



Stewart Mesher

Partner

Austin
+1.512.482.6841

Stewart.Mesher@klgates.com

OVERVIEW

Stewart Mesher is a partner in the firm's Austin office. He focuses on litigation and transactions for all forms of intellectual property (IP), portfolio management and counseling related to patents, copyrights, unfair competition, and Internet domain name rights, as well as trademark prosecution and TTAB proceedings. Before joining the firm, Stewart was the chair of an IP boutique's litigation practice group. Stewart was also in-house counsel at Advanced Micro Devices, Inc. - where he advised the Corporate Vice-Presidents of AMD's desktop and server processor businesses, as well as its platform engineering team, and supported AMD's intellectual property litigation and licensing activities.

Stewart graduated from the University of Washington with a Bachelor of Science degree in Engineering, he then went on to Seattle University to complete a Master of Business Administration in Finance and Marketing. He earned his Doctor of Jurisprudence in International Law and Intellectual Property at Vanderbilt University Law School and completed the ABOTA National Trial College at Harvard Law School.

Stewart is a member of the State Bar of Texas and the Washington State Bar. He is admitted to practice before the U.S. Patent and Trademark Office, the U.S. District Courts for the Northern, Southern, Eastern, and Western Districts of Texas, the U.S. District Court for the Western District of Washington, the U.S. District Court for the District of Colorado, and the U.S. Court of Appeals for the Federal Circuit.

Stewart has been AV Preeminent Rated as an attorney by Martindale-Hubbell since 2010, selected for inclusion on the Texas Super Lawyers lists since 2012 (and on their Rising Stars list before that), listed as one of Managing Intellectual Property magazine's IP STARS since in 2013, and has been recognized by Best Lawyers® starting in 2018. He was recently listed in *IAM Strategy 300: The World's Leading IP Strategists*, 2020 edition. He is also an active member of the International Trademark Association (INTA) and is a member of INTA's Alternative Dispute Resolution Committee for the 2020-2021 term.

Stewart is also a founding faculty member of the firm's mini-MBA program, an innovative professional development training program designed to orient associates to key business concepts that are integral to our clients' business success.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Stewart served as a principal at an intellectual property law firm where he focused his practice on litigation and transactions for all forms of intellectual property, portfolio management and counseling related to patents, copyrights, unfair competition, and internet domain name rights, as well as trademark prosecution and TTAB proceedings.

ACHIEVEMENTS

- Listed as a *IAM Strategy 300* Global Leader, U.S., Texas, 2021
- Listed in *IAM Strategy 300: The World's Leading IP Strategists*, 2020
- Listed in *The Best Lawyers in America*®, 2018-2021
- AV Preeminent Rated by Martindale-Hubbell since 2010
- Texas *Super Lawyer* since 2012
- Managing Intellectual Property magazine's IP Star since in 2013

EDUCATION

- J.D., Vanderbilt Law School, 1997
- M.B.A., Seattle University, 1992
- B.S., University of Washington, 1987

ADMISSIONS

- Bar of Texas
- Bar of Washington
- United States Patent and Trademark Office
- United States Court of Appeals for the Federal Circuit
- United States District Court for the District of Colorado
- United States District Court for the Eastern District of Texas
- United States District Court for the Northern District of Texas
- United States District Court for the Southern District of Texas
- United States District Court for the Western District of Texas
- United States District Court for the Western District of Washington

LANGUAGES

- English
- Hebrew
- Spanish

THOUGHT LEADERSHIP POWERED BY HUB

- 20 December 2019, New USPTO Requirement: Mandatory Electronic Trademark Submissions and Physical Addresses (*BlogPost*)
- 19 December 2019, New USPTO Requirement: Mandatory Electronic Trademark Submissions and Physical Addresses (*Alerts/Updates*)
- 24 July 2019, New USPTO Requirement: U.S. Licensed Attorney Representation for Foreign Trademark Applications and Registrations (*BlogPost*)
- 22 July 2019, New USPTO Requirement: U.S. Licensed Attorney Representation for Foreign Trademark Applications and Registrations (*Alerts/Updates*)
- 10 July 2019, Federal Circuit Upholds TTAB Ruling on Specimens of Use (*BlogPost*)

NEWS & EVENTS

- 29 June 2020, K&L Gates, Lawyers Ranked as Trademark and Patent 'IP Stars' by *Managing IP Magazine* (*Rankings & Recognitions*)
- 9 July 2019, K&L Gates Bolsters IP Practice with Addition of Four-Lawyer Austin Team (*Press Release, Practice & Regional News*)

AREAS OF FOCUS

- IP Procurement and Portfolio Management
- IP Litigation
- Post-Grant Patents

REPRESENTATIVE EXPERIENCE

- *One Shot Shooting Products, LLC v. Hunter's Specialties, Inc.*, Case 2:15-cv-01659 United States District Court for the Eastern Dist. Of TX
- *Graham Springs LLC v. Zazzle Inc.*, Case 2:15-cv-00775 United States District Court for the Eastern District of Texas

