



Barry K. Shelton

Partner

Dallas

+1 214-453-6407

Barry draws on his technical knowledge, engineering background, and over 20 years of patent law experience to assist clients in patent matters in the high-tech industry. His experience as an engineer, inventor and software developer is prized by clients, and his technical background in electrical engineering spans diverse areas including computers, processors, software, networking, and semiconductors. He represents Fortune 100 global technology companies, publicly-traded foreign companies, mid-to large-size private companies, and start-ups.

Barry Shelton is a partner in the Dallas office and is a member of the firm's Intellectual Property Practice. He has experience litigating patent disputes of every kind, including litigation in district courts across the country, the U.S. International Trade Commission (ITC), and the Patent Trial and Appeal Board (PTAB).

Barry's legal career started in 1999 at Wireless Knowledge, a joint venture between Microsoft and Qualcomm, during the dot-com boom. He had engineering, management, and legal roles at Wireless Knowledge, including Vice President of Operations, Intellectual Property Counsel, and Acting General Counsel. He is a named inventor on three U.S. patents covering inventions he co-developed while at Wireless Knowledge and three U.S. patents on authentication issued since 2016.

In 2001, Barry entered private practice focusing on patent litigation. He was a partner at several large international law firms and at one firm, he was the head of the Intellectual Property group for their Austin, Texas office.

Over his 23-year career, Barry has handled more than 250 patent matters in district courts across the United States and before the ITC. He has argued appeals before the Court of Appeals for the Federal Circuit. He has also litigated trade secret cases and tried a trade secret misappropriation case to verdict in Texas state court.

Since 2019, Barry has represented defendants in more than 130 patent cases in the Waco division of the Western District of Texas, more than any other lawyer or law firm in the nation (Lex Machina). He is recognized and highly sought after for his deep understanding of patent litigation practice in Waco.

Barry has served as lead counsel in cases across all disciplines of electrical engineering, focusing on processor and computer architecture, software, networks and communication protocols, and semiconductors. In addition, he is a registered patent attorney, and has prosecuted patents, performed due-diligence analysis of patent portfolios, authored non-infringement, invalidity and freedom to operate opinions, and performed patent assertion and targeting analysis for operating companies.

Prior to becoming a lawyer, Barry was the president and founder of Performance Consulting Group, LLC, a technical instructor at Vortex Data Systems, and an electronics engineer for the U.S. Navy at the Naval Aviation Depot in San Diego, California. During law school, he held every Microsoft and Novell certification and was a Cisco CCNA.

Barry is a Registered Professional Engineer, Electrical Engineering, in California.

Key Matters

Some of the experience represented below may have been handled at a previous firm.

Barry has first-chaired, led, and consulted in numerous litigations in multiple venues, including the Court of Appeals for the Federal Circuit; the United States International Trade Commission (ITC); the United States Patent and Trademark Office (USPTO); Federal District Courts in California (NDCA, CDCA, SDCA, EDCA), Texas (EDTX, NDTX, SDTX, and WDTX), Delaware, Illinois (NDIL), Washington (WDWA), Wisconsin (WDWI), Massachusetts, New York (EDNY, NDNY and SDNY), as well as international matters in China and Germany. He also represented numerous parties before the Multi-District Litigation (MDL) Panel.

Barry represents and has represented numerous high-tech, consumer product and financial companies, including Align Technology, AMD, ALE USA, Apple, Applied Materials, Cirrus Logic, Dell, EMC, Ethicon, Freescale Semiconductor, Google, Hewlett-Packard Company, HP Inc., Hewlett Packard Enterprise Company, HTC, Lenovo, LG Electronics, Marvell, Micron, Micronics, Micro Focus, Microsoft, Microtune, NVIDIA, NXP, Olympus, RetailMeNot, Rubrik, SGI, SigmaTel, SK hynix, Skullcandy, Starbucks, Tesla, VMware, Wells Fargo Bank, Xerox, and YouTube.

Recognitions

- *The Legal 500 US*, recognized as a “Key Lawyer” in Patent Litigation (2023)
- *The Best Lawyers in America*®, Litigation – Intellectual Property (2017–2019, 2024)
- *Texas Super Lawyers* (2016–2021)
- *IAM Patent 1000* (2015–2018, 2023)

Activities

- Member, Federal Circuit Bar Association
 - Member, American Intellectual Property Law Association
 - Member, Institute of Electrical and Electronics Engineers
-

Credentials

EDUCATION

Barry received his B.S. from Chapman University and his M.S. in electrical engineering from San Diego State University. He received his J.D. from the University of San Diego School of Law, where he was named to The Order of Barristers.

