

# PANITCH Intellectual Property Law SCHWARZE

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## John D. Simmons Partner

**Philadelphia:** 215.965.1268 **Wilmington:** 302.394.6001 **F:** 215.965.1331 **E:** jsimmons@panitchlaw.com

John D. Simmons' practice focuses on IP litigation including patent, trademark, copyright, trade secrets, computer fraud and abuse, cybersquatting and licensing/contract disputes.

John has litigated cases involving a wide variety of technologies, including instrumentation, gaming devices, video games, software, Internet security software/systems, ionization systems, industrial designs and medical devices. He has extensive patent drafting, due diligence, opinion writing and licensing experience.

John received his B.S. in electrical engineering from Drexel University, where he was a member of the Eta Kappa Nu honor society of electrical engineers. He received his J.D. magna cum laude from Temple University's Beasley School of Law, graduating first in his class. He won the Barrister Award for Excellence in Trial Advocacy and was a Barenkopf Scholar.

Prior to joining Panitch Schwarze Belisario & Nadel LLP, John was an associate and patent agent at Akin Gump Strauss Hauer & Feld. John was previously an executive manager at Roberts Services, Inc. and also a process control engineer at John Brown Engineering & Construction.

He is a member of the Federal Bar, Delaware Bar, Pennsylvania Bar, the Philadelphia Intellectual Property Law Association (PIPLA), and the Ben Franklin Inn of Court.

He is admitted to practice before the Supreme Court of Pennsylvania, the U.S. District Court E.D. Pa., Court of Appeals for the Federal Circuit, the Supreme Court of the United States, Supreme Court of Delaware, and United States District Court for the District of Delaware. He is also registered to practice before the United States Patent and Trademark Office.

John is an inventor and holds patents related to instrumentation and software. He is also a licensed professional engineer in Pennsylvania, New Jersey, Delaware, Maryland and Washington D.C. He was named a Pennsylvania Super Lawyers magazine "Rising Star" for 2010 to 2014. He was added to the Best Lawyers in America list in 2015.

The Super Lawyers® list is issued by Thomson Reuters under criteria applied by Super Lawyers®. A description of the selection methodology can be found at



### Practice Areas

- IP Protection
- IP Litigation

### Education

- Drexel University, BS, Electrical Engineering
- Temple University, Juris Doctor

### Bar Admissions

- Supreme Court of Pennsylvania, 2006
- United States District for the Eastern District of Pennsylvania, 2006
- United States Court of Appeals for the Federal Circuit, 2007
- United States Supreme Court, 2011
- Supreme Court of Delaware, 2014
- United States District Court for the District of Delaware, 2014



## Memberships

- Federal Bar Association, Member, 2014 – present
- Delaware Bar Association, Member, 2014 – present
- Pennsylvania Bar Association, Member, 2007 – present
- Philadelphia Bar Association, Member, 2006 – present
- PIPLA, Member, 2003 – present
- PIPLA, Vice President, 2015
- PIPLA, Treasurer, 2013 – 2014
- PIPLA, Board Member, 2010 – 2011
- PIPLA, President, 2017 – 2018

## Representative Matters

- Mattern & Associates LLC v. Cozen O'Connor PC, Pa., represented plaintiff, Mattern & Associates LLC, copyright infringement litigation
- AMI Entertainment Network, Inc. v. Viacom and MTV Networks, Inc., E.D. Pa., represented plaintiff, AMI Entertainment Network, Inc., trademark infringement
- AMI Entertainment Network, Inc. v. A&E Television Networks, LLC, E.D. Pa., represented plaintiff, AMI Entertainment Network, Inc., trademark infringement
- Atomizing Systems, Inc. v. True Fog USA et al., Dis. N.J., represented plaintiff, Atomizing Systems, copyright infringement
- Zenith Products Corp. v. Splash Home, Inc., E.D. Pa., represented plaintiff, Zenith Products Corp., design patent infringement
- Schiller Grounds Care, Inc. v. The Toro Company, E.D. Pa., represented plaintiff, Schiller Grounds, patent infringement
- Heraeus Electro-Nite Co. v. Vesuvius USA Corp., E.D. Pa., represented plaintiff, Heraeus Electro-Nite Co., patent infringement
- Chia Yi Chin Jwu Enterprises Co. Ltd. v. IDEA Nuova, Inc. et al., S.D.N.Y., represented defendant, Idea Nuova, patent infringement
- Fish Net, Inc. v. Foster and Smith, Inc. et al., E.D. Pa., represented defendant, Foster and Smith, trademark infringement and cybersquatting
- Gamajet Cleaning Systems, Inc. v. Spraying Systems Co., E.D. Pa., represented plaintiff, Gamajet Cleaning Systems, Inc., patent infringement
- Zenith Products Corp. v. Elite Home Fashions, LLC et al., E.D. Pa., represented plaintiff, Zenith Products Corp., design patent infringement
- T.C. Millwork, Inc. et al. v. KGM Gaming, LLC, E.D. Pa., represented defendant(s), KGM Gaming, LLC, patent infringement and state law tort claims
- Source, Inc. v. Access Development, Inc. et al., E.D. Texas, represented defendant(s), Mall Networks, patent infringement
- ScriptPro, LLC v. Yuyama USA et al., Dis. Kansas, represented defendants, Yuyama

- Mfg. Co., Ltd., Yuyama USA, and AutoMed Technologies, Inc., patent infringement
- DMI Sports, Inc. v. Regent Sports Corp., E.D. Pa., represented plaintiff, DMI Sports, Inc., patent infringement
  - Heraeus Electro-Nite Co. v. Midwest Instrument, E.D. Pa., represented plaintiff, Heraeus Electro-Nite Co., patent infringement
  - Crystal Image Technology, Inc v. Samsung Electronics Co., Ltd, W.D. Pa., represented defendant(s), Samsung Electronics Co., Ltd., patent infringement
  - Prism Technologies, LLC v. VeriSign, Inc. et al., Dist. Del., represented defendant, VeriSign, Inc., patent infringement
  - Merit Industries, Inc. v. JVL Corp, E.D. Pa., represented plaintiff, Merit Industries, Inc., patent infringement
  - Henry Company v. Stelwagon Roofing Supply, Inc., E.D. Pa., represented plaintiff Henry Company, trademark infringement
  - Illinois Tool Works Inc. v. Ion Systems, E.D. Pa., represented plaintiff, Illinois Tool Works, Inc., patent infringement

## Articles & Presentations

### **7 Panitch Schwarze Attorneys Named Among 2019 ‘Best Lawyers in America’, 1 Named Lawyer of The Year**

[Panitch Schwarze Belisario & Nadel LLP](#) is pleased to announce that seven of its attorneys have been named to the 2019 edition of *The Best Lawyers in America*®, one of the legal profession’s oldest and most respected peer-review publications. In addition, partner [Ronald L. Panitch](#) was named the *Best Lawyers 2019 Lawyer of The Year* in the practice area of trade secrets law. [Read more](#)

### **8 Panitch Schwarze Attorneys Named Among 2018 PA Super Lawyers and Rising Stars // May 18, 2018**

The Philadelphia intellectual property law firm Panitch Schwarze Belisario & Nadel LLP is pleased to announce that eight of its IP attorneys have been named 2018 Pennsylvania Super Lawyers and Rising Stars. [Read more](#)

### **Panitch Schwarze Partners Participate in Annual Joint Patent Practice Seminar // May 7, 2018**

Panitch Schwarze partners Dr. Weihong Hsing, John Simmons, and Dennis Butler participated in the 34<sup>th</sup> Annual Joint Patent Practice Seminar on May 2 in New York City. The JPPCLE is an annual one-day seminar that features knowledgeable speakers such as judges, government officials, and attorneys discussing the latest trends and important topics in intellectual property law. [Read more](#)

### **PIPLA Year in Review Meeting // April 30, 2018**

Panitch Schwarze partner John Simmons, who also serves as president of the Philadelphia Intellectual Property Association (PIPLA), is proud to announce that the organization’s annual year-in-review meeting will be held May 10, 2018. [Read more](#)

### **PIPLA Hosts CLE with Commissioner of Patents Andrew Hirschfield // April 24, 2018**

Panitch Schwarze partner [John Simmons](#), who also serves as president of the Philadelphia Intellectual Property Association (PIPLA), is proud to announce that the organization’s April meeting featured speaker Andrew Hirschfield, the Commissioner of Patents for the United States Patent and Trademark office. [Read more](#)

**PIPLA Hosts CLE with Commissioner of Patents Andrew Hirschfield** // April 11, 2018

Panitch Schwarze partner John Simmons, who also serves as president of the Philadelphia Intellectual Property Association (PIPLA), is proud to announce that the organization's April meeting will feature speaker Andrew Hirschfield, the Commissioner of Patents for the United States Patent and Trademark office. [Read more](#)

