



MARK A. THOMAS

PARTNER

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Mark Thomas is a trial lawyer who manages high-stakes, complex intellectual property disputes. A registered patent attorney, Mark has more than a decade of experience litigating patent infringement, trademark infringement, copyright infringement and trade secret cases around the country. He has represented clients in federal jury trials in venues including the Northern District of California, the Eastern District of Texas and the Eastern District of Missouri. Mark also appears in adversarial proceedings before the Trademark Trial and Appeal Board and the Patent Trial and Appeal Board.

Outside the courtroom, clients rely on Mark's guidance in managing a wide spectrum of intellectual property matters, including patent and trademark portfolio management, trademark enforcement, IP licensing, contract negotiation and due diligence. Mark advises clients in a variety of industries from fashion design to software to precision agriculture.

Mark is known for building personal connections with clients and for gaining a comprehensive understanding of the details to find leverage that others would miss.

EDUCATION

- Washington University School of Law (J.D., *cum laude*, 2011)
- Missouri State University (B.S., *cum laude*, 1995)
 - Biology

PROFESSIONAL ACTIVITIES

- Federal Bar Association
- The Missouri Bar
- Bar Association of Metropolitan St. Louis

CHARITABLE AND CIVIC INVOLVEMENT

- Washington University Law Alumni Association

ACCOLADES

- *The Best Lawyers in America*®, Litigation - Intellectual Property (2023-present); Ones to Watch, Litigation - Intellectual Property (2021-2022)
- [Missouri/Kansas Super Lawyers](#)®, Rising Star (2018-present)

SERVICES AND INDUSTRIES

Intellectual Property
Intellectual Property Litigation
Litigation
Agribusiness and Food
Health Care and Life Sciences
Manufacturing and Innovation
Technology
Post Grant Proceedings
Copyright
Trademark

ADMISSIONS

Missouri
Supreme Court of Missouri
U.S. Patent and Trademark Office
U.S. Court of Appeals, Federal Circuit
U.S. Court of Federal Claims
U.S. District Court, Eastern District of Missouri
U.S. District Court, Eastern District of Texas
U.S. District Court, Southern District of Illinois
U.S. District Court, District of Colorado

BACKGROUND

Prior to joining the firm, Mark was in private practice at a boutique intellectual property law firm. In his previous career, he taught high school biology at a St. Louis area private school.

EXPERIENCE

Beat Force Majeure Claims and Secured \$3 Million in Damages in Pandemic-Driven Dispute

Represented WideOpenWest, a cable TV, internet and phone provider, before a panel of arbitrators on dueling breach of contract claims after WideOpenWest terminated its agreement with ad partner Viamedia in the midst of the COVID-19 pandemic. In the arbitration, Viamedia contended that the pandemic, as a *force majeure* event, excused its failure to pay WideOpenWest. The panel found Viamedia liable for breach of contract and awarded WideOpenWest nearly \$3 million in damages, plus attorneys' fees and costs.

Counsel for Agricultural Company in Federal Court and USPTO Disputes

Served as counsel for leading manufacturer of precision agricultural application systems in concurrent disputes in federal court and at the U.S. Patent and Trademark Office.

Secured Dismissal for Biometric Solution Client in Patent Infringement Case

Obtained voluntary dismissal with prejudice of a patent infringement case brought by a patent assertion entity against biometric solution client.

\$12 Million Jury Verdict in Patent Infringement Case

Obtained jury verdict and award of \$12 million in past damages against a client's subsidiary for infringement of computer software patent. Additionally, obtained jury verdict of noninfringement on patent infringement counterclaims.

Secured Consent Judgment for Manufacturer in Patent Infringement Case

Defended manufacturer of night-vision systems against claims of patent infringement and secured a consent judgment of non-infringement.

Obtained Consent Judgment for Manufacturer in Patent Infringement Case

Successfully defended our client, a part and packaging manufacturer, against allegations of patent infringement and obtained a consent judgment of noninfringement.

Successfully Defended Snack Chip Manufacturer Against Infringement, Other Claims

Successfully defended client against claims of patent infringement, trademark infringement, trade secret misappropriation and unfair competition brought by leading manufacturer of snack chips. Secured a defense verdict on all claims.

THOUGHT LEADERSHIP

June 3, 2014

Supreme Court Reverses Federal Circuit on Inducement of Infringement

