

Kate Gaudry

(202) 320-6546

kgaudry@kilpatricktownsend.com

Education

JD, 2011

Harvard Law School, *cum laude*, Dean's Scholar Prize in Patent Law

Cambridge, MA

PhD in Computational Neurobiology, 2006 (graduated at age 21)

University of California, San Diego

La Jolla, CA

BS in Physics, 2002 and Minors in Chemistry and Mathematics

Fort Hays State University *summa cum laude*

Hays, KS

Employment

2011 - Present

Kilpatrick Townsend & Stockton, LLP

Partner (current)/Senior Associate/Associate/Patent Agent

Washington, D.C.,

Denver, CO

2010

Fish & Richardson PC

Summer Associate

Boston, MA

2006 - 2008

Knobbe Martens Olson & Bear LLP

Patent Agent / Patent Scientist

San Diego, CA

Honors, Certifications and Awards

- National Law Journal's TrailBlazer Award (inaugural year)
- LexMachina's and Law360's Data-Driven Lawyer Award (one of five awardees across all practice areas in the award's inaugural year)
- **Graduated with a PhD in computational neurobiology at the age of 21**
- Graduated with a BS in physics at the age of 17, *summa cum laude*
- National Science Foundation Fellow
- National Physical Science Consortium Fellow
- Computational Neurobiology: Integrative Graduate Education and Research Training Fellow
- Vision and Learning in Humans and Machines: Integrative Graduate Education and Research Traineeship Fellow

Organized Seminars

1. *The Future of Mind-Interfacing Devices: Technology Predictions and Ethical Forethought*. Palo Alto, CA, Feb. 2020.
 - Organized invitation-only workshop; aligned 24 speakers from top universities and tech companies.

Legal and Scientific Publications

1. Gaudry K, Rothwell, R., Shah, A., Machleidt, D. "Should We Require Human Inventorship? Submit Your Amicus Brief by March" *IPWatchDog*. 2021.
2. Gaudry K, Vandsburger, L. "Determining the Likelihood that an AI Patent Application will be Allowed at the USPTO" *IPWatchDog*. 2020.
3. Gaudry K, Vandsburger, L. "Across Industries, the Female Inventor Rate is Half the Female Employment Rate" *IPWatchDog*. 2020.
4. Gaudry K, Mathison M. "Thought Experiment: Is our Patent System Ready for a Potential Future of Brain Interfacing?" *IPWatchDog*. 2020.
5. Gaudry K, Gianola, A. "Technology-Specific Patent Filing Trends During the Pandemic" *IPWatchDog*. 2020.
6. Gaudry K. "The PPH Program at the USPTO: Favorable Stats Don't Alleviate Big Risks" *IPWatchDog*. 2019.
7. Gaudry K, Rothwell R. "Informed Drafting and Prosecution of Software and AI Patents" *Landslide*. 2019.
8. Gaudry K, Hayim S. "Update on 101 Rejections at the USPTO: Prospects for Computer-Related Applications Continue to Improve Post-Guidance" *IPWatchDog*. 2019.
9. Gaudry K. "Evidentiary Hearing Held in Engineer's Suit against U.S. Patent and Trademark Office Alleging Bad-Faith Patent Examinations" *IPWatchDog*. 2019.
10. Gaudry K, Franklin T. "Patent Trends Study" 2019, <https://www.kilpatricktownsend.com/en/Insights/Publications/2019/4/PatentingTrendsStudy>.

