



## Kathi Vidal

Partner

*Admitted to practice only in U.S. Patent & Trademark Office, Arizona and California*

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Silicon Valley

**Kathi is one of the leading patent and intellectual property (IP) litigators and Federal Circuit advocates in the United States. TechCrunch recognized her as one of the “remarkable women who’ve contributed to the AI revolution,” and *Forbes* recognized her as one of the top 50 women in innovation. The immediate past Under Secretary of Commerce for IP and Director of the U.S. Patent and Trademark Office (USPTO), Kathi is one of the 50 most influential people in AI and IP in the world and is a ChIPs Hall of Fame recipient. Kathi recently returned to Winston & Strawn’s Washington, DC and Silicon Valley offices and is a member of the firm’s Executive Committee.**

Kathi is internationally recognized as one of the most influential people in IP, with notable experience in AI, next-generation semiconductors, and other critical and emerging technologies; international policy; standardized technology and standard essential patent (SEP) policy; pharmaceuticals and life sciences policy; and competition law. In addition to her client work, Kathi also guides clients through complex issues at the intersection of technology, law, and policy, ensuring they maintain a leading edge in critical innovations.

From April 2022 to December 2024, Kathi served as the U.S. Senate-confirmed Under Secretary of Commerce for IP and Director of the USPTO, leading the \$4.2B operation with over 14,000 employees located across the 50 states and Puerto Rico—underpinning more than \$8T in IP-intensive economic activity annually in the U.S. She was the principal advisor to the President, his administration, and the Secretary of Commerce on IP. During her tenure, she broadened the USPTO’s mission to focus proactively across the U.S. government and internationally on impactful innovation and entrepreneurship policy to accelerate U.S. innovation, bolster U.S. competitiveness, and bring innovation to impact to solve community and world problems. She also led a multi-year-long effort to improve USPTO operations, dramatically reducing trademark pendency and setting the course for similar reductions for patents all while increasing the diversity of USPTO leadership by 5% in her last year alone. Through her leadership, the USPTO had unprecedented activities and accomplishments, all of which are memorialized [here](#).

Prior to leading the USPTO, Kathi was the Managing Partner of Winston’s Silicon Valley Office. For over two decades, she represented both plaintiffs and defendants in U.S. federal district and appellate courts, the International Trade Commission, and at the USPTO. Kathi advised clients—ranging from Fortune 10 companies to startups—on a wide range of IP matters, including participating in standard setting bodies and negotiating SEP policies, mocking Federal Circuit arguments, leading appellate teams for trials, conducting patent due diligence for transactional matters, analyzing patent portfolios, and devising strategies for worldwide patent disputes, including advising on national security, policy, and related issues. Kathi regularly prevails on behalf of her clients, including securing a market and obtaining a preliminary injunction, permanent injunctions, exclusion orders, a contempt finding, attorney fee awards, patent invalidations, and treble damages. She argued the seminal *SAP v. InvestPic* case on 35 U.S.C. § 101 (patent eligibility) at the Federal Circuit and set precedent by obtaining a district court decision permitting her to reopen a case to pierce the corporate veil to seek attorney fees from the lawyers and principals under 35 U.S.C. § 285.

After starting college at age 16 as a mathematical physics major, Kathi began her career at General Electric (GE) Aerospace (later Lockheed Martin) as an electrical and systems engineer. She graduated from GE’s Edison Engineering Program and designed one of the first AI systems for aircraft (writing on it for her master’s thesis), as well as aircraft and engine-control systems that continue to keep our military safe today. Before joining Winston previously, Kathi chaired the litigation group—270 attorneys across 11 global offices—at another Am Law 100 firm, leading 60% of the firm while also serving on its management committee.

Kathi grew up in a military family and was the only member from her class on the base in the Azores (Portugal) to graduate from college. She is a competitive athlete across numerous sports, including crew, polo, volleyball, and marathoning. She is also an avid photographer and golfer, and she lives with her family and rescue dogs Oliver and Jack.

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*Kathi is only admitted to practice in California. Her application is pending for the D.C. Bar. She is currently practicing law in the District of Columbia under the supervision of principals of the firm who are members in good standing of the D.C. Bar.*

## Key Matters

Kathi has first-chaired, led, and consulted on litigations across a wide array of venues, including the U.S. Supreme Court; the Court of Appeals for the Federal Circuit; the Ninth Circuit Court of Appeals; the ITC; the USPTO; and federal district courts in California (all), Texas (E.D. Tex., N.D. Tex., and W.D. Tex., including Waco), Delaware, Illinois (N.D. Ill.), Washington, Wisconsin (W.D. Wis.), Arizona, Florida, Massachusetts, Michigan, Minnesota, Nevada, New Mexico, New York (N.D.N.Y. and S.D.N.Y.), and Maryland. Her experience also includes international matters in China, Germany, and Korea. In addition, Kathi has represented numerous parties before the Multi-District Litigation (MDL) Panel.

