

Justin L. Krieger

Partner

1400 Wewatta Street
Suite 600 , Denver , CO USA 80202
t 303.405.1486
607 14th Street, NW
Suite 900 , Washington , DC USA 20005
t 202.481.9922 | f 202.380.0913
jkrieger@kilpatricktownsend.com

Services

Adversarial Patent ProsecutionSM
Asset Creation - Prosecution &
Counseling
Biologics & Pharmaceutical Patent
Litigation
Intellectual Property
ITC Section 337
Licensing, Transactions &
Monetization
Market Protection - Opinions &
Dispute Avoidance
Patent Litigation
Patents
Post-Grant Proceedings
Trade Secrets

Industries

Chemicals
Consumer Goods
Energy
Health & Life Sciences
Medical & Surgical Devices
Oil & Gas
Retail & Consumer Goods



Justin Krieger serves as the Managing Partner of the firm's Denver office. He is a first chair *inter partes* review (IPR) and post-grant review (PGR) litigator with a tremendously successful track record for challenging third party patents as well as defending against patent challenges brought before the Patent Trial & Appeal Board (PTAB). As a registered patent attorney, Mr. Krieger also focuses on client counseling, district court litigation, and patent prosecution. His technical focus includes chemistry, chemical engineering, medical devices, metallurgy, nanotechnology, mechanical engineering and consumer products. He has significant experience managing large domestic and international patent portfolios in these industries.

Mr. Krieger supervises a post-grant patent practice team that has consistently obtained favorable results for the

firms clients. He has served as lead counsel in 19 IPR and PGR proceedings, representing clients both as petitioner and patent owner. Mr. Krieger has repeatedly beaten the odds: representing Patent Owners, 3 petitions were denied institution, and 3 IPRs resulted in favorable decisions after trial. All three cases resulted in the validation of all instituted claims—a result achieved in fewer than 5% of IPR proceedings.

Representing Petitioners, Mr. Krieger has been equally successful: In 2017, Mr. Krieger successfully represented Petitioner in two IPRs, resulting in the Patent Owner requesting adverse judgment. In 2018, Mr. Krieger successfully took three IPRs to trial on behalf of Petitioner. In 2019, he achieved another win as IPR petitioner, resulting in an early grant of a client's motion to terminate the proceeding on terms highly favorable for the client. Overall, he has successfully represented patent owners in 6 proceedings and petitioners in 6 proceedings (several proceedings remain currently pending).

Mr. Krieger also actively prepares non-infringement and validity opinions including comprehensive freedom-to-operate (FTO) analyses in the chemical, polymer, medical device, and mechanical arts from both due diligence and litigation perspectives. Mr. Krieger also has been actively involved in numerous patent litigation matters and has participated in all phases of discovery, trial, and appeals. He is also experienced in Section 337 investigations before the U.S. International Trade Commission (ITC).

Mr. Krieger is also actively involved in numerous patent litigation matters and has participated in all phases of discovery, trial, and appeals. He is also experienced in Section 337 investigations before the US International Trade Commission (ITC).

Mr. Krieger lectures and publishes frequently on various intellectual property topics, including the America Invents Act, IPR and Post Grant Review (PGR) proceedings, best practices in drafting patent applications and the Defend Trade Secrets Act of 2016.

While attending law school, Mr. Krieger was a member of the *Florida Law Review*.

Mr. Krieger was recommended by *Legal 500 US* in 2018 for Patent Prosecution. He was named a top patent practitioner in 2018 and 2019 by *IAM Patent 1000 – The World's Leading Patent Practitioners*.

Experience

Mr. Krieger leads a patent prosecution team for clients in the fields of industrial chemistry and chemical engineering, pharmaceuticals, agrochemicals, medical devices and analytical instruments.

