



## Shannon M. Jost

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### Practice Overview

Shannon is a seasoned intellectual property attorney whose practice blends trial and appellate litigation with intellectual property transactions. For over 20 years, Shannon has represented clients from a broad range of industries in high-stakes trademark, copyright, trade secret, and patent litigation in federal district and appellate courts around the country. In addition to her litigation practice, Shannon advises clients on the acquisition, protection and enforcement of intellectual property rights; and drafts and negotiates a wide range of license, development, manufacturing, acquisition and operational agreements. Shannon has been recognized as a regional and national leader in her field by Best Lawyers in America, Washington Super Lawyers and Chambers USA: America's Leading Lawyers for Business. She is also a frequent speaker on topics related to intellectual property law and litigation.



### Areas of practice

Intellectual Property  
Business  
Litigation  
Agriculture

### Admitted to Practice

Washington (2002)  
New York (1997)  
Various U.S. District Courts  
U.S. Court of Appeals for the Ninth Circuit  
U.S. Court of Appeals for the Federal Circuit

### Education

Columbia University School of Law, J.D. (1996)  
Georgetown University School of Foreign Service, B.S. (1992)

### Recognition & Honors

- Named a 'Leading Trademark Professional' by *World Trademark Review 1000* (2015 - 2017)
- The Best Lawyers in America in Litigation - Intellectual Property (2013 - 2018)
- Top 50 Women Lawyers, Washington Super Lawyers (2013 - 2017)
- 100 Best Lawyers, Washington Super Lawyers (2015)
- Washington Super Lawyers (2010 - 2017)
- Notable Practitioner in Intellectual Property, Chambers USA (2010 - 2016)
- Rising Star, Washington Super Lawyers (2004 & 2008)

## Representative Work

### Litigation Experience

- Lead counsel for agricultural chemical company in patent litigation involving crop protectant and nutrient, obtaining favorable settlement after claim construction.
- Lead counsel for leading wireless telecommunications provider in patent litigation involving prepaid calling technology; favorable claim construction ruling and summary judgment of non-infringement upheld by Federal Circuit.
- Lead counsel for national electronic payment processor in trademark and unfair competition action, obtaining favorable partial summary judgment and final judgment for client, with maximum statutory damages and attorneys' fees, after bench trial. Affirmed on appeal to Ninth Circuit.
- Lead counsel for wireless telecommunications company in multi-defendant patent litigation involving electronic transfer of information; obtaining favorable settlement.
- Lead counsel for large software company in numerous copyright/breach of contract cases, obtaining favorable settlements.
- Co-counsel for leading global internet company in multi-defendant patent litigation, obtaining favorable claim construction ruling.
- Counsel for wireless telecommunications company in patent malpractice action; obtaining favorable jury verdict and advantageous settlement.
- Co-counsel for toy-manufacturer in unfair competition case, obtaining summary judgment for client.
- Co-counsel for leading entertainment company in trademark litigation; summary judgment for client upheld by Ninth Circuit.
- Lead counsel for independent software company in copyright infringement/misappropriation of trade secret litigation, resulting in summary judgment for client and favorable settlement.
- Counsel for manufacturer of auto parts in trademark and unfair competition jury trial.
- Numerous contested proceedings before the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office.

### Transactional Experience

- Drafting and negotiating digital media licenses enabling a leading electronic retailer to offer digital downloads of books, magazines, newspapers, music and videos.
- Complex software development, multimedia and technology licensing agreements and services agreements for clients including national telecommunications services providers, software providers, retailers, and manufacturers.
- Trademark, copyright, and patent license agreements.
- Counseling on a variety of business operations matters, including negotiation of sponsorship/advertising agreements, confidentiality and nondisclosure agreements, employee and independent contractor agreements, development, marketing and distribution agreements, licensee compliance, and advertising and product packaging review.

- Advising clients on wide range of intellectual property licensing, contract and enforcement issues, new media, e-commerce, domain name, privacy and other Internet-related issues, unfair competition, false advertising and commercial disparagement.
- Trademark and copyright prosecution.

## Publications & Presentations

- "Trademark Battles: Know the Law, Know the Rules, and Fight to Win," panelist, American Intellectual Property Law Association Annual Meeting (October 2017)
- "When Is a Secret a Trade Secret?" presenter, East King County Bar Association, Business Section (September 2016)
- "When Is a Secret a Trade Secret?" presenter, IP Essentials for the Business Lawyer: Know Enough Not to be Dangerous, CLE presented by the WSBA (September 2016)
- "Defend Trade Secrets Act Expands Remedies for Protecting Rights, Comes With New Requirements for Employee Contracts," co-author with Aviva Kamm, blog post *Stokes Law Briefs* (May 2016)
- "Avoiding Personal Liability: Advice for Owners and Managers of Privately Held Businesses," Co-presenter with Brad Axel, Sean Griffie and Aviva Kamm, *Stokes Law Brief* (October & November 2014)
- Panelist on Ethics Issues: Trademark, Copyright & Patent Practice, presented by King County Bar Association (June 2013, November 2014)
- "Federal Boot Camp - How to Practice in Federal Court," Pincus Professional Education (December 2012)
- "Confusion Over Keywords: The 9th Circuit Decision in *Network Automation v. Advanced Systems Concepts*," King County Bar Association, Intellectual Property Section (May 2011)
- "Basics of Intellectual Property Law for Marketing Professionals," The Association for Women in Communications Annual Meeting (October 2009)
- "What Every Business Advisor Should Know About Intellectual Property," Washington Women in Tax (February 2008)
- "Intellectual Property Litigation Strategies and Management," American Association of Corporate Counsel (Washington Chapter) (January 2008)

## Professional & Community Activities

- Board Member, Seattle Intellectual Property American Inn of Court
- Member, Federal Bar Association of the Western District of Washington; Trustee (2011 - 2012)
- Member, International Trademark Association
- Member, American Intellectual Property Law Association
- Member, Intellectual Property Section of the Washington State Bar Association

- Advertising and Commercial Speech Committee, Media Law Resource Center (2004-2012)
- Volunteer, King County Bar Association Downtown Neighborhood Legal Clinic

### **Background & Interests**

Prior to joining the firm, Shannon was associated with the New York office of White & Case LLP.