

Merchant & Gould

An Intellectual Property Law Firm



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David St. John-Larkin is a registered patent attorney whose intellectual property practice emphasizes patent licensing and strategic patent portfolio management and analysis. Dave has represented both large and small companies, including Microsoft, Yahoo!, Covidien, and Dish Network. Dave regularly counsels clients about developing, protecting, and monetizing their intellectual property assets. His practice also includes providing infringement, freedom to operate, and validity opinions, as well as patent prosecution and client-counseling related to contract, trademark and trade secret matters.

Dave specializes in the fields of computer science and electrical engineering. He has extensive experience with open-source and proprietary computer and software technology. In particular, Dave's experience includes technology related to operating systems (e.g., Windows, GNU/Linux, Unix, Palm OS, Chrome OS, Android, iOS, and webOS), encryption (e.g., public-key cryptography), authentication, compression, object-oriented programming, graphical user interfaces, computer hardware and architecture, real-time (streaming) communications, networking communications and protocols (e.g., TCP/IP), digital and analog circuits, signal processing, semiconductors, component object models, database management systems, and query languages. Dave has also handled numerous matters involving standard-setting and technical standards, including the MPEG-2, H.264/MPEG-4 AVC, MPEG-TS, DVB, NTSC, ATSC, CSS, PGP, OpenGL, OpenGL ES, Bluetooth, IEEE 802.11, and IEEE 802.16 standards.

Prior to joining Merchant & Gould, Dave worked as an Associate with Greenberg Traurig and as Corporate Patent Counsel for EchoStar Communications Corporation (now Dish Network Corporation, NASDAQ: DISH). His patent-related work at EchoStar encompassed licensing, patent prosecution, patent litigation, and trademark prosecution. During law school, Dave also interned for Cable Television Laboratories (CableLabs), Inc. His technical background includes extensive programming experience in several programming

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languages on various platforms, including Microsoft-, Linux- and UNIX-based client-server networks. Dave's prior work experience spans a wide range of industries, including telecommunications (cable, satellite, wireless, and broadband), e-commerce, medical software, hydrology, and metallurgy.

Dave is very active in the community, sitting on the board of the Silicon Flatirons center and volunteering for the Denver Center for Crime Victims.

Dave is also an avid drummer and spends his spare time trying to attend Rush concerts.

Education

Northwestern University
B.S., Social Policy, with honors, 1997

Michigan Technological University
B.S., Computer Science, magna cum laude, 2002

University of Colorado School of Law
J.D., 2003
Production Editor, Journal on Telecommunications and High Technology Law
Member, University of Colorado Law Review
Team Captain, Best Brief Award & Runner-Up, National Telecommunications Moot Court Competition

Atlanta

Denver

Bar Admissions

Colorado, 2003
U.S. Patent and Trademark Office, 2004

Knoxville

Professional Affiliations

Board Member, Intellectual Property and Information Technology Advisory Board, Silicon Flatirons Center at the University of Colorado School of Law
Member, Colorado Bar Association
Member, Denver Bar Association
Member, Licensing Executives Society
Volunteer, The Denver Center for Crime Victims

Madison

Minneapolis

Professional Listings

2010 Rising Star, Colorado Super Lawyers

New York

Significant Representations (* indicates representations prior to joining M&G)

**Acacia Media Technologies Corp. v. Comcast Corp., et al.*, Case No. 05 CV 01114 JW (MDL No 1665) (N.D. Cal.): Represented EchoStar (now the Dish Network) with respect to a multi-district litigation involving video-on-demand ("VOD") and streaming media technology.

Seattle

**Barry W. Thomas v. EchoStar Satellite, LLC*, Case No. 05 CV 494 (W.D. N.C.): Represented EchoStar with respect to a patent lawsuit involving pay-per-view television technology.

Washington DC

David St. John-Larkin (continued)

**EchoStar Satellite LLC, et al. v. Finisar Corporation*, Case No. 06 CV 425 (D. Del.): Represented EchoStar with respect to a patent lawsuit involving electronic program guide (“EPG”) and digital video transmission technology.

**EchoStar Technologies Corp. v. TiVo et al.*, Case No. 5-05CV-81 (E.D. Tex.): Represented EchoStar with respect to a patent lawsuit involving digital video recorder (“DVR”) technology.

**Forgent Networks, Inc. v. EchoStar Communications Corporation, et al.*, Case No. 2:05-CV-318 (E.D. Tex.): Represented EchoStar with respect to a patent lawsuit involving DVR technology.

**Lippert Components v. Dexter Chassis*, Case No. 06 CV 00762 (D. Del.): Represented Dexter Chassis in a patent infringement suit involving trailer chassis design technology.

Marlowe Patent Holdings LLC v. DICE Electronics, LLC, et al., Civil Action No. 10-1199 (D. N.J.): Represented VAIS Technology with respect to a patent lawsuit involving mobile (i.e., automotive) audio technology.

**Superguide Corporation v. DirecTV et al.*, Case No. 00 CV 00144 (W.D. N.C.): Represented EchoStar with respect to a patent lawsuit involving EPG technology.

**TiVo, Inc. v. EchoStar Communications Corp. et al.*, Case No. 2-04CV01 DF (E.D. Tex.): Represented EchoStar with respect to a patent lawsuit involving DVR technology.

**Trans Video Electronics, Ltd. v. EchoStar Communications Corp. et al.*, Case No. 5:06 CV 5033 (N.D. Cal.): Represented EchoStar with respect to a patent lawsuit involving video distribution technology.

Atlanta

Univera Lifesciences Inc. v. Bluebonnet Nutrition Corp., Case No. C06-5721-RBL (W.D. Wash.): Represented Univera with respect to a trademark litigation involving dietary supplements.

Denver

Publications and Presentations

- Co-Author, 25% Rule Held To Be 100% Wrong, Law Week Colorado - February 2011
- Speaker, Open Source Software and Patent Litigation, Silicon Flatirons Center at the University of Colorado School of Law - April 2010
- Speaker, 7th Annual Rocky Mountain Intellectual Property and Technology Institute - May 2009
- Speaker, Slash But Don't Burn? - Prioritizing Intellectual Property in a Recession, at the Monthly Meeting of the Association for Corporate Counsel, Colorado Chapter - April 2009
- Co-Author, Invention Harvesting Begins At The Top, Law360 - July 2009
- Author, Cablevision: Remote DVR Service Creates Copyright Challenges for Content Providers, Intellectual Property Today - September 2009
- Co-Author, Initiating Licensing Discussions After Sandisk & Seagate: What Is A Patent Owner To Do?, Merchant & Gould Whitepaper: The Edge - November 2008
- Author, 2003 Technical Papers Collection of the National Cable Telecommunications Association

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Areas of Expertise

- Patent Analysis and Strategic Portfolio Management
- Non-Infringement and Invalidity Opinions
- Licensing and Technology Transfer
- Patent Prosecution

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