



MARK A. THOMAS

PARTNER

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A member of the firm's Intellectual Property group and a registered patent attorney, Mark Thomas focuses on litigation of complex intellectual property matters pending in state, federal and appellate courts throughout the United States, as well as the U.S. Patent and Trademark Office. Within this area, he prosecutes and defends claims of patent infringement, copyright infringement, trademark infringement and trade secret misappropriation for individuals and private and public companies involving a wide array of technologies in the mechanical, electrical and chemical arts.

Much of Mark's practice involves patent work. In addition to handling all phases of litigation, he prepares noninfringement and invalidity opinions and patentability, due diligence and patent landscape analyses. In these matters, he assists clients in pre-litigation enforcement of patent rights by performing initial infringement analyses, providing tailored patent enforcement strategies, preparing cease and desist letters and negotiating settlement agreements.

EDUCATION

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

PROFESSIONAL ACTIVITIES

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

BACKGROUND

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

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

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