**John Simmons Quoted in Law360 re Japanese Optical Manufacturer IP Case** // March 29, 2018

Panitch Schwarze partner [John Simmons](#) was quoted in Law360 regarding a recent summary judgment hearing in federal court. The case involves the firm's client Hamamatsu Photonics K.K., a Japanese optical manufacturer. [Read more](#)

**Panitch Schwarze Partners Participate in Annual Joint Patent Practice Seminar** // March 28, 2018

Panitch Schwarze partners Dr. Weihong Hsing, John Simmons, and Dennis Butler will participate in the 34<sup>th</sup> Annual Joint Patent Practice Seminar on May 2. The JPPCLE is an annual one-day seminar that features knowledgeable speakers such as judges, government officials, and attorneys discussing the latest trends and important topics in intellectual property law. [Read more](#)

**Intellectual Property Attorney John D. Simmons Organizes PIPLA CLE** // February 2, 2018

Program by Michael W. Shore, attorney and partner at the Dallas law firm of Shore Chan DePumpo LLP, discussed the use of sovereign immunity to deter Inter Partes Review challenges [Read more](#)

**PTAB Rules in Favor of Hamamatsu Corporation Over Harvard Patent** // December 20, 2017

Panitch Schwarze Belisario & Nadel LLP is pleased to announce that the United States Patent and Trademark Office's Patent Trial and Appeal Board (PTAB) has ruled in favor of its client, Hamamatsu Corporation. [Read more](#)

**IP Attorney John D. Simmons Assumes Presidency of PIPLA** // November 7, 2017

Panitch Schwarze Belisario & Nadel LLP is proud to announce that John D. Simmons will lead the Philadelphia Intellectual Property Law Association (PIPLA) for the 2017 – 2018 program year, while attorney Keith A. Jones will continue to serve on the organization's board. [Read more](#)

**7 Panitch Schwarze Attorneys Named Among 'Best Lawyers in America'** // August 15, 2017

The intellectual property law firm of Panitch Schwarze Belisario & Nadel LLP is pleased to announce that seven of its attorneys have been named to the 2018 edition of *The Best Lawyers in America*®, one of the legal profession's oldest and most respected peer-review publications. [Read more](#)

**John D. Simmons and Bridget H. Labutta Attend Global IP Conference** // June 27, 2017

Intellectual property attorneys John D. Simmons and Bridget H. Labutta attended the May conference of the International Trademark Association in Barcelona, Spain. During the conference, more than 10,200 brand management, trademark, and other IP professionals met for five days of intense learning, business strategy meetings, and networking. [Read more](#)

**The Legal Intelligencer's 'Top Verdicts of 2016' Includes Win by Panitch Schwarze Partner // May 23, 2017**

Partner John D. Simmons' work with Dominion Resources was included in The Legal Intelligencer's "Top Pennsylvania Verdicts of 2016." [Read more](#)

**John D. Simmons to Lead Philadelphia IP Law Association // May 18, 2017**

Panitch Schwarze Belisario & Nadel is proud to announce that partner John D. Simmons has been elected to serve as president of the Philadelphia Intellectual Property Law Association (PIPLA). [Read more](#)

**Corporate Counsel Publishes Panitch Schwarze Attorneys' Article on Venue // February 23, 2017**

Panitch Schwarze partner John D. Simmons, along with associate Keith A. Jones, wrote an article entitled, "Is Change on the Way for Patent Litigation Rules?" [Read more](#)

**Panitch Schwarze Named a 2017 'Best Law Firm' by U.S. News - Best Lawyers // November 1, 2016**

The intellectual property law firm Panitch Schwarze Belisario & Nadel LLP is pleased to announce that it again has been named a "Best Law Firm" by U.S. News – Best Lawyers® for 2017, achieving national rankings in the practice areas of intellectual property litigation, trademark law, patent litigation and patent law. [Read more](#)

**Panitch Schwarze Attorneys to Help Govern Philadelphia IP Law Association // October 11, 2016**

The Philadelphia intellectual property law firm Panitch Schwarze Belisario & Nadel is proud to announce that two of its attorneys have been elected to leadership roles in the Philadelphia Intellectual Property Law Association (PIPLA) for the 2016 – 2017 program year. John D. Simmons will serve as President-Elect and Keith A. Jones will serve on the Board of Governors. [Read more](#)

**6 Panitch Schwarze Attorneys Named Among 2017 'Best Lawyers in America' // August 15, 2016**

The intellectual property law firm of Panitch Schwarze Belisario & Nadel LLP is pleased to announce that six of its attorneys have been named to the 2017 edition of *The Best Lawyers in America*®. [Read more](#)