11. Gaudry K, Franklin T. "Patent Trends Study Part One: Twelve-Industry Overview" *IPWatchDog*. 2019.
12. Gaudry K, Hayim S. "Bioinformatics Innovations Thrive Despite 101 Chaos" *IPWatchDog*. 2019.
13. Gaudry K, Hayim S. "Alice Rejections Now Flow from Different Part of USPTO" *Law360*. 2018.
14. Gaudry K, Hayim S. "Artificial Intelligence Technologies Facing Heavy Scrutiny at the USPTO" *IPWatchDog*. 2018.
15. Gaudry K, Vadera S. "Is it Worth it? How Game Theory should Guide Patent Prosecution Decisions" *Landslide*. 2018.
16. Vadera S, Gaudry K. "Reversal Rates of Ex Parte Appeals: High Variability across PTAB Judges" *Landslide*. 2018.
17. Hayim S, Gaudry K. "Eligibility Rejections are Appearing in Greater Frequency across all Computer-Related Technology Centers" *IPWatchDog*. 2018.
18. Hayim S, Gaudry K. "PTAB is Boggled Down by Eligibility Appeals" *IPWatchDog*. 2018.
19. Gaudry K, Rothwell R. "The Unpredictable Prospects of Patenting Cancer Innovation" *IPWatchDog*. 2018.
20. Hayim S, Gaudry K. "Nearly All Biz-Method Appeals Contest Eligibility Rejection" *Law360*. 2018.
21. Hayim S, Gaudry K. "Nearly All Post-Alice Eligibility Rejections are Affirmed in Whole by the PTAB" *Lexology*. 2018.
22. Vadera S, Gaudry K. "Strategic Predictions Leveraging Art Unit Allowance Rates to Drive the Selection of Appeal Decision Makers" *Landslide*. 2018, 10(3).
23. Gaudry KS, Franklin TD. "The Increasingly Powerful PTAB: Underutilized Precedential Designations Undermines Efficiency and Consistency?" *IPWatchDog*. 2017.
24. Gaudry KS. "Is there a tide-change in the prospects of patenting business method innovations?" *IPWatchDog*. 2017.
25. Gaudry KS, Vadera S. "Ex parte appeal oral hearings: making your case right before decision time" *IPWatchDog*. 2017.
26. Gaudry KS, Vadera S. "Predicting the success of claim-rejection appeals" *Law360*. 2017.
27. Gaudry KS, Franklin TD. "The AIA's first-to-file transition SHOULD have resulted in more provisional filings." *IPWatchDog*. 2016.
28. Gaudry KS, Hayim S. "Ex parte appeals in the post-Alice world." *IPWatchDog*. 2016.
29. Gaudry KS, Vadera S. "The appeal process: The statistical likelihood of success." *Landslide*. 2016.
30. Gaudry KS, Franklin TD. "More applicants should use the First Action Interview program." *IPWatchDog*. 2016.
31. Gaudry KS, Vadera S. "Ex parte appeal as a potential means to quick allowance." *IPWatchDog*. 2016.
32. Gaudry KS, Franklin TD. "Pre-search interview program." *Berkeley Technology Law Journal*. 2016.
33. Gaudry KS, Franklin TD. "Final' versus 'non-final' office action." *Berkeley Technology Law Journal*. 2016.
34. Gaudry KS, Golladay JD. "What happens when the feds decide an invention is 'secret?'" *National Defense Magazine*. 2016.
35. Gaudry KS, Franklin TD. "To file a CON? Empirical popularity and prosecution outcomes." *PatentlyO*. 2015.
36. Gaudry KS, Franklin TD. "Only 1 in 20,631 ex parte appeals designated precedential by PTAB." *IPWatchDog*. 2015.
37. Gaudry KS, Krieger JL. "The patent bar's role in setting PTAB precedence." *Law360*. 2015.
38. Gaudry KS. "3 levels of using big patent prosecution data." *Reed Tech IP Blog*. 2015.
39. Fazio K, Gaudry KS. "10 years later – A look at the efficacy of the Pre-Appeal Brief Conference Program." *IPWatchDog*. 2015.
40. Gaudry KS, Grab L, McKeon TW. "Trends in subject matter eligibility for biotechnology inventions." *IPWatchDog*. 2015.
41. Gaudry KS. "The After Final Consideration Program allowance prospects." *Law360*. 2015.
42. Gaudry KS, Franklin TD. "The demise of SAWS and the power of public attention." *Law360*. 2015.
43. Gaudry KS. "PTO should release SAWS numbers given impact on examination process." *IPWatchDog*. 2015.
44. Gaudry KS, Tu S. "Our call to the PTO: Release SAWS data." *PatentlyO*. 2015.
45. Gaudry KS, Charnes AH. "Secret patent-examination program: Rare but consequential." *Law360*. 2015.
46. Gaudry KS. "Business method patent protection under new USPTO interim guidance." *Reed Tech*. 2014.
47. Gaudry KS. "Post-Alice: Allowances are a rare sighting in business-method art units." *IPWatchDog*. 2014.
48. Gaudry KS, Charnes AH. "Secret PTO program subjects apps to heightened scrutiny." *Law360*. 2014.
49. Gaudry KS. "Alice Aftermath: Frequent 101 rejections and infrequent allowance in business-method art units." *IPLS Proceedings*. 2014.

