

David S. Frist

Partner

404.881.7874

david.frist@alston.com

Atlanta | One Atlantic Center, 1201 West Peachtree Street, Suite 4900 | Atlanta, GA 30309-3424



David Frist is a partner in the firm's Intellectual Property Litigation Group. David's practice includes all areas of intellectual property litigation and counseling, with a particular emphasis on patent litigation and enforcement. He has represented clients in patent infringement lawsuits in federal district courts across the United States, including cases involving telecommunications, computer software and various mechanical devices. David was recently named a 2019 "Client Service All-Star" in BTI Consulting Group's annual survey of the nation's top lawyers identified by corporate counsel as having "defined the new standard in client service excellence."

David received his J.D., magna cum laude, in 2007 from the University of Georgia School of Law, where he served as notes editor of the *Georgia Law Review* and was inducted into the Order of the Coif. Prior to attending law school, David worked as a senior product engineer for a technology company that developed web-based applications for retail companies. In 2002, David earned his B.A. in computer science from Duke University.

Representative Experience

- *Open Network Solutions v. NCR Corp.*, No. 1:14-cv-00704 (D. Del.); represented NCR against a claim of patent infringement.
- *Activelight v. Dunkin' Donuts, Smashburger, Wendy's*, Nos. 1:13-cv-01597, 1757, 1758 (D. Del.); represented defendants against a claim of patent infringement.
- *InterDigital Communications v. Nokia Corporation, et al.*, No. 1:13-cv-00010 (D. Del.); represented Microsoft and Nokia against InterDigital in patent infringement litigation.
- *Certain Wireless Devices with 3G Capabilities and Components Thereof*, ITC Inv. No. 337-TA-800, and *Certain Wireless Devices with 3G and/or 4G Capabilities and Components Thereof*, ITC Inv. No. 337-TA-868; represented Microsoft and respondent Nokia against InterDigital in multiple cases relating to wireless telecommunications.
- *Volusion, Inc. v. Versata Software, Inc. et al.*, Nos. CBM2013-00017, CBM2013-00018, Patent Trial and Appeal Board; represented Volusion in proceedings to invalidate two Versata patents.
- *WIAV Solutions, LLC v. Motorola, et al.*, No. 3:09-cv-00447 (E.D. Va.); represented Nokia in defense of patent infringement claims relating to speech coding and GSM technology.
- *Certain Electronic Devices, Including Mobile Phones, Portable Music Players, and Computers*, ITC Inv. No. 337-TA-701, *Certain Mobile Communications and Computer Devices and Components Thereof*, ITC Inv. No. 337-TA-704, and *Certain Personal Data and Mobile Communications Devices and Related Software*, ITC Inv. No. 337-TA-710; represented Nokia in patent infringement litigation against Apple over patents relating to computer and smart phone technology.
- *Southwire Company v. Encore Wire Corporation and Cerro Wire Inc.*; No. 6:09-cv-00289 (E.D. Tex.); represented a patent owner in the assertion of patent rights related to prelubricated cable.

- *St. Luke's Cataract & Laser Institute, P.A. v. Sanderson, et al.*, No. 08-cv-01849 (11th Cir.); represented St. Luke's in an appeal related to a copyright and trademark infringement matter.
- *DataTern, Inc. v. Allstate Corp. et al.*, No. 2:09-cv-00178 (E.D. Tex.); represented SunTrust in patent infringement litigation related to object-oriented software.
- *Aloft Media, LLC v. Nokia Inc. et al.*, No. 2:08-CV-00099 (E.D. Tex.); represented Nokia in patent infringement litigation related to smart phone technology.
- *In re Katz Interactive Call Processing Patent Litigation*, 2:07-ML-01816-RGK-FFM (C.D. Cal.); represented several defendants in multidistrict patent litigation.

Publications & Presentations

Publications

- "Joinder: Over a Year After the America Invents Act," *Landslide*, March/April 2013.

Education

- University of Georgia (J.D., 2007)
- Duke University (B.A., 2002)

Admitted to Practice

- Georgia
- U.S. Patent and Trademark Office

Related Services

Intellectual Property | Intellectual Property Litigation | Patent Litigation | Inter Partes & Covered Business Method Review