



Susan A. Cahoon

Retired Partner

1100 Peachtree Street NE
Suite 2800, Atlanta, GA USA 30309
t 404.815.6325 | f 404.541.3145
scahoon@ktslaw.com

Services

Complex Commercial Litigation
Patent Litigation
Patents

Industries

Health & Life Sciences

Susan Cahoon, a Fellow in the American College of Trial Lawyers, has chaired the firm's Litigation practice group and is the firm's General Counsel. She joined the firm in 1971 and was admitted to partnership in 1977. Ms. Cahoon has spent all of her career as a litigator. Her diverse experience includes patent infringement litigation, complex commercial disputes and securities litigation. She also is trained as a mediator and as an arbitrator.

In addition to her membership in the American College of Trial Lawyers, Ms. Cahoon has been recognized in *The Best Lawyers in America*® for more than 25 years. In 2022, she was listed in the areas of Arbitration, Bet-the-Company Litigation, Commercial Litigation, Intellectual Property Litigation and Patent Litigation. Ms. Cahoon was named a 2013 "Atlanta Lawyer of the Year" in the area of Patent Litigation by *The Best Lawyers in America*®. She is listed in the 2021 and the 12 years immediately preceding editions of *Chambers USA: America's Leading Lawyers for Business* for General Commercial Litigation. Ms. Cahoon was named a Top 100 Georgia "Super Lawyer," a Georgia "Super Lawyer" in the area of Intellectual Property Litigation, and a Top 50 Women Georgia "Super Lawyer" in 2021 and the 12 years immediately preceding by *Super Lawyers* magazine. She has been listed for several years in the Practical Law Company's *Which Lawyer?* and was named a "recommended lawyer" in Georgia for Dispute Resolution in 2009. Ms. Cahoon was recognized as a 2011 and 2012 "Legal Elite" for General Practice/Trial Law by *Georgia Trend* magazine, and again in 2013 for General Practice Law. She received the Emory College of Arts & Sciences Alumni Award of Distinction in recognition of her contributions to her profession, to the community and to her college alma mater and she began a six-year term as a Trustee of Emory University in 2009. Ms. Cahoon has also been named to the *Lawdragon 3000* Leading Lawyers in America and recognized repeatedly in *The International Who's Who of Business Lawyers* for Patents and *The International Who's Who of Patent Lawyers* in 2011. In 2008, 2011, 2014, 2015 and 2016, she was recognized by *Benchmark Litigation* as a Georgia "Litigation Star" and Ms. Cahoon was also named one of the "Top 250 Women in Litigation" in the 2012, 2013 and 2014 editions of *Benchmark Litigation*. She has been selected as a 2012 Top Rated Lawyer in Commercial Litigation by Martindale-Hubbell in the *Litigation Special Report* issue of *The American Lawyer* and *Corporate Counsel* magazines. Ms. Cahoon was named by Legal Media Group to its 2013 *Guide to the World's Leading Patent Practitioners* and to its 2013, 2014, 2016, 2017 and 2018 *Expert Guide to the World's Leading Women in Business Law*. She was honored in 2017 by the *Fulton County Daily Report* with its "Lifetime Achievement" Award. Ms. Cahoon was named a 2021 *American Lawyer* "Trailblazer for the South" in its inaugural South Trailblazers issue that recognizes professionals in the South who have moved the needle in the legal industry. She speaks and reads French and reads Spanish. She is AV® rated by Martindale-Hubbell.*

Experience

Lead counsel for Porex Surgical, Inc., and Porex Corporation in patent infringement litigation. Soon after filing the suit, we filed a motion for preliminary injunction, engaged in expedited discovery and had a hearing date for an evidentiary hearing on the motion. At the same time the case was proceeding, our client was engaged in confidential negotiations for an asset sale transaction that included the operating business and the patent involved in the litigation that made the resolution of the case an important consideration in closing that transaction. Against that backdrop, we were able to negotiate a settlement of the lawsuit with Synthes on terms that pleased not only our client but the third party with which our client was negotiating and enabled our client to close its significant asset sale transaction. *Porex Surgical, Inc. et al v. Synthes USA Sales, LLC et al.*, No. 3:10-cv-00023 (N.D. Ga. filed Feb. 10, 2010).

The firm served as lead counsel for Biotec Pharmacon, ASA, a Norwegian pharmaceutical company, in patent infringement litigation initiated by patent owner Biothera, a Minnesota corporation, in the District of Minnesota in Minneapolis. The 14 patents involved in the litigation relate to, among other things, beta glucan compositions for immunotherapy. The District Court granted summary judgment of non-infringement as to 12 of the 14 patents, and the case subsequently settled. *Biopolymer Eng'g, Inc. v. Immunocorp*, No. 05-536 (D. Minn. filed Mar. 14, 2005).

Represented Smith & Nephew Endoscopy-Andover in a patent infringement litigation brought by KarlStorz Endoscopy-America Inc. that included several patents directed to systems for controlling operating room equipment. Case settled. *Karl Storz Endoscopy-Am., Inc. v. Stryker, Inc.*, No. 07-02702 (W.D. Tenn. filed Nov. 2, 2007).

