

Wab Kadaba

Partner

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Services

Anti-Counterfeiting & Gray Markets
Cross Border Transactions
Patent Litigation
Post-Grant Proceedings
Trade Secrets

Industries

Apparel, Accessories & Luxury
Goods
Media & Entertainment
Technology

Wab Kadaba is Chair of the firm's Intellectual Property Department. Mr. Kadaba concentrates his practice on litigation related to intellectual property as well as strategy and management of intellectual property and technology issues. Mr. Kadaba has considerable experience representing clients in patent, trademark and trade secret litigation matters, covering technologies as diverse as software, telecommunications, e-commerce, medical devices, footwear and chemical compositions. He is admitted to the United States Patent & Trademark Office.

Mr. Kadaba was recognized in *The Best Lawyers in America*[®] for Intellectual Property Litigation, Patent Litigation, and Patent Law in 2020 and the ten years immediately preceding. He was also named a 2014 "Atlanta Lawyer of the Year" in the area of Patent Law by *The Best Lawyers in America*[®]. Mr. Kadaba has been selected as a Georgia "Rising Star" for Intellectual Property and Intellectual Property Litigation in 2010 and the five years immediately preceding, a Georgia "Super Lawyer" in 2020 and the nine years prior, and a Top 100 Georgia "Super Lawyer" in 2020 and the eight years prior by *Super Lawyers* magazine. He is listed in the 2020 and the 12 years immediately preceding editions of *Chambers USA: America's Leading Lawyers for Business* as a leading Georgia Intellectual Property lawyer and he was also ranked as "Band 1" for Intellectual Property in the 2018 and 2019 editions. Mr. Kadaba was selected as one of the top 15 young Atlanta lawyers "On the Rise" by *Fulton County Daily Report* in 2007. He was named a top patent practitioner in 2020 and the eight years immediately preceding by *IAM Patent 1000 – The World's Leading Patent Practitioners*. Mr. Kadaba was recognized as one of *Georgia Trend's* 2012 "Legal Elite" for Intellectual Property Law. He was named an "IP Star" in 2020 and the seven years immediately preceding by *Managing Intellectual Property* magazine. He was recommended by *Legal 500 US* in 2016 in the areas of Patent Portfolio Management and Licensing and Patent Prosecution and again in 2017, 2018 and 2019 for Patent Prosecution. Mr. Kadaba is a recipient of the North American South



Asian Bar Association (NASABA) Cornerstone Award and was named to "Who's Who in Law and Accounting: The 100 Most Influential Individuals Who are Leading the Way in Metro Atlanta's Legal and Accounting Industries" by the *Atlanta Business Chronicle*. He speaks conversational Japanese and Hindi and has a working knowledge of Spanish.

Experience

Representing Cox Communications in a patent litigation matter involving multiple patents directed toward the UPnP standard, MOCA technology, and the Cable Labs Home Networking Standard. *Preservation Technologies, LLC v. Netflix Inc.*, No. 8:11-cv-01860-DOC-JPR (C.D. Ca. filed Dec. 2, 2011).

The firm served as lead counsel for Genesco Inc. in defense of patent infringement allegations relating to an orthotic device. Plaintiffs asserted a multi-count complaint involving patent, trade secret, conversion, and unjust enrichment theories concerning shoe insert technology. We successfully secured and defended on appeal a summary judgment of non-infringement. *Schoenhaus v. Genesco, Inc.*, 351 F. Supp.2d 320 (E.D. Pa. 2005), *aff'd* 440 F.3d 1354 (Fed. Cir. 2006).

Successfully represented four major airlines in patent infringement case involving location and estimated time of arrival of vehicles. Although many of the defenses raised were common to all four clients, one airline had a unique system which was conducive to additional non-infringement defenses. We were able to successfully represent all four clients and provide them with the significant benefit of sharing costs associated with the defense.

The firm serves as lead counsel on behalf of Georgia-Pacific in a *qui tam* false marking suit filed by Belinda Brown in the United States District Court for the Eastern District of Missouri. The Complaint alleged that Georgia-Pacific falsely marked its Quilted Northern Soft and Strong bath tissue product with expired patent numbers in violation of 35 U.S.C. § 292. We filed a Motion to Dismiss the Complaint on the grounds that the Plaintiff failed to plead its claims, especially with respect to the intent to deceive element, with the particularity required under Rule 9(b) of the Federal Rules of Civil Procedure. The Court agreed and granted the Motion to Dismiss. *Belinda Y. Brown v. Georgia Pacific Corporation*, USDC, EDMO, Civil Action No. 4:10-cv-01005-RWS.

