



→ Jonathan R. DeFosse

Partner

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Jonathan DeFosse is a partner in the Intellectual Property Practice Group in the firm's Washington, D.C. office.

Areas of Practice

Jon's practice focuses on intellectual property litigation and counseling involving product areas that include automotive technologies, consumer electronics, telecommunications, website design, cloud computing and medical devices. He regularly appears in federal courts throughout the U.S., including the U.S. District Courts for the Eastern District of Texas, the District of Delaware, the Northern and Central Districts of California and the Northern District of Illinois. Jon also regularly appears before the Patent Trial and Appeal Board in connection with post-grant review proceedings.

Jon established an accomplished track record through years of achieving successful outcomes on behalf of his clients. Within the last few years, he obtained complete victories for his clients in numerous matters, including cases concerning diesel fuel injection systems, online health records management systems, drowsiness detection systems and hybrid engines.

Jon also represents clients in *inter partes* review proceedings. For example, he has represented companies in petitions challenging the validity of patents concerning light-emitting panel displays, pattern recognition systems, telematics units, wireless communications systems, crash avoidance systems, hybrid engines, adaptive cruise control systems and tail lights. He regularly speaks and publishes articles on issues related to patent law.

Experience

Representative Matters

- **Mercedes-Benz USA LLC** in 20 *inter partes* review (IPR) petitions filed before the Patent Trial and Appeal Board (PTAB) concerning technologies ranging from LED displays to hybrid engines to pattern recognition systems.
- A **major software company** in a copyright infringement and licensing dispute in the Southern District of New York.
- **WebMD** in a patent infringement suit in the Central District of California concerning online storage of medical records, obtaining summary judgment of invalidity and judgment on the pleadings on behalf of WebMD.
- **Daimler AG** and **Mercedes-Benz USA LLC** in a patent infringement suit in the Northern District of Illinois concerning impairment detection systems, obtaining judgment on the pleadings on behalf of Daimler and

Mercedes.

- A **major ride-sharing company** in a patent infringement suit in the District of Delaware concerning mobile applications.
- **Primus Telecommunications, Inc.** and **Lingo, Inc.** in a multi-district patent infringement litigation in the District of Delaware concerning Voice over Internet Protocol (VoIP) technology.
- A **major industrial company** in an IP licensing arbitration administered by the International Chamber of Commerce.
- **Daimler AG** and **Mercedes-Benz USA LLC** in a patent infringement case in the District of New Jersey concerning the drowsiness detection system in Mercedes vehicles, obtaining summary judgment in favor of Daimler and Mercedes.
- **Nikon Inc.** and **Nikon Americas Inc.** in a patent infringement suit in the District of Delaware concerning image processing technology.
- A **student lending company** in a trade dress infringement action in the Southern District of New York.
- **Daimler AG** and **Mercedes-Benz USA LLC** in a patent infringement case in the Central District of California concerning fuel injection technologies for diesel engines, obtaining summary judgment for Daimler and Mercedes.
- A **manufacturer of semi-conductor test probes** in a patent infringement litigation in the District of Delaware and a related IPR proceeding before the PTAB.
- **Mercedes-Benz USA LLC** and **Mercedes-Benz International, Inc.** in four related patent infringement suits in the Eastern District of Texas concerning vehicle sensor and safety systems.
- **Mercedes-Benz USA LLC** in a patent infringement suit in the Central District of California concerning hybrid vehicles and in-vehicle radar and communications systems.
- **Mercedes-Benz USA LLC** in a multi-district patent infringement litigation in the District of Minnesota concerning vehicle tracking and security systems.
- **Mercedes-Benz USA LLC** in a patent infringement case in the Eastern District of Texas concerning the operation of microprocessors and wireless encryption systems in Mercedes vehicles.
- **Primus Telecommunications, Inc.** in a patent infringement suit in the Eastern District of Texas concerning methods for automatically answering telephone calls and retrieving voice messages.
- **Mercedes-Benz USA LLC** in a patent infringement suit in the Eastern District of Texas concerning online encryption technology.

Articles

- Federal Circuit Makes It More Difficult for Accused Infringers to File Declaratory Judgment Actions
IP Litigator, July/August 2020
- Intellectual Property Outlook: Cases and Trends to Follow in 2020
IP Litigator, May/June 2020
- The Advent of 5G Cellular Technology Will Amplify Inefficiencies in the Licensing of Standard Essential Patents
Corporate Counsel, 01.17.2020

Intellectual Property Law Blog Posts

- "Patent Infringement Pleading Standards Remain Unsettled Five Years After the Abrogation of Form 18 – Part 2: Pleading Standards in Delaware," March 2, 2021
- "Patent Infringement Pleading Standards Remain Unsettled Five Years After the Abrogation of Form 18 – Part 1: Inconsistent Federal Circuit Guidance," October 27, 2020
- "Intellectual Property Outlook: Cases and Trends to Follow in 2020 – PART 4," March 25, 2020
- "Federal Circuit Makes It More Difficult for Accused Infringers to File Declaratory Judgment Actions," March 17, 2020
- "Intellectual Property Outlook: Cases and Trends to Follow in 2020 – PART 3," March 4, 2020
- "Intellectual Property Outlook: Cases and Trends to Follow in 2020 – PART 2," February 3, 2020
- "Intellectual Property Outlook: Cases and Trends to Follow in 2020 – PART1," January 17, 2020

Events

Patent Disputes: Issues and Trends to Watch in 2022
01.31.2022

Five Keys to Successful IPR Petitions
Webinar, 01.27- 01.28.2021

Memberships

Member, Giles S. Rich American Inn of Court

Practices

Intellectual Property

Copyrights

False Advertising, Lanham Act and Unfair Competition

International Trade Commission (ITC)

Patent Litigation

Trade Secrets

Trademarks and Trade Dress

International Arbitration

International Reach

Japan

Industries

Advertising

Automotive

Transportation

Education

J.D., George Washington University, 2002, *with highest honors*

B.A., University of Toledo, 1999

Admissions

District of Columbia

Virginia

U.S. District Court for the District of Columbia

U.S. District Court for the Eastern District of Virginia

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Fourth Circuit