**Judge Awards \$486K to Panitch Schwarze Client Dominion Inc. for Infringed Patent (Law360)**

A Pennsylvania federal jury has ordered Alstom Grid LLC to pay electric company Dominion Resources Inc., a client of intellectual property law firm Panitch Schwarze Belisario & Nadel LLP, nearly \$500,000 in royalties — which could potentially triple — for the willful infringement of a Dominion energy-conservation software patent. [Read more](#)

**Thomson Reuters Names 9 Panitch Schwarze Attorneys Among 2016 PA Super Lawyers and Rising Stars // May 13, 2016**

Philadelphia and Wilmington IP lawyers listed among Pennsylvania's and Delaware's elite attorneys. [Read more](#)

**Panitch Schwarze Belisario & Nadel Named a 2016 'Best Law Firm' by U.S. News - Best Lawyers // November 2, 2015**

Pennsylvania and Delaware intellectual property law firm recognized by peers and clients for excellence in IP law. [Read more](#)

**9 Panitch Schwarze Attorneys Named Pennsylvania 'Super Lawyers' and 'Rising Stars' for 2015 // May 15, 2015**

Panitch Schwarze Belisario and Nadel LLP is pleased to announce that Ronald L. Panitch, William W. Schwarze, Martin G. Belisario, and Alan S. Nadel have been named to the Pennsylvania Super Lawyers list as five of the top attorneys in Pennsylvania for 2015. [Read more](#)

**PTAB Rules in favor of BBiTV against Hawaiian Telcom** // April 1, 2015

Panitch Schwarze Belisario & Nadel LLP is pleased to announce that today the United States Patent and Trademark Office's Patent Trial and Appeal Board (PTAB) ruled in favor of its client Broadband iTV, Inc. ("BBiTV"). [Read more](#)

**Panitch Schwarze Successful in Defeating Inter Partes Review Attempt by Unified Patents Inc.** // January 8, 2015

Panitch Schwarze Belisario & Nadel LLP is pleased to announce that on behalf of its client, Broad Band iTV (BBiTV), it has been successful in defeating an attempt by Unified Patents, Inc. to initiate an Inter Partes Review before the Patent Trial and Appeal Board against BBiTV's patent. [Read more](#)

**Panitch Schwarze Opens New Location in Delaware** // September 10, 2014

Panitch Schwarze Belisario & Nadel LLP is pleased to announce its expansion of its Intellectual Property practice with the opening of a new Wilmington, Delaware office. [Read more](#)

**8 Panitch Schwarze Intellectual Property Attorneys Named Pennsylvania 'Super Lawyers' and 'Rising Stars' for 2014** // May 23, 2014

Panitch Schwarze Belisario and Nadel LLP is pleased to announce that Ronald L. Panitch, William W. Schwarze, Martin G. Belisario, and Alan S. Nadel have been selected to the Pennsylvania "Super Lawyers" list as four of the top attorneys in Pennsylvania for 2013. [Read more](#)

**9 Panitch Schwarze Intellectual Property Attorneys Named Pennsylvania 'Super Lawyers' and 'Rising Stars' for 2013** // May 17, 2013

Pennsylvania "Super Lawyers" 2013 lists four attorneys from Panitch Schwarze Belisario and Nadel LLP as top lawyers in the state along with five attorneys as Pennsylvania "Rising Stars." [Read more](#)

**7 IP Attorneys with Panitch Schwarze Named Pennsylvania 'Super Lawyers' and 'Rising Stars' for 2012** // March 23, 2012

Panitch Schwarze Belisario and Nadel LLP is pleased to announce that Ronald L. Panitch, William W. Schwarze, Martin G. Belisario and Alan S. Nadel have been selected to the Pennsylvania Super Lawyers list 4 of the top attorneys in Pennsylvania for 2012. No more than 5 percent of the lawyers in the state are selected by Super Lawyers. [Read more](#)

**Panitch Schwarze Hosts Leahy-Smith America Invents Act Live Seminar & Webinar** // December 16, 2011

Panitch Schwarze attorneys Alan Nadel, Clark Jablon, John Simmons, and Dennis Butler hosted a live seminar and webcast entitled "Leahy-Smith America Invents Act" on November 30, 2011. The presentation discussed major changes found in the sweeping new law including the introduction of the first-to-file system, the post grant review proceedings, and the impact this will have on patent litigation. [Read more](#)

