





Noah C. Graubart

Principal

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“He just gets it, he knows exactly what I need. He’s responsive, pragmatic and he really breaks it down in an easily digestible manner.”

— *Client testimonials, 2019 Chambers and Partners*

Overview

About Noah

Noah C. Graubart is a co-founder of Fish’s Atlanta office, who leads complex patent litigation and other intellectual property cases for some of the world’s most prominent technology companies. Noah regularly represents clients in U.S. District Courts across the country, at the U.S. International Trade Commission, in the U.S. Courts of Appeals, including at the Federal Circuit.

Noah’s practice includes experience with a diverse range of high technology litigation, including cases involving smartphone software, audio and video processing, telecommunications solutions, wireless networking, optical networking, computer hardware interfaces, and semiconductor fabrication methods.

Noah serves as the Atlanta office’s *Pro Bono* Coordinator and is actively involved in numerous *pro bono* causes. Noah’s *pro bono* practice has included numerous post-conviction proceedings in state and federal court, including several death penalty cases. Noah assisted in obtaining from the Supreme Court of Virginia a reversal and new sentencing hearing for a client facing a death sentence. He serves on the Board of Directors for the Texas Defender Service and as a member of the Atlanta Advisory Committee of Kids in Need of Defense (KIND).

Prior to joining the firm, Noah served as a law clerk for the Honorable Jerry E. Smith of the United

States Court of Appeals for the Fifth Circuit.

Noah lives in Atlanta, Georgia, with his wife of sixteen years, Emily, and their three children.

Focus Areas

Services

- Litigation
- ITC Litigation
- Patent Litigation

Industries

- Consumer Products
- Digital Media and E-Commerce
- Electrical and Computer Technology
- Internet
- Manufacturing
- Telecommunications

Education

J.D. *with honors*, *Order of the Coif*, University of Chicago Law School (2004) Member, *University of Chicago Law Review*

B.A., Political Science, Northwestern University (2001)

Experience

Patent Infringement Cases

Wireless Discovery LLC v. Bumble Trading LLC, et al. (W.D. Tex. 2020) (Albright, J.): Counsel for Bumble in patent infringement case related to online dating applications and location-based social

networking technology.

Ikorongo Texas LLC, et al. v. Bumble Trading LLC (W.D. Tex. 2020) (Albright, J.): Counsel for Bumble in patent infringement case concerning online dating application and location-sharing technology.

Clear Imaging Research, LLC v. Samsung Electronics Co., Ltd., et al. (E.D. Tex. 2019) (Gilstrap, J.): Counsel for Samsung in patent infringement case concerning digital photography software.

adv. SEVEN Networks LLC (E.D. Tex. 2019) (Gilstrap, J.): Counsel for large electronics supplier in a patent dispute involving mobile device and cloud services technologies.

Realtime Adaptive Streaming LLC v. AVAYA, Inc. (D. Colo. 2018) (Brimmer, J.): Counsel for AVAYA in patent infringement litigation related to AV compression standards.

adv. Qualcomm Inc. (S.D. Cal. 2017) (Bencivengo, J.): Counsel for large electronics supplier in a patent dispute involving mobile devices.

Williams v. DJO Global, Inc., et al. (D. Utah 2017 / S.D. Cal. 2018) (Waddoups, J. / Hayes, J.): Counsel for DJO in design patent case involving orthopedic braces.

Realtime Adaptive Streaming LLC v. Sling TV, LLC, et al. (D. Colo. 2017): Counsel for ARRIS in patent infringement litigation related to AV compression standards.

SEVEN Networks LLC v. Samsung Electronics Co., Ltd., et al. (E.D. Tex. 2017) (Gilstrap, J.): Counsel for Samsung in patent infringement dispute concerning Android-related power-saving features.

Certain Consumer Electronic Devices, Including Televisions, Gaming Consoles, Mobile Phones and Tablets, and Network-Enabled DVD and Blu-Ray Players (ITC 2017) (Lord, ALJ): Counsel for Complainant ARRIS in ITC investigation of various Sony involving various consumer electronics technologies.

