



## John A. Dragseth

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## Overview

John Dragseth has been named one of the top 50 intellectual property attorneys in the country under the age of 45. He has also been named a Minnesota SuperLawyer multiple years. His practice centers on complex legal analysis and writing — in federal appeals, patent prosecution, reexamination, pre-suit and due diligence investigations, and patent opinions.

His prosecution work centers on cloud computing, mobile computing, software, medical devices, and mechanical technologies (including HVAC). John has led briefing on more than 60 appeals to the U.S. Supreme Court and U.S. Court of Appeals for the Federal Circuit, where he was previously a law clerk to the Honorable Raymond C. Clevenger III.

He has extensive experience in taking over cases on appeal and framing them for the Federal Circuit while working closely with trial counsel. He also enters cases frequently as a “fixer” — helping with tough and important issues. (The similarities with George Clooney’s “Michael Clayton” character end there.) John writes and lectures frequently on a variety of patent law topics. He is also an adjunct professor teaching IP litigation at the University of St. Thomas Law School, and has authored case books on patent law and IP litigation (very exciting reads). He was raised on a small grain and sugar beet farm in Northern Minnesota.

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## Experience

### Software and Electronics

Wireless mobile devices, videogames, AJAX techniques, search engines, e-commerce, CAD/CAM, communications protocols, databases, process control, fraud prevention, location-based services, ATM machine operation, product activation, digital signal processing, enterprise resource planning (ERP), various investment vehicles, GPS, computer hardware, networking, telecommunications, and semiconductor processing.

### Medical Devices

Biopsy devices and methods, cryotreatment, defibrillators (implantable and external), blood centrifuges, infusion pumps, stents, surgical tools, endoscopic instruments, ultrasound, catheters, heart remodeling devices, implantable heart pumps, medical scanners, nucleic acid microarrays, telemetry systems, blood analysis chips, implantable sensors, and molecular modeling systems.

### Green Technologies

Wind generators and blade design, control systems, power supplies, thermal solar, semiconductor fabrication, hybrid vehicles, super-efficient HVAC systems, wave-powered and wind-powered systems, and green building techniques.

## Recent Appellate Cases

Obtained affirmation of district court ruling and dismissal of part of appeal on behalf of client Google Inc. in *iLor LLC v. Google Inc.*, \_\_\_ F.3d \_\_\_ (Fed. Cir. Dec. 11, 2008)

Led appeal in obtaining full reversal of two independent claim construction issues in *Predicate Logic, Inc. v. Distributive Software, Inc.*, \_\_\_ F.3d \_\_\_ (Fed. Cir. Oct. 9, 2008)

Represented Microsoft in separate successful appeals against Lucent, including one that zeroed out a \$1.5 billion jury award – the largest patent defense victory ever on appeal in *Lucent Technologies, Inc. v. Gateway, Inc. and Microsoft Corp.*, \_\_\_ F.3d \_\_\_ (Fed. Cir. Sept. 25, 2008) and \_\_\_ F.3d \_\_\_ (Fed. Cir. May 8, 2008)

Obtained complete reversal for our client (the patent owner) on 10 separate issues, and affirmation on all four issues raised by opponent. The technology related to computer architecture. Took over responsibility for appeal from another firm.

Was lead counsel at Supreme Court opposing petition for certiorari after obtaining full reversal of summary judgment entered against client 3M. On remand, 3M won a judgment of infringement after a jury trial. The Federal Circuit's precedential opinion centered around claim construction. The technology was repositionable adhesive signage. *3M Innovative Properties Co. v. Avery Dennison Corp.*, 350 F.3d 1365 (Fed. Cir. Dec. 2, 2003)

Obtained full reversal of judgment previously entered against client R.E. Service Co. (and against company's founder personally) before the en banc Federal Circuit, in a case that solidified the "disclosed but unclaimed subject matter" limitation to the doctrine of equivalents. *Johnson & Johnston Associates v. R.E. Service Co.*, 285 F.3d 1046 (Fed. Cir. Mar. 28, 2002) (en banc). Took over responsibility for appeal from trial firm.

