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John E. Whitaker

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John Whitaker is a litigator who counsels clients on the protection and enforcement of intellectual property rights, including patents, copyrights, trademarks, and trade secrets. John has served as trial counsel in several cases involving various technologies and forms of intellectual property rights. He routinely represents technology clients in the software, medical device, and telecommunications industries, and he also helps artists and authors to protect their original works. John has represented clients in federal courts around the country and at the U.S. Patent & Trademark Office, assisting them in enforcing and defending their intellectual property rights.

In addition to his litigation efforts, John also maintains an active patent and trademark procurement docket, which helps him stay abreast of the latest developments in patent and trademark procedure. That unique combination of litigation and procurement skills distinguishes John from most other intellectual property litigators.

John served as a Judge Advocate in the U.S. Army Reserve for nine years, providing legal services to military personnel at various military facilities around the world, including Seattle area-based Joint Base Lewis McChord. Before becoming an attorney, John was a software engineer working on the national missile defense effort. Specifically, John was involved in strategic defense initiative projects such as ground-based radar, ground-based surveillance and tracking, and anti-satellite programs.

John regularly presents IP topics to clients and in-house legal teams, and at local bar associations. He is named to the list of *The Best Lawyers in America*, is included in the 2025 list of *Washington Super Lawyers*, and is recognized in the 2026 edition of *IAM Patent 1000 – The World's Leading Patent Professionals*.

Education

- The Judge Advocate General's Legal Center and School, U.S. Army, 2010
- J.D., *magna cum laude*, Cumberland School of Law – Samford University, 1996
- B.S.E.E., The University of Alabama in Huntsville, 1990

Professional Experience

- Christensen O'Connor Johnson Kindness^{PLLC}
Seattle, WA, 1999 – 2000 and 2018 – present
- Lane Powell PC
Seattle, WA, 2016 – 2018
- U.S. Army Reserve at McChord AFB
Joint Base Lewis McChord, WA, 2009 – 2019
Seattle, WA, 2016 – 2018
- Whitaker Law Group
Seattle, WA, 2005 – 2016
- Lee & Hayes PLLC
Seattle, WA, 2003 – 2005



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- Merchant & Gould P.C.
Seattle, WA, 2001 – 2003
- Jones & Askew, LLP
Atlanta, GA, Summer 1995 and 1997 – 1999

Technical Experience

- System Engineer
Teledyne Brown Engineering, 1990 – 1993
- Engineering Technician
P/D/R Engineers, 1986 – 1990

Bar & Court Admissions

- Washington State Bar
- United States Patent and Trademark Office
- U.S. District Courts: E.D. Tex., E.D. Wash., E.D. Wis., N.D. Ala., S.D. Tex., W.D. Wash., W.D. Wis.
- U.S. Appellate Courts: United States Supreme Court, Federal Circuit, Ninth Circuit

Professional Affiliations

- American Intellectual Property Law Association
- Federal Bar Association of the Western District of Washington
Co-Chair, Intellectual Property Committee
- Federal Circuit Bar Association
- Intellectual Property Owners Association
- Washington State Patent Law Association

Representative Experience

United States Supreme Court

- *Systems, Inc. v. Nordock, Inc.*
U.S. Supreme Court
Represented Systems, Inc. in successful Petition for Writ of Certiorari on question of scope of damages available under 35 USC § 289.*

Federal District Court

- *EVOX Productions LLC v. Expedia, Inc. et al.*
U.S. District Court for the Western District of Washington
Representing Expedia, Inc. in a copyright infringement matter in the U.S. District Court for the Western District of Washington.
- *Creative Information Technology, Inc. v. WellSpan Health*
U.S. District Court for the Middle District of Pennsylvania
Representing WellSpan Health in a trade secret and breach of contract dispute.
- *International Mezzo Technologies, Inc. v. Airborne ECS, LLC et al.*
U.S. District Court for the Western District of Washington
Representing International Mezzo Technologies, Inc. in a patent, trade secret, and breach of contract matter.