Certain Digital Cable and Satellite Products, Set-Top Boxes, Gateways, and Components Thereof (ITC 2017) (McNamara, ALJ): Counsel for Respondent, ARRIS, in ITC investigation involving set-top box and network gateway devices.

TiVo Inc. v. Samsung Electronics Co., Ltd., et al. (E.D. Tex. 2015) (Gilstrap, J.): Counsel for Samsung in patent infringement dispute concerning video processing in mobile devices and DVR set-top boxes.

adv. Ericsson Inc. (E.D. Tex. 2015) (Gilstrap, J.): Counsel for large electronics supplier in a patent dispute involving mobile device software.

Pactiv LLC v. Highland Packaging Solutions, Inc. (N.D. Ga. 2015) (Cohen, J.): Counsel for Highland

Packaging Solutions in utility and design patent infringement case involving agricultural packaging cartons.

Optical Tech IP, LLC v. Huawei Enterprise USA, Inc., et al. (E.D. Tex. 2014) (Gilstrap, J.): Counsel for Huawei in patent infringement suit involving optical networking technology.

American Radionic Company, Inc. v. Packard Inc., et al. (M.D. Fla. 2014) (Dalton, J.): Counsel for American Radionic in patent infringement suit against competitors involving motor run capacitors for HVAC applications.

Straight Path IP Group Inc. v. AVAYA Inc. (N.D. Cal. 2014) (Alsup, J.): Counsel for AVAYA in patent infringement suit involving VoIP telephony.

DiamondOP LLC v. Guardian Industries Corp. (E.D. Tex. 2014) (Gilstrap, J.): Counsel for Guardian Industries in patent infringement suit involving diamond-like carbon compositions and ion beam deposition techniques.

Certain Consumer Electronics Including Mobile Phones and Tablets II (ITC 2014) (Pender, ALJ): Counsel for Samsung in ITC investigation brought by Complainant Pragmatus Mobile involving wireless communication devices.

Interactive Intelligence, Inc. v. Presence Technology, LLC (N.D. Ga. 2013) (Totenberg, J.): Counsel for defendant Presence Technology in infringement suit involving contact center software.

NXP B.V. v. Research In Motion Ltd., et al. (M.D. Fl. 2012) (Conway, C.J.): Counsel for defendant BlackBerry (f/k/a Research In Motion) in patent infringement suit involving wireless communication protocols, bus interfaces, GPS power management, and semiconductor fabrication techniques.

Certain Consumer Electronics Including Mobile Phones and Tablets (ITC 2012) (Gildea, ALJ): Counsel for Samsung in ITC investigation brought by Complainant Pragmatus AV involving video conferencing technology.

Klausner Technologies/IPVX (E.D. Tex.) (Davis, J.): Counsel for various defendants, including Cisco Systems, Avaya, ShoreTel, M5 Networks, and Zeacom in infringement cases involving voicemail technology.

Bose Corp. v. SDI Technologies, Inc., et al. (D. Mass. 2009, 2013) (Young, J.): Counsel for plaintiff Bose Corp. in multiple patent infringement cases involving remote-controlled speaker systems.

Cheetah Omni LLC v. Alcatel-Lucent USA, Inc., et al. (E.D. Tex. 2011) (Davis, J.): Counsel for defendant Futurewei Technologies, Inc. in patent infringement case involving optical networking devices.

Pieczenik v. Shionogi Pharms., et al. (D. N.J. 2010) (Pisano, J.): Obtained dismissal with prejudice for

defendant Shionogi in multi-defendant patent infringement case involving genetically modified cell lines and monoclonal antibodies.

SIPCO, LLC v. Control4 Corp., et al. (E.D. Tex. 2010/N.D. Ga. 2010) (Davis, J./Carnes, C.J.): Counsel for defendants Siemens Industry, Inc. and Digi International Inc. in multi-jurisdictional patent infringement case regarding wireless building control and automation systems.

