



Shawn Blackburn Partner

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Overview

Shawn Blackburn is a seasoned trial lawyer who represents both plaintiffs and defendants in all types of commercial litigation in federal and state courts including intellectual property, energy and environmental, business disputes, antitrust, class action, and probate. Blackburn handles all aspects of commercial litigation and has argued dispositive motions and appeals in courts throughout the country.

Blackburn was previously named an “[Intellectual Property Trailblazer](#)” by the *National Law Journal* (2017, ALM) for the significant IP litigation he has done in the past few years.

For example, Blackburn recently scored a major victory for client Queen’s University against Samsung by securing a first-of-its-kind ruling from the Court of Appeals for the Federal Circuit that upholds privilege for patent agents and their clients. Read more about this win [here](#) and listen to Shawn’s argument [here](#). For his success on this matter, Blackburn was one of four attorneys who received a 2017 Editor’s Choice Award from Managing IP. Read more [here](#).

In the patent infringement matter *Rockstar Consortium US LP and Netstar Technologies LLC, v. Google Inc*, where Rockstar and Netstar alleged infringement of several patents related to search-related advertising, Blackburn laid the foundation for a favorable Markman ruling. The case settled soon after that hearing – the settlement resulted in a \$900 million sale of the patent portfolio. This case received ample attention from media which you can read [here](#), [here](#) and [here](#).

Blackburn’s practice and expertise extend far beyond patent law. He was trial counsel to Westlake Chemical in a construction dispute arising out of a \$400-million-plus construction project. Following a two week trial, the jury returned a multi-million dollar verdict in favor of Westlake. Blackburn also represents Preston L. Marshall, the grandson of J. Howard Marshall II, in several long running lawsuits involving the Marshall family’s estate and related trusts. These lawsuits are pending in Probate Court in Harris County Texas, state court in Harris County Texas, and state and federal court in Louisiana. Blackburn also represents the University of Texas in a breach of contract suit against IDEXX Laboratories alleging significant underpayment of royalties. The district court granted summary judgment in favor of the University and the case is now on appeal.

Prior to joining Susman Godfrey, Blackburn clerked for Judge Sharon Prost of United States Court of Appeals for the Federal Circuit where he gained unparalleled experience and insight into the workings of the bench.

Education

- Columbia Law School (J.D.)
- The University of Pennsylvania School of Medicine (Ph.D., Cell and Molecular Biology)

- Brigham Young University (M.S., Molecular Biology)
- Brigham Young University (B.S., Microbiology)

Clerkship

Law Clerk to the Honorable Sharon Prost, United States Court of Appeals for the Federal Circuit

Notable Representations

- **Queen’s University at Kingston and PARTEQ Research and Development Innovations v. Samsung Electronics Co.** Represented Queen University in a patent suit regarding Samsung’s SmartPause technology. Blackburn won a first of its kind recognition from the federal circuit that upholds privilege for patent agents and their clients. In its decision, the court said some degree of privilege should extend to communications between U.S. patent applicants and their non-attorney patent agents. Read more about this decision [here](#) and listen to Blackburn’s argument [here](#). Blackburn is currently handling the appeal of a decision from the PTAB in the same case.
- **Rockstar Consortium US LP and Netstar Technologies LLC, v. Google Inc. (E.D. Tex.)** Represented Rockstar in a patent infringement suit against Google over allegations of infringement of several patents related to search-related advertising. Blackburn spearheaded the Markman briefing. The case settled shortly after a preliminary Markman ruling that sided with Rockstar on thirty-nine out of forty terms the parties sought to have construed. This settlement resulted in a \$900 million sale of the patent portfolio.
- **Packet Intelligence LLC v. Cisco Systems, Inc.** Prosecuted claims on behalf of Packet Intelligence that Cisco violated the company’s patents regarding deep packet inspection with their networking products. The matter settled on favorable confidential terms just prior to the Markman hearing.
- **Canrig Drilling Technology LTD v. Trinidad Drilling LP.** Represented Canrig, a subsidiary of S&P 500 oil, natural gas and geothermal drilling contractor Nabors Industries, in a patent dispute against Trinidad drilling in a dispute regarding oil well drilling technology. Blackburn handled discovery and motions practice in the case, including obtaining a *Daubert* ruling excluding the testimony of Trinidad’s technical expert on several key grounds. The matter settled shortly before trial.

Honors and Distinctions

- One to Watch – Patent Litigation, Best Lawyers in America ([2022](#), [2023](#), Woodward White Inc.)
- Texas Rising Star; 2021-2022 – top 2.5% of Texas lawyers under 40 (*Law & Politics Magazine*, Thomson Reuters)
- [Intellectual Property Trailblazer](#), *National Law Journal* (2017, ALM)
- Recipient of the 2017 Editor’s Choice Award from *Managing IP* for work on *In re: Queen’s University at Kingston et al.* Read more [here](#).
- Editor-in-Chief, *Columbia Science and Technology Law Review*
- Harlan Fiske Stone Scholar
- James Kent Scholar

Articles

- Co-Author, *The Evidence of Things Not Seen: Non-Matches as Evidence of Innocence*, 98 Iowa L. Rev.

577 (2013)

- Co-Author, Toll-like receptor 7 is required for effective adaptive immune responses that prevent persistent virus infection, *Cell Host Microbe.*, 2012 Jun.
- Angelosanto JM, Blackburn SD, Crawford A, Wherry EJ, *Progressive loss of memory T cell potential and commitment to exhaustion during chronic viral infection. J Virol.*, 2012 Aug.
- Crawford A, Angelosanto JM, Nadwodny KL, Blackburn SD, Wherry EJ, *A role for the chemokine RANTES in regulating CD8 T cell responses during chronic viral infection. PLoS Pathog.*, 2011 Jul.
- Blackburn SD, et al., *Tissue-specific differences in PD-1 and PD-L1 expression during chronic viral infection: implications for CD8 T-cell exhaustion. J Virol.*, 2010 Feb.
- Shin H, Blackburn SD, et al., *A role for the transcriptional repressor Blimp-1 in CD8(+) T cell exhaustion during chronic viral infection. Immunity*, 2009 Aug.
- Blackburn SD, et al. *Co-regulation of CD8 T cell exhaustion during chronic viral infection by multiple inhibitory receptors. Nature Immunology*, 2009 Jan.
- Blackburn SD, Shin H, Freeman GJ, Wherry EJ. *Selective expansion of a subset of exhausted CD8 T cells by aPD-L1 blockade. PNAS*, 2008 Sep.
- Shin H, Blackburn SD, Blattman JN, Wherry EJ. *Viral antigen and extensive division maintain virus-specific CD8 T cells during chronic infection. J Exp Med.* 2007 Apr.
- Blackburn SD, Wherry EJ. *IL-10, T cell exhaustion, and viral persistence. Trends Microbiol.* 2007 Apr.
- Blackburn SD, Steadman RA, Johnson FB. *Attachment of adeno-associated virus type 3H to fibroblast growth factor receptor 1. Arch Virol.* 2006 Mar.
- Blackburn SD, Cline SE, Hemming JP, Johnson FB. *Attachment of bovine parvovirus to O-linked alpha 2,3 neuraminic acid on glycoprotein A. Arch Virol.* 2005 Jul.
- Johnson FB, Fenn LB, Owens TJ, Faucheux LJ, Blackburn SD. *Attachment of bovine parvovirus to sialic acids on bovine cell membranes. J Gen Virol.* 2004 Aug.

Professional Associations and Memberships

- State Bar of Texas
- State Bar of New York
- United States Patent and Trademark Office