



Alan N. Herda

Partner

Dallas | Fort Worth

alan.herda@haynesboone.com

+1 214.651.5924

PRACTICES Intellectual Property, Patents, Patent Prosecution and Counseling, Trademark and Advertising, Copyright, Mechanical, Design Patents, Oilfield Technology, Sports Law

Alan Herda builds domestic and foreign patent portfolios for clients. Alan prepares and prosecutes U.S. and foreign utility patent applications covering a wide range of technologies including, for example, all aspects of oil and gas exploration and production including hydraulic fracturing operations, computer hardware and software, business methods, and airline, automotive, food processing, and laboratory instrumentation technologies. Alan conducts patentability, freedom-to-operate, validity, and infringement investigations, and prepares related opinion letters. Alan also supports intellectual property litigation, including patent infringement and trade secret misappropriation cases, by conducting due diligence and infringement, validity, and claim construction analyses. Alan has successfully prosecuted patent reexaminations during concurrent patent infringement litigation.

In addition to utility patents, Alan's practice includes a focus on design law. Alan has obtained design patents and registrations throughout the world covering a wide variety of consumer products, industrial components, and computer-implemented designs, in the fields of, as examples, audio speakers, exercise equipment, product packaging, oil and gas components including hydraulic fracturing components, office supplies, mining equipment, home medical devices, computer icons, and computer display screens. Alan has helped clients enforce their design rights, avoid design rights held by others, respond to allegations of design patent infringement, and institute post-grant proceedings before the U.S. Patent Office. Alan considers design patents in concert with other types of intellectual property, including utility patents, copyrights, trade dress, and trademarks. In this regard, Alan works closely with the firm's Trademark Practice Group to develop comprehensive, yet practical, intellectual property strategies.

Alan's industry experience includes working as a mechanical engineer at Motorola, designing mechanical parts and assemblies for cellular base transceiver stations, conducting structural/thermal simulations of mechanical designs, and designing/conducting experiments to certify designs and verify simulations. Alan's industry experience also includes working as a research assistant for an oil and gas services company, during which time he conducted performance testing of separation/filtration systems and pressure vessels, and was a member of a team that developed a test system for determining separation efficiencies of natural gas separators operating under high pressure in the field.

QUALIFICATIONS

EDUCATION

- B.S.M.E., University of Texas at Arlington, 1996, *summa cum laude*, Mechanical Engineering Class Ranking #1
- J.D., Texas A&M University School of Law, 2003, *summa cum laude*, Class Ranking #1

ADMISSIONS

- Texas
- U.S. Patent and Trademark Office

COURT ADMISSIONS

- U.S. Court of Appeals for the Federal Circuit
-

PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "[Downing Wellhead Equipment enforces its patents covering continuous pumping in hydraulic fracturing operations](#)," co-author, *The Patent Lawyer Magazine*, June 27, 2023.
 - "[How Lip Implant Ruling Has Affected Design Patent Disputes](#)," co-author, *Law360*, April 14, 2023.
 - "Design Patents – Latest from Federal Circuit on Claim Scope and its Effects," co-speaker, DBA Intellectual Property Section CLE, December 2, 2021.
 - "Federal Circuit Tells Patent Office to Limit Scope of Design Patents, Overturning Patent Office Precedent," co-author, Haynes Boone *IP Beacon* blog, October 11, 2021.
 - "Logos and the Ordinary Observer Test," co-author, Haynes and Boone blog post, November 22, 2019.
 - "Design Patents," speaker, Berkeley-Stanford Advanced Patent Law Institute, East Palo Alto, CA, December 6, 2018.
 - "Portion Control for Design Patents," speaker, 2017 IP Aggie Forum, Fort Worth, TX, September 25, 2017.
 - "The Design Patent Train Hits a Cow," co-author, Lexology, December 9, 2016.
 - "Prosecution history estoppel applies to design patents," co-author, Lexology, March 19, 2014.
 - "Federal Circuit Bolsters Validity of Design Patents," author, Lexology, September 27, 2013.
 - "The Patent Law Treaties Implementation Act of 2012," co-author, Lexology, June 4, 2013.
 - "Subject Matter Support in Design Continuation Applications: In re Owens Decision Provides New Guidance," author, Lexology, April 4, 2013.
 - "Design Patent Decisions: A Year in Review," speaker, U.S. Patent and Trademark Office Design Day, April 10, 2012.
 - "The Supreme Court raises new questions about the patentability of business methods," co-author, ABA Annual Review of Litigation, Appellate Practice § 3.7.1, April 5, 2011.
 - "Model Design Patent Jury Instructions," co-author, Intellectual Property Owners Association (IPO) Design Rights Committee, August 19, 2010.
 - "In Giving Crocs its Patent Bite Back, Has the Federal Circuit Increased the Value of all Design Patents?" author, Lexology, May 4, 2010.
 - "Answering the New Test for Invalidating Design Patents," author, Lexology, January 11, 2010.
 - "Protecting Product Configurations: Design Patent Focus," speaker, Dallas Bar Association Intellectual Property Section, January 23, 2009.
-

PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Dallas Bar Association
 - Intellectual Property Owners Association; Industrial Designs Committee
-

SELECTED CLIENT REPRESENTATIONS

- Represented SurgiSil at the Federal Circuit and successfully argued for a reversal of a design patent claim rejection, which also overturned Patent Office precedent.
-

AWARDS AND RECOGNITIONS

- Named as a *Thomson Reuters* Stand-out Lawyer, 2025
- Recognized in *The Best Lawyers in America*, Woodward/White, Inc., Litigation - Intellectual Property, 2024-2025; Technology Law, 2024-2025
- Recognized in The *Legal 500* U.S. Legal Directory as a Recommended Lawyer in “Patents: Prosecution” Category, 2023.
- Shortlisted for the annual *LMG Life Sciences Awards Americas*, Euromoney Institutional Investor, in the Patent Strategy Attorney of the Year - South category, 2022
Published by Euromoney Institutional Investor, LMG Life Sciences
- Recognized in *Intellectual Asset Management (IAM) Patent 1000: The World’s Leading Patent Practitioners*, Globe White Page Ltd, 2020-2024
- Recognized in *D Magazine's* "Best Lawyers in Dallas," D Magazine Partners, 2018-2019, 2022
- Selected for inclusion in *Texas Super Lawyers Rising Stars*, Thomson Reuters, 2009-2012