He was lead counsel for patentee Celanese in five IPR petitions filed by competitor Daicel challenging the validity of Celanese patents related to industrial acetic acid production. The Patent Trial and Appeal Board initially ruled in favor of client Celanese, completely denying all five petitions, although requests for rehearing

subsequently resulted in the institution of 3 of the 5 IPRs. In June of 2016, the PTAB issued final written decisions in the three IPRs, finding for patent owner Celanese and affirming all instituted claims as not unpatentable. PTAB Case Numbers IPR2014-01514, IPR2014-01515, IPR2015-000170, IPR2015-00171 and IPR2015-00173.

Mr. Krieger also served as lead counsel in five IPR proceedings in which client Celanese successfully challenged five patents owned by competitor Daicel Corporation. All five IPRs were instituted, with 2 being immediately terminated when Daicel filed requests for adverse judgement. Three of the IPRs proceeded to trial, where the PTAB found overwhelmingly in Celanese's favor. PTAB Case Numbers IPR2017-00162, IPR2017-00163, IPR2017-00164, IPR2017-00165 and IPR2017-00166.

Kilpatrick Townsend also represented petitioner Celanese in an IPR petition challenging several claims of US Patent 9,776,941 to Daicel Corporation. Daicel made new arguments in its Preliminary Response concerning the scope of the challenged claims. In an unorthodox victory, Celanese moved to terminate the proceeding, without prejudice, in view of the new prosecution history created by the Preliminary Response. The Board granted the motion on April 12, 2019, resulting in significant savings to the client. PTAB Case Number IPR2019-00313.

As lead counsel, Mr. Krieger prevailed on behalf of Kilpatrick Townsend client Materion Corporation, securing denial of post-grant review (PGR) of US Pat. No. 9,989,684 relating to near infrared optical interference filters. The Patent Trial & Appeal Board concurred with Materion's Preliminary Response, upholding the patent, which had been challenged for lack of written description, enablement, anticipation and obviousness. *Viavi Solutions Inc. v. Materion Corp.*, PTAB Case Number PGR2019-00017.

Education

University of Florida College of Law, J.D. (1999)

College of William and Mary, B.S., Chemistry (1995)

Admissions

Colorado (2018)

District of Columbia (2002)

New York (2000)

Court Admissions

U.S. Patent and Trademark Office (2001)

U.S. Supreme Court

U.S. Court of Appeals for the Federal Circuit



U.S. District Court for the District of Columbia

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

Professional & Community Activities

American Bar Association, Member

Federal Circuit Bar Association, Member

American Intellectual Property Law Association, Member

Intellectual Property Owners Association, Member

American Chemical Society, Member

ITC Trial Lawyers Association, Member

PTAB and TTAB Committee (Federal Circuit Bar Association), Member

PTAB Bar Association, Member

Committee on Patents and Related Matters (ACS), Member

Insights

[In The News](#)

He Said It: Justin Krieger

January 16, 2020

[In The News](#)

Justin Krieger Takes Over at Kilpatrick Townsend

January 16, 2020

[News Releases](#)

Justin Krieger Appointed to the Board of Trustees of the American Chemical Society's Division of Chemical Education

January 7, 2020

[News Releases](#)

Kilpatrick Townsend Names Justin Krieger Managing Partner of Denver Office

January 2, 2020

[In The News](#)



Q4 Managing Partner Roundtable
December 31, 2019

[In The News](#)

Justin Krieger Quoted in *Law Week Colorado* re: "Federal Circuit Breaks, Fixes PTAB"
November 21, 2019

[Events](#)

Your Secret Weapon: What Every Corporate Attorney Should Know about Trade Secrets
November 6, 2019

[Events](#)

PTAB Practice: An Overview and Statistical Analysis
September 24, 2019

[Events](#)

New Agrochemical Products: Clearing a Path for Commercialization
August 29, 2019

[Events](#)

Inventions for Sale? Navigating the On-Sale Bar Under the America Invents Act
August 25, 2019

[Events](#)

Commercializing Your Invention – Everything You Need to Know About the On Sale Bar
August 6, 2019

[News Releases](#)

