



John Schiltz

Partner

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Overview

John Schiltz represents plaintiffs and defendants in high-stakes commercial cases throughout the United States. He has significant litigation experience in state and federal courts as well as arbitrations across a broad spectrum of practice areas including breach of contract, patent, trade secrets, antitrust, cryptocurrency, class actions, product liability, unfair trade practices, shareholder litigation, and other complex commercial disputes.

Schiltz has secured many landmark wins for his clients, who range from Fortune 100 companies, universities, and technology startups to small businesses, individuals, and inventors. His work has resulted in him being selected for *Benchmark Litigation's* "[40 and Under Hot List](#)" and *Lawdragon's* "[500X – The Next Generation of Leading Lawyers](#)," among other accolades.

In a recent bet-the-company case, Schiltz represented LightGuide, Inc. in its successful willful patent infringement action against Amazon.com, Inc., concerning projected augmented reality and warehouse robotics technology. Schiltz was instrumental in retaining venue against Amazon in the Eastern District of Texas (read more [here](#), [here](#), and [here](#)), defeating Amazon's later-filed declaratory judgment action (read more [here](#)), and guiding the litigation strategy through motion practice, claim construction briefing, and fact discovery. The case was dismissed when Amazon entered into a settlement agreement with LightGuide prior to *Markman* and the close of fact discovery and agreed to dismiss all three of its *inter partes* review petitions prior to any of them being instituted by the PTAB (read more [here](#) and [here](#)).

In a major trial victory, Schiltz won a [\\$50.3 million jury verdict](#) on behalf of Green Mountain Glass in its patent infringement lawsuit against Ardagh Glass, Inc., when a federal jury in Wilmington, Delaware found Ardagh (f/k/a Saint-Gobain Containers) willfully infringed upon Green Mountain's patent No. 5,718,737 for technology that allows glass manufacturers to use recycled

glass of mixed colors. This verdict was profiled by [Law360](#) and ranked among the *National Law Journal's* "Top 100 Verdicts of the Year"—it was ranked #34 overall and the 4th highest IP verdict of the year. Schiltz then helped protect the verdict on appeal, briefing and securing a full affirmance of the judgment at the Federal Circuit. A [final payment of \\$64.5 million](#) was later made to Green Mountain.

Schiltz currently represents The Research Foundation for The State University of New York against Inpria Corporation and JSR Corporation in the Northern District of New York, alleging breach of contract, correction of inventorship, and various state law claims concerning the inventorship, ownership, and right to practice and license metal oxide EUV photoresist technology and intellectual property valued at \$2.4 to \$4.3 billion (read more [here](#), [here](#), and [here](#)).

Schiltz joined Susman Godfrey after serving as a law clerk to the Honorable David M. Ebel of the United States Court of Appeals for the Tenth Circuit. He graduated Order of the Coif from the University of Virginia School of Law, where he was a member of the *Virginia Law Review* and the Supreme Court Litigation Clinic. Prior to law school, Schiltz taught high school mathematics as a Teach for America corps member in Kansas City, MO.

Notable Representations

Representative Cases

- ***SUNY RF v. Inpria Corporation et al.* (N.D.N.Y.)** Representing The Research Foundation for The State University of New York in a federal court action against Inpria Corporation and JSR Corporation, alleging breach of contract, correction of inventorship, unjust enrichment, constructive trust and accounting, unfair competition, and conversion. The matter arises out of breach of university-industry research agreements concerning molecular organometallic photoresists and associated intellectual property. Read more [here](#), [here](#) and [here](#)
- ***Nobots LLC v Google LLC* (W.D. Tex.)** Representing Nobots in patent infringement action against Google regarding improved CAPTCHA technology for assessing confidence levels that a computing device interacting with a server is a human being rather than an autonomic computer application or bot.
- ***WellcomeMat, LLC v. Aylo Holdings et al.* (E.D. Tex.)** Representing technology startup, WellcomeMat, in willful patent infringement action against MindGeek companies and others regarding video chaptering and cue point technology for enhancing and handling online video data. Read more [here](#).
- ***LightGuide, Inc. v. Amazon.com, Inc. and Amazon.com Services LLC* (E.D. Tex, W.D. Wa.)** Represented LightGuide in willful patent infringement action against Amazon.com regarding projected augmented

reality systems used in robotic fulfillment centers. After Amazon's motion to transfer venue was defeated, case settled out of court during fact discovery and prior to *Markman*. Read more [here](#), [here](#), and [here](#).