SIPCO, LLC, v. Johnson Controls, Inc., et al. (E.D. Tex. 2009) (Davis, J.): Counsel for defendant Johnson Controls, Inc. in patent infringement case involving wireless networking technologies.

Synchrome Technology Inc. v. Samsung Electronics America, Inc., et al. (N.D. Ga. 2009) (Carnes, C.J.): Counsel for Samsung in patent infringement case concerning optical disk drives and interfaces.

LG Elecs., Inc. v. Petters Group Worldwide, LLC, et al. (E.D. Tex. 2008) (Folsom, J.): Counsel for LG Electronics in patent infringement case involving flat-panel televisions.

American Valve, Inc. v. United Purchasing Ass'n, LLC, et al. (D. Minn. 2008) (Frank, J.): Counsel for American Valve in patent infringement, trademark infringement, copyright infringement, misappropriation of trade secrets, and breach of contract dispute relating to cast iron ball valves.

NICE Systems, Inc. v. Witness Systems, Inc. (D. Del. 2006) (Farnan, J.): Counsel for Witness Systems in patent infringement trial relating to contact center recording and monitoring software and systems; case tried to jury in 2008, which ended in mistrial.

IP Co., LLC v. Cellnet Technology, Inc. (N.D. Ga. 2006) (Carnes, J.): Counsel for Cellnet Technology and related parties in patent infringement, patent ownership, and breach of contract dispute relating to mesh networking technology.

Witness Systems, Inc. v. NICE Systems, Inc. (N.D. Ga. 2006) (Batten, J.): Counsel for Witness Systems in patent infringement trial involving speech analytics software and systems; obtained jury verdict of infringement and precise damages demand advanced at trial.

Shaw Industries Group, Inc. v. Interface, Inc. (N.D. Ga. 2005) (Murphy, J.): Counsel for Shaw Industries in patent infringement action regarding carpet tile patent.

Witness Systems, Inc. v. NICE Systems, Inc. (N.D. Ga. 2004) (Pannell, J.): Counsel for Witness Systems in patent infringement case involving agent monitoring and synchronized replay software and systems.

STS Software Systems Ltd. v. Witness Systems, Inc. (N.D. Ga. 2004) (Story, J.): Counsel for Witness Systems in patent infringement trial involving VoIP recording patents; case tried in 2008, resulting in judgment of noninfringement.

Appellate Cases

Johnson v. White, et al. (11th Cir. 2021): Counsel for Plaintiff-Appellant Andy Johnson in FTCA case concerning alleged sexual assault at U.S. Penitentiary – Atlanta.

Ahmed v. Kifle, et al. (11th Cir. 2015, 2016, 2017): Counsel for Defendant Elias Kifle in various appeals regarding alleged defamation claim filed by Ethiopian businessman against exiled Ethiopian dissident journalist.

Shaw Industries Group, Inc. v. Automated Creel Systems, Inc. (Fed. Cir. 2015): Counsel for Appellant and Cross-Appellee Shaw Industries in connection with *Inter Partes* Review of patent related to textile manufacturing creels.

Harris v. Caldwell (US 2014): Counsel for Petitioner Alvin Harris in connection with certiorari petition challenging dismissal of habeas corpus petition.

Brown v. Stephens (US 2014): Counsel for death-sentenced Petitioner Arthur Brown Jr. in connection with certiorari petition concerning denial of services in support of Mr. Brown's clemency proceedings.

Cole v. Warden, Georgia State Prison (11th Cir. 2013): Counsel for Petitioner-Appellant Bob Jay Cole in appeal of dismissal of habeas corpus petition.

Bose Corp. v. SDI Technologies, Inc., et al. (Fed. Cir. 2013): Counsel for Plaintiff-Appellant Bose Corp. in appeal of summary judgment order in patent infringement case involving remote-controlled speaker systems.

