BANNER WITCOFF

Justin M. Philpott

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As a patent prosecutor, litigator, and former U.S. Patent and Trademark Office examiner, Justin Philpott has unique insight to recognize and obtain strong patents for clients. Specializing in intellectual property law for more than two decades, he has critically examined hundreds of applications at the USPTO and carefully drafted, prosecuted, and litigated hundreds more patents as a registered U.S. patent attorney. With a global perspective, Justin protects the strategic IP for clients of all sizes, from startups to Fortune 500.

Example Technologies:

Justin has significant interest and industry engagement in climate tech, clean energy, electric vehicles (EVs), and green IP. Additionally, he has developed a unique specialization in wireless communications and video coding and compression. Justin also has interests in artificial intelligence and robotics, and he has helped clients in a wide range of other electrical, computer, and mechanical technologies.

Climate Tech, Clean Energy, and Green Technology:

Justin has a passion for the environment. He has represented clients in patent matters to help develop and protect inventions in areas such as agrivoltaics, solar power conversion, solar panel mounting systems, EV charging, and battery power conservation, including having successfully obtained a granted petition under the USPTO's Climate Change Mitigation Pilot Program. He has presented on topics such as how tech-driven organizations can innovate for a green future, and he has researched and written about the intersection of patents and EV charging. On behalf of the Green IP committee of the Intellectual Property Owners Association (IPO), Justin moderated a panel on "The Future of Clean Energy Driven by IP" at the 2024 IPO Annual Meeting. Also in 2024, Justin was included in Sagacious IP's GREEN100 Report, which provides a comprehensive scorecard and benchmark for measuring the progress of countries, industries, and individual companies in their sustainability efforts. Putting ideals to practice, Justin powers his home and EV using 33 solar panels in a 10.2 kW solar power system that also feeds the grid with excess sun-powered energy.

Wireless Communications:

Justin has spent more than a decade immersed in wireless communications technology. Justin currently leads a team of patent attorneys and agents in drafting and prosecuting patent applications in 5G, LTE, and WiFi wireless communications. Justin has drafted or prosecuted more than 400 patent applications relating to 5G technology such as beam management, random access procedures, handover, cross-carrier scheduling, uplink and downlink power control, supplemental uplink, bandwidth part switching, network slicing, prioritization and preemption for ultra-reliable low latency communications (URLLC) and enhanced mobile broadband (eMBB), vehicle-to-vehicle (V2V) and vehicle-to-anything (V2X) communications, and sidelink communications. Previously, as a USPTO patent examiner, Justin examined earlier generations of wireless communications technology, including GSM, CDMA, and CDMA2000, classified in multiplex communications (class 370), telephonic communications (class 379), and telecommunications (class 450).

Video Coding and Compression:

Over the course of several years, Justin asserted and defended patent portfolios in multiple district court litigations and International Trade Commission (ITC) investigations relating to MPEG-2 and MPEG-4 video compression as well as ITU-T J.83 high definition television (HDTV) coding and transmission technology. He has analyzed Verilog and VHDL source code

in connection with these litigations and is well-versed in HDTV coding and transmission, from quadrature amplitude modulation/demodulation (QAM) and forward error correction (FEC), to binary convolutional coding (BCC) and digital gate-level analysis.

AI & Robotics:

Justin has hand-on experience with robotics. His work in robotic control systems has been referenced in the textbook, "Engineering Design – A Practical Guide." Madara Ogot & Gül Kremer, Trafford Publishing, 261-63 (2004). Justin designed the electrical system for a robot that he used to compete at Comedy Central's BattleBots in 2002. As an IP attorney, he has litigated patents in electronic and mechanical access control technology and he has prosecuted patent applications relating to vehicular communication systems. Justin attends industry events, such as the Automate Show, to help stay current with latest developments in robotics, including in areas such as artificial intelligence and autonomous vehicles.

Standard-Essential Patents:

Justin has significant experience with standard-essential patents (SEPs). He has presented on evolving patent pool opportunities relating to SEPs at a leading automotive IP conference, where he highlighted a changing patent licensing landscape in the automotive industry. He has also co-authored the article, "Standard-Essential Patents: Prosecution and Enforcement," published by Thomson Reuters' Practical Law Journal, addressing strategies for drafting, prosecuting, and enforcing SEPs.

Pro Bono Service:

Justin is proud to have represented clients on a volunteer basis (pro bono). On behalf of a non-profit organization, he represented a native reservation with IP issues relating to a solar power system for their community. As lead counsel on behalf of three Tanzanian Boy Scouts seeking asylum, he successfully argued before the U.S. Court of Appeals for the Sixth Circuit on the principles of basic fairness in asylum proceedings. Justin's oral argument led to a unanimous decision overturning each boy's asylum denial, an outcome that has been cited in a leading international textbook on refugee law, "The Law of Refugee Status." Hathaway et al., James C., Cambridge Univ. Press, 2nd Ed. (2014), 170, n. 506 (citing Kiegemwe v. Holder, 427 Fed.Appx. 473 (6th Cir. 2011)). Justin also has resolved legal disputes in music copyright and employment matters through volunteer organizations such as Lawyers for the Creative Arts and the Northern District of Illinois' Settlement Assistance Program for Pro Se Litigants, and he currently volunteers with Illinois Science & Technology Coalition to help startups with IP issues.

Education

Rutgers University
2002, B.S., Electrical and Computer Engineering

Georgetown University Law Center
2008, J.D.

