

# John F. Bennett

Partner



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## Practices/Industries

- Patent Litigation
- Trademark/Copyright Litigation
- Trade Secret Protection and Litigation

## Education

University of Saint Thomas  
(B.A., Political Science, *cum laude*, 1996)

University of Cincinnati  
College of Law  
(J.D., 2001)  
Moot Court, *Best Overall*,  
1999 Anderson Publishing  
Moot Court Competition; Moot  
Court, *Best Brief*, 1999  
Anderson Publishing Moot  
Court Competition; George A.  
Dornette Professional  
Responsibility Award



## Overview

John is an accomplished patent litigator who also has extensive experience with cases involving trademark, copyright, trade secrets, unfair competition, data security, and other intellectual property claims. His success in complex litigation is the result of meticulous preparation and effective communication. John's experience covers a wide range of technologies, and he has represented clients in matters before federal district courts throughout the United States, including the largest patent multidistrict litigation in history, as well as before the Patent Trial and Appeal Board (PTAB), the Trademark Trial and Appeal Board (TTAB), and the International Trade Commission (ITC). He also acts as monitoring counsel for patent litigation insurers.

John is nationally recognized by *The Best Lawyers in America*® in Litigation - Intellectual Property and Litigation - Patent. He was named *Best Lawyers*® 2021 "Lawyer of the Year" in Cincinnati for Intellectual Property Litigation, and 2019 "Lawyer of the Year" in Cincinnati for Patent Litigation. He is repeatedly named to the Ohio Super Lawyers list for intellectual property litigation and is also rated AV Preeminent by Martindale-Hubbell, its highest available rating for legal ability and professional ethics. John is the Co-Chair of the Cincinnati Bar Association's IP Litigation Committee, and he speaks and writes regularly on a variety of intellectual property topics. He also serves as an adjunct professor at the University of Cincinnati College of Law.

## Experience

- Defended accused infringer against patent claims related to Internet communications technologies (*Arunachalam v. Access Financial Services, Inc.*, D. Del. Case No. 1:13-cv-01335; *Access Financial Services, Inc. v. Pi-Net International, Inc.*, SD Ohio Case No. 14-cv-00319).
- Defended accused infringer against patent claims related to computer forensics technologies (*In the Matter of Certain Computer Forensic Devices and Products Containing the Same*, International Trade Commission, Case No. 337-TA-799).
- Defended accused infringer in largest multidistrict litigation in U.S. history against patent claims involving portfolio of more than 50 patents relating to automated call distributors, interactive voice response products, computer telephone integration, and speech recognition (*In re Katz Interactive Call Processing Patent Litigation*, CD California Case No. 2:07-ml-01816).
- Defended accused infringer against patent claims related to DVD scene selection menus (*Patent Harbor, LLC v. Audiovox Corporation, ED Texas*, Case No. 6:10-cv-00361).
- Represented patent owner against accused infringer related to food packaging technology in declaratory judgment action (*Huhtamaki, Inc. v. PWP Industries, Inc.*, SD Ohio, Case No. 1:09-cv-795).
- Defended accused infringer against patent claims related to on-hold music telephone systems (*Info-Hold, Inc. v. Muzak Holdings LLC, et al.*, SD Ohio, Case No. 1:11-cv-283).

## Experience (Cont)

- Defended accused infringers against patent claims related to DVD technology (*TV Interactive Data Corporation v. Sony Corporation, et al.*, ND California, Case No. 5:10-cv-00475).
- Represented trade secret owner against former employee for alleged trade secret misappropriation and breach of noncompete agreement (*DNA Diagnostics Center, Inc. v. Pam Brown*, Hamilton County, Ohio, Case No. A0702962).
- Defended accused infringers in multidistrict litigation against patent claims related to lip-syncing automation in video games (case is ongoing—*McRO, Inc., dba Planet Blue v. Codemasters USA Group, et al.*, D. Del. Case Nos. 1:13-cv-01017 and 1:13-cv-1756).
- Defended accused infringer in multidistrict litigation against patent claims related to transportation logistics technologies (*R+L Carriers, Inc. v. Pegasus Transtech Corp.*, SD Ohio Case No. SD OH, 1:09-cv-00177-SJD).
- Represented accused infringer in dispute concerning alleged indemnity obligations arising from patent case (*Kroger Co. v. Ateb*, SD Ohio, Case No. 1:2009-cv-00196).
- Represented patent owner against accused infringers related to networking and medical practitioner verification technologies (*Medversant Technologies, LLC v. Morrissey Associates, Inc.*, CD California Case No. 2:09-cv-05031).
- Defended accused infringer against patent claims related to technologies for monitoring traffic information over a network (*Cincinnati Bell Inc. v. Traffic Information LLC*, Oregon, Case No. 3:10-cv-01453).
- Defended accused infringer against patent claims related to interactive video networks (*EON Corp. IP Holdings, LLC v. T-Mobile USA, Inc. et al.*, ED Texas, Case No. 6:10-cv-00379).
- Defended accused infringers against patent claims related to vehicle status reporting systems (*Arrivalstar S.A. et al v. Trailer Bridge, Inc. et al.*, MD Florida, Case No. 8:09-cv-01307; *Cincinnati Bell, Inc. v. Arrivalstar S.A.*, SD of Ohio, Case No. 1:11-cv-00274).
- Defended accused infringer against patent claims related to Internet technologies (*GeoTag v. Medicine Shoppe*, ED of Texas Case No. 2:11-cv-404).
- Defended accused infringer against patent claims related to telephone encryption technologies (*ISwitch, LLC v. Cincinnati Bell Inc.*, ED Texas, Case No. 6:12-cv-118).
- Defended accused infringer against patent claims related to technologies allowing secure financial transactions over a network (*Swipe Innovations, LLC v. Elavon, Inc.*, ED Texas, Case No. 9:12-cv-0040).
- Represented copyright owner of costume against accused infringers (*Stagecraft Costuming Inc., v. Househaunters, et al.*, SD of Ohio Case No. 1:10-cv-00917).
- Defended ISP against claims for accused copyright infringement (*Allure Jewelers, Inc. v. Ulu, et al.*, SD Ohio Case No. 1:12-cv-00091-MRB).
- Represented aircraft parts supplier against company for unfair business practices related to alleged PMA misuse (*Transicoil LLC v. Aaxico Sales Inc., et al.*, SD Florida Case No. 1:10-cv-24427-PAS).
- Represented trademark owner against accused infringer (*Situs, Inc. v. Situs Realty Corp.*, SD Indiana Case No. 1:09-cv-01570).

