

## Jennifer L. Blackburn Ph.D.

### Counsel

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### Services

Adversarial Patent Prosecution<sup>SM</sup>  
Asset Creation - Prosecution &  
Counseling  
Intellectual Property  
Licensing, Transactions &  
Monetization  
Market Protection - Opinions &  
Dispute Avoidance  
Patent Litigation  
Patents  
Post-Grant Proceedings

### Industries

Chemicals  
Health & Life Sciences  
Medical & Surgical Devices

Jennifer Blackburn focuses her practice on intellectual property matters in the chemical industry, including USPTO post-grant proceedings, patent litigation, prosecution, and opinion work. Dr. Blackburn has experience in a wide range of technologies, including chemistry, polymer science and engineering, textiles, materials science and engineering, medical devices and coatings, agricultural chemicals and wood preservatives, and biotechnology. Dr. Blackburn is registered to practice before the United States Patent and Trademark Office.

Dr. Blackburn has substantial experience in USPTO post-grant proceedings, and subsequent appeals to the Federal Circuit, both successfully attacking the validity of patents on behalf of third-party requesters and defending patent validity on behalf of patent owners. She has been involved in *ex parte* and *inter partes* reexamination proceedings, as well as the new *inter partes* review proceedings. She regularly speaks on procedural and substantive aspects of *inter partes* review proceedings.

Dr. Blackburn works with in-house patent counsel, technical specialists, and inventors to understand inventions and their importance in the company's overall business strategy. She performs validity and freedom to operate analyses. From these efforts, she counsels clients on patentability, validity, and infringement issues. She also regularly prepares and prosecutes patent applications.



**Dr. Blackburn represents companies in patent infringement lawsuits. She has experience with all aspects of patent litigation, including preliminary invalidity and infringement investigations, fact and expert discovery, claim construction and summary judgment briefing and hearings, preparing witnesses for deposition and trial, and actively participating in trial, including examining and cross-examining fact and expert witnesses.**

**Prior to joining the firm, Dr. Blackburn worked as a patent agent, prosecuting patents in a variety of technical areas. During law school, Dr. Blackburn served on the Board of Directors of the Intellectual Property and Cyberlaw Society.**

### **Experience**

Represents the University of Connecticut under government contract and prosecutes patent applications for biological and chemical technologies such as protein-based photovoltaic energy systems, anti-malarial vaccines, and chemical compounds for the inhibition of yeast growth.

Served as lead counsel on behalf of Peach State Labs in a patent infringement suit related to the use of urea hydrochloride as a cleaning agent. After a week long jury trial, the jury found that the defendant had willfully infringed Peach State's patent and awarded damages leaving the defendant with \$0.01 per unit profit. The district court later granted Peach State a permanent injunction. The district court further found that Peach State had demonstrated clear and convincing evidence that the infringer engaged in egregious litigation misconduct sufficient to meet the standards for awarding enhanced damages and attorneys' fees. *Peach State Labs, Inc. v. Environmental Manufacturing Solutions*, No. 09-cv-395 (M.D. Fla. filed Feb. 27, 2009).

Provides patent procurement and counseling services to Smith & Nephew, an industry leader in the development of advanced medical devices and implants. The company offers technically innovative products in areas such as orthopedic reconstruction and trauma, endoscopy, advanced wound management and biologics.

Provide counsel and advice in all aspects of the company's business, including helping shape its overall patent strategy. As part of this, the firm takes an active role in identifying and protecting innovations, as well as evaluating third-party intellectual property rights. Further, the firm provides counseling in connection with the company's patent licensing and acquisition activities and has represented the company in several patent infringement matters.

### **Education**

Duke University School of Law, J.D. (2007)

North Carolina State University, Ph.D., Organic Chemistry (2004)

Georgetown College, B.S., Engineering Arts (1998)

*cum laude*

Georgia Institute of Technology, B.Che.E. (1998)



## Admissions

Georgia (2007)

## Court Admissions

U.S. Patent and Trademark Office (2003)

U.S. District Court for the Northern District of Georgia (2008)

## Professional & Community Activities

American Bar Association, Member

American Chemical Society, Member

American Intellectual Property Law Association, Member

Duke, Intellectual Property and Cyberlaw Society, Past Director of Speaker Relations

## Insights

### Alerts

Clarity on Doctrine of Equivalents Analysis for Chemical Claims

May 23, 2017

### Events

PATENT LAW: Inter-Parties Review

November 11, 2016

### In The News

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

June 24, 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



[Alerts](#)

In re Cuozzo Speed Technologies, LLC (Fed. Cir., 2014-1301, 2/4/2015)

February 5, 2015

[Alerts](#)

UPDATE PTAB Denies Request to Use Covered Business Method Review for Orange Book-Listed Patents

January 16, 2015