



## JOHN HEUTON

OF COUNSEL

[jheuton@ccrglaw.com](mailto:jheuton@ccrglaw.com)

DIRECT: (214) 521-6400

FAX: (214) 764-8392

### BIOGRAPHY

With over fifteen years of in-house and law firm experience, Mr. Heuton has represented a variety of individuals, start-ups, and Fortune 500 companies to implement litigation strategies to establish a strategic plan for meeting overall business goals and objectives. Prior to joining Charhon Callahan Robson & Garza, he worked for intellectual property boutique law firms in Manhattan and Denver. Mr. Heuton also gained valuable experience working in-house as intellectual property counsel for a large multinational telecommunications company, allowing him to see the legal challenges that businesses face through an internal lens. Today, he uses this valuable insight to offer clients a complete solution in order to implement intellectual property strategies in federal courts across the country and before the USPTO Patent Trial and Appeal Board (PTAB) and Trademark Trial and Appeal Board (TTAB). Mr. Heuton is a registered patent attorney.

Mr. Heuton served as law clerk to the Honorable Arthur J. Gajarsa at the U.S. Court of Appeals for the Federal Circuit in Washington, D.C. The Federal Circuit hears all appeals for claims of patent infringement in federal court, among other intellectual property related matters. Before law school, Mr. Heuton worked at Amgen, Inc. where he improved methods of manufacturing interleukin-1 receptor antagonist (IL-1RA) protein.

### EDUCATION

J.D., Franklin Pierce Law Center (now University of New Hampshire School of Law)

*Magna Cum Laude (top 10%)*

*Law Review*

*Highest grades for Patent Law, Patent Practicing and Procedure, and Antitrust Law*

B.A., University of Colorado, Boulder

*Molecular Cellular Developmental Biology; minor Biochemistry*

*Dean's List*

### ADMISSIONS & HONORS

States of Colorado and New York

US Court of Appeals for the 5th Circuit, the 10th Circuit, the Federal Circuit, and various district courts across the US

United States Patent and Trademark Office

Past Board Member, the Colorado Intellectual Property American Inn of Court

### PUBLICATIONS & SPEAKING EVENTS

Researching Patent and Trademark Information: Essential Information You Need to Protect Your Intellectual Property Workshop, Mesa County Library, Oct. 31, 2018.

Neither the Well-Known Marks Doctrine nor KORUS Provides Basis for a Prior Use Claim, INTA Bulletin, Vol. 73 No., Feb. 15, 2018.

The Continued Concern with Inequitable Conduct in Patent Cases, National CLE Conference - Intellectual Property, Vail Colorado, Jan. 3-7, 2009.

Untangling the Nanothreads Between the Enablement and Written Description Requirements, 4 Nanotech. L. & Bus. 41 (2007)

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## REPRESENTATIVE CASES

**GLAXO GROUP LTD D/B/A GLAXOSMITHKLINE V. DR. REDDY'S LABORATORIES, LTD, (S.D.N.Y.)** – represented plaintiff in Hatch Waxman patent litigation pertaining to the migraine medication Imitrex®

**NANO-PROPRIETARY, INC. V. CANON INC. AND CANON U.S.A., INC., (W.D. TEX.)** – represented defendants through jury trial resulting in a verdict awarding zero dollars in damages to plaintiff

**NANO-PROPRIETARY, INC. V. CANON INC., (5TH CIR.)** – represented appellee and succeeded in having the jury's verdict of no damages affirmed and the trial court's grant of summary judgment reversed in its entirety resulting in a complete victory on behalf of the client

**PFIZER, INC. V. TEVA PHARMACEUTICALS U.S.A., INC., (D.N.J.)** – represented plaintiff in Hatch Waxman patent litigation where we succeeded in halting sales of a generic quinapril product marketed by generic pharmaceutical manufacturers

**PFIZER, INC. V. TEVA PHARMACEUTICALS U.S.A., INC., (FED. CIR.)** – represented appellant and persuaded the Federal Circuit to affirm the preliminary injunction granted by the D.N.J.

**SP TECHNOLOGIES V. CANON INC. (E.D.N.Y.)** – represented defendant in patent infringement action, which settled on terms favorable to our client

**TYCO HEALTHCARE GROUP LP, ET AL. V. MUTUAL PHARM CO., ET AL., (D.N.J.)** – represented plaintiffs asserting patent infringement under the Hatch Waxman Act

**AIP ACQUISITION LLC V. LEVEL 3 COMMUNICATIONS, INC., (E.D. TEX.)** – managed patent litigation pertaining to routing telecommunication traffic according to economic considerations and assisted in prior art searches and drafting of inter partes review

**C2 COMMUNICATIONS TECHS., INC. V. LEVEL 3 COMMUNICATIONS, LLC, ET AL., (E.D. TEX.)** – managed patent litigation pertaining

to VoIP technology and served as the corporate representative for Level 3 during jury trial

**GLOBETECTRUST LLC V. LEVEL 3 COMMUNICATIONS, LLC, (D. DEL.)** – managed patent litigation pertaining to “dead reckoning” routing of data packets

**LEVEL 3 COMMUNICATIONS, LLC ET AL. V. LIMELIGHT NETWORKS, INC., (E.D. TEX.)** – managed patent litigation pertaining to content delivery network (CDN) including overseeing large e-discovery review and production and responding to discovery requests

**RATES TECH. INC. V. LEVEL COMMUNICATIONS, INC. AND GLOBAL CROSSING LTD., (S.D.N.Y.)** – managed patent litigation and successfully obtained settlement on terms favorable to Level 3

**TIERRA TELECOM, INC. V. LEVEL 3 COMMUNICATIONS, INC., ET AL., (E.D. VA.)** – managed patent litigation including collection of responsive e-discovery and preparation of fact witnesses

**ASPEN ROOFING, INC. V. ASPEN CONTRACTING, INC., CIV. (D. COLO.)** – counsel for plaintiff asserting unfair competition under the Lanham Act and violations under the C.C.P.A. among other claims

**AUSTIN FRESH BURGER BAR CONCEPTS LLC V. 5280 SLIDERS LLC ET AL., (D. COLO.)** – counsel for plaintiff asserting trademark infringement and unfair competition and obtained favorable settlement

**BYLER V. ELICIT LIFE LLC ET AL., (D. COLO.)** – counsel for plaintiff trademark and copyright holder

**CQG, INC. AND CQG, LLC V. CHART TRADING DEV., LLC, (PTAB)** – counsel for petitioner requesting review under the transitional program for covered business method patents of the AIA and obtaining an Order holding that the challenged claims unpatentable

**FUTURM COMMUNICATIONS LLC V. ADAPTIVE COMMUNICATIONS LLC ET AL., (JEFF. CTY. COLO.)** – counsel for defendant against claims

of trade secret misappropriation and breach of contract among other claims

**IN RE CERTAIN OVERFLOW AND DRAIN ASSEMBLIES FOR BATHTUBS AND COMPONENTS THEREOF, INV. (USITC)** – counsel for complainant and successfully instituting an investigation pursuant to 19 U.S.C. § 1337

**INSPIRE COMMERCE, INC V. ENVISTA INTERACTIVE SOLUTIONS LLC D/B/A ENSPIRE COMMERCE, (D. COLO.)** – counsel for plaintiff asserting trademark infringement and seeking cancellation of competitor's trademark

**LEVEL TERRAIN, LLC V. AMAZON.COM, INC. ET AL., (D. COLO.)** – counsel for Level Terrain, LLC in patent infringement action against largest on-line retailer and obtained settlement favorable to plaintiff patent holder

**LITENS AUTOMOTIVE V. ZEN S.A. AND ZEN NORTH AMERICA CORP., (S.D. FLA.)** – counsel for defendants against claims of patent infringement relating to overrunning alternator decoupler pulleys. Defendants also asserted a patent misuse affirmative defense and the action was resolved through settlement on terms favorable to Defendants

**MEISINGER USA, LLC V. BRASSELER U.S.A. INC., (D. COLO.)** – local counsel for defendants and obtained settlement favorable to defendants