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## Experience (Cont)

- Represented patent owner against accused infringers related to laser technologies (*Newport Corporation v. Lighthouse Photonics Inc.*, CD California, Case No. 8:12-cv-00719).
- Represented patent owner against accused infringer related to variable data printing technology (*Tesseron, Ltd. v. Punch International NV et al.*, MD Florida, Case No. 6:10-cv-00909).
- Represented patent owner against accused infringer related to technology for analyzing compilations of retail sales data over a network (*dunnhumby USA, LLC v. emnos USA Corporation*, ND Illinois Case No. 1:13-cv-00399).
- Defended accused infringer against patent claims related to Internet technologies (*CWC v. Hugo Boss*, ED Texas Case No. 6:12-cv-00674).
- Defended accused infringer against patent claims related to technologies for recording and monitoring of call centers (*Verint Systems, Inc. v. CallCopy, Inc.*, D. Del. Case No. 1:13-cv-00562).
- Represented copyright owner against alleged infringement related to consumer baby products (*Kohus v. Graco Children's Products, Inc., et al.*, SD Ohio Case No. 1:09-cv-503).

## Presentations

- "Eighth Annual Supreme Court Roundup," Cincinnati Bar Association IP Litigation Committee (August 2021)
- "Supreme Court Roundup and Other Interesting Cases," Cincinnati Bar Association (August 2016)
- "Software Patents: A Moving Target," The Circuit (October 2015)
- "Second Annual Supreme Court Roundup: 5 Cases in One Term," Cincinnati Bar Association (August 2015)
- "How to Use Decision Trees to Help Determine Settlement Value," Cincinnati Bar Association's Intellectual Property Litigation Committee (May 2015)
- "IP Law 101: What Labor & Employment Attorneys Need to Know," panelist, Cincinnati Bar Association (December 2014)
- "Software Patents: A Moving Target," panelist, eKickstart program (November 2014)
- "Supreme Court Roundup: 10 Cases in One Term," Cincinnati Bar Association's IP Litigation Committee (July 2014)
- "Understanding and Managing Patent Litigation—And Why Patent Trolls Can Really Be Scary," Association of Corporate Counsel (ACC) (May 2014)
- "Current US Legislative, Administrative and Judicial Proposals—Dealing with Trolls and Other Issues," Cincinnati Intellectual Property Law Association (February 2014)
- "Ohio Covenants Not To Compete," Cincinnati Bar Association (April 2013)
- "Proving Disgorgement Damages in a Copyright Infringement Case," Cincinnati Bar Association (April 2011)

## Publications

- "Patents Part I: A Primer for the General Practitioner," Cincinnati Bar Association's *CBA Report* (November 2014)

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## Publications (Cont)

- "Trade Secrets: A Primer for the General Practitioner," Cincinnati Bar Association's *CBA Report* (October 2014)
- "Intellectual Property: A Primer for the General Practitioner," Cincinnati Bar Association's *CBA Report* (July 2014)
- "IP In Our Backyard," co-author, Cincinnati Bar Association's *CincyIP Newsletter* (April 2013)

## Involvement

### Professional Affiliations

- American Bar Association
- Ohio State Bar Association
- Cincinnati Bar Association (*Intellectual Property Litigation Practice Committee, Chair*)
- Cincinnati Intellectual Property Law Association (*Programming Committee, Member*)

### Community Involvement

- Sycamore High School Mock Trial Team (Coach 2012)

## Honors & Distinctions

- Ranked as one of Ohio's "Leaders in Their Field" in Intellectual Property by Chambers USA: America's Leading Lawyers for Business (2020-2022)
- Named a "State Litigation Star" in Ohio by *Benchmark Litigation* (2022)
- Named to *The Best Lawyers in America*, Litigation – Intellectual Property; Litigation – Patent (2018-2022)
- Designated *Best Lawyers* Litigation – Intellectual Property "Lawyer of the Year" (2021) and Patent "Lawyer of the Year" in Cincinnati (2019)
- Named to the Ohio Super Lawyers list (2017-2022)
- AV Preeminent Peer Review Rated – Martindale-Hubbell
- Named a Cincy Leading Lawyer in Intellectual Property Litigation in a survey of lawyers by Cincy Magazine (2019- 2022)
- Named to the Ohio Super Lawyers Rising Stars list (2010; 2011)

## Admissions

- State of Ohio
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Northern District of Ohio