- ***John F. Fish et al. v. Goulston & Storrs PC (Suffolk County Superior Court of Massachusetts)*** Represented John Fish in action against Goulston & Storrs PC, alleging legal malpractice, breach of fiduciary duty, and willful violations of Massachusetts General Laws Chapter 93A, arising out of failed billion-dollar real estate development project in Boston's Back Bay neighborhood. The case resolved out of court. Read more [here](#), [here](#), and [here](#).
- ***Certain Power Semiconductors, and Mobile Devices and Computers Containing Same (ITC Inv. No. 337-TA-1308)*** Represented Arigna Technology Ltd. in an International Trade Commission Investigation and trial alleging violations of Section 337 by Samsung, Apple, Google, TCL, Lenovo, Motorola, Microsoft, and OnePlus in the unlawful importation and/or sale of certain semiconductors with envelope tracking modules and mobile devices and computers containing the same, by reason of infringement of U.S. Patent No. 7,183,835. Samsung, Google, TCL, Lenovo, Motorola, Microsoft, and OnePlus settled out of court. Read more [here](#).
- ***Confidential Dispute Between Angel Investors and Blockchain Startup (Private Mediation)*** Represented a group of high-profile Silicon Valley angel investors and preferred shareholders in a cryptocurrency and blockchain startup who claimed rights to share in a distribution of tokens under the corporate certificate and their stock purchase agreement. Secured a pre-suit settlement worth hundreds of millions of dollars.
- ***Arigna Technology Limited v. Apple Inc. (W.D. Tex.)*** Represented Arigna Technology Ltd. in patent infringement action against Apple regarding RF front-end semiconductor technology used in iPhones and iPads. Schiltz was instrumental in defeating Apple's motion to transfer venue, securing Arigna's successful *Markman*, building Arigna's damages case, and in striking Apple's entire rebuttal damages report. The case settled out of court following pre-trial conference. Read more [here](#) and [here](#).
- ***Certain Power Inverters and Converters, Vehicles Containing the Same, and Components Thereof (ITC Inv. No. 337-TA-1267)*** Represented Arigna Technology Ltd. in an International Trade Commission Investigation and trial alleging violations of Section 337 by Volkswagen, Audi, Bentley, Lamborghini, Porsche, Mercedes-Benz, BMW, and General Motors in the unlawful importation and/or sale of certain power inverters and converters, vehicles containing the same, and components thereof, by reason of infringement of U.S. Patent Nos. 8,247,867 and 8,289,082. Read more [here](#).
- ***Arigna Technology Limited v. Volkswagen AG et al (E.D. Tex.)*** Represented Arigna Technology Ltd. in patent infringement actions

against Volkswagen, BMW, Mercedes-Benz, Nissan, Tesla, Toyota, Honda, and General Motors regarding semiconductor technology used in automotive radar components, power inverters, and engine control modules.

- **Green Mountain Glass v. Owens-Illinois (W.D. Tex.)** Represented Green Mountain Glass LLC in a patent infringement matter against Owens-Illinois and Owens Brockway Glass Container. After a successful *Markman* proceeding, in which Green Mountain obtained its favored construction for every disputed claim term, the case settled favorably pursuant to a confidential settlement agreement.
- **TravelPass Expedia (D. Utah; AAA Arbitration)** Defended Expedia in this breach of contract and trade secret misappropriation case. After the plaintiff filed suit in Utah, Schiltz and the team successfully achieved a complete stay of that litigation and moved the claims to a AAA arbitration. After extensive proceedings in the arbitration, the matter was successfully resolved, and the Utah action was dismissed.
- **In re: Pre-Filled Propane Tank Antitrust Litigation (W.D. Mo.)** Secured \$12.6 million settlement (approximately \$8 million after fees and expenses) for direct purchase plaintiffs in this antitrust lawsuit alleging that the two largest distributors of propane exchange tanks, AmeriGas and Ferrellgas, conspired to reduce the amount of propane they would put in their tanks from 17 to 15 pounds, while keeping prices stable, effectively raising the prices charged by 13% per pound. Read more [here](#)
- **Green Mountain Glass v. Ardagh (D. Del.)** Won a \$50.3 million jury verdict on behalf of Green Mountain Glass in its patent infringement lawsuit against Ardagh Glass, Inc. The federal jury in Wilmington, Delaware found Ardagh, formerly known as Saint-Gobain Containers, willfully infringed upon Green Mountain's patent No. 5,718,737 for technology that allows glass manufacturers to use recycled glass of mixed colors. A final payment of \$64.5 million was later made to Green Mountain. This verdict was [profiled by Law360](#), and ranked among the *National Law Journal's* "Top 100 Verdicts of 2017"—it was ranked #34 overall and the 4th highest IP verdict of the year. Read more [here](#).
- **Reasnor Walmart Stores, Inc. et al. (District Court for Payne County, State of Oklahoma)** Defended Walmart in this product liability suit alleging that Walmart sold the plaintiff an allegedly defective gasoline container manufactured by now-defunct Blitz USA, Inc. Schiltz took key depositions and obtained critical testimony that led to Walmart obtaining summary judgment on all claims. He drafted and argued Walmart's motion for summary judgment which was granted from the bench following Schiltz's impactful oral argument, and Walmart was awarded summary judgment on all claims.
- **Hicks Blitz USA et al. (D. Ariz.)** Defended Walmart in this action alleging that Walmart sold to the plaintiff an allegedly defective gasoline container manufactured by now-defunct Blitz USA, Inc. Schiltz drafted the

