

Alton L. Absher III

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Services

Intellectual Property

ITC Section 337

Licensing, Transactions &
Monetization

Market Protection - Opinions &
Dispute Avoidance

Patent Litigation

Patents

Post-Grant Proceedings

Industries

Financial Services

Retail & Consumer Goods



Alton Absher III is a trial attorney with nearly two decades of experience representing innovative companies in court, before administrative agencies, and in licensing negotiations. Clients regularly turn to him for advice and representation when faced with challenging intellectual property disputes.

Alton has tried cases to verdict in Federal courts around the country as well as before the International Trade Commission. As a registered patent attorney, he has also represented numerous clients before the Patent Trial and Appeal Board. Drawing on his background in computer science and experience as a software engineer, Alton has particular expertise in matters involving computer hardware and software, smartphones, and telecommunications standards.

Recently, Alton represented GREE, Inc. in a series of patent infringement suits against Supercell related to mobile gaming technology, resulting in over \$100 million in jury verdicts in GREE's favor following two jury trials in 2020 and 2021.

Before joining the firm, Alton was a software engineer for Lowe's Companies, Inc. While with Lowe's, he engineered integrated hardware and software solutions for approximately 1,000 retail locations and designed, tested and implemented a security system that involved customizing open-source software. He also wrote software to interface peripheral devices such as receipt printers and credit card terminals with point-of-sale systems. Alton also worked with a team to develop a Linux point-of-sale system.

Alton was recognized in *The Best Lawyers in America*® for Intellectual Property Litigation in 2022, 2026 and 2027 and for Patent Litigation and Intellectual Property Litigation in 2023, 2024 and 2025. He was also named "Triad Lawyer of the Year" in 2027 for Intellectual Property Litigation by *The Best Lawyers in America*®. Alton was named a North Carolina "Super Lawyer" in 2026 and 2027 for Intellectual Property Law and a "Rising Star" in 2017 and the four years immediately preceding by *Super Lawyers* magazine. He was also recognized as a 2024, 2025 and 2026 "Legal Elite" by *Business North Carolina* magazine in the area of Intellectual Property Law. Alton attended Wake Forest University as a Law Faculty Scholar, which included a full academic scholarship.

Experience

Represented Manufacturing Resources International, the leading domestic outdoor LCD display manufacturer, in ITC unfair import investigations against Samsung related to thermal management systems for electronic displays. After an evidentiary hearing before the ITC, case settled favorably. See *Certain Outdoor and Semi-Outdoor Electronic Displays, Products Containing Same, and Components Thereof*, Inv. No. 337-TA-1331.

Defended major U.S. technology company in a patent infringement lawsuit related to spellcheck technology. The court granted our partial motion to dismiss with prejudice, which eviscerated the plaintiff's case. After successful parallel proceedings before the Patent Trial and Appeal Board, the plaintiff agreed to dismiss the entire case with prejudice.

Obtained complete victory for Reebok in a patent infringement and importation ITC investigation related to athletic shoe sole functionality after all respondents agreed to cease importation of the accused products. See *Certain Athletic Footwear*, Inv. No. 337-TA-1018. Pursued damages in Oregon district court until a favorable settlement was reached.

Represented GREE, Inc., a Japanese gaming and internet media company in a large-scale patent battle with Supercell, a Finnish mobile game development company. Kilpatrick Townsend launched suits involving more than 20 patents against Supercell. The case has led to a complex series of litigations in district court resulting in more than \$100 million in jury verdicts in favor of GREE, as well as at the PTAB and before the Federal Circuit. The Kilpatrick Townsend team obtained a jury verdict for GREE in the Eastern District of Texas of willful infringement, asserting five patents and an award of at least \$8.5 million for damages against Supercell in September 2020, and a second jury verdict of willful infringement in favor of GREE and an award of at least \$92 million in damages in May 2021. *GREE, Inc. v. Supercell Oy*, Nos. 2:19-cv-00237, 2:19-cv-00310, 2:19-cv-00311, 2:19-cv-00070, 2:19-cv-00071 (E.D. Tex.) (Judge Gilstrap).

Represented major U.S. technology company in a suit alleging infringement of eight patents related to location-based technology and one patent related to providing notifications to a smart watch. After successfully moving to transfer the case from the Western District of Texas to the Northern District of California and winning institution against most asserted claims at the Patent Trial and Appeal Board, the parties reached a favorable settlement.

Representing Askeladden LLC, a wholly owned subsidiary of The Clearing House Payments Company, in three proceedings before the Patent Trial and Appeal Board as part of Askeladden's Patent Quality Initiative.

Askeladden challenged all claims of three patents related to payment processing technology. The Board has instituted trial on all claims and all grounds of unpatentability. See *Askeladden LLC v. Calabrese Stemer LLC*, Case Nos. IPR2024-00367, -00368, and -00369.

Represented *amicus curiae* The Financial Services Roundtable in pending appeal involving the proper standard for direct patent infringement when separate actors each perform different steps of a method claim. *Akamai Technologies, Inc. et al v. Limelight Networks, Inc.*, Fed. Cir. Appeal No. 2009-1372.

Represented Cisco in a patent infringement litigation in the Eastern District of Virginia. The plaintiff asserted 11 patents related to encryption and network hardware technology against Cisco and several other defendants. In connection with defending Cisco, we performed significant analysis on the network hardware at issue. The court stayed the case for all defendants except for IBM, which was successful in getting summary judgment of non-infringement and on appeal. *TecSec, Inc. v. IBM Corp., et al.*, No. 1:10-cv-115 (E.D. Va. filed Feb. 5, 2010).

