



Joseph A. Schouten

E: jas@wardandsmith.com

P: 919.277.9217

F: 919.277.9177

Post Office Box 33009

Raleigh, NC 27636-3009

Professional Experience

Joe's practice experience encompasses various areas of litigation. He represents clients in all phases of litigation, including trial. He counsels clients in cases involving contract law, unfair competition, telecommunications, and trade secret misappropriation. In addition, he has experience handling intellectual property disputes, particularly patent and trademark infringement claims.

Prior to joining the firm, Joe practiced with a law firm in Chicago and served as an intern for the Honorable Lynn Adelman, District Court Judge, Eastern District of Wisconsin, Milwaukee.

Practice Concentrations

Business and Commercial Litigation

Federal Civil Practice

Intellectual Property Litigation

Education

J.D., College of William & Mary Law School, 2004. Notes Editor, William and Mary Law Review.

B.A., *summa cum laude*, University of Dayton, 2001

Admitted to Practice

North Carolina, 2009

Illinois, 2004

All state courts in North Carolina

All state courts in Illinois

United States Court of Appeals for the Federal Circuit

United States Court of Appeals for the Fourth Circuit

United States District Court for the Eastern, Middle, and Western Districts of North Carolina

United States District Court for the Northern District of Illinois

United States Tax Court

Honors and Distinctions*

World Trademark Review 1000, 2020-2021

"Legal Elite," Business North Carolina, 2019

Representative Experience

Joe is currently serving as lead counsel to:

a client-defendant in a suit alleging infringement of an e-commerce patent. Thus far, he has been successful in having the matter dismissed based on the patent's failure to claim eligible subject matter and in obtaining a judgment awarding the client all of its attorneys' fees under Section 285 of the Patent Statutes. *Voit Tech., LLC v. Del-Ton, Inc.*, 2018 WL 385188 (E.D.N.C. Jan. 11, 2018); *Voit Tech., LLC v. Del-Ton, Inc.*, 2018 WL 37332671 (Aug. 6, 2018). Additionally, Joe has served as lead counsel in obtaining an affirmance of the District Court's dismissal order from the Federal Circuit Court of Appeals. *Voit Tech., LLC v. Del-Ton, Inc.*, --- Fed. Appx. ---, 2019 WL 495163 (Fed. Cir. Feb. 8, 2019). Plaintiff's appeal of the District Court's attorneys' fees order remains pending.

a leading developer of technology relating to telematics and electronic logging devices used in the commercial trucking industry in a suit seeking recovery of royalties under a license agreement.

a leading developer of technology relating to electronic logging devices used in the commercial trucking industry in a lawsuit alleging infringement of client's patents for electronic logging device technology.

a trademark opposition proceeding before the Trademark Trial and Appeal Board. Joe is representing the applicant in its efforts to secure and protect its trademark.

Additionally, Joe previously served as lead counsel or co-lead counsel to:

a client seeking unpaid royalties pursuant to a consulting and development contract relating to the client's work on drug-eluting coronary stents for a major medical device manufacturer. The case settled on confidential terms after Joe's briefing and oral argument on the defendant's motion for summary judgment and *Daubert* motion resulted in favorable rulings from the Court. *See, e.g., Stack v. Abbott Labs., Inc.*, 2016 WL 4491410 (M.D.N.C. Aug. 24, 2016); *Stack v. Abbott Labs, Inc.*, 2016 WL 6304729 (M.D.N.C. Oct. 27, 2016).

a leading developer and retailer of outdoor recreational products in a suit against a nationally-known sporting goods retailer for infringement of the client's utility and design patents. The case settled on confidential terms after claim construction discovery.

a life sciences company in a suit alleging that competitor client's trade secrets and included them in a patent application. The matter settled after favorable rulings from the court denying the defendant's motion to dismiss and granting, in part, Joe's client's motion to dismiss defendant's counterclaims.

in defending a background screening and records management company in a suit alleging trademark infringement. The suit was settled on confidential terms after Joe filed the client's summary judgment motion.

in representing financial institutions and credit reporting agencies in obtaining dismissals of lawsuits involving claims of breach of contract, fraud, unfair and deceptive trade practices, and violations of federal laws. *See, e.g., Rider v. Aderhold*, 228 N.C. App. 360 (2013); *Williams v. Lynch*, 225 N.C. App. 522 (2013); *Parker v. Certified Profile*, 2014 WL 1365708 (E.D.N.C. Apr. 7, 2014).

Joe's other representative experience includes:

serving as a member of the trial team that successfully defended a manufacturer of plastic packaging in a jury trial alleging claims of patent infringement and tortious interference.

representing clients in various corporate disputes before the North Carolina Business Court. *See, e.g., Preiss v. Wine and Design, Franchise, LLC*, 2018 WL 4599702 (N.C. Super. Sept. 24, 2018); *Yates v. Brown*, 2012 WL 1287715 (N.C. Super. Apr. 13, 2012).

Professional and Community Affiliations

American Bar Association

Attorney Registration and Disciplinary Commission of Supreme Court of Illinois

Federal Bar Association

North Carolina Bar Association — Sections: Intellectual Property Law; Litigation

* Please see the following websites for an explanation of the membership standards for the following recognitions: www.bestlawyers.com; businessnc.com/special-sections/legal-elite/; and www.superlawyers.com/north-carolina.