50. Gaudry KS, Brock SC. "Patent prosecution statistics: Large versus small entities." *Intellectual Property Today*. 2014.
51. Gaudry KS, Franklin TD. "Post-Alice exam stats in software art units: a bleaker road." *Law360*. 2014.
52. Gaudry KS. "How USPTO teleworking program impacts patent applications." *Law360*. 2014.
53. Gaudry KS, Cummings DE. "Patent office backlog adds billions to national drug expenditures." *Nature Biotechnology*. 2014, 32, 436-439.
54. Gaudry KS, Cummings DE. "Low examiner allowance rates, high patent term adjustments." *Law360*. 2014.
55. Gaudry KS. "A look at the results of USPTO's interview program." *Law360*. 2014.
56. Gaudry KS. "Track 1 stats: high allowance rate, speedy prosecution." *Law360*. 2013.
57. Mallon JJ, Gaudry KS. "Improving appeal conferences at the USPTO." *Law360*. 2012.
58. Gaudry KS, Mallon JJ. "The RCE cliff." Guest Post on *Patently-O*. 2011.
59. Gaudry KS. "The lone inventor: low success rates and common errors associated with pro-se patent applications." *PLoS ONE*. 2012, 7(3): 1-11.
60. Gaudry KS. "Evergreening: a common practice to protect new drugs." *Nature Biotechnology*. 2011, 29: 876-878.
61. Gaudry KS. "3 Years, 3 New U.S. Patent Offices." *Law360*. 2011.
62. Gaudry KS, Mallon JJ. "Appeals and RCEs – the frequency and success of challenges to specific rejection types." *Intellectual Property Today*. 2011, 11: 24-28.
63. Gaudry KS. "Exclusivity strategies and opportunities in view of the Biologics Price Competition and Innovation Act." *Food and Drug Law Journal*. 2011, 66: 587-640.
64. Gaudry KS. "Uncharted territories of the patent-restoration due-diligence challenge." *Food and Drug Law Journal*. 2011, 4: 33-37.
65. Mallon JJ, Gaudry KS. "An issue-by-issue analysis of patent application appeal." *IP Today*. 2009, 4: 33-37.
66. Gaudry KS, Reinagel P. "Information measure for analyzing specific spiking patterns and applications to LGN bursts." *Network*. 2008, 19: 69-94.
67. Gaudry KS, Reinagel P. "Benefits of contrast normalization demonstrated in neurons and model cells." *Journal of Neuroscience*. 2007, 27: 8071-79.
68. Gaudry KS, Reinagel P. "Contrast adaptation in a nonadapting LGN model." *Journal of Neurophysiology*. 2007, 98: 1287-96.
69. Denning [Gaudry] KS, Reinagel P. "Visual control of burst priming in the anesthetized LGN." *Journal of Neuroscience*. 2005, 25: 3231-38.
70. Miller JA, Denning [Gaudry] KS, George JS, Marshak DW, Kenyon GT. "A high frequency resonance in the responses of retinal ganglion cells to rapidly modulated stimuli: a computer model." *Visual Neuroscience*. 2006, 23(5):779-94.
71. Kenyon GT, Moore B, Jeffs J, Denning [Gaudry] KS, Stephens GJ, Travis BJ, George JS, Theiler J, Marshak DW. "A model of high-frequency oscillatory potentials in retinal ganglion cells." *Visual Neuroscience*. 2003, 20(5):465-80.
72. Thomas, RJ, Noojin GD, Kennedy PK, Rockwell BA, Denning [Gaudry] KS, Shaver J, Buffington. GD. "Laser damage threshold trends for sub-100 fs pulses in the retina." Paper presented at SPIE 2002.
73. Anto RJ, Mukhopadhyay A, Denning [Gaudry] K, and Aggarwal BB. "Curcumin (diferuloylmethane) induces apoptosis through activation of caspase-8, BID cleavage and cytochrome C release: its suppression by ectopic expression of bcl-2 and bcl-xL." *Journal of Carcinogenesis*. 2002, 23: 143-50.

