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 dipositive 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. 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.

Notable Representations

Representative Matters

- ***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 & Distinctions	• Lawdragon, Top 500 Plaintiff Financial Lawyers (2024, 2025) • Lawdragon 500X – The Next Generation of Leading Lawyers (2023) • One to Watch – Commercial Litigation & Patent Litigation, Best Lawyers in America (2022, 2023, 2024, 2025 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
Clerkships	Honorable Sharon Prost, United States Court of Appeals for the Federal Circuit
Education	**Columbia Law School** (J.D.,) **The University of Pennsylvania** (Ph.D., Cell and Molecular Biology,) • School of Medicine **Brigham Young University** (M.S., Molecular Biology,) **Brigham Young University** (B.S., Microbiology,)
Admissions	**Bar Admissions** • Texas • New York --- **Court Admissions** • U.S. Patent and Trademark Office