Merial Ltd., et al. v. Cipla Ltd., et al. (Fed. Cir. 2011): Counsel for Defendant-Appellant Cipla Ltd. in appeal of contempt order in patent infringement dispute involving veterinary pesticides.

Prieto v. Commonwealth of Virginia (Va. 2008): Counsel for death-sentenced Defendant-Appellant Alfredo Prieto in direct appeal of death sentence.

Canales v. Quaterman (5th Cir. 2007): Counsel for Petitioner Javier Ochoa Canales in connection with dismissal of habeas corpus petition.

Post-Grant Review Proceedings

adv. Qualcomm Inc. (PTAB 2018): Counsel for large electronics supplier in connection with several *Inter Partes* Review proceedings concerning machine learning, image processing, and battery charging technologies.

Presence Technology, LLC v. Interactive Intelligence, Inc. (PTAB 2014): Counsel for Petitioner Presence Technology in connection with *Inter Partes Review* petition relating contact center software

patent.

SDI Technologies, Inc. v. Bose Corp. (PTAB 2013, 2014): Counsel for Patent Owner Bose Corp. in connection with *Inter Partes* Reviews related to remote-controlled speaker system patent.

Trademark & Copyright Infringement Cases

Patnaik v. Hearst Corp. et al. (C.D. Cal. 2014) (O'Connell, J.): Counsel for Canada Post Corp. in defense of claims for copyright infringement and conversion.

Microsoft Corp. v. Ebix, Inc. (N.D. Ga. 2013) (Pannell, J.): Counsel for Microsoft in copyright infringement and breach of licensing agreement case.

Bio-Kor Metics, Ltd. v. Five Star Formulators, Inc. (N.D. Cal. 2010) (Hamilton, J.): Successfully obtained temporary restraining order, preliminary injunction, and permanent injunction for plaintiff Bio-Kor Metics in trademark, trade dress, and counterfeiting dispute involving CHRISTINA® line of cosmetics and treatments.

Lynch Traditions, LLC v. World Famous Sports, Inc., et al. (M.D. Ga. 2009) (Lawson, J.): Counsel for World Famous Sports in trademark and copyright infringement case regarding camouflage apparel.

Toni & Guy (USA) Ltd., et al. v. Nature Labs, LLC (N.D. Tex. 2008) (Fish, J.): Counsel for Plaintiffs in trademark, trade dress, and copyright infringement case involving canine shampoo products.

American Valve, Inc. v. United Purchasing Ass'n, LLC, et al. (D. Minn. 2008) (Frank, J.): Counsel for American Valve in patent infringement, trademark infringement, copyright infringement, misappropriation of trade secrets, and breach of contract dispute relating to cast iron ball valves.

False Patent Marking Cases

*I*Rise Outreach & Learning Center, LLC v. Samsung Telecommunications America, LLC* (W.D. Mo. 2011) (Kays, J.): Successfully obtained pre-discovery dismissal for defendant Samsung in case involving allegations of false patent marking concerning consumer electronics.

Consumers Protecting Consumers, LLC v. Samsung Electronics Co., Ltd., et al. (E.D. Pa. 2011) (Tucker, J.): Successfully obtained pre-discovery dismissal for defendant Samsung in case involving allegations of false patent marking concerning consumer electronics.

Mueller v. Scantron Corp. (S.D. Cal. 2011) (Burns, J.): Successfully obtained pre-discovery dismissal for defendant Scantron Corp. in case involving allegations of false patent marking concerning test forms.

Patent Truth, LLC v. Bank of America Corp. (E.D. Pa. 2010) (O'Neill, J.): Obtained dismissal with prejudice for defendant Bank of America Corp. in case involving allegations of false patent marking

concerning credit cards.

Shaw Industries Group, Inc. v. Interface, Inc. (N.D. Ga. 2007) (Murphy, J.): Counsel for Shaw Industries in false patent marking case regarding carpet tiles.