Obtained full reversal (on six separate issues) and reinstatement of jury verdict and damage award for client Mentor. The technology was use of ultrasonic technology in medical procedures. *Mentor H/S, Inc. v. Medical Device Alliance*, 244 F.3d 1365 (Fed. Cir. 2001). Took over responsibility for appeal from another firm.

Led briefing in appeal that secured full affirmation of a jury verdict of noninfringement in favor of client Sunny Fresh Foods. (a Cargill company). The plaintiff had sought over \$100 million in damages but ultimately obtained none; it instead paid substantial costs to Sunny Fresh. The technology was liquid egg pasteurization techniques. *Sunny Fresh Foods, Inc. v. Michael Foods, Inc.*, 2005 WL 858015 (Fed. Cir. Apr 15, 2005). Took over responsibility for appeal from another firm.

*AT&T v. Microsoft Corp.* – filed amicus brief with Supreme Court on behalf of Autodesk Corp., arguing that 35 U.S.C. § 271(f) does not apply to copies of computer programs made outside the United States

*KSR Int'l Co. v. Teleflex, Inc.* – drafted Supreme Court amicus brief that was filed by 3M, General Electric, Proctor & Gamble, DuPont, and Johnson & Johnson, relating to the "motivation to combine" requirement of 35 U.S.C. § 103

*Medimmune, Inc. v. Genentech, Inc.* – drafted Supreme Court amicus brief that was filed by 3M, General Electric, Proctor & Gamble, and DuPont, relating to the predicates for declaratory judgment jurisdiction in the context of patent license agreements.

*Knorr-Bremse Systeme Fuer Nutzfahrzeuge GmbH v. Dana Corp.* – filed amicus brief with the en banc Federal Circuit on behalf of Microsoft, advocating more restrained application in certain circumstance of the inference that a patent defendant's infringement has been willful.

*J.E.M. Ag-Supply v. Pioneer Hi-Bred Int'l, Inc.* – filed amicus brief with Supreme Court for Cargill in support of victorious party Pioneer. The appeal addressed whether sexually-reproducing plants should be eligible for utility patent protection.

*Schism v. United States* – was lead counsel for Disabled American Veterans (DAV) and the National Organization for Veterans Advocates (NOVA), pro bono before Federal Circuit and Supreme Court. The appeal centered around governmental refusal to pay promised benefits to thousands of career soldiers.

Has consulted on numerous other litigations – before, during, and after appeals – for Fish & Richardson litigation teams and teams from other firms.

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## Recognitions & awards

Best Lawyers in America

*Best Lawyers* 2020-2026

IAM Patent 1000

*IAM* 2016-2025

Ranked Lawyer

*Chambers USA: Minnesota* 2020-2025

IAM Strategy 300

*IAM* 2020-2021, 2023-2025

IP Star

*Managing IP* 2013-2025

Super Lawyers

*Super Lawyers* 2009-2014, 2021-2023

North Star Lawyer

*Minnesota State Bar Association* 2020

Litigation Trailblazer

*National Law Journal (NLJ)* 2016

Top 50 Under 45

*IP Law & Business* 2008

Giles S. Rich Memorial Moot Court Competition

*American Intellectual Property Law Association (AIPLA)* 1996

Cargill Award

Leading Attorney at the Court of Appeals for the Federal Circuit

*IAM Patent 1000*

Outstanding Litigator in Minnesota

*Managing Intellectual Property*

## Professional associations

Former Co-Chair, Litigation Committee, Minnesota Intellectual Property Law Association

Editor-in-Chief, Technology Law Alert (M. Lee Smith Publishers) (2000-2002)