- *Inland Technology Incorporated v. The Allen Company, Inc.*
U.S. District Court of the Western District of Washington
Representing Inland Technology Incorporated in action for federal trademark infringement, common law trademark infringement, false advertising, unfair competition, and false designation of origin under the Lanham Act, violations of the Washington State Consumer Protection Act, and unjust enrichment.
- *Toolbox Widget Inc. v. Ernst Manufacturing, Inc.*
U.S. District Court for the District of Montana
Representing Toolbox Widget Inc. in an action for federal trademark infringement, common law trademark infringement, false advertising, unfair competition and false designation of origin under the Lanham Act, and unlawful practices under the Montana Consumer Protection Act.
- *wedi Corp. v. Hydroblok Grand International Ltd. et al.*
U.S. District Court for the Western District of Washington
Representing defendant Hydroblok Grand International Ltd. against a complaint of false advertising and unfair business practices under federal and state law.
- *Pacific Landscape Management, Inc. v. Pacific Landscape Management, LLC*
U.S. District Court for the Western District of Washington
Represented Pacific Landscape Management, LLC in a trademark infringement, Lanham Act, and related state causes of action matter.
- *MercAsia USA, Ltd. v. Jianqing "Johnny" Zhu and 3BTech, Inc.*
U.S. District Court for the Northern District of Indiana
Represented MercAsia USA, Ltd. in enforcing patent rights and to obtain preliminary injunction related to consumer products.
- *MacNeil Automotive Products Limited d/b/a WeatherTech et al. v. Yita, LLC et al.*
U.S. District Court for the Western District of Washington
Represented WeatherTech in a patent infringement matter relating to protective floor trays for automotive vehicles and their method of manufacture.
- *Northwestern University v. King County*
U.S. District Court for the Western District of Washington
Represented defendant against allegations of unfair and deceptive trade practices and trademark infringement under federal, state, and common law.
- *Bombardier Inc. v. Mitsubishi Aircraft Corporation et al.*
U.S. District Court for the Western District of Washington
Represented plaintiff Bombardier, Inc. in a complaint alleging among other claims, trade secret misappropriation under federal and state law.
- *wedi Corp. v. Wright et al.*
U.S. District Court for the Western District of Washington
Represented defendant Hydro-Blok USA LLC et al. against complaint of various causes of action, including unjust enrichment based on misappropriation of trade secrets.
- *Hydro-Blok USA LLC, et al. v. wedi Corp.*
U.S. District Court for the Western District of Washington
Represented Hydro-Blok USA LLC, et al. in patent infringement matter related to prefabricated shower systems.



- *Systems, Inc. v. Nordock, Inc.*
U.S. District Court for Eastern District of Wisconsin
Represented Systems, Inc. in successful defense of patent infringement claims brought by Nordock, Inc.*

United States Patent and Trademark Office

- *DreamWorks v. Felix & Fido* (91285990-OPP)
Representing pet-care startup in dispute over use of Felix & Fido trademark.
- *Yita LLC et al. v. MacNeil IP LLC* (IPR2023-00172)
Represented patent owner MacNeil IP LLC in an *inter partes* review proceeding of US Patent No. 8,899,655 related to vehicle floor trays.
- *Yita LLC et al. v. MacNeil IP LLC* (IPR2023-00173)
Represented patent owner MacNeil IP LLC in an *inter partes* review proceeding of US Patent No. 9,138,917 related to vehicle floor trays.
- *3BTech, Inc. v. Jingle Master International Ltd.* (IPR2018-00663)
Represented patent owner Jingle Master International Ltd. in an *inter partes* review proceeding for a certain claim of US Patent No. 7,882,986 related to liquid dispensing devices.

*(*indicates represented while at another firm)*

Presentations & Publications

Presentations

- "Trying Patent Cases – Tips and Tricks," Seattle Chapter of the IP Inn of Court; panelist (Seattle, WA, April 2024).
- "IP Timely Topics," Washington State Bar Association, Intellectual Property Section; panelist (Seattle, WA, November 2023).
- "The World According to Section 112," Washington State Patent Law Association (Seattle, WA, June 2020).
- "Patent Issues on Open Source Software and Standards Organizations," Washington State Patent Law Association, panelist (Seattle, WA, January 2019).
- "Patent Practitioner Review: Ethics, Pro Bono and Office Practice," Washington State Patent Law Association, panelist (Redmond, WA, January 2017).
- "IP Enforcement Strategies," Washington State Bar Association, Intellectual Property Section (Seattle, WA, September 2019).

Publications

- Case Summary: Federal Circuit Review, "*Netflix, Inc. v. DivX, LLC*," (*Netflix, Inc. v. DivX, LLC*, 24-1541.OPINION.02-13-2026).
- Case Summary: Federal Circuit Review, "*Sound View v. Hulu* and the Hidden Danger of Method Claim Ordering," (*Sound View Innovations, LLC v. Hulu, LLC*, 24-1092.OPINION.01-29-2026).
- Case Summary: Federal Circuit Review, "The Doctrine of Foreign Equivalents after *In re Bayou Grand Coffee Roasting Co.*," (*In re Bayou Grand Coffee Roasting Co.*, 24-1118.OPINION.12-09-2025).
- Case Summary: Federal Circuit Review, "Trailblazing: *Duke v. Sandoz* and the Written Description Requirement," (*Duke University v. Sandoz Inc.*, 24-1078.OPINION.11-18-2025).
- "Inter Partes Review Strategy May Change Based on Recent *SAS Inst. Inc. v. Iancu*," Whitaker, J.E. [May 2018].