



Cynthia B. Rothschild Ph.D.

PARTNER

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Services

Intellectual Property; Patent Prosecution & Counseling; Biologics and Biosimilars

Industries

Health & Life Sciences

Dr. Cynthia B. Rothschild practices intellectual property law. Dr. Rothschild has worked with a variety of companies and universities to develop their IP portfolios in areas relating to pharmaceuticals, medical devices, chemical compounds, and biotechnology. She is also involved in counseling clients with respect to the development of new technologies, obtaining patent protection for new inventions, as well as providing assessments relating the strength of their IP portfolios and strategies for enforcement of patent rights.

Dr. Rothschild's professional experience includes serving as a research assistant professor at Wake Forest University Medical School where her research focused on genetic analysis of complex diseases, including cancer and diabetes. In collaboration with a local biotechnology company, Dr. Rothschild developed a highly sensitive assay for detection of genetic changes associated with cancer.

In 2011, Dr. Rothschild was selected as one of the Triad's Women Extraordinaire by *Business Leader Magazine*. Dr. Rothschild is very involved with pro bono work, and received the 2002-2003 North Carolina Intellectual Property Section Award for Pro Bono Work. Dr. Rothschild is a former Chair of the North Carolina Bar Association's Intellectual Property Section and remains active in the Section. Additionally, Dr. Rothschild has lectured at Wake Forest University Law School on topics ranging from bioethics to patenting of genetic sequences. She is AV[®] rated by Martindale-Hubbell.*

*CV, BV, and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedure's standards and policies.

Experience Highlights

Patent prosecution and counseling for clinical laboratory services provider

Represent a leading clinical laboratory services provider in intellectual property related services, including freedom to operate analyses, patent license negotiation and review, collaborative research and development agreement preparation and analysis, patent prosecution and litigation services and due diligence and pre-litigation counseling. Technologies include clinical diagnostic services; robotics; bioinformatics; genome mapping; genetic testing; gene mapping and counseling; companion diagnostics; blood testing services, and biotechnology.

Patent prosecution for medical device companies

Drafted numerous patent application relating to medical devices including endoscopic devices for repairing or use during surgery for the spine. Prepared non-infringement and invalidity opinions for a large family of patent applications relating to stents for repair of the heart.

Patent counseling services for leading pharmaceuticals manufacturer

Provided patent counseling services including patent license review, dispute resolution and pre-litigation counseling to leading pharmaceuticals manufacturer related to reexamination and reissue applications for large and small molecule therapeutics.

Grandparent adoption

Represents caregivers seeking to adopt children. One of the firm's signature pro bono programs is the Grandparent Adoption Program. Dozens of lawyers have been trained to represent grandparents and other relative caregivers who step up to raise young children in their extended family when the children's parents are unable or unwilling to do so. Working in partnership with local legal aid programs, lawyers accept referrals of eligible families, and prepare and file the required documents to effect the adoption. Hundreds of children's lives have been stabilized as a result of the firm's involvement.

Guardian ad litem

Represent children and/or their best interests in a variety of settings and courts. Lawyers routinely serve as guardians ad litem, representing the best interests of children in a variety of contexts. In Atlanta and in Winston-Salem, lawyers have represented the best interests of hundreds of children whose parents are disputing their custody. The guardian ad litem is charged with getting to know the child, studying the circumstances of the child's life, interviewing witnesses, reviewing documents and ultimately, making an oral or written recommendation to the appointing court as to what is in the child's best interests.

Security deposits for tenants

Represents the action of tenants seeking the return of their security deposits from landlords who withheld them in violation of law. The work of these lawyers has recovered thousands of dollars for tenants, enabling them to move into other housing and move on with their lives.

Patent litigation for leading pharmaceutical company

Represented a leading producer of pharmaceuticals products in a patent infringement suit brought by a competitor asserting that certain ibuprofen softgels made by our client infringed a patent owned by the competitor. The parties settled the dispute before Banner filed an answer.

Protective orders for domestic violence victims

Represents victims of domestic violence who are seeking protective orders for themselves and their children against batterers and stalkers.