## Insights

Webinar | September 18, 2024

Post-Grant Appeals: Stats and Key Cases From the Federal Circuit

Webinar | February 14, 2024

Federal Circuit 2023 Year in Review

Post-Grant Report | February 28, 2023

2022 Post-Grant Annual Report

Article | December 27, 2022

Top Federal Circuit Decisions of 2022 That No One Told You About

Webinar | November 2, 2022

Post-Grant for Practitioners: Post-Grant Appeals

Post-Grant Report | February 7, 2022

2021 Post-Grant Annual Report

Webinar | November 10, 2021

2021 Post-Grant Appeals

Webinar | June 30, 2021

2021 Post-Grant Mid-Year Review

Blog | June 24, 2021

Legal Alert: What to Know about the Supreme Court's *Arthrex* Decision

Webinar | June 23, 2021

After *Arthrex*: What the Supreme Court's Decision Means

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## News

News | October 1, 2025

Fish & Richardson Ranked Highly by *Managing IP*; Attorneys Named IP Stars

News | August 20, 2025

95 Fish Attorneys Included in the 2026 Edition of *The Best Lawyers in America*

News | June 11, 2025

Fish & Richardson Attorneys Named to the 2025 *IAM Strategy 300* List

News | June 6, 2025

Fish & Richardson Earns "Band 1" Nationwide Rankings for Intellectual Property and ITC Practices in *Chambers USA* 2025

News | May 30, 2025

Fish & Richardson Receives Top Rankings in 2025 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

News | October 4, 2024

Fish & Richardson Ranked Highly by *Managing IP*; Attorneys Named IP Stars

News | August 15, 2024

101 Fish Attorneys Included in the 2025 Edition of *The Best Lawyers in America*

News | June 11, 2024

Fish & Richardson Receives Top Rankings in 2024 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

News | June 11, 2024

Fish & Richardson Attorneys Named to the 2024 *IAM Strategy 300* List

News | June 10, 2024

Fish & Richardson Earns "Band 1" Nationwide Rankings for Intellectual Property and ITC Practices in *Chambers USA* 2024

News | October 5, 2023

Fish & Richardson Ranked Highly by *Managing IP*; Attorneys Named IP Stars

News | October 2, 2023

Fish & Richardson Attorneys Named to *IAM's 2023 Strategy 300* List

News | August 17, 2023

101 Fish Attorneys Included in the 2024 Edition of *The Best Lawyers in America*

News | June 27, 2023

Fish & Richardson Receives Top Rankings in 2023 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

News | June 1, 2023

Fish & Richardson Earns "Band 1" Nationwide Rankings for Intellectual Property and ITC Practices in *Chambers USA* 2023

News | September 8, 2022

Fish & Richardson Receives Top Rankings in 2022 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

News | August 22, 2022

96 Fish Attorneys Included in the 2023 Edition of *The Best Lawyers in America*

News | June 3, 2022

Fish & Richardson Earns "Band 1" Nationwide Rankings for Intellectual Property and ITC Practices in *Chambers USA* 2022

News | June 2, 2022

Fish & Richardson Named a Top ITC and Life Sciences Firm by *Managing IP*, Attorneys Named IP Stars

News | September 2, 2021

Fish Principals Named to *IAM's* 2021 Strategy 300 List

News | August 19, 2021

Fish Attorneys Recognized in 2022 Edition of *The Best Lawyers in America*

News | July 20, 2021

Fish & Richardson Attorneys Named to 2021 Minnesota *Super Lawyers* List

News | July 7, 2021

Fish & Richardson Receives Top Rankings in 2021 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

News | May 27, 2021

Fish & Richardson Attorneys Recognized as 2020 North Star Lawyers

News | May 26, 2021

Fish & Richardson Ranks in Top "Band 1" Nationwide Rankings for Intellectual Property and ITC Practices in *Chambers USA* 2021

News | January 28, 2021

Fish & Richardson Wins Full Federal Circuit Reversal and Summary Judgment of Non-Infringement for uCloudlink in Patent Dispute

News | August 12, 2020

Fish & Richardson Receives Top "Gold" Ranking from *IAM Patent 1000* for National Litigation Practice; National Rankings in the Plaintiff Firm and Prosecution...

