



John P. Pennington

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Areas of Practice

Intellectual Property | Intellectual Property Litigation | Construction Dispute Resolution | Antitrust and Trade Regulation

John P. Pennington is a Partner in the Intellectual Property, Antitrust, and Litigation practices of Smith, Gambrell & Russell, LLP.

Mr. Pennington handles a wide array of commercial disputes in the Commonwealth of Virginia, the District of Columbia and Federal Courts around the country including targeted patent venues like the Eastern District of Texas, Delaware, and the Northern District of California. His litigation practice is particularly focused on intellectual property, antitrust, and construction. Mr. Pennington also maintains an active trademark prosecution practice where he represents clients before the United States Patent and Trademark Office and the Trademark Trial and Appeal Board.

Mr. Pennington was recognized by the National Trial Lawyers Association on its "Top 40 Under 40" list. He has also been frequently named to the Washington, D.C. Super Lawyers Rising Stars list. In 2022, Mr. Pennington was named a "Pro Bono Service Honor Roll" member by the Virginia Access to Justice Commission. Mr. Pennington has served as General Counsel to Potomac Appalachian Trail Club, which is one of the largest volunteer organizations in the Mid-Atlantic region. He currently serves on the Advisory Council for the American Discovery Trail Society, which develops and manages more than 6,800 miles of trail stretching across the country from Delaware to California.

Mr. Pennington received his B.A. from the University of Virginia in 2006 and his J.D. from the George Washington University School of Law in 2011.

Mr. Pennington is a member of the Virginia State Bar, the North Carolina Bar, as well as the District of Columbia Bar and is admitted to practice in the United States Court of Appeals for the Federal Circuit, the U.S. District Court for the Eastern District of Virginia, the United States Bankruptcy Court for the Eastern District of Virginia, and the Supreme Court of Virginia.

Experience

- Currently defending a chicken producer in a nationwide price-fixing antitrust class action litigation.
- *Teel Construction, Inc. v. Power Enterprises Construction, LLC* – represented construction company as a defendant in a contractual dispute in the Circuit Court of Fairfax County, Virginia.
- *Shawmut Woodworking & Supply, Inc. v. Tadich Grill of Washington DC LLC and Teacher's Insurance & Annuity Association of America* – represented construction management firm as a plaintiff in contractual dispute related to large construction project in the District of Columbia.
- *Entege, Inc. v. Metters Industries, Inc.*, E.D.Va., 17-cv-0499 – represented the plaintiff in a contractual dispute. Prevailed on summary judgment and obtained an award of \$675,000 plus interest and attorney's fees.
- *Lincoln IP, Inc. v. Thomas Chiang*, Circuit Court of Alexandria, – represented the plaintiff in a trade secret misappropriation case against a former employee. Obtained a permanent injunction against the defendant and a significant damages award.
- *Cassidian v. microData GIS, et al.*, E.D.Tx., 2:2012-cv-162 – served as trial counsel for defendant securing a jury verdict for the defendants of invalidity and non-infringement after a five-day jury trial. The technology at issue concerned 9-1-1 call routing on a VOIP platform.
- *TracBeam, L.L.C. v. T-Mobile US, Inc.*, E.D.Tx., 6:14-cv-678 – represented defendant in suit involving commercial and 9-1-1 location based services technology.
- *Certain Antivenom Compositions and Products Containing the Same*, 337-TA-903 – represented respondent – the investigation settled favorably before trial.

Admissions

Virginia

North Carolina

District of Columbia

U.S. Court of Appeals for the Federal Circuit

U.S. District Court for the District of Colorado

U.S. District Court for the Eastern District of Virginia

U.S. Bankruptcy Court for the Eastern District of Virginia

Supreme Court of Virginia