Patent prosecution for drug discovery company

Represent an emerging drug discovery company with small and large molecule therapeutics with respect to patent prosecution and related counseling. Assisted with providing transactional related patent due diligence services, including performance of patent related due diligence on potential partners, and responding to patent related due diligence requests from potential partners. Also, the firm assisted in the drafting and negotiation of strategic partnership agreements, joint development agreements, patent license agreements, employment and consulting agreements and related transactional documents.

E.I. du Pont de Nemours & Company, et al. v. BASF Plant Science GmbH, et al.

Represented DuPont in patent dispute with BASF involving technology related to herbicide-resistant genetically modified corn. Litigation resulted in an agreement to cross-license patents and mutually dismiss the pending claims and counterclaims.

E.I. du Pont de Nemours & Company, et al. v. BASF Plant Science GmbH, et al., No. 1:09-cv-00393 (D. Del. filed Jun. 1, 2009).

Death penalty representation

Represented a former town councilman and military veteran who had been convicted of killing his wife and sentenced to death. Our work included interviewing jurors to determine if there was any basis for a juror claim. The team analyzed the bases for jury strikes, interviewed jurors in person about the trial, and provided their findings to the Center for Death Penalty Litigation (CDPL). The findings were included in a motion for appropriate relief filed with the trial court. The judge ordered an evidentiary hearing on the juror claim the Center raised, pertaining to jurors reading the Bible and consulting a minister about whether to impose life or death. The Center reported that the judge seemed genuinely troubled by the allegations, and was hopeful that if the testimony came in as anticipated, it could prevail and obtain sentencing relief for the client. Soon thereafter, we received word that the judge vacated the client's death sentence because of juror misconduct during sentencing deliberations, discovered through juror interviews conducted by our team of lawyers. The team learned that a juror consulted her minister on the first night of sentencing deliberations. Her minister, who was a former probation officer, explained that a death sentence is followed by a series of appeals and that the decision can be reversed. The judge ruled that this extrinsic information potentially tainted the jury by alleviating them of their responsibility to make their own decision about whether to impose death.

Death penalty representation: projects

Lawyers work with organizations that represent death row inmates in various jurisdictions by researching and analyzing discrete areas of the law as they pertain to the inmate's circumstances. In connection with the American Bar Association's Death Penalty Project, we produced an analysis of all fifty states' appellate practices in death penalty cases and convinced the California Supreme Court to withdraw proposed changes that would have limited appeals.

Patent prosecution for University of North Carolina at Charlotte

Represent University of North Carolina at Charlotte in preparing and prosecuting patent applications relating to bioinformatics. Also, participated in symposia providing assistance to start-up ventures.

Litigation for landlord tenants

Represent tenants in suits against landlords for deplorable conditions in rental housing when the landlords have refused to repair the premises. Remedies include repair, reduction in rent, reimbursement for out-of-pockets and release from an ongoing lease.

Patent prosecution and counseling for Wake Forest University Health Sciences

Represent Wake Forest University Health Sciences in preparing and prosecuting numerous U.S. and international patent applications, including applications relating to cancer diagnostics and/or treatment, the treatment of neuronal dysfunction. For example, patents have been granted for methods to prevent neurodegeneration, to detect elevated MAP-2 in melanoma, and the use of angiotensin antagonists to treat cancer. Also, the firm assisted with patent license counseling and negotiation, inventorship disputes, and inter-university agreement negotiations.

Patent counseling services for leading tobacco manufacturer

Provide patent prosecution and counseling services to a leading tobacco manufacturer. Assisted in obtaining patents for genetically selected tobaccos having increased amino acid content.

Patent prosecution and counseling for Georgia Health Sciences

Represent Georgia Health Sciences in preparing and prosecuting numerous U.S. and international patent applications, including applications relating to screening assays for proteins involved in disease, as well as large and small molecule therapeutics used as anti-viral agents and therapeutics for cancer and other diseases.

Patent prosecution and counseling for a provider of integrated drug development services

Represented a provider of integrated drug development services to the pharmaceutical and biotech industry, performed due diligence, rendered opinions letters and prosecuted patents.