Invited Seminars

1. Gaudry K, Cotrone C, Durkin J, Quinn G. "Augmenting Innovation with AI" *IPWatchDog*, April 2021.
2. Gaudry K, Abbott R, Frank R, Quinn G. "Exploring the Continuum between Human- and AI-Generated Inventions: How should Patents and Ownership be Allocated?" *IPWatchDog*, April 2021.
3. Gaudry K, Cohan J, Lee G, Zhang Y. "The Fast-Changing World of Software-Related Patents: Critical Issues You Need to Know Now" *Patent Law Institute*, April 2021.
4. Gaudry K. "Current Trends in Fintech Patents" *World IP Review*, April 2021.
5. Gaudry K. "Machine Inventions (Keynote presentation)" *Wasburn Law Journal's Artificial Rights Fall Symposium*, November 2020.
6. Gaudry K, Mathison M. "What Technology's Impact Might Rival that of Mobile Phones and the Internet? And How Might/Should that Affect IP System?" *Intellectual Property Owners, Software-Related Inventions Sub-Committee meeting*, November 2020.
7. Gaudry K, Phelan R, Sichelman T, Richards M, Sylvester B, Roberts G. "Patents II" *John Marshall 64th Annual IP Conference*, November 2020.

8. Gaudry K, Hallen S, O'Connor S, Kabakoff S. "Machine Learning in the Lab and in the Marketplace" *Licensing Executive Society 2020 Annual Meeting*, October 2020.
9. Gaudry K, Mazour E, McLoughlin M, Hall D. "Strategies for Protecting AI & Machine Learning Post Alice" *IPWatchDog Virtual CON2020*, September 2020.
10. Gaudry K, Weinstein M, Levine L, Rothwell R, Weckstein H. "Protecting Artificial Intelligence Innovations: Unique Challenges & Strategies" *Association of Corporate Counsel National Capital Region webinar*, July 2020.
11. Gaudry K, Slifer R, Kappos D, Mulcahy J. "Patenting Inventions Related to Artificial Intelligence" *AIPLA Webinar*, February 2020.
12. Gaudry K, Stewart C, Hyde B, Conover M. "The Role of Innovation Incentives for AI in Health Care" *Duke's Trust But Verify: Information Challenges Surrounding AI-Enabled Clinical Decision Software*. Washington, DC, January 2020.
13. Gaudry K, Slifer R, Eloshway C, Palermo, C. "Patenting Inventions Related to Artificial Intelligence" *AIPLA's 2019 Artificial Intelligence and IP Workshop/Tech Road Show*. Mountain View, CA, November 2019.
14. Gaudry K. "Panel Session: Patents and Technology" *Midwest IP Institute*. Milwaukee, MN, September 2019.
15. Gaudry K. "Panel Session VIII: Patents and Artificial Intelligence: What's Next?" *AIPPI World Congress*. London, England, September 2019.
16. Gaudry K, Stoll, R. "How the U.S. Patent and Trademark Office is Handling Patent Eligibility" *Patent Masters Symposium*. Arlington, VA, June 2019.
17. Gaudry K, Main, C. "Episode 22: Kate Gaudry on Lawyers (Really) using 'Big Data' to get an Edge for Clients" *Technically Legal*, June 2019, available at: <https://tllpodcast.com/episode-22-kate-gaudry-on-lawyers-really-using-big-data-to-get-an-edge-for-clients/>.
18. Gaudry K, Cohan, J, West, J, Anderson, T, Brinckerhoff, C. "Eligibility under Section 101" *Bar Association of DC*. Washington, DC, May 2019.
19. Gaudry K. "Patenting A.I. Innovations" *Duke Law and Duke-Margolis Workshop on AI in Healthcare*. Washington, DC, May 2019.
20. Gaudry K. "Computer-Implemented Methods at the PTO: A Practical Practitioner's Guide" *13th Annual Patent Law Institute*. New York, NY, April 5, 2019 & San Francisco, CA, April 2019.
21. Gaudry K, Hayim S. "Trends in Examination of A.I. Patent Applications" *Intellectual Property Owners Software-Related Inventions Sub-Committee*. webinar, April 2019.
22. Gaudry K, Wu L, Kretschmer T, Aoki T, Ahn J. "AI & Patenting" *The FICPI / AIPLA / AIPPI Joint Colloquium on Artificial Intelligence "A Focus on AI and Patent Procurement"*. Turin, Italy, March 2019.
23. Gaudry K, Franklin T. "Look to your Left ... Look to your Right ... Adjust your Patent Portfolio Strategy" *ACC IP Sub-Committee*. webinar, March 2019.
24. Gaudry K, White J. "A Tale of Different Software Innovations: The Uneven Impact of Alice" *IPWatchDog*. webinar, March 2019.
25. Gaudry K, White J. "Drafting Software Patents: Lessons from Key Lighthouse Cases" *IPWatchDog*. webinar, February 2019.
26. Gaudry K, Schecter M, Chae Y, Streit S. "Patenting AI: Views Across the Corporate Spectrum" *USPTO conference. Artificial Intelligence: Intellectual Property Policy Considerations*. Alexandria, VA, January 2019.
27. Gaudry K, Hayim S. "The Growing 101 Problem for Artificial Intelligence" *IPWatchDog*. webinar, November 2018.
28. Gaudry K, Peterson, M, Cheng, S, Moore, M. "IP Protection for Emerging Technologies" *ACC Annual Meeting*. Austin, TX, October 2018.
29. Gaudry K. "The PTAB's Effect on Patent Law – The Example of Section 101" *The Power of PTAB: The New Authority in Patent Law*. Chicago, IL, October 2017.
30. Gaudry KS, Sutton, E. "Provisional Application Quality" *Software Related Inventions Committee meeting at 2017 IPO Annual Meeting*. San Francisco, CA, September 2017.
31. Gaudry K. "Software/EE: Are we there, yet?" *11th Annual Patent Law Institute*. San Francisco, CA, April 2017.
32. Gaudry K. "Augmented reality and the IP insights behind it all." *IP Watchdog Webinar*. Webinar, March 2017.
33. Gaudry K, Vadera S. "The appeal process: A look into the statistical likelihood of success." *Intellectual Property Owners*. Webinar, February 2017.
34. Gaudry K, Beck D, Jezek T, Pawlenty-Altman A. "Technology and IP Forum: IP 101 for Non-IP Counsel." *National Chapter Region Chapter of Association of Corporate Counsel*. McLean, VA, February 2017.
35. Gaudry K. "Drafting for Alice in 2017." *Reed Tech*. Webinar, January 2017.