Represented a *Fortune* 500 brewery to secure a judgment as a matter of law that there was a likelihood of confusion between our client's mark and the defendant's mark. We prevailed on summary judgment on their unfair competition counterclaims and then successfully defended against an appeal and a petition for certiorari.

Represents an engineering and manufacturing firm accused of developing machinery using the confidential information and trade secrets of a supplier of the same type of machinery in breach of a distribution agreement and trade secret statutes. The matter involves AAA Arbitration in Chicago, Illinois, that is being administered by the International Centre for Dispute Resolution – AAA because the contract concerns international arbitration. The opposing party resisted arbitration and the firm first had to secure orders in federal courts in W.D. of Washington and N.D. of Illinois before arbitration of all disputes was compelled by the court in the N.D. of Illinois.

The firm served as lead counsel on behalf of a number of defendants, including Motorola, AT&T, and Cox Communications in two parallel patent infringement actions in the Western District of North Carolina and the Eastern District of Texas regarding technology involving wireless telephone handset equipment, and digital cable or satellite set-top boxes. After a favorable claim construction ruling for our clients in the North Carolina matter, the plaintiff agreed to dismiss its claims for infringement with prejudice in both North Carolina and Texas. *Thomas v. Motorola, Inc.*, No. 05-00493 (W.D.N.C. filed Nov. 28, 2005); *Thomas v. Cingular Wireless LLC, et al.*,

No. 05-00495 (W.D.N.C. filed Nov. 28, 2005); *Thomas v. Cox Commc'ns, Inc., et al.*, No. 07-0231 (E.D. Tex. filed June 6, 2007); *Thomas v. Adelpia Commc'ns Corp., et al.*, No. 05-00497 (W.D.N.C. filed Nov. 28, 2005); *Thomas v. Alltel, et al.*, No. 05-0506 (W.D.N.C. filed Dec. 6, 2005).

Served as lead counsel on behalf of Molnlycke Health Care Group AB in a patent infringement suit against two competitors in the Northern District of Georgia involving silicone-based wound dressings. The court entered a favorable claim construction ruling for our clients, and the case settled while summary judgment motions were pending after the manufacturer of the accused products removed them from the U.S. marketplace. *Molnlycke Health Care Group AB v. Ossur & Medline*, No. 06-1027 (N.D. Ga. filed Apr. 28, 2006).

Represented Smith & Nephew in a patent infringement suit against Synthes Corp. in the Western District of Tennessee. After a three-week bench trial, the court found Smith & Nephew's patents to be valid and infringed. The court entered a permanent injunction in September 2006 enjoining Synthes from continuing to sell infringing bone repair devices. This is one the first permanent injunctions entered in a patent case after the Supreme Court's *eBay* opinion. After briefing and argument in the Federal Circuit, the parties reached a confidential settlement of the case. *Smith & Nephew Inc. v. Synthes (U.S.A.)*, 466 F. Supp.2d 978 (W.D. Tenn. 2006).

The firm served as lead counsel on behalf of Oklahoma Medical Research Foundation in a patent infringement suit brought in the Northern District of Oklahoma against Alexion Pharmaceuticals. The patents related to complement-inhibition technology and their use in a drug marketed by Alexion to treat a rare, debilitating and life-threatening disease. After replacing OMRF's previous counsel in the matter and soon after claim construction briefing was complete, we obtained a settlement. It included payment to our client as well as public acknowledgement that individuals affiliated with OMRF were the true inventors of the technology at issue. *Oklahoma Med. Research Found. v. Alexion Pharmaceuticals, Inc.*, No. 07-163 (N.D. Okla. filed Mar. 15, 2007).

Education

Harvard University J.D. (1971) *cum laude*

Emory University B.A. (1968) History and Economics, *summa cum laude*

Admissions

Georgia (1971)

Professional & Community Activities

Georgia Board of Bar Examiners, Member

American Bar Foundation, Fellow

American College of Trial Lawyers, Fellow

American Law Institute, Member

Emory University, Board of Trustees

The Carter Center, Board of Trustees

USO Council of Georgia, Chair

Georgia Bar Foundation, Fellow

Lumpkin American Inn of Court, Master Benchers

American Bar Association, Torts and Insurance Practice and Litigation Sections, Past Committee Chairs

American Inns of Court Foundation, Former Trustee

Litigation, the Journal of the ABA Litigation Section, Former Associate Editor

Insights

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Kilpatrick Townsend Attorneys Garner 37 Rankings on the 2021 International Who's Who of Business Lawyers
October 29, 2021

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Kilpatrick Townsend Partner Susan Cahoon Named 2021 American Lawyer Trailblazer for the South
October 7, 2021

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October 7, 2021

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Kilpatrick Townsend Attorneys Honored in the 2022 Edition of The Best Lawyers in America
August 19, 2021

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Kilpatrick Townsend Achieves Record-Breaking Recognition from Chambers USA 2021
May 24, 2021