Select examples of Kathi’s experience include:

### ***Chamberlain v. Techtronic Industries***

Secured a complete jury trial victory in 2017 for Chamberlain Group, in which the court found that competitors Ryobi and Techtronic Industries willfully infringed two of Chamberlain's patents. The Northern District of Illinois granted our request for a permanent injunction blocking the sale of Ryobi's connected garage door openers and similar garage door openers.

### ***Exafer Ltd. v Microsoft Corporation***

Served as part of a team that represented Microsoft in the initial stages of a patent-infringement matter involving computer network management technology, in which the plaintiff sought hundreds of millions of dollars in damages. After Kathi joined the government as director of the USPTO, the remaining Winston team achieved a rare win on summary judgment of no damages, which they believe to be the first and only instance of a patent defendant achieving a complete victory via summary judgment of no damages in the Western District of Texas.

### **SAP v. InvestPic** (Fed. Cir. 2018)

Secured a seminal § 101 win for software company SAP in a patent suit brought by InvestPic in the Northern District of Texas. The Federal Circuit affirmed the win in an oft-cited opinion and upheld an award of attorney fees.

### ***Arc Medical v. Medivators***

Represented a medical device company in asserting two patents related to surgical instruments used for colonoscopies against a competitor in the Southern District of Texas. Although the defendant responded by attempting to challenge the patents in the Patent Trial and Appeal Board (PTAB), Winston convinced the PTAB not to institute the IPRs and the case later settled.

### ***Cambria v. Cosentino***

Retained by Cambria, America's leading manufacturer of quartz countertops and other quartz surface products, to assert five patents covering innovative technology for manufacturing quartz slabs with full-thickness veins that rival the natural beauty of quarried marble and granite. Prevailed at claim construction and in obtaining a highly expedited case schedule in the Western District of Texas, Waco Division, leading to a settlement on terms that strongly favored our client.

# Recognitions

Kathi was named to the [Forbes 50 over 50: Innovation list](#) alongside [Andrea Goldsmith](#) (who she inducted into the [National Inventors Hall of Fame](#) earlier in 2024), [Esther Dyson](#), and many other incredible leaders who “are leading the charge in advancing [automation and #AI] for good.” In celebrating the honor, Kathi acknowledged that it was actually a “team win for the amazing work of team [USPTO](#) in expanding the innovation ecosystem at speed and scale. Go team!”

Kathi has received numerous accolades for her work and impressive accomplishments, including being named one of *Managing IP*'s 50 most influential people in IP (globally) from 2022–2024, and being inducted into the Chiefs in Intellectual Property (ChIPs) Hall of Fame together with luminaries such as Supreme Court Justice Ruth Bader Ginsburg, Secretary of Commerce Gina M. Raimondo, and Senator Mazie Hirono. She has also been listed as one of the top 50 Women in AI and has been featured in publications like [Forbes](#), [Fortune](#), [TechCrunch](#), and many IP trade publications for her marked experience in AI and innovation policy. During her tenure as the USPTO Director, the USPTO was named among the Top 50 Inspiring Workplaces in North America, the second-most inspiring workplace among government and nonprofit organizations in North America, and among the world's Top 100 Inspiring Workplaces by the Inspiring Workplaces Group.

The following organizations have recognized Kathi for her work in private practice:

- *The Best Lawyers in America*® – Patent Litigation
  - *WIPR Leaders Guide* – an outstanding IP practitioner
  - *IAM Patent 1000: The World's Leading Patent Professionals* (referred to as “one of Winston’s top guns”)
  - *The Recorder* – a Women Leader in Law and a California Trailblazer
  - *Chambers USA* – ranked attorney for Intellectual Property: Patent
  - *Northern California Super Lawyer*
  - *The Daily Journal* – a California Top 100 Lawyer, one of 50 Leading IP Litigators in California, and one of California’s Top Women Litigators
  - *Benchmark Litigation US* – one of the Top 250 Women in Litigation and a California Litigation Star
  - *San Francisco* (magazine) – one of the Top Women Attorneys of Northern California
  - *Silicon Valley/San Jose Business Journal* – one of the “Forty under Forty People to Watch” in Silicon Valley and a Woman of Influence in Silicon Valley
  - *Managing IP* – Top 250 Women in IP
  - *Lawdragon* – “500 Leading Lawyers in America”
  - *The Legal 500 US* for Patents: Litigation – a “Key Lawyer”
  - Legal Momentum – one of five Women of Achievement Honorees
  - *San Francisco Business Times* – one of the “Most Influential Women in the Bay Area” and thereafter referred to as “Forever Influential”
  - Who’s Who Legal list for Patents
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# Activities

