

**John P Fry**  
56 Avery Dr NE  
Atlanta, Georgia 30309-2702  
(404) 210-5841  
john.fry@1980.usna.com

## **Highlights of Experience**

Experienced leader in both the civilian and military sector, with twenty-eight+ years of experience as a federal court litigator and lead trial counsel in complex patent, other intellectual property and antitrust cases; twelve years of Commanding Officer experience of six Navy Reserve commands.

## **Work History**

**Special Assistant Administrative Law Judge** June 2018 – Present  
**Georgia Office of State Administrative Hearings**, Atlanta, GA

Responsibilities:

- To resolve disputes between the public and state agencies in a timely, impartial, courteous, and professional manner;
- To conduct hearings across the state in venues local to the disputants;
- To issue decisions that reflect the Court's commitment to resolve disputes in a timely, impartial, courteous, and professional manner.

**Partner** *December 2004 – April 30, 2018 (Retired April 30, 2018)*  
**Morris, Manning & Martin, LLP**, Atlanta, GA

Responsibilities:

- advising clients on complex intellectual property, antitrust and unmanned aircraft systems regulatory issues;
- acting as lead trial counsel on intellectual property litigation matters and drafting, reviewing and approving pleadings, briefs (trial and appellate) and other litigation related documents;
- acting as lead negotiator on intellectual property transactional matters;
- chairing the firm's Intellectual Property/Technology and UAS practice groups;
- serving in other leadership positions in the firm including the Management Committee, the Compensation Committee and the Lateral Partner Recruiting Committee as well as leadership positions in local bar organizations, including the Chair of the Atlanta Bar Association IP Section.

Accomplishments:

- succeeded in obtaining winning outcomes, including at trial, for defendant clients in multiple federal court forums across the country thereby saving them millions of dollars in potential damages;
- provided clients with successful strategies to develop intellectual property portfolios to enhance their competitive position and reduce litigation risk;
- succeeded in developing and organizing an in-house new lawyer training program to ensure a common baseline of understanding of and proficiency in the skills needed to be a successful litigator and trial lawyer.

**Partner** *September 1990 - December 2004*

**Alston & Bird**, Atlanta, GA

Practice similarly emphasized antitrust and intellectual property litigation and counseling.

**Judicial Law Clerk** *August 1989 – September 1990*

**Eleventh U.S. Circuit Court of Appeals**, Atlanta, GA

Clerked for the Honorable Thomas A. Clark.

**Captain USNR (Ret'd)** *May 1980 - June 2010*

**United States Navy**, Various

Retired from the Navy Reserve after thirty years of combined active and reserve service. Completed initial active duty assignments in submarines, qualifying in submarines and as an engineer of a naval nuclear propulsion plant. Reserve assignments include six as commanding officer, supporting a wide range of commands including Submarine Forces Atlantic Fleet, NATO's Allied Command Transformation and Military Sealift Command Far East.

Held Top Secret security clearance; most recent renewal in 2009 prior to retirement.

### **Professional Accomplishments**

- Registered with the Georgia Supreme Court's Commission on Dispute Resolution; Registration ID: 5101-1029-9009-8432.
- Recognized in Best Lawyers (>10 years), Super Lawyers (>10 years) and Chambers (10 years) in Intellectual Property/ Intellectual Property Litigation.
- Martindale Hubbell Rating: "AV Preeminent" (>10 years).
- Repeatedly selected for command in a highly competitive Navy Reserve environment.

### **Education**

#### **Juris Doctor, Law,**

Columbia Law School, New York, NY

August 1986 - May 1989

Columbia Law Review, Senior Editor

Harlan Fiske Stone Scholar

#### **BS, Ocean Engineering,**

United States Naval Academy, Annapolis MD

July 1976 - May 1980

### **Publications and Speaking**

Published numerous articles and spoken on a variety of intellectual property litigation and UAS regulatory topics, including:

- Contributing author, Aspatore Books, "Inside the Minds" series book entitled *Patent Litigation and Dispute Resolution*, (authored chapter entitled "Helping Clients Navigate the Unfamiliar Waters of Patent Litigation").

John P. Fry

John.Fry@1980.USNA.com

- Contributing author, American Bar Association Antitrust Section book entitled *Intellectual Property Misuse: Licensing and Litigation*, (co-author of the chapter entitled “Misuse in the Litigation Context”).
- Appeared as a panelist at the Georgia Corporate IP Institute in 2019 and spoke on the subject of protecting trade secrets under the Federal Defend Trade Secrets Act.
- Appeared as a speaker at the Atlanta Bar Springposium 2017 event and spoke on the subject of “The Fourth Leg of the IP Stool – Trade Secret Protection.”
- Appeared as a speaker at the joint FAA, Georgia Department of Commerce and Georgia Public Safety Training Center sponsored event “Drones in Public Safety” in August 2017 and spoke on the issues of public aircraft operations and privacy issues.
- Chaired and appeared as a speaker at The Seminar Group’s CLE program on Drone Law in November 2016 and spoke on the subject of Risk Management Issues for Manufacturers and Operators.

