



Justin A. Nelson Partner

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Overview

Justin Nelson is a Texas native who represents both plaintiffs and defendants in civil litigation—often in cases with hundreds of millions or billions of dollars at stake. A large part of Mr. Nelson’s practice is going to trial, preparing for trial, and arguing key motions leading up to trial. His practice spans the spectrum in complex civil litigation from antitrust to appellate to bankruptcy to contractual disputes to intellectual property.

Mr. Nelson has been recognized as a “Super Lawyer” since 2013 (Thomson Reuters). Since 2012, *Intellectual Asset Management* magazine has named Mr. Nelson to the IAM Patent 1000: The World’s Leading Patent Practitioners. In June 2010, the *American Lawyer* named Mr. Nelson “Litigator of the Week” for his work on the Washington Mutual bankruptcy case. In April 2017, Justin—serving as lead counsel—obtained a jury verdict of over \$50 million for his client Green Mountain Glass against Ardagh on a patent infringement matter involving recycled glass. Post-trial motions are pending.

Mr. Nelson also has represented various parties as amici in the Supreme Court of the United States, in cases ranging from intellectual property to antitrust to election law. Mr. Nelson has practiced First Amendment law on behalf of various media companies. He also has taught Advanced Constitutional Law on the Law of the Political Process, and has served as the Chair of the Economics of the Profession Committee in the American Bar Association’s Intellectual Property Division. He is a Fellow of the American Bar Association and teaches as an adjunct professor at The University of Texas School of Law.

In addition to his legal writings, his article on Lyndon Johnson’s role at the 1968 Democratic Convention appeared in the *Presidential Studies Quarterly*. He is a former law clerk to Judge J. Harvie Wilkinson, United States Court of Appeals for the Fourth Circuit (2000-01), and for Justice Sandra Day O’Connor at the United States Supreme Court (2002-03).

Education

- Yale University (B.A., cum laude, 1997)
- Columbia University (J.D. 2000)

Clerkship

Law Clerk to the Honorable Sandra Day O'Connor, Supreme Court of the United States, 2002-2003

Law Clerk to the Honorable J. Harvie Wilkinson III, United States Court of Appeals for the 4th Circuit, 2000-2001

Honors and Distinctions

- Recommended Lawyer, Dispute Resolution: General Commercial Disputes, The Legal 500, (Legal 500), [2019](#)
- John Ordronaux Prize for Highest Academic Average in Graduating Class
- James Kent Scholar, 1997-98, 1998-99, 1999-2000
- Articles Editor, Columbia Law Review (1999-2000)
- American Lawyer's Litigator of the Week in June 2010 for his work related to the Washington Mutual litigation. Read the [article here](#).

Articles

- Author: "The Supply and Demand of Campaign Finance Reform," 100 Columbia Law Review 524 (2000)
- "Drafting Lyndon Johnson: The President's Secret Role in the 1968 Democratic Convention," 30 Presidential Studies Quarterly 688 (2000)
- "Discrimination with a Difference: Can Employment Discrimination Law Accommodate the Americans with Disabilities Act?" 79 N.C. L. Rev. 307 (2001) (co-author Samuel Issacharoff).

Notable Representation

Green Mountain Glass LLC and Culchrome LLC v. Saint-Gobain Containers, Inc., d.b.a Verallia North America (2014 - 2017) - Mr. Nelson served as lead counsel to Green Mountain Glass LLC in a patent infringement matter that spanned three years. In April, 2017, a federal jury in Wilmington, Delaware awarded Green Mountain Glass more than \$50.3 million in its lawsuit against Ardagh Glass, Inc. The jury found Ardagh, formerly known as Saint-Gobain Containers, willfully infringed Green Mountain's patent No. 5,718,737 for technology that allows glass manufacturers to use recycled glass of mixed colors. Click [here](#) for more on the case or click [here](#) to read *Law360's* feature on the case in their "How They Won It" series.

Equity Committee of Washington Mutual (2010-2012) - Mr. Nelson and the Equity Committee helped the equity holders in Washington Mutual receive stock in the re-emerged company and a substantial role in the Liquidation Trust. In confirming the plan on February 16, 2012, the bankruptcy judge stated: "I think the equity committee has really, really done a great job in getting a recovery for its constituents." The American Lawyer awarded Mr. Nelson "Litigator of the Week" for his work on the case.

Fractus v. Samsung et al. (2009-2011) - Mr. Nelson was co-lead counsel in a patent case involving antennas for mobile phones. In addition to running the case on a daily basis and examining key witnesses, Mr. Nelson argued case-dispositive matters such as Markman and summary judgment. Before trial, *Fractus*

reached licenses with all the original Defendants except for Samsung. These licenses resulted in agreements worth up to nearly \$70 million in total. During trial against Samsung, Mr. Nelson presented and cross-examined key witnesses such as one of the inventors of the patents-in-suit; Fractus's technical expert; Samsung's lead engineer; and Samsung's damages expert. The trial resulted in a \$23 million verdict for his client Fractus against Samsung on May 23, 2011. The case was settled after appellate argument.

In re Stewart (2010-2011) - Mr. Nelson represented a family member who had been excluded from a large estate. Mr. Nelson prevailed against the Estate's Motion to Dismiss and invalidated the in terrorem clauses in the will and trust. In addition, he successfully argued that the trial court that Arizona should recognize a claim of tortious interference with inheritance, becoming the first court in the state to do so. Soon after the court ruled in favor of Mr. Nelson's client, the case settled.

Esopus Creek v. Syms (2011) - Mr. Nelson successfully represented Esopus Creek in a shareholder's books and records action in New Jersey state court. After prevailing in the trial court, Mr. Nelson also successfully defended the action in appellate courts over Syms' attempt to stay the order.