



Ashley L. Kirk

OF COUNSEL

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Ashley's Biography

Ashley Kirk has almost twenty years of experience in all aspects of intellectual property procurement, monetization, and enforcement strategies. During her career, Ashley has participated in the prosecution of over 750 patent applications and hundreds of trademark applications in the U.S. and abroad.

Ashley has extensive experience representing clients before the U.S. Patent and Trademark Office (USPTO) and various U.S. District Courts, and at the appellate level. She works closely with members of the firm's intellectual property litigation practice to provide clients with powerful, comprehensive strategies for protecting their intellectual property in their chosen markets and with winning results at trial.

With a bachelor's degree in engineering, Ashley has represented clients across a range of dynamic industries covering various technologies, such as: semiconductor manufacturing, telecommunications, medical device manufacturing, oil and gas logging, oil field services, aviation, defense, consumer goods, retail, finance, entertainment, software, optics, and higher education. Her clients have included global companies, public institutions, and start-ups. Ashley's experience representing a diverse client base, coupled with her extensive knowledge of the nuances of practice before the USPTO, allows her to efficiently evaluate claims and develop enforcement and defense strategies to fit the specific needs of each client.

Education

University of Illinois College of Law,
J.D., 2002

Baylor University, B.S.E., 1999

Bar Admissions

Admitted to the State Bar of California

Admitted to the State Bar of Arizona

Admitted to the State Bar of Texas

United States Court of Appeals for the
Federal Circuit

United States Patent and Trademark
Office

Ashley has litigated numerous intellectual property matters. She has assisted with *inter partes* reviews before the Patent Trial and Appeal Board and with trademark opposition and cancellation proceedings before the Trademark Trial and Appeal Board. She has also played a key role in: patent re-examination proceedings, defensive invalidity and non-infringement opinions, drafting and reviewing of pleadings, claim construction and invalidity contentions, participating in witness depositions and trial, and negotiating intellectual property-related settlement agreements.

Prior to joining Willenken, Ashley was with the Palo Alto office of WilmerHale. She enjoys an active home life with her four children.

Honors

Higher education honors include:

- Harno Scholar (University of Illinois College of Law)

Winning Matters

- **In High-Profile Patent Infringement Case, the District Court of Colorado Adopted All of Willenken's Constructions for Contested Terms**
- **Willenken Wins Critical Liability Phase of High-Profile Lupron Supply Shortage Trial in Delaware Chancery Court**
- **Favorable Settlement Reached in Patent Litigation**

Cases

The following is a representative sample of Ashley's casework:

- ***All Plastic Inc. v. SamDan LLC et al.*** On behalf of All Plastic, Inc., brought a patent infringement lawsuit in the District Court of Colorado, where based on the arguments presented during the *Markman* hearing and the underlying briefing, the court adopted substantially all of the firm's proposed constructions for seven contested terms of eight patent claims, which placed our client in an extremely advantageous position for a successful settlement, just days before trial.
- ***AbbVie Endocrine, Inc. v. Takeda Pharmaceutical Company.*** As a

United States Court of Appeals for the Ninth Circuit

United States Court of Appeals for the Fifth Circuit

United State District Court for the Central District of California

United States District Court for the District of Arizona

United State District Court for the Western District of Texas

United State District Court for the Eastern District of Texas

United State District Court for the Northern District of Texas

Practice Areas

Intellectual Property Litigation

Copyright

Patent

Trade Secrets and Employee Mobility

Trademark and Trade Dress

Entertainment Litigation



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member of a 100%-diverse trial team in “one of the five big healthcare lawsuits” of the year, secured a favorable ruling on behalf of AbbVie Endocrine, Inc. in a breach of contract case against Takeda Pharmaceutical Co. Ashley questioned or defended multiple witnesses during the four-day trial in Delaware Chancery Court.

- *Plaintiff v. Leading Retailer*. Represented a leading retailer in patent lawsuit in the Central District of California in which the Plaintiff alleged our client was selling infringing products. The case was favorably resolved after filing a motion for partial summary judgment and mediation.
- *Trademark Enforcement Campaign for Leading Car Insurance Provider*. On behalf of a leading car insurance provider, launched a successful campaign enforcing a trademark family against various competitors and small unaffiliated businesses.
- *Fashion House v. Rock Band*. On behalf of a small fashion house, filed an opposition to the registration of mark on behalf of a rock band, which led to the successful settlement of the matter on the client’s behalf.
- *Non-Practicing Entity v. Leading National Retailer*. Represented a leading national retailer in a patent lawsuit in the Eastern District of Texas in which the plaintiff, a non-practicing entity, alleged infringement of a patent directed towards mobile apps used for video streaming. The matter was favorably resolved for nuisance value.
- *Plaintiff v. Nationwide Pharmacy Chain*. Represented a nationwide pharmacy chain in a patent lawsuit brought in the Central District of California in which the plaintiff alleged infringement of two patents directed towards the maintenance and storage of personal health records on a server. The matter ultimately settled very favorably after our client (i) filed an *inter partes* review request with the U.S. Patent and Trademark Office and (ii) met and conferred with the plaintiff regarding a motion for judgment on the pleadings for failure to meet the requirements of sections 101 and 112.

Speaking Engagements

- Presenter, “Managing the Risks and Rewards of Trade Secrets: A Guide for In-House Counsel,” [ACC Washington Chapter 2023 Business Summit](#) (September 21, 2023)
- Presenter, “Patent Exhaustion – Dead Letter or Viable Doctrine,” [2023 NAMWOLF Annual Meeting](#) (September 11, 2023)
- Presenter, “The Top Ten Secrets of Patent Litigation That Every In-House Counsel Needs to Know,” [ACC Southwest Ohio Chapter CLE Presentation](#) (May 22, 2023)



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