

Adversarial Patent ProsecutionSM

Emerging Battlegrounds

Patent enforcement strategy typically begins after patents are issued when it's most costly to implement. At Kilpatrick Townsend, we begin our patent litigation strategies in the patent prosecution phase whenever an opponent is identified. To help clients build and maintain a viable patent portfolio, our attorneys provide strong offensive prosecution techniques that create durable client patents, as well as challenge competitive patents before issuance to undermine an opponent's litigation aspirations. When pursued in concert, these highly-developed techniques assure client advantage by using cutting-edge strategies grounded in empirical analyses that target competitors' products or pending applications and undermine anticipated licensing and litigation positions. Our team uses techniques, such as copycat claims, third-party submissions, targeted continuations, derivative proceedings, and foreign protests to force advantage or avoid patent litigation and license approaches. When a competitor's patent is allowed, we strategically use post-grant administrative challenges, while designing around claims to bolster non-infringement positioning for litigation.

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