



## Susan A. Cahoon

PARTNER

Suite 2800, 1100 Peachtree Street NE  
Atlanta, GA, 30309-4528  
USA  
t +1 404.815.6325  
f +1 404.541.3145

Scahoon@kilpatricktownsend.com

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### Services

Patent Litigation; Complex Business Litigation; Intellectual Property Litigation

### Industries

Health & Life Sciences; Pharmaceuticals; Chemical

Susan Cahoon has chaired the firm's Litigation practice group and is the firm's General Counsel. She joined the firm in 1971 and was admitted to partnership in 1977. Ms. Cahoon has spent all of her career as a litigator. Her diverse experience includes patent infringement litigation, complex commercial disputes and securities litigation. She also is trained as a mediator and as an arbitrator.

Ms. Cahoon has been recognized in *The Best Lawyers in America*® for more than 15 years. In 2013, she was listed in the areas of Bet-the-Company Litigation, Commercial Litigation, Intellectual Property Litigation and Patent Litigation Law. Ms. Cahoon was also named a 2013 "Atlanta Lawyer of the Year" in the area of Patent Litigation by *The Best Lawyers in America*®. She is listed in the 2013 and the four years immediately preceding editions of *Chambers USA: America's Leading Lawyers for Business* for General Commercial Litigation. Ms. Cahoon was named a Top 100 Georgia "Super Lawyer" and a Top 50 Women Georgia "Super Lawyer" in 2013 and the four years immediately preceding by *SuperLawyers* magazine. She has been listed for several years in the Practical Law Company's *Which Lawyer?* and was named a "recommended lawyer" in Georgia for Dispute Resolution in 2009. Ms. Cahoon was recognized as a 2011 and 2012 "Legal Elite" for General Practice/Trial Law by *Georgia Trend* magazine. She received the Emory College of Arts & Sciences Alumni Award of Distinction in recognition of her contributions to her profession, to the community and to her college alma mater and she began a six-year term as a Trustee of Emory University in 2009. Ms. Cahoon has also been named to the *Lawdragon 3000* Leading Lawyers in America and recognized in *The International Who's Who of Business Lawyers* for Patents in 2009 and 2013 and *The International Who's Who of Patent Lawyers* in 2011. In 2008 and 2011, she was recognized by *Benchmark: Litigation* as a Georgia "Litigation Star" and in 2012, Ms. Cahoon was named one of *Benchmark: Litigation's* "Top 250 Female Litigators in America." She has been selected as a 2012 Top Rated Lawyer in Commercial Litigation by Martindale-Hubbell in the *Litigation Special Report* issue of *The American Lawyer* and *Corporate Counsel* magazines. Ms. Cahoon speaks and reads French and reads Spanish. She is AV® rated by Martindale-Hubbell.\*

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### Experience Highlights

#### Oklahoma Med. Research Found. v. Alexion Pharmaceuticals Inc.

The firm served as lead counsel on behalf of Oklahoma Medical Research Foundation in a patent infringement suit brought in the Northern District of Oklahoma against Alexion Pharmaceuticals. The patents related to complement-inhibition technology and their use in a drug marketed by Alexion to treat a rare, debilitating and life-threatening disease. After replacing OMRF's previous counsel in the matter and soon after claim construction briefing was complete, we obtained a settlement. It included payment to our client as well as public acknowledgement that individuals affiliated with OMRF were the true inventors of the technology at issue.

*Oklahoma Med. Research Found. v. Alexion Pharmaceuticals, Inc.*, No. 07-163 (N.D. Okla. filed Mar. 15, 2007).

#### [Molnlycke Health Care Group AB v. Ossur & Medline](#)

Served as lead counsel on behalf of Molnlycke Health Care Group AB in a patent infringement suit against two competitors in the Northern District of Georgia involving silicone-based wound dressings. The court entered a favorable claim construction ruling for our clients, and the case settled while summary judgment motions were pending after the manufacturer of the accused products removed them from the U.S. marketplace.

*Molnlycke Health Care Group AB v. Ossur & Medline*, No. 06-1027 (N.D. Ga. filed Apr. 28, 2006).

#### [Barry W. Thomas v. Motorola, Inc.; Barry W. Thomas v. Cingular Wireless LLC, et al.; Barry W. Thomas v. Cox Communications, Inc., et al.; Thomas v. Adelphia Communications Corp., et al.; Thomas v. Alltel, et al.](#)

The firm served as lead counsel on behalf of a number of defendants, including Motorola, AT&T, and Cox Communications in two parallel patent infringement actions in the Western District of North Carolina and the Eastern District of Texas regarding technology involving wireless telephone handset equipment, and digital cable or satellite set-top boxes. After a favorable claim construction ruling for our clients in the North Carolina matter, the plaintiff agreed to dismiss its claims for infringement with prejudice in both North Carolina and Texas. (Judge Ward).

*Thomas v. Motorola, Inc.*, No. 05-00493 (W.D.N.C. filed Nov. 28, 2005); *Thomas v. Cingular Wireless LLC, et al.*, No. 05-00495 (W.D.N.C. filed Nov. 28, 2005); *Thomas v. Cox Commc'ns, Inc., et al.*, No. 07-0231 (E.D. Tex. filed June 6, 2007); *Thomas v. Adelphia Commc'ns Corp., et al.*, No. 05-00497 (W.D.N.C. filed Nov. 28, 2005); *Thomas v. Alltel, et al.*, No. 05-0506 (W.D.N.C. filed Dec. 6, 2005).