Admissions

Bar Admissions
2008, Illinois

Court Admissions
U.S. Court of Appeals for the Sixth Circuit
U.S. District Court for the Northern District of Illinois

Practices

Counseling, Opinions + Licensing
Litigation
PTAB Litigation
Patent Prosecution
Section 337/ITC Litigation

Industries

Artificial Intelligence
Electrical + Computer Technologies

Accolades

- Included in Sagacious IP's Green100 2024 Report
- Selected for inclusion in the Intellectual Asset Management (IAM) 300: The World's Leading IP Strategists

Representative Matters

District Court Litigation

- Amsted Rail v. Temper Axle, 14-cv-02849 (N.D. Ill.) – Represented Amsted Rail in defense of alleged patent infringement over its train axle bearings and assemblies
- Dyson v. SharkNinja, 14-cv-00779(N.D. Ill.) – Represented SharkNinja in defense of alleged design patent infringement by its vacuum cleaners
- Caltech v. OmniVision, 13-cv-01589 (D. Del.) – Represented OmniVision in defense of patent infringement allegations related to CMOS image sensor technology
- Innovation Associates v. Kyocera, 13-cv-00350 (D. Del.) – Represented Kyocera in defense of patent infringement allegations related to cell phone graphical user interfaces
- Alex Is The Best v. Kyocera , 13-cv-01783 (D. Del.) – Represented Kyocera in defense of patent infringement allegations related to image capture devices
- Kyocera v. Imperium, 12-cv-04990 (N.D. Cal.) – Represented Kyocera seeking a declaratory judgment of non-infringement and invalidity of three patents related to CMOS image sensor technology
- Vibes Media v. Digigraph.me, 12-cv-04166 (N.D. Ill.) – Represented Digigraph.me seeking a declaratory judgment of invalidity of patents relating to creation and transmission of personalized messages and celebrity autographs
- Marine Technologies v. Atwood Mobile, 12-cv-04199 (N.D. Ill.) – Represented Atwood Mobile in a patent infringement dispute related to gas detection technology
- Kyocera v. Imperium, 11-cv-00163 (E.D. Tex.) – Represented Kyocera in defense of patent infringement allegations related to CMOS image sensor technology
- Micro Enhanced Technology v. Videx, 11-cv-05506 (N.D. Ill.) – Represented Videx in defense of alleged infringement of nine patents related to electronic lock and key access control systems
- Videx v. TriTeq, 11-cv-06384 (D. Or.) – Represented Videx in its assertion of patents relating to electronic access control technology
- Multimedia Patent Trust v. Vizio, 09-CV-00278 (S.D. Cal.) – Represented Vizio in defense of patent infringement allegations regarding video compression technology
- Vizio v. LG Electronics, 09-cv-01481 (D. Md.) – Represented Vizio in its assertion of patents relating to Quadrature Amplitude Modulation (QAM) and Forward Error Correction (FEC) techniques for high definition television (HDTV)
- Vizio v. Funai, 09-cv-00236 (E.D. Va.) – Represented Vizio in its assertion of patents relating to high definition television signaling technology
- Vizio v. Sony, 09-cv-01043 (C.D. Cal.) – Represented Vizio in a patent infringement dispute involving fourteen Sony patents and seven Vizio patents related to various television technology

International Trade Commission Section 337 Proceedings

- ITC Inv. No. 337 TA-789, Digital Televisions and Components Thereof – Represented Vizio in its assertion of patents relating to Quadrature Amplitude Modulation (QAM) and Forward Error Correction (FEC) techniques for high definition television (HDTV)
- ITC Inv. No. 337-TA-742, Certain Digital Televisions and Components Thereof – Represented Vizio in defense of patent infringement allegations related to television display technology
- ITC Inv. No. 337-TA-733, Flat Panel Digital Televisions and Components – Represented Vizio in its assertion of patents relating to high definition television signal processing

- ITC Inv. No. 337-TA-687, Video Displays, Components Thereof, and Products Containing Same – Represented Vizio in defense of patents infringement allegations relating to television signal processing technology
- ITC Inv. No. 337-TA-654, Certain Peripheral Devices and Components Thereof and Products Containing the Same – Represented Primax in defense of patent infringement allegations related to computer peripheral devices
- ITC Inv. No. 337-TA-634, Certain Liquid Crystal Display Modules, Products Containing Same, and Methods Using the Same – Represented Sharp in post-hearing briefing related to alleged patent infringement of liquid crystal display technology
- ITC Inv. No. 337-TA-631, Certain Liquid Crystal Display Devices and Products Containing the Same – Represented Sharp in post-hearing briefing related to alleged patent infringement of liquid crystal display technology
- ITC Inv. No. 337-TA-589, Certain Switches and Products Containing Same – Represented Belkin in defense of patent infringement allegations related to computer switching controls

Recent News + Events + Related Publications

EVENT - 08.21.25
Justin Philpott Presents at IAM Live: Patent Transactions

NEWS - 08.13.25
Five Banner Witcoff Attorneys Recognized in IAM Strategy 300

PRESS - 05.13.25
Standard-Essential Patents: Prosecution and Enforcement

EVENT - 04.24.25
Unlocking Evolving Patent Pool Opportunities: Justin Philpott Presents at IAM Live Auto IP USA

NEWS - 10.29.24
Justin Philpott Recognized in Sagacious IP's Green100 2024 Report

EVENT - 09.11.24
The Future of Clean Energy Driven by IP: Justin Philpott Moderates Panel at IPO Annual Meeting

NEWS - 04.16.24
Charging the Patent System to Fix Our Broken EV Chargers