Kathi is an active leader in the IP and technology law arena, focused on activities that have impact, including supporting the judiciary and efforts to expand innovation, entrepreneurship, and opportunity for those underrepresented in this area.

She was one of only a few law firm instructors teaching patent law to new Article III judges through the Federal Judicial Center and worked on a team drafting the rules and jury instructions for the Northern District of California. She founded the Next Gen Lawyers effort and has consulted with district court judges and the PTAB on their judicial next gen orders.

Kathi is an active champion of Journey to Lead alongside leading women—such as Mary Barry and Ginni Rometti—and founded the ChIPs USPTO chapter. Kathi is also an active participant in The Sedona Conference and The Leahy Institute and is a member of the American Association of Patent Judges and the Patent and Trademark Office Society.

Kathi has sat on numerous boards, including serving as a board member of SuperPhone (a tech startup), the Federal Circuit Bar Association, and the Women in Law Empowerment Forum (WILEF). She served as an advisory board member of ChIPs (women in policy, law, and technology), Cinequest (the Silicon Valley Film Festival), and the Berkeley Center for Law & Technology. In addition, she served on the Litigation Committee of the IPO.

She has mentored women from underdeveloped countries through the U.S. State Department's mentorship program and has been recognized for such efforts in *Fortune* (which also published several of Kathi's photographs related and unrelated to her mentorship).

Over a decade ago, Kathi was inducted as a Fellow in the Litigation Counsel of America (an honorary society for the top 0.5% of litigators). She also served as a Fellow to the Federal Circuit Bar Association and as an Adjunct Professor of Patent Law at Santa Clara University School of Law.

While serving as the USPTO Director alongside Secretary of Commerce Gina M. Raimondo, Kathi served as the Vice Chair of the [Council for Inclusive Innovation \(CI2\)](#), which created the first-ever [National Strategy for Inclusive Innovation](#). She is also co-chair of the Economic Development Administration's [National Advisory Council on Innovation and Entrepreneurship \(NACIE\)](#), playing a key role in creating the first [National Entrepreneurship Strategy](#). She and Secretary Raimondo launched the [Women's Entrepreneurship \(WE\) initiative](#), and she founded [Entrepreneurship Essentials for the Military Community](#). She also expanded patent and trademark resources in [libraries](#) nationwide and [free legal services](#) for patent applicants, increasing the participation by women and other underrepresented populations to unprecedented levels. She scaled up the USPTO's childhood and K-12 education programming, introduced groundbreaking tools to identify IP and assist teachers, and made permanent the USPTO's outreach efforts through the creation of the [Office of Public Engagement](#). Recognizing the lack of diversity in the IP profession, Director Vidal expanded the patent bar, created a design patent bar, and expanded the criteria to practice before the PTAB.

Kathi is a member of Winston's Executive Committee.

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“Vidal is not just a leading trial lawyer, but a versatile solver of intricate business problems interwoven with interconnected patent, technology, antitrust, data, privacy and security threads.”

# Credentials

## EDUCATION

Kathi received her B.S. from Binghamton University in 1990, and her M.S. in Electrical Engineering from Syracuse University in 1992. She received her J.D. from the University of Pennsylvania Law School in 1996, where she was editor-in-chief of the *University of Pennsylvania Law Review*.

## ADMISSIONS

- U.S. Patent & Trademark Office
- Arizona
- California

## CLERKSHIPS

- USCA - Federal Circuit for the Honorable Alvin A. Schall

## Related Insights & News

As one of the world's leading IP, AI, and tech strategists, a former U.S. government leader, and as a staunch advocate for women and others who do not traditionally participate at representative levels, Kathi is a sought-after thought leader and motivational keynote speaker on a wide range of topics. Notable engagements include speaking on the main stage of Fortune's inaugural Most Powerful Women conference (where she spoke in subsequent years on China and AI), the Consumer Electronics Show, NVIDIA'S GTC Summit, the Financial Times AI Summit in London, the ChIPs Global Summit, the Intellectual Property Owners (IPO) Annual Meeting, the American Intellectual Property Law Association (AIPLA) Annual Meeting, and the World's Government Summit. Kathi strives to make an impact and to move audiences to action. She also has been interviewed extensively.