ADMISSIONS

- U.S. Patent & Trademark Office
- Washington
- California
- Texas

Related Insights & News

Speaking Engagements

- “Best Practices for MDL and Pseudo-MDL Patent Litigation,” The Sedona Conference on Patent Litigation, Houston, TX, February 2017
- “Translating Techie: Legal Understanding of Cybersecurity’s Technical Aspects,” Pillsbury Webinar, December 2016
- “Effective Management of Multidistrict Litigations (MDLs) and “Pseudo-MDLs” from the Court and the Parties’ Perspectives,” The 16th Annual Sedona Conference on Patent Litigation, Washington, DC, October 2016
- “E-Discovery and Spoliation,” University of Texas School of Law’s 13th Annual Advanced Patent Law Institute, Austin, TX, October 2008
- “Update On Recent Issues Re E-Discovery,” TexasBarCLE – 21st Annual Advanced Evidence and Discovery Course, Houston, TX, May 2008
- “Electronic Discovery Landmines to Avoid,” University of Texas School of Law, Advanced Patent Law Institute, Alexandria, VA, January 2008
- “Electronic Discovery Landmines to Avoid: A Guide for Business, Technology and IP Lawyers,” University of Texas School of Law, 20th Annual Technology and Computer Law Conference, Austin, TX, May 2007

Publications

- “The Password is Alive But Not Well,” *Infosecurity Magazine*, February 14, 2017
- “Time for the Federal Circuit to Defer to District Courts’ Factual Determinations in Claim Construction?” (with David Patariu), *Westlaw Journal Intellectual Property*, Vol. 21, Issue 18, December 24, 2014

- “What is Reasonable and Nondiscriminatory (RAND) Patent Licensing?” (Three-part series, with Conor Civins), *Inside Counsel*, July – September 2014
 - “Technology: Breaking Down EDiscovery Model Order,” *InsideCounsel.com*, March 2012
 - “Technology: Facilitating Efficient and Cost-Effective Discovery,” *InsideCounsel.com*, February 2012
 - “Technology: Spoliators and the Sanctions they Receive,” *InsideCounsel.com*, February 2012
 - “Technology: Refining your Corporate Data Policies,” *InsideCounsel.com*, January 2012
 - “Technology: The Who, What, Where, When and Why of Crafting Litigation Hold Notices,” *InsideCounsel.com*, January 2012
 - “Technology: Oh, the places your data will go,” *InsideCounsel.com*, December 2011
 - “The Advanced Encryption Standard (AES),” by Barry K. Shelton and Chris Johnson, *TechNewsWorld.com*, July 19, 2010
 - “Introduction to Cryptography,” *Information Systems Security*, June 2010
-

BLOG

Judge Albright Denies Plaintiff VLSI Technology’s Motion for Entry of Scheduling Order on Defendant Intel’s License Defense

FEBRUARY 21, 2024

BLOG

Judge Albright Issues a New Order Governing Proceedings

JANUARY 31, 2024

RECOGNITIONS

Winston Attorneys Recognized in *The Best Lawyers in America*® 2024

AUGUST 17, 2023

RECOGNITIONS

Winston Recognized in 2023 *IAM Patent 1000* Rankings

JUNE 26, 2023

RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2023

JUNE 7, 2023

BLOG

Judge Albright Dismisses for Improper Venue Based on Declarations Showing Alleged Location in District Was Closed Prior To Suit Being Filed

MARCH 29, 2023

RECOGNITIONS

AUGUST 18, 2022

BLOG

Judge Albright Grants in Part Motion for Enhancement of Damages Under 35 U.S.C. § 284, Doubling Damages for CH Lighting and Ruising

AUGUST 15, 2022

IN THE MEDIA

Barry Shelton Discusses the Current State of Waco Patent Litigation in Law360

MAY 18, 2022

BLOG

Judge Albright's Latest Changes to His Order Governing Procedures

MARCH 23, 2022

IN THE MEDIA

Winston & Strawn Adds Three Partners to IP Practice in Dallas, D.C.

JANUARY 5, 2022

PRESS RELEASE

Winston & Strawn Strengthens Intellectual Property Litigation Team With Addition of Barry Shelton and Bradley Coburn

JANUARY 3, 2022

Capabilities

Intellectual Property

Patent Litigation

ITC – Section 337

Trade Secrets, Non Competes & Restrictive Covenants

Technology, Media & Telecommunications