



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 and corporate 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 nationwide. In addition to her litigation practice, Shannon advises clients on marketing and promotional activities, and 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 is certified by the U.S. District Court for the Western District of Washington as a Civil Rule 39.1 Neutral for its Alternative Dispute Resolution (ADR) Program, and is certified in advanced mediation skills by Pepperdine University/Caruso School of Law's Strauss Institute for Dispute Resolution. She has been recognized as a regional and national leader in her field by Best Lawyers in America, Washington Super Lawyers, the World Trademark Review, and Chambers USA: America's Leading Lawyers for Business. Shannon is a frequent speaker on topics related to intellectual property law and litigation.

Practice Areas:

Intellectual Property

Business

Litigation

Agriculture

Alternative Dispute Resolution

Education:

Columbia University School of Law, J.D., Executive Editor, *Columbia Journal of Law and Social Problems*;
John M. Olin Fellowship in Law and Economics (1996)

Georgetown University School of Foreign Service, B.S. (1992)

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

Recognition & Honors:

Named a 'Leading Trademark Professional' by *World Trademark Review* 1000 (2015 - 2020)

The Best Lawyers in America in Litigation - Intellectual Property (2013 - 2021)

Washington Super Lawyers (2010 - 2020)

Top 100 Lawyers, Washington Super Lawyers (2015)

Top 50 Women Lawyers, Washington Super Lawyers (2013 - 2020)

Notable Practitioner in Intellectual Property, Chambers USA (2010 - 2015)

Rising Star, Washington Super Lawyers (2004 & 2008)

Representative Work:Litigation Experience

Lead counsel for large national software company in numerous copyright/breach of contract cases, obtaining favorable summary judgments and settlements.

Lead counsel for manufacturing company in patent license dispute, obtaining partial summary judgment for client and favorable rulings on appeal.

Lead counsel defending agricultural company in suit over proprietary plant rights, achieving dismissal of all claims and favorable settlement.

Co-counsel for UK-based software company, obtaining favorable rulings on motion to dismiss and ultimate withdrawal of remaining patent infringement and trade secret claims by plaintiff.

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 defending patent litigation; obtaining 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.

Co-counsel for leading global internet company in multi-defendant patent litigation, obtaining favorable claim construction ruling and dismissal of claims; upheld by Federal Circuit.

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 affirmed 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

Complex software development, multimedia and technology licensing agreements and services agreements for clients including national telecommunications services providers, electronic payment services providers, software providers, retailers, and manufacturers.

Trademark, copyright, and patent license agreements.

Drafting and negotiating digital media licenses enabling a leading electronic retailer to offer digital downloads of books, magazines, newspapers, music and videos.

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, contractor and employment agreements, e-commerce, domain name, privacy and other Internet-related issues, unfair competition, false advertising and commercial disparagement.

Trademark and copyright prosecution.

In-house Experience

Over the course of her career, Shannon has sat in-house for several clients including a global internet retailer/publisher and national telecommunications service providers, serving as in-house counsel to manage marketing and promotional activities, oversee patent litigation matters, and negotiate commercial contracts.

Publications & Presentations:

“Trademark Year in Review,” presenter, WSBA Annual Intellectual Property Institute (April 2020)

“Legality of Crawling and Scraping, and the Pending LinkedIn Matter,” co-presenter and panelist, joint meeting hosted by the Seattle IP American Inn of Court and Washington State Patent Law Association (February 2020)

“Depositions,” moderator, American Intellectual Property Law Association Spring Meeting (May 2018)

“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, WSBA (September 2016)

“Defend Trade Secrets Act Expands Remedies for Protecting Rights, Comes With New Requirements for Employee Contracts,” co-author, Stokes Law Briefs (May 2016)

Ethics Issues: Trademark, Copyright & Patent Practice, panelist, King County Bar Association (June 2013, November 2014)

“Federal Court Boot Camp - How to Practice in Federal Court,” presenter, Pincus Professional Education (December 2012)

“Confusion Over Keywords: The 9th Circuit Decision in Network Automation v. Advanced Systems Concepts,” presenter, King County Bar Association, Intellectual Property Section (May 2011)

“Basics of Intellectual Property Law for Marketing Professionals,” presenter, The Association for Women in Communications Annual Meeting (October 2009)

“What Every Business Advisor Should Know About Intellectual Property,” presenter, Washington Women in Tax (February 2008)

“Intellectual Property Litigation Strategies and Management,” panelist, 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.