Serves as lead counsel in *Inter Partes* Review proceeding for Yelp and Twitter before the United States Patent and Trademark Office challenging the validity of U.S. Patent No. 7,010,536 entitled System and Method for Creating and Manipulating Information Containers with Dynamic Registers. United States Patent and Trademark Office Patent Trial and Appeal Board, Case Number IPR2014-00092.

The firm served as lead counsel on behalf of patent owner in patent infringement litigation involving chemical



parts washers for automotive parts. The dispute involved ownership issues between the inventor and his employer. The patents were found valid and infringed on pre-trial motions.

Serves as lead counsel in *Inter Partes* Review proceeding before the United States Patent and Trademark Office challenging the validity of U.S. Patent No. 6,985,912 entitled Dynamic Object Driven Database Manipulation and Mapping System Having a Simple Global Interface and an Optional Multiple User Need Only Caching System with Disable and Notify Features. United States Patent and Trademark Office Patent Trial and Appeal Board, Case Number IPR2014-00117.

The firm served as lead counsel on behalf of Intercontinental Hotels Corporation in defending a patent infringement case. We obtained summary judgment of invalidity under 35 U.S.C. § 101. The plaintiff has appealed the ruling. *CyberFone Sys. LLC v. Amazon.com Inc. et al.*, No. 11-00831 (D. Del. filed Sept. 15, 2011).

The firm served as lead counsel defending Thomasville Furniture Industries, Inc. in a suit filed by Furnace Brook LLC in the U.S. District Court for the Northern District of Illinois. The suit claimed patent infringement stemming from our clients use of on-line ordering systems. Furnace Brook sued thirteen defendants and initially settled with six of those parties. We successfully obtained a summary judgment verdict for our client, dismissing the infringement case against Thomasville under the doctrine of collateral estoppel. *Furnace Brook LLC v. Aeropostale Inc. et al.*, No. 1:09-cv-04310 (N.D. Ill filed July 17, 2009).

Serves as lead counsel in *Inter Partes* Review proceeding before the United States Patent and Trademark Office challenging the validity of U.S. Patent No. 7,103,600 entitled Displayable Presentation Page and SQL Searchable Relational Data Source Implementation of a System, Method and Software for Creating and Maintaining Distributed Transparent Persistence of Complex Data Objects and their Data Relationships. United States Patent and Trademark Office Patent Trial and Appeal Board, Case Number IPR2014-00118.

Serves as lead counsel in *Inter Partes* Review proceeding before the United States Patent and Trademark Office challenging the validity of U.S. Patent No. 7,167,862 entitled Session Bean Implementation of a System, Method and Software for Creating or Maintaining Distributed Transparent Persistence of Complex Data Objects and their Data Relationships. United States Patent and Trademark Office Patent Trial and Appeal Board, Case Number IPR2014-00119.

The firm represented adidas AG in a successful petition for *inter partes* review ("IPR") of U.S. Patent No. 7,347,011 assigned to Nike, Inc. (Case Number IPR2013-00067). In response, Nike canceled all issued claims in favor of proposed new claims. In 2014, the USPTO Patent Trial & Appeal Board determined that all of the proposed new claims were invalid. In 2015, the Federal Circuit affirmed the Board's decision in part, and has



remanded to the Board to formally address evidence of secondary considerations.

Represented plaintiff in patent infringement action relating to forging of automobile parts by extrusion of molten aluminum. The technology at issue involved complex metallurgy and applied heat transfer in conjunction with the manufacturing process.

Successfully represented Delta Air Lines, American Airlines, Continental Airlines and Japan Air Lines in patent infringement case involving location and estimated time of arrival of vehicles. Although many of the defenses raised were common to all four clients, one airline had a unique system which was conducive to additional non-infringement defenses. We were able to successfully represent all four clients and provide them with the significant benefit of sharing costs associated with the defense. *Arrival Star, Inc. v. Delta Air Lines, Inc.*, No. 02-2543 (N.D. Ga. filed Sept. 16, 2002).

