

Kenneth M. Albridge, III

Partner

Overview

Clients rely on Ken to help them resolve complex intellectual property and commercial disputes. Drawing on a strong technical background, particularly in the electrical, mechanical and electro-mechanical arts, Ken has successfully litigated patent infringement cases throughout the United States. He has represented clients in all phases of patent litigation and trial and in cases involving a broad array of technical disciplines, including controllers and control systems, software, mechanical design, heat transfer, thermodynamics, fluid dynamics, and many others.

Ken also has successfully represented clients in connection with *inter partes* review proceedings before the Patent Trial and Appeal Board, and in litigation involving numerous types of other business disputes, including claims for breach of contract, trademark and trade dress infringement, and unfair competition. In addition, he regularly counsels clients on patent clearance matters, enforcement strategies, and strategies for defending against infringement allegations by others.

Ken is the President of the Wisconsin Intellectual Property Law Association and serves in numerous leadership roles within the American Bar Association's Section of Intellectual Property Law.

Prior to joining Michael Best, Ken worked at Westar Display Technologies, located near St. Louis, where he assisted with the design and production of cell phone and flat panel display measurement systems, rack-mount video adapter assemblies, and universal testers for display modules and panels.

Experience

Enforcing manufacturers' patent rights

- In co-pending patent infringement cases before the U.S. District Court for the Eastern District of Wisconsin involving gantry crane steering systems, Ken enforced the patent rights of one of the world's leading manufacturers of mobile marine and industrial lifting equipment against two of its competitors. Ken and his team worked meticulously to develop and execute a



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Practices

Enforcement, Clearance & Defense
Intellectual Property
Licensing & Technology
Agreements
Patent
Post-Grant

comprehensive enforcement strategy that would achieve the client's goals, setting the stage for the client to obtain favorable settlements in both actions, with one of the competitors publicly conceding the validity of the client's patents and both competitors agreeing to make adjustments to their respective accused products.

- Ken also enforced the patent rights of a large merchandising equipment and refrigeration systems manufacturer against a competitor in a patent infringement case before the U.S. District Court for the Western District of Wisconsin, obtaining another favorable settlement through mediation. That case involved air cooling and control systems for commercial refrigerated food merchandisers.

Defending against patent infringement claims

- In a large, multi-district litigation case before the U.S. District Court for the Southern District of Indiana, Ken defended four clients in the ethanol industry from allegations of patent infringement relating to corn oil extraction processes. With the filing of a massive summary judgment motion, Ken and his team successfully obtained judgment of non-infringement and invalidity for their clients.
- Ken also defended a large power tool manufacturer against allegations of patent infringement in a case before the U.S. District Court for the Central District of California involving laser-guided saws. After a two-week jury trial, Ken and his team obtained a favorable jury verdict for their client and a judgment of non-infringement and invalidity that was affirmed by the U.S. Court of Appeals for the Federal Circuit.

Defeating injunction motions

- In a patent infringement case before the U.S. District Court for the Western District of Wisconsin involving expandable broadheads, Ken and his team successfully defeated a critical preliminary injunction motion for their client in the archery products industry after being brought in to replace counsel from a large, national law firm that had handled a prior related case. A favorable settlement for the client followed shortly thereafter.
- Ken also defended a client in the fitness equipment industry against a preliminary injunction motion filed just days before Christmas in the U.S. District Court for the District of Utah. The motion was based on a patent relating to exercise equipment control systems, and Ken and his team responded forcefully. They made the plaintiff voluntarily withdraw the motion and later successfully challenged the patent's validity in *inter partes* reexamination proceedings.

Working on *inter partes* review proceedings

- Ken worked on multiple *inter partes* review proceedings for a client in the fitness equipment industry. All of those proceedings have resulted in the successful invalidation of the challenged patents, including patents related generally to computer-networked exercise equipment and exercise equipment control systems.
- In another *inter partes* review proceeding, Ken successfully defended a client's patent from a validity challenge initiated by one of the client's competitors. That patent related to shower bar systems, and Ken and his team obtained a final written decision for their client that upheld the patentability of all instituted claims.

Honors & Recognitions

- *40 Under 40, In Business Magazine, 2020*
- Wisconsin “Rising Stars” list, *Super Lawyers Magazine, 2017-2019*
- Michael Best Litigation Practice Group Pro Bono Award, 2016

Professional Activities

- Wisconsin Intellectual Property Law Association, President (former President-Elect and Secretary/Treasurer)
- American Bar Association, Section of Intellectual Property Law
 - CLE Board, Spring Conference Patent Program Co-Chair (former Patent Webinar Chair and Young Lawyer Action Group Liaison)
 - Revenue Committee, Patent Co-Chair
 - Patent Litigation Committee, Patent Exhaustion Co-Chair
 - Young Lawyers Action Group, Vice-Chair (former CLE Board Liaison)
 - Monetization and Valuation of IP Committee, Former Vice-Chair
 - USPTO Post Grant and Inter Partes Patent Practice Committee, Member
 - IP Transactions & Licensing Committee, Member
- American Bar Association, Young Lawyers Division, Former Liaison to the ABA Standing Committee on Continuing Learning Education
- State Bar of Wisconsin
 - Intellectual Property & Technology Law Section, Member
 - Litigation Section, Member
 - Young Lawyers Division, Member
- American Society of Mechanical Engineers, Former Member

Education

- The John Marshall Law School, Juris Doctor (J.D.), 2009; J.D. Certificate, Intellectual Property Law, The John Marshall Review of Intellectual Property Law
- University of Missouri-Columbia, Bachelor of Science (B.S.), *cum laude*, with honors, 2006; Mechanical Engineering

Admissions

- Wisconsin
- United States District Court, Eastern District of Wisconsin

- United States District Court, Western District of Wisconsin
- United States Court of Appeals, Veterans Claims
- United States Patent and Trademark Office
- United States Court of Appeals, Federal Circuit

Community Involvement

- Veterans Consortium *Pro Bono* Program, Volunteer Attorney
- Big Brothers Big Sisters of Dane County
 - Board of Directors, Secretary
 - Board Governance Committee, Member
 - Risk Management Committee, Member
 - Alumni Big Brother
- Rotary Club of Madison, Former Member

Related News

PUBLICATION

May 14, 2020

Discretionary Denial of IPR to be Determined by Balanced Assessment of Six Factors

PUBLICATION

April 22, 2020

Supreme Court Confirms No Right to Appeal §315 Time Bar Decision

PUBLICATION

March 20, 2020

Federal Circuit Rewrites the Rules on Joinder in PTAB Proceedings

NEWS

February 19, 2020

Michael Best's Kenneth Albridge Honored Among 40 Under 40

PUBLICATION

November 4, 2019

Federal Circuit Rules that PTAB Judges were Unconstitutionally Appointed

NEWS

July 22, 2019

Michael Best Promotes Six Attorneys to Partnership