Trade Secret Misappropriation & Commercial Disputes

Solaborate Inc. v. Avaya Inc. (Cal. Super. Ct. 2020) (San Bernardino County; Alvarez, J): Counsel for Avaya in litigation concerning alleged misappropriation of trade secrets and contractual breaches.

T&S Property Management, LLC v. CINC Systems, LLC (N.D. Ga. 2016) (Totenberg, J.): Counsel for CINC Systems in breach of contract declaratory judgment case regarding alleged unlawful copying of software.

Southwire Co. v. Novakovic (Super. Ct. Douglas County, Ga. 2011): Counsel for employee in alleged trade secret misappropriation case.

Ragsdale v. Twin City Insurance Co. (N.D. Ga. 2005) (Batten, J.): Obtained summary judgment for insureds in coverage dispute stemming from defense against allegations of misappropriation of software trade secrets.

Insights

“Federal Circuit Finds Digital Camera an Abstract Idea,” co-author, *Fish Litigation Blog* (July 6, 2021)

“Pre-Suit Best Practices for Intellectual Property Litigation,” presented at Association of Corporate Counsel, Georgia Chapter, Atlanta, GA (Oct. 8, 2019).

“Patent Infringement Litigation,” Faculty for Patent Resources Group 3-day Advanced Courses Program Sarasota, FL (April 7-9, 2019).

“IP Litigation at the International Trade Commission,” presented at Association of Corporate Counsel, Georgia Chapter, Atlanta, GA (July 11, 2017).

“Negotiating, Preserving & Managing Your IP Rights in Your Vendor & Partner Agreements,” presented at Association of Corporate Counsel, Georgia Chapter, Atlanta, GA (Sept. 19, 2016).

“*Daubert* and Patent Damages,” presented at Midwest Intellectual Property Symposium, Indianapolis, IN (Nov. 20, 2015).

“N.D. Ga. Refuses to Lift Stay Pending IPR, Despite Conclusion of Reissue and Reexamination,” *Fish Litigation Blog*

(February 13, 2015).

“N.D. Ga. Rejects Indefiniteness Argument under *Nautilus v. Biosig*,” *Fish Litigation Blog* (August 26, 2014).

“Recent decision underscores claim construction uncertainty at Federal Circuit,” *Fish Litigation Blog* (July 18, 2014).

“Hot Topics in Intellectual Property,” Daily Report’s In-House Counsel CLE Seminar, Atlanta, GA (July 25, 2013).

“A Review of Recent Patent Damages Developments,” 983 PLI/Pat 239 (2009) (co-author with N. Setty), presented at PLI’s “Patent Litigation 2009,” Atlanta, GA (Nov. 10, 2009).

“Developments in Federal Circuit Claim Construction Jurisprudence: from *Markman* to *Texas Digital* to *Phillips* and Back Again?,” presented at Patent Claim Construction Workshop, Law Seminars International, Atlanta, GA (Apr. 27, 2007) (co-author with N. Setty).

“The Importance of Determining Alito’s Brand of Conservatism,” *OnlineJournal.com* (2005).

Recognition

Named a “Leading Patent Professional” by *IAM Patent 1000* (2021).

Georgia IP Alliance, IP Community Service Award, tri-annual award to individuals who have roles in the field of intellectual property and who have made significant contributions to community service (2020)

Super Lawyers, Rising Star (2013 – 2015)

Daily Report, On the Rise Award, annual honor for 40 attorneys under age 40 predicted to make lasting contributions to Georgia’s legal community (2014)

Clerkships

U.S. Court of Appeals for the Fifth Circuit, The Honorable Jerry E. Smith, 2004 - 2005

Memberships & Affiliations

Texas Defender Service, Board of Directors

Kids in Need of Defense (KIND), Atlanta Advisory Committee

Adjunct Lecturer, Emory School of Law, Patent Litigation (Spring 2016)