News | August 4, 2020

32 Fish & Richardson Attorneys Named 2020 "IP Stars" by *Managing Intellectual Property Magazine*

News | June 2, 2020

Fish & Richardson Receives Top "Band 1" National Rankings for Intellectual Property and ITC Practices in *Chambers USA* 2020

Media Coverage | July 15, 2019

Fed. Circ.'s High Standing Bar May Deter Some PTAB Reviews

*Law360*

Media Coverage | July 11, 2019

Who Can Appeal PTAB Decisions? Here's What We Know

*Law360*

News | June 20, 2019

Fish & Richardson Receives Top "Gold" Ranking from *IAM Patent 1000* for National Patent Litigation Practice

News | May 22, 2019

Fish & Richardson Announces 32 Attorneys Named "IP Stars" by *Managing Intellectual Property Magazine*

News | May 21, 2019

Fish & Richardson Receives Top "Band 1" National Rankings for Intellectual Property and ITC Practices in *Chambers USA* 2019

News | January 3, 2019

Fish & Richardson Receives Two 2018 "Attorney of the Year" Awards from *Minnesota Lawyer*

Media Coverage | July 10, 2018

Patent Cases To Watch In The 2nd Half Of 2018

*Law360*

News | June 14, 2018

Fish Receives Top "Gold" Ranking from *IAM Patent 1000* for National Patent Litigation Practice

News | May 21, 2018

Fish & Richardson Announces 39 Attorneys Named "IP Stars" by *Managing Intellectual Property Magazine*

Media Coverage | May 16, 2018  
Venue 'Loophole' For Foreign Cos. Open, But Limited

*Law360*

News | July 24, 2017  
Fish & Richardson Receives Top "Gold" Ranking from *IAM Patent 1000* for National Patent Litigation Practice  
News | June 23, 2017  
Fish & Richardson Announces 36 Attorneys Named "IP Stars" by *Managing Intellectual Property Magazine*

Media Coverage | April 11, 2017  
PTAB, Courts' Differing Patent Takes Raise Fairness Questions

*Law360*

News | March 29, 2017  
Fish & Richardson Wins "Case of the Year" Award and "U.S. Specialty IP Firm of the Year" Award by *Managing Intellectual Property*  
Media Coverage | March 6, 2017  
Fed. Circ. Taking Harder Look At PTAB Appeals

*Law360*

Media Coverage | March 1, 2017  
Fed. Circ. Issuing More 'Hidden Decisions' Amid Case Influx

*Law360*

Media Coverage | March 1, 2017  
The Federal Circuit Judges You Want On Your PTAB Appeal

*Law360*

Media Coverage | February 23, 2017  
Life v Promega reaction: SCOTUS raises more questions  
*Life Sciences Intellectual Property Review*

News | January 4, 2017  
Fish & Richardson Named to *NLJ* 2016 Appellate Hot List; Marks Sixth Year on Prestigious List

News | December 20, 2016  
Fish Files Amicus Brief on Behalf of 26 Members of Congress

News | December 5, 2016  
Fish & Richardson Principal John Dragseth Named "Litigation Trailblazer" by *The National Law Journal*

News | November 17, 2016  
Minneapolis Office Hosts Girl Scout Troops for IP Collaboration

Media Coverage | October 5, 2016  
Fed. Circ. Judge's Proposed Software Patent Ban Is A Reach

*Law360*

Media Coverage | September 28, 2016  
PTAB Appeals Face Tough Road After Latest Fed. Circ. Ruling

*Law360*

Media Coverage | August 16, 2016  
AIA Appeals To Watch At The Federal Circuit

*Law360*

Media Coverage | June 22, 2016  
What Attorneys Need To Know About The High Court's 3 IP Rulings

*Law360*

News | June 15, 2016

Fish & Richardson Named to *IAM Patent 1000* for National Patent Litigation and Prosecution Practices

