DEVLIN
LAW FIRM LLC
INTELLECTUAL PROPERTY LAW

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Donald Puckett

PARTNER

PRACTICE AREAS

- Patent Litigation
- Civil Rights Litigation
- Complex Civil Litigation
- Administrative Law
- Patent Appeals
- Intellectual Property Counseling
- Intellectual Property Licensing

EDUCATION

- J.D., University of Texas School of Law, 1999
- B.A., Political Science and Journalism, University of Kentucky, 1995

BAR & COURT ADMISSIONS

- State Bar of Texas
- U.S. Supreme Court
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Western District of Texas

Biography

Donald Puckett is a first-chair trial attorney with more than 20 years of experience handling intellectual property disputes and other complex civil litigation. Mr. Puckett has served as lead counsel in patent infringement litigation, patent validity trials before the Patent Trial and Appeal Board, patent appeals, and other technology-related disputes. Mr. Puckett also has a passion for civil rights cases, and he has recent experience managing complex Section 1983 cases involving incidents of police brutality and excessive force.

Mr. Puckett was selected as a Texas Super Lawyer for Intellectual Property Litigation for seven consecutive years (2014-2020), and he was named to the IAM 1000 list of the world's top intellectual property asset managers each year from 2015-2018. Mr. Puckett was selected for membership in the Barbara M.G. Lynn IP Inn of Court in Dallas, Texas as a Barrister (2013-2016) and as a Master (2016-2022).

Representative Cases

Representative Patent Cases

- *Wi-Fi One, LLC v. Broadcom Corp.*, 878 F.3d 1364 (Fed. Cir. 2018, en banc). Served as lead briefing attorney for the prevailing party in this en banc Federal Circuit appeal that protected important procedural protections for patent owners at the PTAB. The Wi-Fi One precedent was later overturned by the U.S. Supreme Court.
- *Microsoft Corp. v. DirectStream, LLC*. In multiple IPR cases, represented patent owner DirectStream, the last company founded by legendary computer scientist Seymour Cray. The challenged patents covered the use of FPGAs in high-performance supercomputing applications.

- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the District of Colorado
- U.S. District Court for the District of Nebraska

**Attorney is not barred in Delaware*

LANGUAGES

English

- *Leak Surveys, Inc. v. FLIR Systems, Inc*. Represented patent owner Leak Surveys, Inc. in district court infringement litigation and PTAB patent defense. PTAB cases involved 24 depositions of 18 Ph.D. scientists, one of the largest factual records ever created at the PTAB.

Other Representative Cases

- *Itron, Inc. v. Johnson, et al.* (S.D. Miss); In re Itron, Inc., 883 F.3d 553 (5th Cir. 2018). Lead trial and appeal counsel representing Itron in lawsuit arising from Itron's $100 million acquisition of SmartSynch. Obtained a rare mandamus order from Fifth Circuit that is an important precedent on the law of attorney-client privilege. Assisted client in achieving global settlement of the case shortly after the successful mandamus.
- *Alex Gonzales, Sr. and Elizabeth Herrera Gonzales v. City of Austin, et al* (W.D. Tex.). Lead attorney representing parents in pending federal Section 1983 lawsuit for excessive force arising from death of their son Alex Gonzales, Jr. as a result of two separate yet related APD officer-involved shooting events on January 5, 2021. As Alex, Jr. reached into his own vehicle to check on the welfare of an infant child, an APD officer mistakenly thought Alex was reaching for a weapon. The APD officer quickly shot Alex multiple times, killing Alex mere inches away from the baby. The facts of the case are highly disputed. A jury trial currently is scheduled for December 2024.

Selected Articles, Presentations, and Publications

- Recent Changes in PTAB Trial Proceedings, TexasBarCLE 15th Annual Advanced Patent Litigation, Panelist (July 18, 2019) LINK
- Administrative Law Fundamentals and Strategies for IP Lawyers, Dallas Bar Association Intellectual Property Law Section Meeting (October 27, 2017). LINK
- Prosecuting Patents that will Survive the PTAB: New Best-Practices for Patent Prosecution in a Post-AIA World, The Tipsheet, State Bar of Texas IP Section (May 17, 2017). LINK
- Evolving Landscape of PTAB Trials, Knowledge Group CLE Presentation (Nov. 14, 2016). LINK
- The Youthful Rebelliousness of the PTAB, Law360.com (March 29, 2016). LINK
- Hot Issues in PTAB Trials, 53rd Annual Conference on Intellectual Property Law, Center for American and International Law (Nov. 2015) (with Hon. Michael Tierney). LINK
- Teva's Prescription to Cure what Ails Claim Construction – A Bench-Bar Brainstorming Session, Dallas Bar Association Intellectual Property Law Section Meeting (April 24, 2015) (with Hon. Rodney Gilstrap and Hon. Barbara M.G. Lynn). LINK
- Alternative Fees: Aligning the Interests of Lawyer and Client, Texas Lawyer In-House Counsel Summit (March 27, 2014).
- Peering into a Black Box: Discovery and Adequate Attorney Representation for Class Action Settlements, 77 Tex. L. Rev. 1271 (April 1999) (law student note).