Represents adidas in providing comprehensive and aggressive patent protection. The firm works intimately with in-house patent counsel and the inventors to understand the inventions and their importance in the company's overall business strategy. We routinely conduct patentability and clearance searching to assist the client in avoiding potential patent infringement and to help us identify the truly novel features of our clients' inventions and focus prosecution on those features. Through these efforts, we provide strategic counsel to key personnel regarding strategies to protect their innovations and achieve corporate goals.

Education

University of North Carolina School of Law, J.D. (1997)

Case Western Reserve University, M.S., Mechanical Engineering (1994)

Georgia Institute of Technology, B.S., Mechanical Engineering (1992)

Admissions

Georgia (1997)

Court Admissions

U.S. Patent and Trademark Office (1999)

Professional & Community Activities

IndUS Entrepreneurs, Member

Japan America Society of Georgia, Member

Sigma Xi Scientific Research Honor Society, Member

State Bar of Georgia, Intellectual Property Section, Chair (2008-2009)



The Westminster Schools, Diversity Advisory Council, Member

The Westminster Schools, Alumni Association Governing Board, Member (2016-2017)

Leadership Atlanta, Class of 2012, Member

Fernbank Museum of Natural History, Corporate Leadership Council, Member

Woodruff Arts Center, Board of Trustees, Member

Insights

[News Releases](#)

Kilpatrick Townsend Receives Top Rankings in 2020 *Legal 500 US*

June 23, 2020

[News Releases](#)

Kilpatrick Townsend Named One of Facebook's Diversity Champion Firms for Second Year in a Row

June 15, 2020

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2020 Managing Intellectual Property IP Stars

June 1, 2020

[News Releases](#)

Kilpatrick Townsend Achieves Top-Tier Recognition from *Chambers USA 2020*

April 24, 2020

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2020 Georgia Super Lawyers

March 6, 2020

[News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2020

August 15, 2019

[Perspectives](#)

5 Key Takeaways | PTAB Trials Insights and Strategies-Leveraging Recent Development at the PTAB

August 14, 2019



Events

PTAB Trials Insights and Strategies – Leveraging Recent Developments at the PTAB

August 6, 2019

News Releases

The Surge: Kilpatrick Townsend Hosts Inaugural Diversity and Inclusion Summit

July 12, 2019

News Releases

Kilpatrick Townsend Receives High Rankings in 2019 IAM Patent 1000

July 11, 2019

News Releases

Kilpatrick Townsend Receives Top Rankings from 2019 Legal 500 US

July 10, 2019

News Releases

Kilpatrick Townsend Attorneys Named 2019 Managing Intellectual Property IP Stars

June 17, 2019

News Releases

Kilpatrick Townsend Earns Top Rankings from Leaders League

June 14, 2019

News Releases

Kilpatrick Townsend Achieves Top-Tier Recognition from Chambers USA 2019

May 2, 2019

News Releases

Managing Intellectual Property Names Kilpatrick Townsend U.S. Trademark Prosecution Firm of the Year

April 15, 2019

Alerts

First of Its Kind: Lessons Learned from the PTAB's First Derivation Decision

April 3, 2019



[News Releases](#)

Kilpatrick Townsend Achieves Recognition for 2019 Georgia Super Lawyers

February 28, 2019

[In The News](#)

MCCA's Rising Star 2018: Shayne O'Reilly

February 8, 2019

[News Releases](#)

Kilpatrick Townsends Audra Dial and Wab Kadaba Featured in Atlanta Magazine's "Atlanta 500"

January 17, 2019

[News Releases](#)

Kilpatrick Townsend Named 2019 Law Firm of The Year for IP Litigation by U.S. News-Best Lawyers "Best Law Firms"

November 6, 2018

[Perspectives](#)

6 Key Takeaways | Post Grant Proceedings: Recent Developments & Precedential Proceedings

August 22, 2018

[In The News](#)

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2019

August 20, 2018

[Events](#)

Post Grant Proceedings – Recent Developments and Precedential Decisions

August 7, 2018

[News Releases](#)

