



## **Elizabeth G. Borland**

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### **Areas of Practice**

Intellectual Property | Trademark Law | Copyright Law | Intellectual Property Litigation | Trade Secrets | Advertising Litigation | Entertainment

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Elizabeth G. Borland is a Partner in the Intellectual Property Practice of Smith, Gambrell & Russell, LLP. She focuses her practice on patent, trademark, copyright and trade secret litigation and aids clients in enforcing their intellectual property rights. She also prosecutes trademarks and copyrights for numerous clients and assists them in maintaining their intellectual property portfolios.

Ms. Borland has litigated in patent litigation matters involving various kinds of technology including poultry processing machines, laminated flooring, airline ticketing systems, equipment pads, phone card machines, health insurance claim submission systems, motion detector cameras, processes for the manufacture of concrete and cement, firearms training systems, gaming systems, condensate pumps, drive wheel steering lawn mowers, infant monitoring systems, ticketing and reservation systems, contact lenses, insurance claim processing systems, orthopedic braces, plumbing equipment, window coverings, reverse transcriptase inhibitors, nitrile gloves, injection molding processes and paper processing equipment. She has also prosecuted and defended numerous trademark and copyright infringement matters, has successfully prosecuted and defended preliminary injunction proceedings and regularly prosecutes and defends trademark oppositions and cancellations before the U.S. Patent and Trademark Office. She also has favorable decisions in several domain name dispute proceedings.

Recently, Ms. Borland obtained summary judgment of non-infringement in favor of her clients after persuading the Eastern District of Virginia court to adopt her clients' proposed claim construction. In addition, she obtained a summary judgment in her client's favor on an unfair competition claim relating to architectural drawings.

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Ms. Borland also successfully defended her client in a Section 337 investigation before the International Trade Commission, in which the Commission affirmed the administrative law judge's initial determination that the asserted patent was invalid on two separate grounds. The Federal Circuit later affirmed the Commission's decision. In other matters, