

**Victoria R. M. Webb**

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Victoria (McDonald) Webb focuses her practice on intellectual property litigation, administrative proceedings, and counseling. Bolstered by her background in mechanical engineering, Vicki works hand-in-hand with some of the world's leading companies, newest start-ups, and visionary innovators to strategically and creatively obtain, enforce, and leverage patents, trademarks, trade dress, and copyrights. Whether it is striving for a win through early resolution, victories in court, or creative business solutions, Vicki's significant experience managing and litigating complex intellectual property matters allows clients to protect their unique and valuable inventions, brands, and intellectual property portfolios.

Recognized as an Emerging Attorney by Leading Lawyers, Vicki assists clients from initial case evaluation to appeal. Vicki currently serves on a Banner Witcoff trial team handling a multi-case, multi-utility patent infringement dispute for a leading designer of merchandise display systems found on shelves at major retailers. Recently, Vicki was part of a team that obtained summary judgment of non-infringement after successful claim constructions in a matter involving over a dozen utility patents and hundreds of accused shoe styles. She also recently took a leading role in policing counterfeit and infringing outdoor lifestyle products by enforcing a client's utility patents, design patents, trademarks, trade dress, and copyrights against numerous entities in federal district courts, before the International Trade Commission, and in opposition, cancellation, takedown, and seizure proceedings around the world.

Vicki has successfully briefed and argued motions, claim construction, and other matters in district courts throughout the country. She has experience managing complex discovery and Electronically Stored Information (ESI) matters, including experience developing unique strategies for managing the preservation, collection, review, and production of ESI and other discovery in a cost and time efficient manner. Vicki has also prepared for, taken, and defended depositions of numerous fact and expert witnesses, and has negotiated favorable litigation-ending settlements and consent judgments.

In addition to her litigation practice, Vicki has prosecuted utility patent applications in the mechanical arts and other fields. She also has experience in transactional matters, such as preparing opinions and agreements involving various aspects of intellectual property.

Prior to becoming an attorney, Vicki worked in the plumbing division of Kohler Co. focusing on current and new product development of toilets, urinals, and other bathroom fixtures. She also worked in manufacturing, facilities, and quality at John Deere. Vicki was a founding member of the Marquette University chapter of Engineers Without Borders, and led the design and implementation of several renewable energy and drinking water systems in developing regions of Guatemala.

Vicki remains committed to improving legal education and training. She chaired the firm's summer associate program for law students for several years and currently serves as chair of Banner Witcoff's New Attorney Education Committee, providing valuable hands-on training for new attorneys. Vicki also remains involved with the University of Iowa College of Law, including as a volunteer practice judge for the school's intellectual property moot court teams.

Education

Marquette University
2008, B.S., Mechanical Engineering, *with Honors*

2008, M.S., Mechanical Engineering

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Admissions

Bar Admissions

2011, Illinois

2016, Colorado

Court Admissions

Supreme Court of Illinois

U.S. Patent and Trademark Office

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Western District of Texas

U.S. Court of Appeals for the Federal Circuit

Practices

Appellate Litigation

Copyright

Counseling, Opinions + Licensing

Counterfeit Goods Seizure

Design Patents

Litigation

Section 337/ITC Litigation

Trade Dress

Trade Secrets

Trademarks

Accolades

- Recognized as an Illinois Emerging Lawyer, Leading Lawyers, 2019
- Recipient, Best Oral Argument award, Midwest region, INTA Saul Lefkowitz Trademark Moot Court Competition, 2011
- Recipient, Best Brief award, Midwest region, INTA Saul Lefkowitz Trademark Moot Court Competition, 2010

Representative Matters

- *Asics Am. Corp. v. Akeva L.L.C. v. NIKE, Inc. et al.*, 1:09-cv-00135, 2019 WL 3751008 (M.D.N.C. July 8, 2019) (adopting favorable claim constructions and granting defendants' motion for summary judgment of non-infringement in a case involving numerous utility patents related to shoes)
- *YETI Coolers, LLC v. Sam's West, Inc. et al.*, No. 16-cv-829 (W.D. Tex.) (ECF 75) (denying in this and several other cases multiple defendants' motions to consolidate separate cases filed by plaintiff involving drinkware trade dress, drinkware design patent, trademark, cyberpiracy, and/or other claims)
- *YETI Coolers, LLC v. JDS Industries, Inc. et al.*, 300 F. Supp. 3d 899 (W.D. Tex. 2018) (denying a defendant's Rule 12(b)(6) motion to dismiss all claims in a case involving trade dress infringement and related claims)
- *YETI Coolers, LLC v. RTIC Coolers, LLC et al.*, No. 15-957, 2017 WL 404519 (W.D. Tex. Jan. 27, 2017) (granting plaintiff's Daubert motion to exclude the report and opinion testimony of defendant's patent non-infringement expert)
- *Irrevocable Trust of Anthony J. Antonious v. NIKE, Inc.*, No. 11-6327, 2016 WL 7426585 (D.N.J. 2016) (denying non-practicing patentee's motion to set aside claim constructions, vacate summary judgment, and reopen discovery)
- *Irrevocable Trust of Anthony J. Antonious v. NIKE, Inc.*, No. 11-6327, 2016 WL 3176576 (D.N.J. 2016) (granting defendant's motion for summary judgment of non-infringement in a utility patent infringement lawsuit brought by a non-practicing patentee)
- *McAirlaids, Inc. v. Kimberly-Clark Corp.*, 299 F.R.D. 498 (W.D. Va. Mar. 7, 2014) (denying plaintiff patentee's motion to amend the protective order to allow plaintiff's competitive decision makers access to defendant's confidential information and documents)

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