Patent prosecution and counseling for University of North Carolina at Greensboro

Represent University of North Carolina in preparing and prosecuting numerous U.S. and international patent applications, including applications relating to nucleic acid arrays for monitoring ecosystems, the assessment of compounds as potential insecticides based on effects relating to ecdysteroid gene expression, and assessing intellectual property relating to clinical services.

Acquisition and licensing for large clinical laboratory network

The firm assists one of the world's largest clinical laboratory network's in pre-acquisition and pre-licensing due diligence relating to technology assets, including genetic markers, laboratory technologies and methodologies, microfluidics and related intellectual property. The firm also assists in the preparation and review of acquisition and licensing documents resulting from the due diligence.

Patent litigation for DuPont

Represented DuPont in multiple patent infringement cases in the United States District Court in the Middle District of North Carolina involving flexographic printing solvent patents.

NUPRO Technologies, Inc v. E.I. du Pont de Nemours and Co., No. 1:06-cv-1061 (M.D.N.C. filed Nov. 9, 2006).

E.I. du Pont de Nemours and Co. v. NUPRO Technologies, Inc., No. 1:08-cv-00199 (M.D.N.C. filed Mar. 25, 2006).

Patent litigation for a consumer products and manufacturing company

Represented a consumer products and manufacturing company in litigation against a competitor for sporting equipment believed to infringe our client's patent.

*Experience gained by attorney prior to joining Kilpatrick Townsend

Publications, Articles and Speaking Engagements

Negotiating a New Legal Landscape: The Advent of Follow-On Biologics
University of San Francisco Law Review, Vol. 46, pp. 1029-1074, April 01, 2012

Preparing for the America Invents Act
Kilpatrick Townsend & Stockton 2012 Advanced Patent Law CLE, February 01, 2012

Debate Regarding the Legality of Human Gene Patents
Wake Forest University School of Law, October 21, 2010

Bio/Chem PTO Trends and Strategies
Kilpatrick Stockton 2010 Advanced Patent Law CLE, February 23, 2010

Biotech Patents - Trends and Tips

Kilpatrick Stockton 2009 Advanced Patent Law CLE, March 05, 2009

Patent Law Basics: An Overview of Patent Law and Avoiding the Loss of Rights

Intellectual Property Desk Reference, January 01, 2009

The Impact of the 2005 and 2006 Patent Reform Legislation on Injunctive Relief

Intellectual Property Litigation, June 01, 2007

Post-Issuance Patent Modification of U.S. Patents — Reexamination or Reissue?

IP Links, March 01, 2007

Patent Law Basics: An Overview of Patent Law and Avoiding the Loss of Rights

Intellectual Property Desk Reference, January 01, 2006

DD/AP-PCR: Differential Display and Arbitrarily Primed PCR of Oligo(dT) cDNA

Biotechniques Books, January 01, 1998

Fructose-1,6-bisphosphatase: genetic and physical mapping to human chromosome 9q22.3 and evaluation in non-insulin-dependent diabetes mellitus

Genomics, September 01, 1995

A microtiter plate assay using cascade amplification for detection of nonisotopically labeled DNA

Analytical Biochemistry, February 10, 1995

Professional & Community Activities

North Carolina Bar Association, Chair of the Intellectual Property Law Section (2010-2011), Section Member (2006-Present), and Past Chair of the CLE Committee (2006-2007)

Biotechnology in the Piedmont Triad, Member of the Advisory Committee

Winston-Salem Symphony, Board of Directors, Chair of the Nominating Committee

Bethesda Center for the Homeless, Past Secretary and Member of the Board of Directors and Secretary

Bowman Gray Child Guidance Center, Past Chair and Member of the Board of Directors

Education

Wake Forest University, J.D. (1999)

University of Michigan, Ph.D., Biological Chemistry (1984)

University of Michigan, M.S., Biological Chemistry (1980)

University of Virginia, B.S., Chemistry (1978)

Bar Admissions

North Carolina (1999)

Admissions

U.S. Patent and Trademark Office

U.S. District Court for the Middle District of North Carolina