analyzing Key Decisions and Effectively Litigating IP Cases*, Aspatore, 2014.

Education

- Washington and Lee University (J.D., 2004)
- Bowdoin College (A.B., 2001)

Admitted to Practice

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

Related Services

Intellectual Property | Intellectual Property Litigation | Patent Litigation | ITC Section 337