Kilpatrick Townsend Receives High Rankings in 2019 IAM Patent 1000
July 11, 2019

[In The News](#)

Patent Attorneys Address Implications of SCOTUS' Return Mail Ruling
June 13, 2019

Events

Trade Secrets Basic Principles and Issues

May 29, 2019

In The News

Reminder: There's More Than One Way To Amend A Patent

April 29, 2019

Events

The Supreme Court's Helsinn Decision and Secret Prior Art

April 24, 2019

Alerts

USPTO Issues Guidance on Options to Amend through Reissue and Reexamination during AIA Trials

April 22, 2019

Events

The On Sale Bar: What You Need to Know after Helsinn v. Teva

March 30, 2019

Publications

Promising Signs For Patent Owners Amending At PTAB

March 21, 2019

Alerts

New Pilot Program: Motion-to-Amend Practice in PTAB Proceedings Gives Patent Owners New Options

March 19, 2019

Events

Trends and Recent Changes to PTAB Practice

March 4, 2019

In The News

Return Mail Reaction: Patent Bar Sampling Narrowly Favors Finding for Petitioner

February 27, 2019



Events

Patent Challenges at the U.S. Patent Trial & Appeal Board: An Overview

February 20, 2019

Events

Patent Challenges at the U.S. Patent Trial & Appeal Board: An Overview

February 19, 2019

In The News

SCOTUS: Wording Change Does Not Amount to Legal Change in Patent Case

February 18, 2019

Alerts

Supreme Court Holds AIA Did Not Eliminate Secret Prior Art

January 23, 2019

Webinars

The On Sale Bar: Supreme Court Review of Helsinn v. Teva

January 9, 2019

Publications

Intellectual Property for Project Development

December 13, 2018

Events

Ethical Issue Spotting for Your Enterprise Innovation

December 6, 2018

Events

Phillips Construction in PTAB Trials: Strategies for Petitioners and Patent Owners

December 3, 2018

Perspectives

5 Key Takeaways: Helsinn v. Teva: The Status of Secret Prior Art and the On-Sale Bar

November 6, 2018



Events

IP Litigation: Problems and Solutions

October 23, 2018

In The News

Will the Phillips Standard Change the Game on Patent Claims?

October 15, 2018

Alerts

Final Rules: PTAB Adopts Phillips Standard for AIA Trials

October 11, 2018

In The News

PTAB Pushed Toward More Precedent, Predictability

October 1, 2018

Events

Patenting the unpatentable? Opportunities for protecting trade secret processes under the America Invents Act (final paper number: AGRO 386)

August 23, 2018

Events

Helsinn v. Teva: The Status of Secret Prior Art and the On-Sale Bar

August 6, 2018

News Releases

Kilpatrick Townsend Recognized in 2018 IAM Patent 1000

July 2, 2018

In The News

Justin Krieger Quoted in "US Supreme Court To Clarify On-Sale Bar Post-AIA"

June 27, 2018

Alerts

Supreme Court to Review AIA On-Sale Bar

June 26, 2018



[In The News](#)

Justin Krieger Quoted in "Supreme Court Could Clear Up On-Sale Bar In Patent Cases"

June 26, 2018

[Publications](#)

You Stole My Invention! Authorship and Inventorship Considerations in Honoring Non-Disclosure Agreements, Chapter 5

June 25, 2018

[Events](#)

State of Confusion: Secret Prior Art Under the America Invents Act

June 14, 2018

[News Releases](#)

Kilpatrick Townsend Receives Top Rankings from 2018 Legal 500 US

June 11, 2018

[Publications](#)

An Uptick In PTAB's Motion To Amend Grant Rate

June 11, 2018

[In The News](#)

4 Things To Know About New PTAB Amendment Guidance

June 8, 2018

[Perspectives](#)

Developing Issues in Post-Grant Patent Challenges

May 15, 2018

[Alerts](#)

PTAB Proposes Adopting Narrower Phillips Claim Construction Standard

May 10, 2018

[Perspectives](#)

KT Client Success: Energy Team Closes Third Ever Renewable Chemicals Project Worth \$56 Million

January 22, 2018



Events

Federal Circuit Review of PTAB Proceedings: What We Know and Still Don't Know

September 13, 2017

Alerts

Federal Circuit Clarifies AIA On-Sale Bar

May 2, 2017

Events

Hey—You Stole My Invention!