#### [Biopolymer Engineering Inc. v. Immunocorp](#)

The firm served as lead counsel for Biotec Pharmacon, ASA, a Norwegian pharmaceutical company, in patent infringement litigation initiated by patent owner Biothera, a Minnesota corporation, in the District of Minnesota in Minneapolis. The 14 patents involved in the litigation relate to, among other things, beta glucan compositions for immunotherapy. The District Court granted summary judgment of non-infringement as to 12 of the 14 patents, and the case subsequently settled.

*Biopolymer Eng'g, Inc. v. Immunocorp*, No. 05-00536 (D. Minn. filed Mar. 14, 2005).

#### [Smith & Nephew Inc. v. Synthes \(U.S.A.\)](#)

Represented Smith & Nephew in a patent infringement suit against Synthes Corp. in the Western District of Tennessee. After a three-week bench trial, the court found Smith & Nephew's patents to be valid and infringed. The court entered a permanent injunction in September 2006 enjoining Synthes from continuing to sell infringing bone repair devices. This is one of the first permanent injunctions entered in a patent case after the Supreme Court's *eBay* opinion. After briefing and argument in the Federal Circuit, the parties reached a confidential settlement of the case.

*Smith & Nephew Inc. v. Synthes (U.S.A.)*, 466 F. Supp.2d 978 (W.D. Tenn. 2006).

#### [Trademark litigation services for a Fortune 500 brewery](#)

Represented a Fortune 500 brewery to secure a judgment as a matter of law that there was a likelihood of confusion between our client's mark and the defendant's mark. We prevailed on summary judgment on their unfair competition counterclaims and then successfully defended against an appeal and a petition for certiorari.

#### [Sky Technologies LLC v. Microsoft Corporation et al.](#)

Represented Manhattan Associates in a patent infringement litigation in the District of Massachusetts. The plaintiff asserted a patent related to supply chain software against Manhattan Associates and several other defendants. Case settled. (Judge Young).

*Sky Technologies LLC v. Microsoft Corp., et al.*, No. 1:11-cv-10833 (D. Mass. filed May 11, 2011).

#### [Karl Storz Endoscopy-Am., Inc. v. Stryker Inc.](#)

Represented Smith & Nephew Endoscopy-Andover in a patent infringement litigation brought by KarlStorz Endoscopy-America Inc. that included several patents directed to systems for controlling operating room equipment. Case settled.

*Karl Storz Endoscopy-Am., Inc. v. Stryker, Inc.*, No. 07-02702 (W.D. Tenn. filed Nov. 2, 2007).

#### [Trade secret and breach of contract litigation against engineering and manufacturing firm](#)

Represents an engineering and manufacturing firm accused of developing machinery using the confidential information and trade secrets of a supplier of the same type of machinery in breach of a distribution agreement and trade secret statutes. The matter involves AAA Arbitration in Chicago, Illinois, that is being administered by the International Centre for Dispute Resolution — AAA because the contract concerns international arbitration. Matter pending. The opposing party resisted arbitration and the firm first had to secure orders in federal courts in W.D. of Washington and N.D. of Illinois before arbitration of all disputes was compelled by the court in the N.D. of Illinois.

#### Patent litigation for developer and manufacturer of plastic and fiber products

Lead counsel for the plaintiff, a leader in the development and manufacturing of porous plastic and porous fiber products, in patent infringement litigation. Soon after filing the suit, we filed a motion for preliminary injunction, engaged in expedited discovery and had a hearing date for an evidentiary hearing on the motion. At the same time the case was proceeding, our client was engaged in confidential negotiations for an asset sale transaction that included the operating business and the patent involved in the litigation that made the resolution of the case an important consideration in closing that transaction. Against that backdrop, we were able to negotiate a settlement of the lawsuit with the defendant on terms that pleased not only our client but the third party with which our client was negotiating and enabled our client to close its significant asset sale transaction.

#### Genetic Technologies Limited v. Beckman Coulter, Inc. et al.

Represented Pioneer Hi-Bred International, Inc. in a patent infringement action filed by Genetic Technologies Limited ("GTG"). The plaintiff sued nine defendants in the United States District Court for the Western District of Wisconsin alleging patent infringement of its patent relating to methods of analysis of non-coding DNA sequences. Several large companies had previously been involved in litigation with GTG over this patent. As a result of licenses GTG negotiated with those defendants, GTG sought millions of dollars in past damages and future license fees from Pioneer. Because of intensive defensive efforts and factual investigation, we approached GTG regarding settlement. These discussions resulted in a favorable settlement of the matter, the terms of which are confidential.

*Genetic Technologies Limited v. Beckman Coulter, Inc. et al.*, No. 3:10-cv-00069 (W.D. Wisc. filed Feb. 11, 2010).

\*Experience gained by attorney prior to joining Kilpatrick Townsend

## Publications, Articles and Speaking Engagements

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Protecting the Validity of Your Pharmaceutical Patents After KSR  
2009 BIO International Convention, May 01, 2009

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Fed. Circ., KSR and Pharms: The First Year and a Half  
Law 360, December 31, 2008

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Representing the Franchisee in Disputes with the Franchisor: Trying to Hit the Target with Blanks  
American Bar Association, January 01, 1996

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## Professional & Community Activities

American Bar Foundation, Fellow

American College of Trial Lawyers, Fellow

American Law Institute, Member

Emory University, Board of Trustees

USO Council of Georgia, Vice President

Georgia Bar Foundation, Fellow

Lumpkin American Inn of Court, Master Bencher

American Bar Association, Torts and Insurance Practice and Litigation Sections, Past Committee Chairs

American Inns of Court Foundation, Former Trustee

*Litigation*, the Journal of the ABA Litigation Section, Former Associate Editor

## Education

Harvard University, J.D. (1971)  
*cum laude*

Emory University, B.A., History and Economics (1968)  
*summa cum laude*

## Bar Admissions

Georgia (1971)

District of Columbia (1980)