**Leahy-Smith America Invents Act - Live Seminar & Webinar** // November 30, 2011

Panitch Schwarze attorneys Alan Nadel, Clark Jablon, John Simmons, and Dennis Butler hosted a live seminar and webcast entitled "Leahy-Smith America Invents Act" on November 30, 2011. [Read more](#)

## Honors & Awards

- Named a Pennsylvania "Rising Star," 2010 - present, by Thomson Reuters, publishers of *Pennsylvania Super Lawyers*
- Selected to *Best Lawyers in America*® in the area of Intellectual Property, 2015 - Present

## Blog

July 9, 2018

### **When Will the Patent Office Issue Patent #20,000,000?**

On June 19th, the US Patent Office issued its ten millionth patent, to Raytheon, just over three years after it issued the ninth millionth patent to WiperFill Holdings, LLC. It took 200 years for the total number of U.S. patents to reach 5 million. [Read more](#)

May 22, 2017

### **U.S. Supreme Court Upsets 30 Years of Precedent, Changing Where Companies Can Be Sued for Patent Infringement**

The U.S. Supreme Court on Monday, May 22, 2017, changed the playing field regarding where patent owners can file infringement lawsuits against accused infringers. [Read more](#)

November 5, 2015

### **When Can Customer Information be Considered a Trade Secret?**

We've recently discussed trade secrets, any information known to you but not to others that gives you a business advantage. While examples such as product designs and secret recipes are good examples of intellectual property that can be treated as trade secrets, we frequently are asked about one business advantage that is not so clear cut: customer information. [Read more](#)

October 1, 2015

### **3 Ways a Competitor Can Legally Acquire Your Trade Secrets**

Trade secrets are a form of intellectual property protection that are distinct from patents, with which they are often confused. A trade secret is any information that is known to you, but not to others, that gives you a commercial advantage. [Read more](#)

September 24, 2015

### **Trade Secrets: The Other Intellectual Property**

Most business owners are at least passingly familiar with trademarks, copyrights, and patents. There is another type of IP, however: trade secrets. This category is widely misunderstood. [Read more](#)

May 28, 2014

### **Sierra Railroaded by Theft of Trade Secrets**

On May 1, a federal jury in California awarded \$17.4 million in punitive damages be paid by Patriot Rail Company LLC to Sierra Railroad Co. less than two months after awarding a \$22.3 million verdict for misappropriation of trade secrets. [Read more](#)

April 9, 2014

### **Enforcing Trade Secrets in One Case May Void Trade Secrets in a Future Case: U.S. Court Voids \$920 Million DuPont Award in Kevlar Case**

On April 3, the 4th Circuit Court of Appeals vacated a \$919.9 million verdict awarded to

DuPont in a theft of trade secrets action against Kolon Industries, Inc. The award was the third largest U.S. jury verdict in 2011. A new trial has been ordered. [Read more](#)

[March 20, 2014](#)

#### **PNC Sues Former Executive and Morgan Stanley Over Theft of Trade Secrets**

On March 14, PNC Financial Services Group filed suit in the Western District of Pennsylvania against one of its former executives and Morgan Stanley Inc. over allegations of the theft of trade secrets. PNC alleges that Eileen Daly, a former senior vice president at PNC, along with three other PNC employees, obtained confidential customer information during their employment that they have since used to draw customers to their new positions at Morgan Stanley, in violation of Daly's employment agreement. [Read more](#)

[March 17, 2014](#)

#### **SK Hynix Sued by SanDisk and Toshiba, Employee Arrested in Japan for Theft of Trade Secrets**

A large dispute is brewing in both Asia and the United States over the alleged actions of a former employee of flash memory manufacturer SanDisk. On March 13, the Tokyo Metropolitan Police Department arrested Yoshitaka Sugita over actions he took while employed at SanDisk in 2007 and 2008. [Read more](#)

[June 25, 2013](#)

#### **GM Trade Secret Suspect Learns That Stealing Information Can Lead to Jail**

In the intangible world of intellectual property, it is often easy to overlook the possible criminal penalties associated with trade secret theft. Yu Qin, a former electrical engineer for General Motors Corp. (GM), learned about such ramifications last month when he was sentenced to three years in prison for copying thousands of confidential GM documents pertaining to the automaker's hybrid cars. [Read more](#)

## Twitter

## Get To Know

Mr. Simmons enjoys his volunteer work and is currently a member of Philadelphia Volunteer Lawyers for the Arts, a program which provides pro-bono and low cost legal assistance, educational programs and business counseling to artists and arts and cultural organizations. He is also President of the Opal Dewey Beach Condominium Association.