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successful motion to remove the case from Arizona state court to the state's district court on diversity grounds under the federal fraudulent joinder doctrine. Once the case was removed, Schiltz drafted the motion to dismiss all claims against Walmart for failure to state a claim on which relief could be granted against Walmart. Schiltz's motion was granted without argument, and all claims against Walmart were dismissed with prejudice.

- ***Boldman Walmart Stores, Inc. et al. (D.N.J.; 3rd Cir.)*** Defended Walmart in a product liability suit alleging that Walmart sold to plaintiffs an allegedly defective gasoline container manufactured by now-defunct Blitz USA, Inc. Schiltz drafted Walmart's motion for summary judgment on all alleged claims, which was granted without argument. The following year, Schiltz represented Walmart on appeal in the United States Court of Appeals for the Third Circuit, which affirmed summary judgment in Walmart's favor.
- ***In re Animation Workers (N.D. Cal.)*** Secured more than \$168 million in settlements (\$147.3 million after fees and expenses) for a class of animation industry employees in this antitrust action against the largest animation companies, including Disney, Pixar, Lucas Films, DreamWorks, and Sony, based on restrictions on their ability to compete against one another for talent. The Plaintiffs alleged they were subject to wage suppression as a result of "no poaching" agreements by their employers. Schiltz's work on the Animation Workers matter helped secure Susman Godfrey's recognition as *Law360's* "Class Action Group of the Year."
- ***ZiiLabs v. Apple and Samsung (E.D. Tex.)*** Served as counsel to ZiiLabs, a subsidiary of the Singapore-based media company Creative Technologies, Ltd., in a patent infringement case against Apple and Samsung. ZiiLabs alleged the two tech giants infringed upon patents related to graphics processing technology developed originally by 3DLabs. The case with Apple settled on the eve of trial after the company had taken a license, and the case with Samsung resolved two days before trial.

Honors & Distinctions

- 40 and Under Hot List, *Benchmark Litigation* (2023)
- Lawdragon 500X – The Next Generation of Leading Lawyers (2023)
- Recognized as a Rising Star by *Washington Super Lawyers* (Thomson Reuters)—an honor awarded to the top 2.5% of lawyers in Washington (2019-22)
- University of Virginia Supreme Court Litigation Clinic

Clerkships

Honorable David M. Ebel, United States Court of Appeals for the Tenth Circuit

Education

The University of Virginia School of Law (, , 2013)

- Order of the Coif
- Editorial Board, *Virginia Law Review*

The University of Montana (B.A., , 2007)

Admissions

Bar Admissions

- Washington
 - Colorado
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Court Admissions

- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Eleventh Circuit

Wins

Susman Godfrey Client Green Mountain Receives Payment of \$64.5 Million Final Judgment Following Jury Verdict in Patent Infringement Suit Against Ardagh Glass, Inc.

Susman Godfrey Wins \$50.3 Million Federal Jury Verdict for Client Green Mountain Glass in Patent Infringement Lawsuit Against Ardagh Glass, Inc.

Leadership & Professional Memberships

- King County Bar Association
- Federal Bar Association
- American Bar Association