- *Kryptek Outdoor Group, LLC v. Salt Armour, Inc.*, Case 1:15-cv-00348 United States District Court for the Eastern District of Texas
- *Townsquare Commerce, LLC v. Groupon, Inc.*, Case No. 3:2015-cv-01870 United States District Court for the Northern District of Texas
- *Peak Rock Capital LLC v. Peak Equity Partners et. al.*, Case No. 1:2015-cv-00256 United States District Court for the Western District of Texas
- *Mr. Gatti's LP v. Mr. G's Pizza Buffet et. al.*, Case No. 3:2015-cv-00687 United States District Court for the Northern District of Texas
- *In re: Schwarz*, Case No. 2015-1327, United States Court of Appeals for the Federal Circuit
- *Gordon Howard Associates, Inc. v. LunarEye, Inc.*, Case No. IPR2014-01213 United States Patent and Trademark Office PTAB Case
- *Mark Gooch Designers, Incorporated v. Dev-Tex Engineering, LP, et. al.*, Case No. 4:2014-cv-03643 United States District Court for the Southern District of Texas
- *K-Tek Computers, Inc. v. Serhal et. al.*, Case No. 1:2014-cv-01067 United States District Court for the Western District of Texas
- *Gordon Howard Associates, Inc. v. LunarEye, Inc.*, Case No. IPR2014-00712 United States Patent and Trademark Office PTAB Case
- *Parthenon Unified Memory Architecture LLC v. Huawei Technologies Co., Ltd. et. al.*, Case No. 2:2014-cv-00687 United States District Court for the Eastern District of Texas
- *ACP, Inc. v. Skypatrol, LLC et. al.*, Case No. 13-cv-01572 United States District Court for the Northern District of California
- *Neu Security Services LLC v. Halaut et. al.*, Case No. 1:2013-cv-00242 United States District Court for the Western District of Texas
- *LunarEye, Inc. v. Gordon Howard Associates, Inc.*, Case No. 9:2013-cv-00091 United States District Court for the Eastern District of Texas
- *Interactive Life Forms Inc. et al v. Kaico Corporation*, Case No. 2:2013-cv-00264 United States District Court for the Southern District of Texas
- *Heroes Are Hard To Find, LLC et al v. Francisco et. al.*, Case No. 3:2013-cv-04204 United States District Court for the Northern District of Texas
- *Quxuz LLC v. Volusion, Inc.*, Case No. 2:2013-cv-00172 United States District Court for the Eastern District of Texas
- *Interactive Life Forms, LLC et. al. v. Weng et. al.*, Case No. 1:2012-cv-01182 United States District Court for the Western District of Texas

- *Pennell v. Triton Media, LLC*, Case No. 1:2012-cv-00706 United States District Court for the Western District of Texas
- *Seinfeld et. al. v. Interactive Life Forms, Inc.*, Case No. 8:2012-cv-01419 United States District Court for the Central District of California
- *Gemini IP, LLC v. Consona Corp.*, Case No. 4:2012-cv-00080 United States District Court for the Eastern District of Texas
- *Maxus Strategic Systems, Inc. v. Aquamin LLC et. al.*, Case No. 1:2011-cv-00073 United States District Court for the Western District of Texas
- *Arlington Indus., Inc. v. Electronic Cust. Dist.*, Case No. 3:2010-cv-00842 United States District Court for the Middle District of Pennsylvania
- *ArrivalStar S.A. v. Gordon Howard Assoc., Inc.*, Case No. 1:2010-cv-02520 United States District Court for the District of Colorado
- *ArrivalStar S.A. v. Gordon Howard Assoc., Inc.*, Case No. 1:2010-cv-04363 United States District Court for the Northern District of Illinois
- *In Re Data Storage Sys. and Components Thereof*, Inv. No. 337-TA-471 United States International Trade Commission
- *John Blackmer Photo. v. Frost Ranch Dev.*, Case No. 3:2004-cv-02104 United States District Court for the Southern District of Texas
- *Great Barrier Reef, Inc. v. MY-CIO, Inc. et. al.*, Case No. 3:2003-cv-05110 United States District Court for the Western District of Miss.
- *Digital Control Inc. et. al. v. Ridge Tool Co.*, Case No. 2:2003-cv-02297 United States District Court for the Western District of Wash
- *Gordon Howard Assoc. v. Payment Prof. Sys.*, Case No. 1:2002-cv-00517 United States District Court for the District of Colorado
- *Registral.Com LLC v. Fisher Controls et. al.*, Case No. 4:2001-cv-01423 United States District Court for the Southern District of Texas
- *Pioneer Hi-Bred Intl. v. Monsanto Co. et. al.*, Case No. 3:2001-cv-50219 United States District Court for the Northern District of Illinois
- *DeKalb Genetics Corp. v. Pioneer Hi-Bred Intl.*, Case No. 3:1998-cv-50186 United States District Court for the Northern District of Illinois
- *Smiley v. ICANN et al.*, Case No. BC 254659 United States Superior Court of the State of California
- Declaratory judgement of non-infringement of copyright.
- Declaratory judgement defense in patent infringement suit.

- Vacating motion for default judgment in copyright defense and obtaining dismissal of complaint.
- Copyright defense under alleged indemnity and third-party claim against additional alleged indemnitor.
- Represented plaintiff in trademark infringement suit regarding unauthorized vendor use of client trademark.
- Represented defendants in trade dress infringement litigation regarding shape of spirits bottle.
- Patent infringement suit against counterfeiter of goods.