**NO-BULL ENT., LLC V. ZB PRODS, LLC, (W.D. MICH.)** – counsel for plaintiff asserting patent infringement against competitor and obtaining settlement on terms favorable to client

**OLDCASTLE PRECAST, INC. V. JENSEN ENTERPRISES, INC., D/B/A JENSEN PRECAST, (E.D. CAL.)** – counsel for plaintiff asserting claims of patent infringement against a competitor in the precast concrete industry. The action resolved through settlement on terms favorable to Plaintiff

**RD FASHION GROUP LLC V. JOSEPH MCEVOY D/B/A RIDIN DIRTY INC., (TTAB)** – counsel for petitioner clothing retailer in successful

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cancellation action against the mark RYDIN DIRTY  
RE/MAX LLC V. GRP REALTY, LLC ET AL., (D.  
COLO.) – counsel for plaintiff trademark holder

RE/MAX LLC V. QUALITY LIVING, LLC ET AL.,  
(D. COLO.) – counsel for plaintiff trademark holder  
and obtained treble damages and attorneys' fees

SWIFT DISTRIBUTION, LLC V. STARIN  
MARKETING, INC., (D. COLO.) – counsel for  
plaintiff asserting theft of trade secrets, among other  
claims

TERUMO BCT, INC. V. NOBLE HOUSE GROUP  
PARTY LTD., (PTAB) – counsel for petitioner  
Terumo BCT, Inc., a global leader in blood  
component and cellular technologies, to earn a  
favorable inter partes review (IPR) decision from  
the Patent Trial and Appeal Board (PTAB)

WCM INDUSTRIES, INC. V. DANCO, INC., (D.  
COLO.) – counsel for plaintiff asserting patent  
infringement pertaining to plumbing technology

WCM INDUSTRIES, INC. V. BLUEVUE, INC.,  
(D. COLO.) – counsel for plaintiff asserting patent  
infringement pertaining to plumbing technology

WCM INDUSTRIES, INC. V. FEDERAL PROCESS  
CORP., ET AL., (W.D. TENN.) – counsel for  
plaintiff asserting patent infringement pertaining to  
plumbing technology

WCM INDUSTRIES, INC. V. IPS CORP., ET AL.,  
(W.D. TENN.) – counsel for plaintiff asserting  
patent infringement and obtaining a jury verdict  
finding willful infringement and awarding treble  
monetary damages and attorneys' fees

WCM INDUSTRIES, INC. V. LEGEND VALVE &  
FITTING, INC., (D. COLO.) – counsel for plaintiff  
patent holder and obtained settlement favorable to  
the client

WRIGHT & MCGILL CO V. ACTIVE OUTDOORS  
LLC ET AL., (D. COLO.) – counsel for plaintiff  
and counterclaim defendant seeking declaratory  
judgment of patent and trade dress invalidity and  
non-infringement pertaining to outdoor equipment  
products which settled on favorable terms

TACO BELL IP HOLDER, LLC V. ILLEGAL  
PETE'S, LLC, (TTAB) – counsel for trademark  
applicant restaurateur in trademark opposition  
proceeding which settled on favorable terms

PERRY STREET SOFTWARE, INC. V. JEDI  
TECHNOLOGIES, INC., (S.D.N.Y.) – counsel  
for plaintiff and counterclaim defendant seeking  
declaratory judgment of patent invalidity and  
non-infringement pertaining to mobile dating  
applications

BRIGHT DATA LTD. V. CODE200, UAB ET AL.,  
(E.D. TEX.) – counsel for defendants against claims  
of patent infringement pertaining to proxy server  
technologies

BRIGHT DATA LTD. V. TESO LT, UAB, ET AL.,  
(E.D. TEX.) – counsel for defendants against claims  
of patent infringement pertaining to proxy server  
technologies

SABLE NETWORKS, INC. AND SABLE IP, LLC  
V. CLOUDFLARE, INC., (W.D. TEX.) – counsel for  
defendant against claims of patent infringement  
pertaining to telecommunication buffering  
technologies