



Keith D. Fredlake

Member

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Practice Areas

- Intellectual Property
- Patents

Education

- American University, Washington College of Law, J.D., 2002
- Western State College of Colorado, B.A., 1998

Bar Admissions

- District of Columbia
- Virginia

Court Admissions

- U.S. District Court -- Colorado
- U.S. Patent and Trademark Office

Awards & Honors

- *IAM Patent 1000*, 2022-2024

Keith is a registered patent attorney whose practice includes drafting and prosecuting patent applications; working with clients on design patents; and counseling clients on issues regarding the patentability of inventions, patent rights in foreign countries, and the infringement and validity of U.S. patents. He also regularly performs portfolio review for clients, including freedom-to-operate, invalidity, patentability, and opposition searches. Keith is also experienced in the preparation of invalidity and non-infringement options for utility and design patents.

In addition, he has significant experience in conducting trademark clearances, registering trademarks, negotiations and licensing, and adversarial proceedings before the U.S. Trademark and Appeal Board and Internet Corporation for Assigned Names and Numbers.

Keith's clients are primarily in the chemical and life sciences industry, including chemistry, chemical engineering, oil and gas-petrochemicals, medical devices, and pharmaceuticals.

He was recommended by Legal 500 US in 2015 for Patent Prosecution.

Experience

Successfully represented Ascend Performance Materials in a Patent Opposition hearing before the European Patent Office's Opposition Board, resulting in the revocation of all claims of a granted EMS Chemie patent broadly covering particular high-performance plastic formulations.

Prevailed on behalf of Ascend Performance Materials LLC in an *Inter Partes* Review before the Patent Trial and Appeal Board (PTAB) challenging ten claims of a Samsung patent relating to rechargeable lithium battery electrolyte technology. The representation included detailed Petition preparation, substantial expert testimony, multiple depositions (conducted in Korean with translators), and a virtual oral hearing. The PTAB issued its Final Written Decision finding all of the challenged claims to be invalid on two separate grounds, each based on different prior art.

Successfully represented Afton in an *inter partes* review brought to invalidate Infineum's patent directed to heavy duty diesel lubricants. The PTAB found all claims invalid and denied the motion to amend, and the decision was affirmed on appeal to the Federal Circuit. (*Afton Chemical Corp. v. Infineum Int'l Ltd.*, IPR2017-01321, PTAB, Judges Tornquist, Abraham, Ankenbrand)

Successfully represented Celanese in an *inter partes* review brought to invalidate Daicel's patent directed to acetaldehyde removal from a carbonylation process. Prior to institution, the parties consented to terminate. (*Celanese Int'l Corp. v. Daicel Corp.*, IPR2019-00313, PTAB, Judges Snedden, Yang, Hulse)

Represented patentee Celanese in five *inter partes* review petitions filed by competitor Daicel challenging validity of Celanese patents related to industrial acetic acid production. The Patent Trial and Appeal Board initially ruled in favor of Celanese, completely denying all five petitions, although requests for rehearing subsequently resulted in the institution of three of the five IPRs. In June of 2016,

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the PTAB issued final written decisions in the three IPRs, finding for patent owner Celanese and affirming all instituted claims as not unpatentable. USPTO PTAB Case Numbers 1PR2014-01514, 1PR2014-01515, 1PR2015-000170, 1PR2015-00171 and 1PR2015-00173.

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