

Holmes J. Hawkins III

Partner

*Trial and Global Disputes / Intellectual
Property, Patent, Trademark and
Copyright Litigation*

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Holmes Hawkins has over 25 years of experience as a trial lawyer representing clients in intellectual property and technology-related lawsuits. Holmes represents defense contractors, computer hardware and software providers, medical device manufacturers and other healthcare companies, energy providers, financial service companies and universities in patent, trademark, copyright, trade secret and licensing disputes in federal and state courts throughout the U.S. and before the U.S. Patent Trial and Appeal Board.

Holmes has a background in electrical engineering and is registered to practice before the U.S. Patent and Trademark Office, where he represents clients in adversarial *inter partes* reviews, post-grant reviews and patent reexamination proceedings as an alternative to, or in parallel with, district court litigation.

In addition, Holmes regularly counsels clients on intellectual property transactional issues, including patent protection and enforcement, trademark portfolio management, and negotiating IP and technology licensing agreements.

Mr. Hawkins regularly serves as a Visiting Professor at Georgia Tech, where he teaches public policy courses relating to intellectual property issues to undergraduate and graduate students. He is currently a member of the Advisory Board of Georgia Tech's School of Electrical and Computer Engineering.

Matters

Romala Stone v. The Home Depot U.S.A., Inc. — U.S. District Court for the Northern District of Georgia. Successfully defended **Home Depot** in an action involving claims of patent infringement, breach of contract, unfair competition, deceptive trade practices and violations of the Georgia Trade Secret Act. Obtained early dismissal of unfair competition, deceptive trade practices and trade secret claims. Subsequently won summary judgment invalidating the patent-in-suit based on indefiniteness and that the plaintiff was entitled to no damages on its breach of contract claim. The U.S. Court of Appeals for the Federal Circuit affirmed the District Court in all respects.

TradeCard, Inc. v. Bank of America, N.A. and S1 Corp. — U.S. District Court for the Southern District of New York. Successfully defended **S1 Corp.**, a leading provider of software for the financial services industry, in a jury trial relating to a patent on an automated system for processing international letters of credit transactions. The jury concluded both that the client’s software did not infringe the patent-in-suit and that the patent was invalid based on the prior art.

SRI Int’l v. Internet Security Systems et al. — U.S. District Court for the District of Delaware. Successfully defended **Internet Security Systems (ISS)** in a patent infringement action involving multiple patents related to computer network intrusion detection and preventions systems. Won summary judgment invalidating one of the patents-in-suit, which was later affirmed by the U.S. Court of Appeals for the Federal Circuit. After a subsequent jury trial, won judgment as a matter of law that ISS did not infringe any of the remaining patents-in-suit. The U.S. Court of Appeals for the Federal Circuit affirmed the final non-infringement judgment in favor of ISS.

Belden Technologies, Inc. et al. v. Superior Essex, Inc. et al. — U.S. District Court for the District of Delaware. Represented **Superior Essex** against patent infringement claims relating to high-speed telecommunications cables. Obtained summary judgment rulings that certain asserted patents were either not-infringed or invalid, and also that pre-suit damages were excluded for lack of patent marking. In a subsequent jury trial, the jury found that three additional asserted patents were invalid. One additional patent was found invalid after post-trial motions. Also represented Superior Essex in parallel reexamination proceedings before the U.S. Patent and Trademark Office.

Credentials

EDUCATION

J.D., University of Georgia, cum laude

B.E.E., Georgia Institute of Technology, with high honors

ADMISSIONS

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Federal Claims

U.S. Patent and Trademark Office

U.S. District Court for the Northern District of Georgia

Georgia

ASSOCIATIONS

Atlanta and American Bar Associations

State Bar of Georgia (Member, Intellectual Property Section)

American Intellectual Property Law Association.

PTAB Bar Association

American Health Lawyers Association

Recognition

2018 Lawyer of the Year: Patent Litigation, Georgia

BEST LAWYERS IN AMERICA

2016 Lawyer of the Year: Intellectual Property Litigation, Georgia

BEST LAWYERS IN AMERICA

Top Intellectual Property Lawyers: Georgia
CHAMBERS USA, 2003–2018

IP Litigation and Patent Litigation
THE BEST LAWYERS IN AMERICA, 2005–2018

IAM Patent Litigation
THE WORLD'S LEADING PATENT LITIGATORS

Managing Intellectual Property
IP STARS

The International Who's Who of Patent Lawyers

Outstanding Young Engineer Award - Georgia Tech College of Engineering, 2006

Insights

CLIENT ALERT

May 24, 2017

Home Court Advantage: Supreme Court Limits Where Patent Lawsuits May be Filed

NEWSLETTER

June 28, 2017

Energy Newsletter – June 2017

February 22, 2016

Intellectual Property Newsletter - January/February 2016

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Events

CONFERENCE

October 7, 2016

University Industry Demonstration Partnership General Meeting

SPEAKING ENGAGEMENT

February 25, 2019

Holmes Hawkins to Speak at Georgia: Driving American Innovation Policy Conference

February 8, 2019

Holmes Hawkins, Lori Gordon to Speak at Atlanta Bar Association Litigation Section Breakfast

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News

IN THE NEWS

September 11, 2019 • Source: Law360

Jeff Bucholtz, Joshua Mitchell, Holmes Hawkins III and Russell Blythe file an amicus brief with the Supreme Court on behalf of Atlanta Gas Light

RECOGNITION

August 16, 2019

The Best Lawyers in America Recognizes 115 King & Spalding Lawyers in its 2020 Guide

June 10, 2019

King & Spalding IP Practices and Individuals Recognized in the IAM Patent 1000 Guide

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