



# Matthew "Matt" K. Blackburn

## Partner

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## Locations

D 415.692.5202

San Francisco

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### Education

- Georgetown University Law Center (JD, 1997)
- Stevens Institute of Technology (BEng in Polymer Engineering, with high honors, 1994)

Matthew Blackburn is an accomplished trial and intellectual property lawyer and relentless advocate who guides clients through important litigation before federal and state courts across the country. He has helped clients resolve litigation involving a variety of challenging areas, with an emphasis on all types of IP litigation, licensing disputes, unfair competition claims, and other complex business litigation. A registered patent attorney, Matthew also represents clients in proceedings before the U.S. Patent and Trademark Office (e.g., Inter Partes Review and Post Grant Review).

With clients ranging from global Fortune 500 corporations to privately-held businesses and startups, Matthew has asserted and defended complex patent infringement claims involving diverse products and technologies, including chemicals, pharmaceuticals, life sciences technologies, electronics, software, plus many more. Clients also rely on Matthew to protect their valuable trademark, trade secret and copyright assets in unfair competition and infringement litigation throughout the U.S.

As a respected thought leader in the IP field, Matthew has been called upon to provide expert testimony in international arbitration and foreign court proceedings.

In addition, he is the go-to advisor for clients on a broad range of issues that arise throughout the lifecycle of their IP assets, including long-term strategy and portfolio growth and development, proactive game plans for resolving disputes outside the courtroom, and legal analysis of validity, infringement and Freedom to Operate (FTO) issues.

Matt is also a registered patent attorney with the United States Patent and Trademark Office (USPTO).

### Representative Experience

- Representing hair-care start-up in patent infringement, trade secret theft, and breach of contract dispute involving bleach additives, which led to a verdict totaling \$91.3 million dollars after a six-day jury trial, and enhanced damages and attorneys' fees and costs
- Defending consumer products patents in numerous post-issuance proceedings before the Patent Trial and Appeals Board and before the Federal Circuit

- Lead counsel for oncology start-up in state court action arising from technology option agreement with major academic health science center
- Advised premier aftermarket distribution and marketing program group in state court contract dispute with maintenance product company relating to trademark usage
- Advised travel products company relating to dispute with Amazon-based retailer
- Advised family-owned winery in trademark dispute with a beer maker
- Served as expert witness in an international arbitration (SIAC) relating to claims arising from research and licensing agreements between two pharmaceutical companies
- Testified as expert in Australian trial proceeding about U.S. patent law in a dispute between pharmaceutical companies relating to patent ownership dispute arising from a U.S. research and development effort
- Defended U.S.-based electronics manufacturer in a patent infringement action relating to electrical connectors
- Advised U.S. LED manufacturer in patent dispute regarding LED technology
- Represented co-defendants in multi-patent infringement action relating to telephone call-center technology
- Lead counsel for declaratory judgment plaintiff in patent dispute related to a structural heart device.
- Defended Hatch-Waxman patent infringement litigation on behalf of major pharmaceutical company in dispute relating to an anti-viral drug
- Advised privately-held international data protection software company in trademark dispute
- Lead counsel for medical device manufacturer in patent dispute relating to heart implant; obtained claim construction decision; case dismissed after summary judgment of non-infringement; affirmed per curiam by Court of Appeals for the Federal Circuit
- As lead counsel, obtained summary judgment of patent invalidity on behalf of privately-held medical device manufacturer
- Defended multi-patent litigation relating to stents and specialty metal alloys used in their manufacture
- Obtained summary dismissal of infringement claims relating to four patents describing aneurysm treatment devices
- Advise major chemical conglomerate as lead counsel in dispute concerning ownership over patented technology for color print laminates
- Lead counsel for privately held company wrongfully accused of stealing technology for artificial blood vessels
- Defended patent infringement claim relating to specialty hunting apparel
- Asserted patent for antiperspirant compositions on behalf of major multinational consumer goods company

### **Professional Associations**

- American Bar Association
- Vice Chair, IP Law Section, Patent Division (2019-2020)
- Chair, IP Law Section, Patent Litigation Committee (2015-2017)
- Vice Chair, IP Law Section, Patent Litigation Committee (2013-2015)
- Co-chair, IP Law Section, Patent Litigation Subcommittee (Opinions & Willful Infringement) (2012-2013)

### **Bar Admissions**

- California
- District of Columbia

- Maryland

**Resources**

- Matthew K. Blackburn's Two Part Article Featured On Chief Executive's On-line Publication
- Diamond McCarthy Partner, Matthew K. Blackburn, Featured in Law360 Article
- Matthew K. Blackburn Speaks About a Prominent Case Argued Before the U.S. Supreme Court During a Weekly Appellate Report Podcast With the Daily Journal
- Justices Ponder Patent Venue
- Attorney-client Privilege and Nonattorney Patent Agents
- Patent Exhaustion Dispute Likely Headed for the Supreme Court: Validity of Post-Sale Restrictions and Ability of Foreign Sales to Exhaust U.S. Rights to Be Considered
- Matthew K. Blackburn Joins Diamond McCarthy LLP to Lead Intellectual Property Group
- Experts Poke Holes in Patent Infringement Case Against kCura