News | June 13, 2016

Fish & Richardson Wins Major U.S. Supreme Court Victory for Halo Electronics in Patent Suit Over Enhanced Damages

News | June 2, 2016

Fish & Richardson Announces 36 Attorneys Named "IP Stars" by Managing Intellectual Property Magazine

News | April 8, 2016

Fish & Richardson Obtains Full Federal Circuit Reversal for Cutsforth, Inc. After Faulty Inter Partes Review

News | July 17, 2015

Fish Named One of Four Law Firms to Dominate at the Federal Circuit in 2015 by *Law360*

Media Coverage | May 27, 2015

Attorneys React to High Court's Induced Infringement Ruling

*Law360*

News | March 6, 2015

Fish & Richardson Represents Former NFL Players in Advocating for Marriage Equality at Supreme Court

Media Coverage | January 21, 2015

Lawyers Weigh In On High Court Claim Construction Ruling

*Law360*

Media Coverage | June 19, 2014

Saying 'Do It On A Computer' Not Enough For A Patent, Supreme Court Rules

*Forbes*

News | July 2, 2013

Fish Leverages Ex Parte Reexamination to Win Federal Circuit case for Fresenius

Media Coverage | April 23, 2013

Q&A With Fish & Richardson's John Dragseth

*Law360*

News | March 1, 2013

Fish files brief in response to same-sex marriage ban

News | January 21, 2009

Fish attorneys named in Top 50 Under 45 survey

News | April 7, 2008

John Dragseth, a patent prosecution principal with the Minneapolis office, has been honored with a place on IP Law & Business' "Top 50 under 45" list.

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## Events

September 18, 2025

Midwest IP Institute 2025

September 26, 2024

Midwest IP Institute 2024

September 28, 2023

2023 Midwest Intellectual Property Institute

September 29, 2022

2022 Midwest IP Institute

October 1, 2020

2020 Midwest IP Institute

September 26, 2019  
2019 Midwest IP Institute - MIPLA

February 28, 2019  
IPO Chat Channel: Strategies for Addressing Patent Venue Issues

February 13, 2019  
Minnesota Lawyer "Attorney of the Year" Awards

September 27, 2018  
2018 Midwest IP Institute

February 16, 2017  
Minnesota Lawyer *Attorneys of the Year*

December 10, 2015  
16th Annual Advanced Patent Law Institute: Silicon Valley

October 20, 2015  
The Federal Circuit Bar Association 2015 Global Series: Shanghai

December 17, 2014  
Basics and Strategies for PTO Post-Grant Appeals to the Federal Circuit

September 18, 2014  
2014 Midwest IP Institute

November 13, 2013  
Webinar: Post-Grant for Practitioners Part X: Basics and Strategies for Appeals from PTO Post-Grant Decisions

October 16, 2013  
Fish Litigation Webinar Series: INSIGHTS - Federal Circuit Appeals from the International Trade Commission

July 17, 2013  
AUTM 2013 Central Region Meeting

March 27, 2013  
USPTO Post-Grant Patent Trials 2013

November 1, 2012  
17th Annual Advanced Patent Law Institute

June 20, 2012  
The Federal Circuit Bar Association

June 14, 2012  
MNACCA In-House Counsel Conference

November 9, 2011  
Practical Aspects of Patent Reform

June 7, 2011  
Minnesota Association of Corporate Counsel

February 9, 2011  
Focus on Indefiniteness: *Enzo v. Applera* Webinar

September 24, 2009  
Minnesota CLE 2009 Midwest IP Institute

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## Additional insights

### Publications

- "Recent and Pending Supreme Court Decisions in Intellectual Property," *Suffolk Law School* (October 2006)
- "The Unappealing Prospect of a Federal Circuit Cross-Appeal," *Technology Law Alert* (March 2001)
- "Intellectual Property Law Catches Up With the Internet," *Technology Law Alert* (February 2001)
- "The Coming Scourge [sic, Surge] of Internet Patents," *com Magazine* (April 2000)
- "Coerced Waiver of the Attorney-Client Privilege for Opinions of Counsel in Patent Litigation," *80 Minn. L. Rev.* 167 (1995)

