

Joshua H. Lee

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Services

Intellectual Property
ITC Section 337
Patent Litigation
Patents
Post-Grant Proceedings

Industries

Chemicals
Electronics & Computer
Technology
Fintech
Health & Life Sciences
Medical & Surgical Devices
Technology

Josh Lee concentrates his practice on the litigation of complex patent disputes in U.S. district courts across the country, at the International Trade Commission, and in trials before the Patent Trial and Appeal Board. Mr. Lee is also a registered patent attorney before the U.S. Patent and Trademark Office, and has substantial patent prosecution experience.

Mr. Lee has handled matters involving diverse technologies, including telecommunication systems, software, electrical and mechanical systems, semiconductors, pharmaceuticals, chemical products, medical products, textile products, retail goods, and financial technologies. Mr. Lee has practiced before the U.S. Court of Appeals for the Federal Circuit, various U.S. district courts, including in Texas, California, Delaware, Georgia, Florida, Oregon, and Washington, the International Trade Commission, and the Patent Trial and Appeal Board.

Mr. Lee has regularly handled and coordinated many aspects of patent litigation, including infringement and validity analyses, motion practice, claim construction, discovery, taking and defending depositions, expert discovery, pre-trial proceedings, and trial. Mr. Lee has jury trial experience, including serving as the lead associate in a jury trial in the Western District of Texas in which the jury returned a verdict that his client did not infringe and that the opponent's patent claims were invalid. Additionally, he regularly assists companies with a variety of other intellectual property matters, including pre-suit matters, such as assessing companies' patent portfolios and analyzing patents held by competitors, as well as advising companies on patent license agreements.

During law school, Mr. Lee was named National Champion in the 2010 AIPLA Giles Sutherland Rich Memorial Moot Court Competition, which focuses on issues in patent law. Prior to his legal career, Mr. Lee worked as a process engineer in the textile industry.

Mr. Lee was recognized as a Georgia "Rising Star" in the area of Intellectual Property Litigation in 2023 and the



nine years prior by *Super Lawyers* magazine. He was also recognized as an IP "Rising Star" in 2022 by *Managing Intellectual Property* magazine.

Experience

Represented adidas AG, adidas North America, Inc., adidas America, Inc., and adidas International Trading AG in patent infringement and importation investigation at ITC brought by Nike, Inc., related to the design and manufacture of shoe uppers for knitted footwear, with related action in Oregon federal court. One of the largest patent cases in the footwear industry, the case involved nine U.S. patents from multiple distinct families of patents, each covering a different subject matter. After completing both fact and expert discovery, the case was settled on confidential terms shortly before the evidentiary hearing at the ITC. *In re Certain Knitted Footwear*, U.S. ITC Inv. No. 337-TA-1289; *Nike, Inc. v. adidas AG et al.*, No. 3:21-cv-01780 (D. Or.)

Represented GREE, Inc., a Japanese gaming and internet media company in a large-scale patent battle with Supercell, a Finnish mobile game development company. Kilpatrick Townsend launched suits involving more than 20 patents against Supercell. The case led to a complex series of litigations in district court resulting in more than \$100 million in jury verdicts in favor of GREE, as well as at the PTAB and before the Federal Circuit. The Kilpatrick Townsend team obtained a jury verdict for GREE in the Eastern District of Texas of willful infringement, asserting five patents and an award of at least \$8.5 million for damages against Supercell in September 2020, and a second jury verdict of willful infringement in favor of GREE and an award of at least \$92 million in damages in May 2021. *GREE, Inc. v. Supercell Oy*, Nos. 2:19-cv-00237, 2:19-cv-00310, 2:19-cv-00311, 2:19-cv-00070, 2:19-cv-00071 (E.D. Tex.) (Judge Gilstrap).

Prevailed on behalf of Petitioner GREE, Inc. in *inter partes* review challenging the validity of a patent related to authentication and plug-in technology, which had been asserted by Supercell against GREE, Inc. in a parallel district court proceeding. After Mr. Lee's oral argument on the matter, the Patent Trial and Appeal Board ruled in favor of GREE, Inc., cancelling all challenged claims. *GREE, Inc. v. Supercell Oy*, IPR2019-00086 (P.T.A.B.).

Represented TNA Australia Pty Limited and TNA North America Inc. in offensive patent infringement action against competitor in the Northern District of Texas regarding "gateless" conveyor system technology. After persuasive briefing and argument resulted in a favorable claim construction order, the team leveraged the strength of TNAs meritorious claims to secure a permanent injunction, enjoining the defendant from selling its infringing products in the United States. *TNA Australia Pty Limited v. PPM Technologies, LLC*, No. 3:17-cv-0642-M (N.D. Tex.).