April 2, 2017

Publications

Trade Secret Licensing: Balancing Trade Secret v. Patent Protection in View of the AIA and DTSA

April 1, 2017

Events

Two Years of Federal Circuit Review of PTAB Proceedings: What We Know and Still Don't Know

February 7, 2017

Events

To Patent or Trade Secret? The DTSA's Impact on How Best to Protect Your IP

November 9, 2016

In The News

Kilpatrick Townsend's Media Report, October 22 - November 4, 2016

November 7, 2016

In The News

Kilpatrick Townsend's Josh Pond, Justin Krieger, Troy Petersen, and Akarsh Belagodu Noted as Counsel to Celanese by Law360 re: "ITC Gets Patent Complaint On Chinese Artificial Sweeteners"

November 1, 2016

In The News

Kilpatrick Townsend's Media Report June 17-23, 2016

June 24, 2016



Events

Knowing Your Options: Patent Challenges under the America Invents Act (AIA)

June 22, 2016

In The News

Justin Krieger and Jennifer Blackburn Quoted in Managing Intellectual Property re: "Federal Circuit Remands PTAB for Changing Theories in Midstream."

June 16, 2016

Alerts

No Moving Targets: Construing Patent Claims in View of SAS v. ComplementSoft

June 14, 2016

Events

The Defend Trade Secret Act Becomes Law: Are you Protecting Your Most Prized Assets?

June 2, 2016

In The News

Kilpatrick Townsend's Media Report May 20-26, 2016

May 27, 2016

Publications

High Court Could Shake Up Patent Review

May 24, 2016

In The News

Kilpatrick Townsend's Media Report April 29 - May 5, 2016

May 5, 2016

Publications

Predicting Cuozzo After Supreme Court Oral Arguments

May 4, 2016

In The News

Justin Krieger Quoted re: "Predicting Cuozzo After Supreme Court Oral Arguments" via IPWatchdog

May 4, 2016



Alerts

Defend Trade Secrets Act Passes House, Soon to Become Law

April 28, 2016

Publications

Trade Secret Licensing: Are You Adequately Protecting Your Most Prized Assets? The Need for a Trade Secret Audit in an AIA World

April 20, 2016

Events

Managing Trade Secrets and Considerations in International Deals

October 26, 2015

In The News

Kilpatrick Townsend's Media Report September 4-10, 2015

September 11, 2015

Publications

The Patent Bar's Role In Setting PTAB Precedence

September 10, 2015

News Releases

Kilpatrick Townsend Attorneys Featured Speakers at the Licensing Executives Society Chemicals, Energy, Environment & Materials Houston Meeting

May 5, 2015

News Releases

Kilpatrick Townsend Attorneys Join Firm Client Celanese In BP MS 150 Bike Ride From Houston to Austin, Texas

May 5, 2015

Events

Catalysts - How Catalyst Technology Companies Protect their Intellectual Property While Providing Their Catalysts to Customers

April 22, 2015

In The News



Kilpatrick Townsend's Media Report February 27-March 5, 2015
March 6, 2015

Events

At Dinner with Alice, and There is a Myriad of Mayo on Your Face: 101 Eight Months Later
February 26, 2015

In The News

Kilpatrick Townsend's Media Report February 6-12, 2015
February 13, 2015

Publications

Kilpatrick Snags 6-Atty IP, Life Sciences Team in DC
February 13, 2015

Publications

Kilpatrick Townsend Hires DC Chemistry and Life Sciences Team
February 3, 2015

News Releases

Kilpatrick Townsend Adds Chemistry and Life Sciences Team in DC
February 3, 2015