## SELECT RECENT SPEAKING ENGAGEMENTS/INTERVIEWS

- **Fortune Most Powerful Women Summit 2024: Innovation And AI**, Fortune.com, Oct. 16, 2024
- **Inventing Tomorrow: Unraveling the Impact of AI on IP with Kathi Vidal**, AUTM on the Air, July 1, 2024
- **AI Expo for National Competitiveness – Fireside Chat with U.S. Patent and Trademark Office on AI and Intellectual Property**, May 8, 2024
- **Chinese Vice Premier Meets US Patent and Trademark Office Director**, CCTV, April 15, 2024
- **Women in AI: Kathi Vidal at the USPTO has been working on AI since the early 1990s**, TechCrunch, April 3, 2024
- **Protecting America's Best Ideas A Conversation with USPTO Director Kathi Vidal**, CES, Jan. 17, 2024
- **Protecting Innovation with Director Vidal: Key Takeaway**, Cipher Vision Podcast, Oct. 26, 2023
- **Fortune Most Powerful Women Summit 2023: Innovation, Entrepreneurship, And Economic Growth**, Fortune.com, Oct. 11, 2023
- **Fireside Chat with USPTO Director Kathi Vidal at IPO Annual Meeting 2023**, youtube.com, Oct. 4, 2023
- **Insights on Innovation from Director of the United States Patent and Trademark Office Kathi Vidal**, The Jon Schultz Podcast, March 28, 2023
- **Kathi Vidal: Director of the United States Patent and Trademark Office (USPTO)**, The Kara Goldin Show, Episode 317, Nov. 16, 2022

- **Q&A with Kathi Vidal: Champion of Innovation and Underserved Communities**, Association for Women in Science, Aug. 1, 2022
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## **RECOGNITIONS**

Kathi Vidal Named to *Managing IP's* 50 Most Influential People in IP 2024

DECEMBER 17, 2024

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## **PRESS RELEASE**

Director of United States Patent and Trademark Office Kathi Vidal to Rejoin Winston & Strawn

NOVEMBER 18, 2024

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## **PRESS RELEASE**

Winston & Strawn Partner Kathi Vidal Confirmed as Undersecretary of Commerce for Intellectual Property and as Director of the United States Patent and Trademark Office

APRIL 5, 2022

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## **RECOGNITIONS**

Winston Partners Recognized in the 2022 *Lawdragon* 500 Leading Lawyers in America

FEBRUARY 18, 2022

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## **PRO BONO IN ACTION**

Winston's Silicon Valley Office Hosts Pro Bono Clinic For California Fire Camp Participants

DECEMBER 8, 2021

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## **SPONSORSHIP**

Winston & Strawn Sponsors ChIPs 2021 Virtual Global Summit

OCTOBER 27, 2021

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## **RECOGNITIONS**

Kathi Vidal Selected to *Managing IP's* Top 250 Women in IP 2021

OCTOBER 1, 2021

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## **RECOGNITIONS**

Winston Recognized in 2021 *IAM Patent 1000* Rankings

AUGUST 24, 2021

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## **RECOGNITIONS**

Winston Named to 2021 Appellate Hot List by *The National Law Journal*

AUGUST 23, 2021

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## RECOGNITIONS

Winston & Strawn Attorneys Recognized in *The Best Lawyers in America*® 2022

AUGUST 19, 2021

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## SPEAKING ENGAGEMENT

Making Technology Relatable: How to Try and Win Highly Technical Cases

AUGUST 5, 2021

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## RECOGNITIONS

Winston Partners Named to *Benchmark's* List of Top 250 Women in Litigation 2021

AUGUST 5, 2021

# Capabilities

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Intellectual Property

Patent Litigation

Appellate & Critical Motions

Trade Secrets, Non Competes & Restrictive Covenants

ITC – Section 337

Copyright-Infringement Litigation

Trademark Litigation, Prosecution & Brand Protection

IP Licensing & Due Diligence

Technology Antitrust

Antitrust/Competition

Litigation/Trials

International Arbitration

Technology, Media & Telecommunications

Cryptocurrencies, Digital Assets & Blockchain Technology

Medical Devices

Artificial Intelligence (AI)

Life Sciences

FinTech, Banking & Payments

Health Care

Retail & Luxury

Sports

Development & Protection of AI Technologies