Theodore Foster

Partner
Denver
theo.foster@haynesboone.com
+1 303.382.6205

PRACTICES Patent Office Trials, Patents, Patent Prosecution and Counseling, Technology Transactions, Intellectual Property

---

Clients count on Theo Foster to defend their companies against asserted patents. He represents both petitioners and patent owners in *inter partes* review challenges and other post-grant trials before the Patent Trial and Appeal Board at the U.S. Patent and Trademark Office. His clients' technologies include:

- Wireless communications, including 3G, 4G, and 5G cellular; Bluetooth; and IEEE 802.11 WiFi
- Surgical implants
- Server virtualization and datacenter storage systems
- Telecommunications, including voice over IP, power over Ethernet, video on demand, videoconferencing, virtual private networks, optical transceivers, and captive portals

Known as a strong advocate for his clients, Theo regularly represents companies in appeals at the Federal Circuit, including numerous arguments before the Court. In addition, Theo works with clients to review and pursue patent purchase and licensing opportunities, obtaining for them the freedom to operate at the lowest possible cost.

Clients appreciate that Theo is easy to work with and that he collaborates well with client teams and litigation counsel from other firms. They particularly benefit from his passion for technology and his ability to quickly understand the details of their cases. With an undergraduate degree in chemical engineering, Theo brings clients a wealth of experience from his pre-law school work in IT consulting, where he developed a wide-ranging skillset in the electrical, computing, and software fields.

QUALIFICATIONS

EDUCATION

- J.D., Southern Methodist University Dedman School of Law, 2007, *magna cum laude;* SMU Law Review Association
- B.S., Chemical Engineering, The University of Texas at Austin, 2000, *with high honors*

ADMISSIONS

- Colorado

© 2026 Haynes Boone

- Texas
- U.S. Patent and Trademark Office

PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "Trial Lawyer's Guide to Post Grant Patent Proceedings," co-author, *LexisNexis IP Law & Strategy Series* (2023, 2024, 2025).
- Editor in Chief, PTAB Bar Association Appellate Year in Review (2024, 2025).
- “2024 Year-in-Preview,” PTAB Bar Association Appellate Year in Review (2023).
- “Good for the Gander: Patent Owners Face IPR Estoppel, Too,” co-author, *The Patent Lawyer* 8-10, Sep.-Oct. 2020.
- “It's OK to (Silently) Disagree With Proposed Claim Constructions in an IPR,” co-author, *Westlaw Today*, September 24, 2020.
- “Know Your Limits,” co-author, *Intell. Prop. Mag*. 54-56, June 2020.
- “Join the Party” (analysis of the Federal Circuit’s *Facebook, Inc. v. Windy City Innovations* decision), co-author, *Intell. Prop. Mag*. 56-57, May 2020.
- “PTAB Discretionary Institution and Parallel Petitions,” co-author, *The Patent Law* 30-32, Mar.-Apr. 2020.

SELECTED CLIENT REPRESENTATIONS

- Wireless equipment manufacturer - prepare and file eight petitions for *inter partes* review that prompted a favorable settlement.
- Social media company - prevail in *inter partes* review on all claims against a patent asserted by a non-practicing entity.
- Medical device company - representing the patent owner, successfully obtained denial of institution on four petitions for *inter partes* review.
- Social media company - prevail in *inter partes* reexamination on all claims against two patents asserted by a non-practicing entity.
- Online meeting platform - prevail in *inter partes* review on all claims against three patents asserted by a non-practicing entity.
- Datacenter solutions provider - prevail in *inter partes* review on all claims against one patent asserted by a non-practicing entity.
- Communication equipment maker - prevail in *inter partes* review on all claims against six patents asserted by a non-practicing entity.
- Communication equipment maker – negotiate favorable terms for a license to another operating company’s patent portfolio.
- Defense group including several instant communication companies - draft and prosecute request for *inter partes* reexamination. The patent owner's efforts to distinguish the prior art in reexamination led to a grant of summary judgment of non-infringement in litigation.
- Consumer electronics company - draft and prosecute request for *inter partes* reexamination on two related patents. While the litigation was stayed, the Patent Office found all claims of both patents invalid.
- Global networking equipment provider - prosecute *inter partes* reexamination through an appeal to the Federal Circuit, resulting in a published opinion.

© 2026 Haynes Boone

AWARDS AND RECOGNITIONS

- Recognized as one of the "Top 100 Most Active Attorneys" representing petitioners; "Top 100 Best Performing Attorneys" representing petitioners; Top 10 percent in Overall Performance representing petitioners or patent owners in Patexia Inc.'s *PTAB Intelligence Report,* 2025
- Recognized as one of the "Top 250 Attorneys" representing clients in the Court of Appeals for the Federal Circuit in Patexia Inc.'s *CAFC Intelligence Report*, 2024
- Recognized as one of the "Top 100 Active Attorneys" representing petitioners in Patexia Inc.'s *PTAB Intelligence Report*, 2024
- Recognized as one of the "Top 100 Most Active Attorneys" representing petitioners in Patexia Inc.'s *PTAB Intelligence Report*, 2023
- Recognized as one of the "Top 100 Most Active Attorneys Overall" representing petitioners or patent owners in Patexia Inc.'s *PTAB Intelligence Report*, 2023
- Recognized as one of the "Top 100 Best Performing Attorneys" representing petitioners in Patexia Inc.'s *PTAB Intelligence Report*, 2023
- Recognized in Patexia Inc.'s *IPR Intelligence Report*, 2022

© 2026 Haynes Boone