

## Scott Stevens

### Partner

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Scott Stevens is a trial attorney, a member of Alston & Bird’s Intellectual Property Litigation Group, and the co-chair of the Section 337 practice before the U.S. International Trade Commission. Among Scott’s recent accomplishments are winning one of the biggest patent verdicts in the Eastern District of Texas in 2017, obtaining a rare defense summary judgment in that forum in 2018, and obtaining on behalf of a complainant at the ITC the largest-ever recommended civil penalty.

Scott represents clients in ITC Section 337 investigations and patent-infringement litigation before various U.S. district courts and the U.S. Court of Federal Claims, and patent owners and petitioners in IPRs. Scott has also argued before the Federal Circuit on several occasions. Additionally, he has represented companies in trademark, parallel importation, trade secret, and copyright litigation. He is also a registered patent attorney and has prosecuted patent applications before the U.S. Patent and Trademark Office. Scott focuses his practice on patent litigation involving technologies such as chemicals, chemical manufacturing processes, telecommunications, pharmaceuticals, cloud computing, and optical communications.

Scott has been recognized in the 2015–2022 editions of *The Best Lawyers in America*® for his work in intellectual property and patent litigation.

### **Representative Experience**

- Lead counsel for Nokia in Eastern District of Texas litigation involving switches and routers. Counsel for Nokia in an ITC investigation involving optical communications. Led the respondents’ trial efforts defeating claims of domestic industry. ITC Inv. No. 337-TA-1098.
- Co-lead counsel for Alcatel-Lucent in three Eastern District of Texas litigations regarding fiber-optic communications equipment. Obtained summary judgment against the plaintiff’s claims, a rarity in the district. Lead counsel at the Federal Circuit seeking affirmance.
- Lead trial counsel for complainant/plaintiff Navico in a series of litigations in the ITC, Eastern District of Texas, and Northern District of Oklahoma against Garmin concerning sonar technology.
- Obtained a limited exclusion order against Garmin, jury verdict of \$38.7 million, and recommended civil penalty of \$37 million. Settled favorably. ITC Inv. Nos. 337-TA-921, 921 Enforcement, 921 Modification.
- Counsel for Nokia in eight patent litigations, four defensive and four offensive, against Huawei in the Eastern District of Texas. Obtained a favorable settlement for the client.
- Counsel for complainant Navico in an ITC investigation against Raymarine concerning sonar technology. Obtained a favorable settlement for the client. ITC Inv. No. 337-TA-898.
- Defended Cardlytics Inc. against claims brought by a nonpracticing entity in the Middle District of Tennessee, which included the filing of a CBM petition. Obtained a favorable settlement for the client.

- Counsel for Nokia in two ITC investigations relating to Nokia's patent litigation against HTC. The ITC ALJ ruled that multiple HTC products infringed two of Nokia's patents. This subsequently resulted in a favorable settlement. ITC Inv. Nos. 337-TA-847, -885.
- Defended Nokia in an ITC investigation into claims raised by InterDigital. The ALJ determined that Nokia does not violate any of the patents at issue, and the ITC affirmed. ITC Inv. Nos. 337-TA-800, -868.
- Appellate counsel to Richtek Technology Corp. in two appeals stemming from an ITC enforcement action. Won reversal of aspects of the underlying investigation adverse to Richtek and affirmance of those decided in Richtek's favor. ITC Inv. No. 337-TA-698 Enforcement.
- Counsel for Nokia in various ITC investigations in relation to Nokia's patent litigation against Apple. The investigations were settled, resulting in a lump-sum payment as well as ongoing royalty patents from Apple to Nokia. ITC Inv. Nos. 337-TA-701, -704, -710, and -771.
- Counsel for respondent The ESAB Group Inc. in an ITC investigation concerning welding wire technology. Obtained complete victory for the client, which was affirmed by the Federal Circuit. ITC Inv. No. 337-TA-686.
- Defended against allegations of trade-secret misappropriation concerning catalyst regeneration technology.
- Counsel for the respondent in an ITC investigation into the manufacture of non-shellfish glucosamine. Obtained a favorable settlement for the client. ITC Inv. No. 337-TA-668.
- Counsel for the complainants in an ITC investigation into chemical processes for the manufacture of refrigerant R-134a. Obtained a consent order and a favorable settlement for the client securing the full relief available at the ITC. ITC Inv. No. 337-TA-623.
- Counsel for the defendant in a district court action involving patents directed to parallel processing. Obtained a settlement that allowed the client to pay nothing for the complete freedom from the suit.
- Counsel for the plaintiffs in actions in various district courts alleging trademark infringement, trade-dress infringement, and parallel importation relating to energy drinks.
- Counsel for the defendant, a federal government contractor, in an action alleging the infringement of patents directed to mail-sorting devices.
- Counsel for the plaintiff in a pro bono copyright infringement action before the U.S. Court of Federal Claims.

## ***Publications & Presentations***

### ***Publications***

- "Worried About the Sting of an IPR, Consider the International Trade Commission," *Intellectual Property Today*, August 2014.
- "Using the ITC to Mitigate PTO Patent Proceeding Kill Rates," *Corporate Counsel*, August 12, 2014.

### ***Education***

- University of Virginia (J.D., 2003)
- University of Virginia (B.S., 2000)

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

- North Carolina
- District of Columbia

- Virginia
- U.S. Patent and Trademark Office

## *Related Services*

Intellectual Property Litigation | Intellectual Property | ITC Section 337 | Patent Prosecution, Counseling & Review | Patent Litigation