- "Patents: A Historical Perspective," manuscript of casebook co-authored with Frank P. Porcelli, the John A. Reilly Visiting Professor of Patent Law at Harvard Law School

## Speaking engagements

- "Districts and Decisions: Does Location Really Matter," *IP Law Review* (October 2008) (presentation given in New York City on venue selection for patent cases)
- "Hot Topics in Supreme Court and Federal Circuit Law: Implications for IP Strategy & Licensing," *IP Symposium* (April 2008)
- "Remedies After eBay," Presentation given in Seoul, Republic of Korea (December 2006)
- "Infringement Licensing from a Licensee Perspective," *Hot Topics in IP Licensing 2006* (Minnesota CLE) (June 2006)
- "Substantive Issues for Pre-Suit Investigations," Minnesota CLE (February 2006)
- "Are Patent Attorneys Environmentalists? Post-Sale Restrictions on Use and Re-Use of Medical Devices," *Patent Protection for Medical Devices* (Minnesota CLE) (May 2004)
- "Update on Attorney Opinion Issues in Patent Litigation," Chapter Fourteen, *The IP Book* (Midwest Intellectual Property Institute 2003)
- "Claim Drafting in Contemplation of Implied License and Exhaustion Issues," *A/PLA Spring Meeting* (May 2003)

## Media mentions

- "Rejected post-Arthrex bids signal uncertainty over USPTO authority," *World IP Review* (August 2021)
- "Patent Cases To Watch In The 2nd Half Of 2018," *Law360* (July 2018)
- "Venue 'Loophole' For Foreign Cos. Open, But Limited," *Law360* (May 2018)
- "Fed. Circ. Gives Patent Damages Experts More Flexibility," *Law360* (January 2018)
- "Decline in patent suits raises questions for attorneys, law firms," *San Francisco Daily Journal* (November 2016)
- "Saying 'Do It On A Computer' Not Enough For A Patent, Supreme Court Rules," *Forbes* (June 2014)
- "Minnesota Draws Accolades for Settlement With 'Troll', *The National Law Journal* (August 2013)
- Interviewed for *Law360* Q&A (April 2013)
- "Business Owners Adjusting to Patent System Overhaul," *The New York Times* and recapped in *Minneapolis/St. Paul Business Journal*, "How patent law changes are impacting startups"
- "Are Business Methods Worthy of Being Patented?" *San Francisco Daily Journal* (May 2008)
- "Federal Circuit Ruling Impacts Patent Owners," *National Law Review* (April 2007)
- "Patently Good Publicity," *IP Law & Business* (May 2006)
- "Lawyers Turn to Old Websites for Evidence," *Massachusetts Lawyers Weekly* (August 2005)
- "Panel Tosses the Dictionary in Patent Cases," *San Francisco Daily Journal* (July 2005)

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## Services

Patent Prosecution

Strategic Patent Counseling & Opinions

Appellate

Litigation

Post-Grant

Patent

## Industries

Telecommunications

Manufacturing

Digital Health

Software & Internet  
Financial, Business & FinTech Services  
Electrical & Computer Technology

## Admissions

U.S. Patent and Trademark Office (2002)  
Minnesota (1997)  
Supreme Court of the United States  
U.S. Court of Appeals for the Federal Circuit  
U.S. District Court for the District of Colorado  
U.S. District Court for the District of Minnesota

## Clerkships

U.S. Court of Appeals for the Federal Circuit, The Honorable Raymond C. Clevenger III (1996-1998)

## Education

J.D. Order of the Coif, University of Minnesota Law School (1996) Managing Editor, *Minnesota Law Review*  
B.S. *summa cum laude*, *Tau Beta Pi*, Mechanical Engineering, University of Minnesota (1992)

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