Represented Motorola Mobility in defending patent infringement claims related to wireless earpiece technology in the Western District of Texas. After winning summary judgment on certain of the claims and forcing plaintiffs' voluntary dismissal of others before trial, presented a defense that led the jury to return a verdict of



non-infringement and invalidity against the remaining claims that were at issue. *Effingo Wireless, Inc. v. Motorola Mobility LLC*, No. 5:11-cv-00649 (W.D. Tex.) The asserted patent was also invalidated in a re-examination proceeding prosecuted by the firm.

Defended Sidense Corp. in litigation asserting patent infringement, trade libel and defamation, intentional interference with prospective economic advantage, false advertising under the Lanham Act, and unfair competition under Cal. Bus. & Prof. Code § 17200, relating to one-transistor, one-time programmable embedded non-volatile memory (eNVM) technology. Defeated patent claims on summary judgment and plaintiff dismissed business tort claims with prejudice. District Court ordered Kilopass to pay Sidense \$5.5 million in attorneys' fees and costs. *Kilopass Tech., Inc. v. Sidense Corp.*, No. 10-2066 (N.D. Cal. filed May 14, 2010).

Represented Respondent ARRIS in patent infringement and importation investigation at ITC brought by Rovi, related to on-screen programming guide technology, with related actions in various U.S. district courts and New York State Court. After a full hearing, the team secured a finding of no infringement by ARRIS in the Administrative Law Judges Initial Determination, and that finding was affirmed in the ITCs Final Determination. In re Digital Video Receivers, U.S. ITC Investigation No. 337-TA-1001.

Represented Respondent ARRIS in a patent infringement and importation investigation brought by OpenTV/Nagra/Kudelski, related to digital content and voice command technology. Case settled. In re Certain Digital Television Set-Top Boxes, ITC Investigation No. 337-TA-1041.

Represented Comcast in a patent infringement action related to set-top box technology brought by Nagravision SA et al. Case settled. *Nagravision SA et al. v. Comcast Cable Communications, LLC*, Case no. 2:16-cv-1362 (EDTX filed December 5, 2016).

Represented Alfresco Software in a lawsuit involving allegations of patent infringement related to content management systems. The lawsuit involved nine patents from two distinct families of patents, each covering different subject matter. After successfully transferring the case from the Eastern District of Virginia to the Northern District of California, the team invalidated two of the asserted patents at the 12(b)(6) stage under the Supreme Court's *Alice* standard for patentable subject matter under 35 U.S.C. 101. The remainder of the case was settled shortly thereafter on confidential terms. *Open Text SA v. Alfresco Software Ltd., et al.*, 13-cv-04843 JD (N. D. Cal., filed October 18, 2013).

Represented adidas in patent infringement suit regarding athletic performance measurement technology. After engaging in early fact discovery, we obtained a favorable resolution of this matter for our client prior to claim construction briefing. *Leaper Footwear, LLC v. adidas America, Inc.*, No. 2:11-cv-00470 (D. Utah filed May 25, 2011).

Represented Ring Container Technologies, LLC in offensive patent infringement action against a competitor in



the Eastern District of Texas regarding packaging technology. After engaging in early fact discovery, the dispute favorably resolved in a private mediation before Judge David Folsom (ret.). *Ring Container Technologies, LLC v. Altium Packaging LP*, No. 2:21-cv-464 (E.D. Tex.).

Education

University of Tennessee College of Law J.D. (2010) *with honors*

Clemson University B.S. (2006) Industrial Engineering, *magna cum laude*

Admissions

Georgia (2010)

Court Admissions

Georgia Court of Appeals (2011)

Georgia Superior Court (2010)

Supreme Court of Georgia (2011)

U.S. Court of Appeals for the Federal Circuit (2013)

U.S. District Court for the Eastern District of Texas (2014)

U.S. District Court for the Northern District of Georgia (2011)

U.S. Patent and Trademark Office (2007)

Professional & Community Activities

American Intellectual Property Law Association (AIPLA), Member

AIPLA Giles Sutherland Rich Moot Court Competition, Volunteer

American Bar Association, Member

Atlanta Bar Association, Member

State Bar of Georgia, Member

Insights

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135 Kilpatrick Townsend Attorneys Recognized in 2022 Super Lawyers

December 15, 2022

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Managing IP Recognizes Kilpatrick Townsend Attorneys as 2022 "Rising Stars"



October 6, 2022

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Kilpatrick Townsend Elects New Partners and Elevates New Counsel for 2022

January 4, 2022

[Perspectives](#)

KT Client Success | \$100 Million Win for Client GREE in Mobile Gaming Patent Clash

June 11, 2021

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Kilpatrick Townsend Attorneys Named 2020 Georgia Super Lawyers

March 6, 2020