### **Representative Litigation Matters:**

- *Cardsoft, Inc. et al v. Verifone Holdings, Inc. et al.*, (ED TX) (represented Ingenico Corp., Ingenico Inc., Ingenico S.A. in a patent suit related to point of sale terminals and a programming technique of using a specialized virtual machine; obtained verdict of no infringement after a one-week jury trial)
- *Cyberfone System, LLC v. Federal Express Corporation, et al.*, (D DE) (represented UPS and Ingenico in a patent infringement suit involving specialized operating system like technology for devices with minimal storage space and computing capacity; obtained a highly favorable claim construction ruling and case settled for substantially less than the original demand)
- *TQP Development, LLC v. Ticketmaster Entertainment, Inc., et al.*, (ED TX) (represented United Parcel Service in a patent infringement suit involving encrypted data transmissions over a network; obtained highly favorable settlement)
- *Progress Solar Solutions, LLC v. Fire Protection, Inc., et al.*, (ED NC) (represented defendants in a suit involving misappropriation of trade secrets and confidential information, among other claims; case continued after retirement from the firm)
- *Folks, Inc. v. Speedway LLC*, (ND GA) (represented defendant in a trademark and federal unfair competition lawsuit; obtained highly favorable settlement following mediation)
- *LDG Corp. d/b/a Crowd Control Warehouse v. Cableorganizer.com, LLC d/b/a Crowd Control Store* (ED IL) (represented defendant in a trademark and federal unfair competition lawsuit; obtained highly favorable resolution following completion of a survey and mediation)
- *United Parcel Service v. Motive Communications*, (AAA Arbitration) (represented UPS in a \$6 Million dispute involving the failed development of shipping support software)
- *Radiant v. EntTek*, (N.D. Ga) (represented the defendant in a suit for misappropriation of trade secrets, copyright infringement and breach of restrictive covenants relating to movie theater management software)
- *American Bio Medica Corp. v. Gulf Supply Co.*, (S.D. Al.) (represented the defendant in a design patent, trade dress and trademark infringement suit involving urinalysis test strips)

John P. Fry  
 John.Fry@1980.USNA.com

- *In the Matter of Certain Ground Fault Circuit Interrupters and Devices Containing Same*, (USITC) (represented respondent manufacturer in ITC investigation relating to ground fault circuit interrupters, completed two week trial and obtained highly favorable final Commission order and Federal Circuit opinion)
- *EON Corp. IP Holdings, LLC v. Skytel Corporation et al.*, (ED TX) (represented defendant SmartSynch in a patent suit involving wireless telecommunications protocols and system infrastructure for remote communications and data collection; obtained highly favorable settlement)
- *Leviton Mfg. Co., Inc. v. Zhejiang Dongzheng Elec. Co., Ltd.*, (D NM) (represented the defendant in a pair of patent infringement suits involving ground fault circuit interrupters; obtaining summary judgment of non-infringement in one case and a highly favorable Markman ruling in the second, which resulted in a highly favorable settlement)
- *Softcard v. VISA USA Inc. and Target Corporation*, (ND GA) (represented the defendants in a patent infringement suit involving Smart Card technology, electronic coupons and the telecommunications systems for issuing, tracking and redeeming electronic coupons; obtained a highly favorable claim construction in a 98 page opinion; case settled at mediation on highly favorable terms following the filing of summary judgment motions)
- *University of Texas and M.D. Anderson Cancer Center v. CTI, Inc., et al.*, (ED TN) (represented the defendants in a patent infringement suit involving positron emission tomography detector design and obtained a favorable Markman ruling and summary judgment of non-infringement; decision affirmed, 164 Fed. Appx. 982, No. 05-1328 (Fed. Cir. 2005) (per curiam))
- *ADS Environmental Services, Inc. v. Byrd-Forbes, Inc.* (N.D. Al. and Clayton County Superior Court) (represented the defendants in a suit filed simultaneously in Alabama and Georgia involving misappropriation of trade secrets and breach of employee restrictive covenants)
- *Bollé America, Inc. v. Unique Sports Products, Inc.*, (D. Co.) (represented the defendant in a patent infringement suit involving optical filter coatings for sports lenses)
- *In re Dippin' Dots, Inc. Patent Litigation*, (N.D. Ga.) (represented a group of defendants in patent infringement suit involving a method of making ice cream; summary judgment order eliminating all liability for the client reported at 249 F. Supp. 2d 1346 (N.D. Ga. 2003); following a two week trial, obtained a jury verdict in favor of client finding the patent in suit invalid, that it had been obtained by fraud on the Patent Office and that the plaintiff had violated the antitrust laws by attempting to enforce the fraudulently obtained patent; summary judgment in favor of defendants on trademark and trade dress claims upheld on appeal at 369 F.3d 1197 (11th Cir. 2004); invalidity, unenforceability and non-infringement affirmed on appeal at 476 F. 3d 1337 (Fed. Cir. 2007); \$2.1 million attorney fee award to defendants affirmed on appeal per curiam)