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Related Services

Intellectual Property ■ Intellectual Property Litigation ■ Patent Litigation ■ ITC Section 337

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 nearly 20 years spent litigating high-tech and telecommunications cases, Ross has led trial teams across the country in jury and bench trials. Although Ross has represented clients in a wide range of technology fields, his cases consistently involve 3GPP, IEEE, ITU, and TIA standards, and he has tried multiple cases involving FRAND/RAND licensing disputes to a jury.

Ross has been recognized annually in *The Best Lawyers in America*® since 2018 and was previously named a *Super Lawyers* “Rising Star” in both Virginia and North Carolina. He previously taught patent litigation and trademark law 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 firmwide diversity partner for the IP Litigation Group.

Representative Experience

- Representing a domestic fiber optic components supplier in a competitor case patent litigation involving cross-assertions of 11 patents. *Senko Advanced Components, Inc. v. US Conec, Ltd.*, 1:23-cv-00083 (D. Del.).
- Representing a global consumer electronics manufacturer in an eight-patent case relating to IEEE 802.11ax/Wi-Fi 6 technology. *Atlas Global Technologies LLC v. AsusTeK Computer Inc.*, No. 6:21-cv-00820 (W.D. Tex.).
- Representing multiple telecommunications carriers and suppliers in three cases involving four patents relating to 5G technology. *Cobblestone Wireless, LLC v. AT&T Inc., et al.*, Nos. 2:22-cv-00474, -00477, -00479 (E.D. Tex.).
- Represented a global telecommunications equipment supplier as lead trial counsel in seven-patent jury trial. *TQ Delta, LLC v. CommScope Holding Co., Inc., et al.*, No. 2:21-cv-00310 (E.D. Tex.).
- Represented a global telecommunications company at trial in a FRAND licensing case and in a separate three-patent infringement case, both dealing with 5G technology. *Ericsson Inc. v. Apple Inc.*, No. 2:21-cv-00376 (E.D. Tex.); *Apple Inc. v. Telefonaktiebolaget LM Ericsson, et al.*, No. 2:21-cv-00460 (E.D. Tex.).
- Representing multiple telecommunications carriers and suppliers in two three-patent cases relating to 4G telecommunications equipment. *Howlink Global LLC v. AT&T Inc., et al.*, Nos. 2:22-cv-00040, -00042 (E.D. Tex.).
- Represented a global consumer electronics manufacturer in multiple cases relating to consumer electronics. *Sovereign Peak Ventures, LLC v. AsusTeK Computer, Inc.*, Nos. 2:22-cv-00037, -00038, -00039 (E.D. Tex.).

- Represented a national consumer lighting manufacturer at trial in a case involving filament LEDs. *Certain Filament Light-Emitting Diodes and Products Containing Same (II)*, Inv. No. 337-TA-1220 (ITC).
- Represented a national wireless infrastructure supplier and a telecommunications carrier 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.); *Dali Wireless v. Cellco Partnership d/b/a Verizon Wireless*, No. 2:23-cv-00002 (E.D. Tex.).
- Represented 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 at trial 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 at trial 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 at trial 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 at trial 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.

Professional & Community Engagement

- U.S. Supreme Court
- U.S. Courts of Appeals for the Federal and Sixth Circuits
- U.S. District Courts for the Eastern District of Virginia
- U.S. District Courts for the Eastern and Western Districts of Texas
- U.S. District Court for the Western District of North Carolina

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