

Derek Neilson

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Derek Neilson is a senior associate in Alston & Bird's Intellectual Property Litigation Group, with a particular emphasis on patent litigation. Derek has experience litigating patents relating to a wide variety of technologies, including telecommunications, mobile device hardware and software, web-enabled services, networking components, and pharmaceuticals. Derek has represented clients in proceedings before the Patent Trial and Appeal Board, International Trade Commission, and district courts across the U.S., most notably the District of Delaware, Eastern District of Texas, and Southern, Central, and Northern Districts of California. Derek is also registered to practice before the U.S. Patent and Trademark Office.

Derek received his J.D. from the University of Virginia School of Law, where he was a member of the *Virginia Journal of International Law*. He holds a B.S. and M.S. in civil engineering from the Georgia Institute of Technology. Before entering law school, Derek was a registered professional engineer and performed seismic structural analysis of nuclear facilities.

Representative Experience

- Representing defendant ASUS in a patent infringement action related to mobile devices and assorted technologies such as image processing. *Maxell Ltd. v. ASUSTeK Computer Inc., et al.*, No. 3:18-cv-01788 (N.D. Cal.) (transferred from C.D. Cal.).
- Representing defendant ASUS in a patent infringement action relating to mobile devices and various technologies, including touchscreen interfaces. *Koninklijke Philips N.V., et al. v. ASUSTeK Computer Inc., et al.*, No. 4:18-cv-01886 (N.D. Cal.) (transferred from D. Del.).
- Represented defendant Mylan in various ANDA patent infringement actions relating to pharmaceutical formulations. *Amgen Inc. v. Mylan Pharmaceuticals Inc., et al.*, No. 1:17-cv-00113 (D. Del.); *Otsuka Pharmaceutical Co. Ltd. v. Mylan N.V., et al.*, No. 1:17-cv-00392 (D. N.J.).
- Represented NSN in eight co-pending patent infringement actions relating to 4G network infrastructure and devices and associated inter partes review proceedings. *Huawei Technologies Co. Ltd. v. T-Mobile US Inc., et al.*, Nos. 2:16-cv-00052, 55, -56, -57 (E.D. Tex.); *Nokia Solutions and Networks US LLC v. Huawei Technologies Co. Ltd.*, Nos. 2:16-cv-00753, -754, -755, -756 (E.D. Tex.); IPR Nos. IPR2017-00588, -695, -1518 (PTAB).
- Represented defendant ASUS in a patent infringement action involving multiple technologies, including WiFi and MPEG audio and video coding, and associated inter partes review proceedings. *Avago Technologies General IP (Singapore) Pte. Ltd. v. ASUSTeK Computer Inc., et al.*, No. 3:15-cv-04525 (N.D. Cal.) (transferred from E.D. Tex.); IPR Nos. IPR2016-00646, -647, -648 (PTAB).
- Represented defendant Viber in patent infringement actions relating to mobile messaging applications. *Uniloc USA Inc., et al. v. Viber Media Sarl*, No. 6:16-cv-00224 (E.D. Tex.); *IP Communication Solutions LLC v. Viber Media (USA) Inc.*, No. 1:16-cv-00134 (D. Del.).

- Represented defendant Adidas in a patent infringement action relating to e-commerce technology. *Falcon Treasures LLC v. Adidas America Inc.*, No. 2:16-cv-00653 (E.D. Tex.).
- Represented respondent Dell in an International Trade Commission proceeding relating to audio input processing technologies. *Certain Audio Processing Hardware and Software and Products Containing Same*, ITC Inv. No. 337-TA-949.
- Represented large defendant groups in patent infringement actions relating to online mapping technology. *GeoTag Inc. v. Frontier Communications Corp., et al.*, No. 2:10-cv-00265 (E.D. Tex.); *LBS Innovations LLC v. BP America Inc., et al.*, No. 2:11-cv-00407 (E.D. Tex.).
- Represented multiple defendants in a patent infringement action related to e-commerce technology. *Batarga LLC v. Abercrombie & Fitch Stores Inc.*, No. 2:15-cv-01432 (E.D. Tex.).
- Represented defendants Nokia and Microsoft in a patent infringement action relating to WiFi technology. *Commonwealth Scientific and Industrial Research Organisation v. MediaTek Inc., et al.*, No. 6:12-cv-00578 (E.D. Tex.).
- Represented defendant IZEA in a patent infringement action involving social media marketplaces for sponsored content. *Blue Calypso Inc. v. Groupon Inc.*, No. 6:15-cv-00664 (E.D. Tex.).
- Represented multiple defendants in a patent infringement action related to nutrition analysis. *DietGoal Innovations LLC v. Arby's Restaurant Group Inc., et al.*, No. 2:11-cv-00418 (E.D. Tex.).
- Represented several defendants in a patent infringement action relating to ethernet technology. *U.S. Ethernet Innovations LLC v. AT&T Mobility LLC, et al.*, No. 4:10-cv-05254 (N.D. Cal.) (transferred from E.D. Tex.).
- Represented multiple defendants in a multidistrict patent infringement litigation relating to data organization. *In re Webvention LLC '294 Patent Litigation*, No. 1:11-md-02294 (D. Md.) (transferred from E.D. Tex.).
- Represented defendants Dell and Nokia in a patent infringement action related to CDMA technology. *SPH America LLC v. Acer Inc., et al.*, No. 3:09-cv-02535 (S.D. Cal.) (transferred from E.D. Va.).
- Represented defendant Dell in a patent infringement action relating to computerized business-to-business commerce. *Big Baboon Corporation v. Dell Inc.*, No. 2:09-cv-01198 (C.D. Cal.).

Education

- University of Virginia (J.D., 2009)
- Georgia Institute of Technology (M.S., 2000)
- Georgia Institute of Technology (B.S., 1999)

Admitted to Practice

- Texas
- Georgia (Inactive)
- U.S. Patent and Trademark Office

Related Services

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