



# Ashley L. Kirk

OF COUNSEL

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## Ashley's Biography

Ashley Kirk has 17 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

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

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Baylor University, B.S.E., 1999

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## Bar Admissions

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Admitted to the State Bar of California

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Admitted to the State Bar of Arizona

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Admitted to the State Bar of Texas

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United States Court of Appeals for the  
Federal Circuit

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United States Patent and Trademark  
Office

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Ashley has provided litigation support in 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 aged 11 and under, and serves as a Sunday school teacher, as a classroom mom, and on a committee for her daughters' competitive swim team. On top of it all, she recently finished her first Spartan® race.

## Honors

Higher education honors include:

- Harno Scholar (University of Illinois College of Law)

## Winning Matters

- **Favorable Settlement Reached in Patent Litigation**

## Cases

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

- ***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,

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United States Court of Appeals for the Ninth Circuit

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United States Court of Appeals for the Fifth Circuit

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United State District Court for the Central District of California

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United States District Court for the District of Arizona

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United State District Court for the Western District of Texas

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United State District Court for the Eastern District of Texas

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United State District Court for the Northern District of Texas

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## Practice Areas

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Intellectual Property Litigation

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Copyright

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Patent Litigation

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Trademark and Trade Dress

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Entertainment Litigation

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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.



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