36. Gaudry K. "Patenting prospects for software innovations." *10th Annual Patent Law Institute*. New York, New York, April 2016.
37. Gaudry K. "Ethics roundtable: Ethics in IP: interactive roundtables." *American Bar Association*. Bethesda, MD, April 2016.
38. Gaudry K. "Top 5 techniques for software patent applications post-*Alice*." *Innography*. December 2015.
39. Gaudry K. "Patent prosecution – Yesterday, today and tomorrow." *Reed Tech*. Webinar, June 2015.
40. Gaudry K. "Ethics roundtable: Ethics in IP: interactive roundtables." *American Bar Association*. Bethesda, MD, March 2015.

Scientific Research Experience

- | | | |
|--|--|-----------------------------|
| 2009 - 2011 | Harvard University <i>Research Scientist</i> | Cambridge, MA |
| - Studied coding properties of olfactory neurons. | | |
| 2003 - 2006 | University of California, San Diego <i>Graduate Student</i> | La Jolla, CA |
| - Studied contrast-dependent coding properties of visual neurons. | | |
| 2001 - 2003 | Los Alamos National Laboratory <i>Undergraduate Research Scientist</i> | Los Alamos, NM |
| - Modeled retinal cells' interactions and their velocity tuning. | | |
| 2001 | Los Alamos National Laboratory <i>Summer Research Student</i> | Los Alamos, NM |
| - Modeled attachment of HIV-1 virions with C3 molecules. | | |
| 2000–2001 | Fort Hays State University Collaborators: United States Air Force Laboratory and Logicon TASC, at Brooks Air Force Base <i>Undergraduate Research Scientist</i> | Hays, KS San Antonio, TX |
| - Modeled interaction between femtosecond laser pulse, lenses and dispersive media. | | |
| 2000 | M.D. Anderson Cancer Center <i>Summer Intern</i> | Houston, TX |
| - Studied curcumin-induced apoptosis in cancer cells. | | |
| 1999–2000 | Fort Hays State University <i>Undergraduate Research Scientist</i> | Hays, KS |
| - Modeled projection and scattering of photons off of sea-ice molecules to estimate sea-ice composition. | | |

Bar and Court Admissions

- District of Columbia
- Colorado (inactive)
- United States Patent and Trademark Office