

Market Protection - Opinions & Dispute Avoidance

Risk Identification & Reduction

Ascertaining infringement risks — before or after introducing new or acquired products, features, and services — can go a long way to mitigate, if not avoid, lawsuits and subsequent damages. Whether reviewing an infringement letter or conducting a freedom-to-operate (FTO) study, Kilpatrick Townsend routinely determines infringement risks and all corresponding remedies, such as licensing, design-arounds, and non-infringement and/or validity opinions. We use a triage approach to first identify major risks, and only perform a deeper examination if warranted and within your budget. Our attorneys have degrees in nearly every technology niche, as well as extensive industry experience to address your specific needs. We also offer FTOs to complement IP due diligence for acquisitions and investments.

Through basic assessments, we can determine if an opinion is warranted, and if so, we provide budget-sensitive opinions with enough analysis to minimize willful infringement risks after the 2016 *Halo* decision. We work closely with our clients' engineers to identify design-arounds to limit settlement amounts. Where litigation is involved, our attorneys leverage the opinion research for *inter partes* review (IPR) petitions and other USPTO challenges. Our counter-offensive tactics further help identify patents in your portfolio or third-party patents to buy.

Services

- Freedom to Operate (FTO) Studies
- Competitive Landscape Assessments
- Non-Infringement & Validity Opinions
- IPR Petitions & Other USPTO Challenges

Primary Contacts



Vaibhav P. Kadaba

Partner
Atlanta, GA
t 404.532.6959
wkadaba@kilpatricktownsend.com



Brenda O. Holmes

Partner
Atlanta, GA
t 404.685.6799
bholmes@kilpatricktownsend.com



Babak Kusha

Partner
San Francisco, CA
t 415.273.7512
bkusha@kilpatricktownsend.com



Charles W. Calkins

Partner
Winston-Salem, NC
t 336.607.7315
ccalkins@kilpatricktownsend.com