Represented Alfresco Software in a lawsuit involving allegations of patent infringement related to content management systems. The lawsuit involved nine patents from two distinct families of patents, each covering different subject matter. After successfully transferring the case from the Eastern District of Virginia to the Northern District of California, Alfresco invalidated two of the asserted patents at the 12(b)(6) stage under the Supreme Court's Alice standard for patentable subject matter under 35 U.S.C. 101. The remainder of the case was settled shortly thereafter on confidential terms. *Open Text SA v. Alfresco Software Ltd., et al.*, 13-cv-04843 JD (N. D. Cal., filed October 18, 2013).

Represented Nissan in IPR of U.S. Patent Nos. 5,917,405; 6,542,076; 6,549,130; and 7,397,363. The patents generally relate to remotely controlling a vehicle. Nissan succeeded in invalidating each challenged claim of all four patents before the Patent Trial and Appeal Board. *Nissan North America Inc. v. Joao Control & Monitoring Systems LLC.*, Case No. IPR2015-01508, -01509, -01585, and -01645.

Represented Red Hat, Inc., Amazon.com, SoftLayer Technologies, Rackspace, Whole Foods, The Planet.com Internet Services, and NYSE Euronext in a patent infringement litigation regarding caching functionality in the Linux operating system in the Eastern District of Texas. A favorable settlement occurred shortly before trial. *Bedrock Computer Technologies, LLC v. SoftLayer Technologies Inc., et al.*, No. 06-269 (E.D. Tex. filed June 16, 2009) and *Red Hat Inc. v. Bedrock Computer Technologies, LLC*, No. 09-549 (E.D. Tex. filed Dec. 9, 2009). (Judge Davis and Magistrate Judge John Love).

Defended Motorola Mobility LLC against a suit that Intellectual Ventures filed in the District of Delaware accusing certain smartphones and tablets of infringing six different patents. The case team won one of the patents on summary judgment, tried three others to a jury resulting in a hung jury and mistrial, and then won two of those three patents on post-trial motions. The firm tried another patent to a second jury resulting in a verdict of non-infringement and invalidity. *Intellectual Ventures I LLC, et al. v. Motorola Mobility, LLC*, Civ. No. 11-908 (D. Del. filed Oct. 6, 2011).

Represented Delta Air Lines and United Airlines in a patent infringement litigation in the Eastern District of Texas. The plaintiff asserted patents related to secure online transactions against Delta, United, and several

other defendants. Case settled. (Judge Gilstrap). *Stambler v. Atmos Energy Corp., et al.*, No. 10-594 (E.D. Tex. filed Dec. 28, 2010).

Represented Wachovia Bank, Branch Banking & Trust Company, M&T Bank and Comerica Bank against DataTreasury in patent infringement suits in the Eastern District of Texas. The patents at issue involved various technologies, including telecommunications, electronic payment and clearing systems, software, business methods, and electrical and mechanical devices. The plaintiff in these cases sued more than 40 defendants, including many leading banks and financial institutions. Cases settled in 2009 and 2010 shortly before trial. *DataTreasury Corp. v. Wachovia Corp., et al.*, No. 05-0293 (E.D. Tex. filed June 28, 2005) and *DataTreasury Corp. v. Wells Fargo & Co., et al.*, No. 06-0072 (E.D. Tex. filed Feb. 24, 2006). (Judge Folsom).

Represented large financial institution in a patent infringement suit filed by a financial institution services company related to online banking technology. The case settled favorably shortly before trial.

Represented Manhattan Associates in a patent infringement litigation in the District of Massachusetts. The plaintiff asserted a patent related to supply chain software against Manhattan Associates and several other defendants. Case settled. (Judge Young). *Sky Technologies LLC v. Microsoft Corp., et al.*, No. 1:11-cv-10833 (D. Mass. filed May 11, 2011).

Education

Wake Forest University School of Law J.D. (2007) *cum laude*, *Order of the Coif*

University of North Carolina at Asheville B.S. (2000) Computer Science

Admissions

California (2024)

North Carolina (2007)

Court Admissions

U.S. Court of Appeals for the Federal Circuit

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Middle District of North Carolina

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of California

U.S. District Court for the Western District of Texas

U.S. Patent and Trademark Office (2007)

Professional & Community Activities

North Carolina Bar Association, IP Links Newsletter, Past Editor

North Carolina Bar Association, IP Section Council, Member

San Francisco Intellectual Property Law Association (SFIPLA), Member

Federal Circuit Bar Association (FCBA), Member

North Carolina Museum of Natural Resources, Past Advisory Council Member

Wake Forest Law Review, Managing Editor (2006-2007)

Insights

Events

Kilpatrick's Intellectual Property Seminar Series

September 16, 2026

News Releases

Kilpatrick Attorneys Once Again Earn Outstanding Recognitions in 2027 Edition of The Best Lawyers in America®

August 20, 2026

Events

Bring Us Your Hardest IP Problems: An AI-Powered Partnership for Building What Comes Next

August 4, 2026

Events

Advanced Patent Law Seminar

February 12, 2026

Events

Advanced Patent Law Seminar

February 25, 2025