Kilpatrick Townsend Recognized in 2018 IAM Patent 1000

July 2, 2018

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2018 Managing Intellectual Property IP Stars

June 19, 2018



[News Releases](#)

Kilpatrick Townsend Receives Top Rankings from 2018 Legal 500 US

June 11, 2018

[News Releases](#)

Kilpatrick Townsend Achieves Recognition From Chambers USA 2018

May 11, 2018

[Events](#)

Evolving Defensive IP Strategies

April 25, 2018

[News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition for 2018 Georgia Super Lawyers

February 28, 2018

[Events](#)

2017 Patent Law Forum

November 13, 2017

[News Releases](#)

Kilpatrick Townsend Recognized by Prestigious 2017 Legal 500 US

October 2, 2017

[Alerts](#)

The Federal Circuit Expresses Concern about IPR Joinder and Expanded Panels

August 28, 2017

[Alerts](#)

3 Key Takeaways: Navigating the Post-Grant Landscape

August 25, 2017

[News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2018

August 15, 2017



[News Releases](#)

Kilpatrick Townsend Attorneys Named 2017 Managing Intellectual Property IP Stars

June 27, 2017

[News Releases](#)

Kilpatrick Townsend Receives High Rankings in 2017 IAM Patent 1000

June 8, 2017

[News Releases](#)

Kilpatrick Townsend Achieves Recognition From Chambers USA 2017

May 30, 2017

[News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition for 2017 Georgia Super Lawyers

February 28, 2017

[Alerts](#)

Tips For A Successful Inter Partes Review Petition

February 6, 2017

[In The News](#)

KT is...Trending, November 5-11, 2016

November 11, 2016

[In The News](#)

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

November 7, 2016

[Publications](#)

Tips For A Successful Inter Partes Review Petition

November 4, 2016

[News Releases](#)

Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2017

August 16, 2016



[In The News](#)

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

June 24, 2016

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Kilpatrick Townsend Recognized by Prestigious 2016 Legal 500 US

June 20, 2016

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Kilpatrick Townsend Attorneys Named to 2016 IAM Patent 1000

June 2, 2016

[News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2016

May 31, 2016

[News Releases](#)

Thirty-Two Kilpatrick Townsend Attorneys Named 2016 Managing Intellectual Property IP Stars

May 26, 2016

[In The News](#)

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

May 5, 2016

[In The News](#)

Kilpatrick Townsend's Media Report September 11-24, 2015

September 25, 2015

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Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2016

August 19, 2015

[In The News](#)

Kilpatrick Townsend's Media Report August 7-13, 2015

August 14, 2015



[In The News](#)

Kilpatrick Townsend's Media Report June 19-25, 2015

June 26, 2015

[News Releases](#)

Twenty-Two Kilpatrick Townsend Attorneys Named to 2015 IAM Patent 1000

June 18, 2015

[Events](#)

Three Upcoming Patent Law Decisions Expected from the Supreme Court

May 27, 2015

[News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2015

May 22, 2015

[In The News](#)

Kilpatrick Townsend's Media Report May 15-21, 2015

May 22, 2015

[In The News](#)

Kilpatrick Townsend's Media Report May 8-14, 2015

May 15, 2015

[Publications](#)

Don't Underestimate 3D Printing's IP Impacts

May 12, 2015

[News Releases](#)

Twenty-Nine Kilpatrick Townsend Attorneys Named 2015 Managing Intellectual Property IP Stars

May 6, 2015

[Publications](#)

Kilpatrick Townsend & Stockton LLP Intellectual Property Desk Reference-7th Edition

May 1, 2015



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Patent Portfolio Creation, Management, and Licensing

May 1, 2015

[Publications](#)

Practice Guide to New USPTO Proceedings and Procedures Implemented by the Leahy-Smith America Invents Act

May 1, 2015

[In The News](#)

Kilpatrick Townsend's Media Report April 17-23, 2015

April 24, 2015

[In The News](#)

Kilpatrick Townsend's Media Report March 13-19, 2015

March 20, 2015

[In The News](#)

Wab Kadaba quoted by Atlanta Business Chronicle re: "3D Printing Raises Issues of IP Protection"

March 13, 2015

[News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition for 2015 Georgia Super Lawyers

February 26, 2015