





John S. Goetz

Principal

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Overview

About John

A trial lawyer who specializes in intellectual property litigation, Mr. Goetz's patent practice spans an unusually wide array of technical areas, including pharmaceuticals, biotechnology, wireless communications, computer software, website design, online e-commerce, flash memory, graphics controllers, LED displays, chemicals, micro-electro-mechanical systems, navigation systems, and hybrid-electric vehicles. Mr. Goetz's litigation expertise also includes trademark, trade dress, and trade secret cases involving retail consumer products.

Mr. Goetz has handled dozens of cases in U.S. district courts nationwide (e.g., Texas, New York, California, Delaware, Virginia, and Kansas) and at the International Trade Commission (ITC), including as lead trial counsel. His pretrial experience includes preliminary injunction hearings, over 70 depositions, motion practice, and *Markman* hearings. His substantial trial experience includes opening statements, direct examinations, cross-examinations, and closing arguments. Whether starting a case from the beginning or taking over a case from other trial counsel, Mr. Goetz focuses the efforts of his team on actions designed to win the case at trial and through appeal, while always looking for ways to short circuit the case either by winning dispositive motions or by obtaining an early favorable settlement. Representing both plaintiffs and defendants, Mr. Goetz has invalidated patents in the Eastern District of Texas, obtained exclusion orders for patent holders at the ITC, navigated clients through the intricate Hatch-Waxman legal landscape, vigorously protected trade secrets, and defeated over-zealous allegations of trade dress. Whatever the posture, jurisdiction, or legal issue, Mr. Goetz takes pride in shepherding a case—through trial if necessary—by applying the planning, execution, discipline, and leadership skills he honed as an officer in the U.S. Army.

While Mr. Goetz likes to fight and win, he recognizes that his clients are in the business of business—not litigation. That’s why in addition to his trial practice, Mr. Goetz routinely advises his clients, both established and early-stage companies, on developing creative and successful strategies that implement, protect, enforce, and leverage their intellectual property assets. Mr. Goetz also regularly counsels his clients on how to identify marketplace opportunities, create valuable IP, and conduct the due diligence necessary to assess risks and move the business forward with confidence.

Mr. Goetz was born and raised in Kansas City. After attending the University of Notre Dame on a ROTC scholarship and graduating with a degree in mechanical engineering, Mr. Goetz served for four years in the U.S. Army’s Third Infantry Division (Fort Stewart, Georgia), where he earned the rank of captain. After his military service, Mr. Goetz worked full-time as a patent examiner with the U.S. Patent and Trademark Office while attending law school in the evenings at the George Washington University Law School. Also while in law school, Mr. Goetz served as a judicial intern for the Honorable Randall R. Rader of the U.S. Court of Appeals for the Federal Circuit.

Mr. Goetz lives with his wife and four children in New Canaan, Connecticut.

Focus Areas

Services

- Litigation
- Hatch-Waxman
- ITC Litigation
- Trade Secret Litigation

Industries

- Chemicals
- Consumer Products
- Electrical and Computer Technology
- Financial and Business Services
- Life Sciences

Education

J.D. *cum laude*, George Washington University Law School (2004)

B.S., Mechanical Engineering, University of Notre Dame (1997)

Insights

Mr. Goetz is a contributing author to Fish's IP Law Essentials.

"Visual Artists Rights Act Protects Even Transient Art in the Absence of an Explicit Waiver," co-authored with Kristen McCallion, *Fish IP Law Essentials Blog* (June 17, 2020).

"Can I Copyright My Logo?," co-authored with Kristen McCallion, Ryan Petty, *Fish IP Law Essentials Blog* (May 1, 2020).

Recognition

Mr. Goetz won the 32nd Annual Rossman Award in 2004, which is given to the author of the article in the *Journal of the Patent and Trademark Office Society* that makes the greatest contribution to the field of patents, trademarks, or copyrights.

Mr. Goetz was awarded the 2009 Harriet D. Goldberg Fair Housing Award for his pro bono work with Westchester Residential Opportunities combating discrimination and predatory lending.

Mr. Goetz has been chosen four times to appear on the New York Metro Rising Stars list by *Super Lawyers*, recognizing the top up-and-coming attorneys in New York City. (2011, 2012, 2013, 2014).

Memberships & Affiliations

American Intellectual Property Law Association

Intellectual Property Owners Association

New York Intellectual Property Law Association

Federal Circuit Bar Association

ITC Trial Lawyers Association