



Dan Smith

Counsel

Dallas - North

Dan.Smith@haynesboone.com

+1 972.739.8634

PRACTICES Intellectual Property, Patent Office Trials, Patents, Technology Transactions, Trademark and Advertising

Dan Smith is an intellectual property attorney focused on *inter partes* review (IPR) and other patent post-grant proceedings before the U.S. Patent Trial and Appeal Board (PTAB). He was recognized by *Patexia* in 2022 and 2023 as one of the top 25 PTAB practitioners in the country, and by *Managing IP* in 2020 as a top lawyer representing petitioners at the PTAB.

Dan offers extensive knowledge and experience in IPR and other PTAB proceedings, both as a petitioner and patent owner, and has successfully represented leading technology companies in more than 150 PTAB trials. Dan's PTAB experience has involved patents spanning diverse technical areas, including pulse oximetry, mobile device video capture, touchscreen devices and user interfaces, wireless communications, telemedicine, semiconductor fabrication, hybrid vehicle drivetrains, and heated flooring systems.

In addition to his work at the PTAB, Dan's practice also includes advising clients in the areas of patent prosecution, patent portfolio development and management, and technology transactions.

Prior to his legal career, Dan worked for over a decade as a lead software architect and engineer in the telecommunications industry and is a named inventor on a U.S. patent related to measuring quality of service in a telecommunications network.

QUALIFICATIONS

EDUCATION

- J.D., Southern Methodist University Dedman School of Law, cum laude
- B.S., Computer Science, The University of Texas at Austin

ADMISSIONS

- Texas
- U.S. Patent and Trademark Office

COURT ADMISSIONS

- U.S. Court of Appeals for the Federal Circuit
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PUBLICATIONS AND SPEAKING ENGAGEMENTS

- “Petitioner’s Perspective: Tips for Winning at the PTAB,” panelist, *IPWatchdog* PTAB Masters 2025 (January 28, 2025)
 - “Depositions for *Inter Partes* Review: How Do They Work?” author, JDSUPRA (August 25, 2020), cited in *Berkeley Technology Law Journal*, Vol. 39 Iss. 4, p. 1234 note 74
 - “What is the PTAB and Who are the Judges?” author, JDSUPRA (July 14, 2020), cited in *Georgetown Journal of Law & Public Policy*, Vol. 22, p. 223 note 13
 - “Oral Hearings at the PTAB: What to Expect” author, JDSUPRA (June 26, 2020)
 - “What Discovery is Available during *Inter Partes* Review?” author, JDSUPRA (May 27, 2020), cited in *American University Intellectual Property Brief*, Vol. 14 Iss. 2, p. 23 note 57
 - “When Should I File an IPR during Litigation?” author, JDSUPRA (May 1, 2020), cited in *Berkeley Technology Law Journal*, Vol. 37, p. 1257 note 279
 - “Challenging Patents through Post-Grant Proceedings: What Are Your Options?” author, JDSUPRA (April 23, 2020), cited in *American University Intellectual Property Brief*, Vol. 14 Iss. 2, p. 17 note 4
 - “Roundtable Discussion among Litigators and Prosecutors Concerning PTAB Proceedings,” panelist, Conference on Intellectual Property Law, Center for American and International Law (November 14, 2016)
 - “PTAB 4 Years In: PGRs ready for primetime,” quoted, *Managing IP* (August 18, 2016)
 - “PTAB Issues Only Its Third Post-Grant Review Decision to Date, Invalidates Storage Container Tracking Claims Directed to Ineligible Subject Matter” author, (August 5, 2016)
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SELECTED CLIENT REPRESENTATIONS

- Represented a leading technology company as petitioner in 18 IPR proceedings challenging patents asserted in parallel district court litigation. All asserted claims found unpatentable.
- Representing a consumer electronics company, invalidated all asserted claims of 2 patents in IPR, prompting dismissal of parallel district court litigation.
- Obtained non-appealable decision not to institute an IPR against a client patent, leading to a favorable settlement in co-pending litigation.

Some of these representations were handled by Dan prior to joining Haynes Boone.

AWARDS AND RECOGNITIONS

- Recognized as a “Top 25 Best Performing Attorney” representing petitioners in Patexia Inc.’s *PTAB Intelligence Report* (2022-2023)
- Recognized as a “Top 50 Attorney for Petitioners” by *Managing IP* (2020)
- Named inventor of U.S. Patent No. 6,914,967 for a “Method for measuring quality of service in a telecommunications network”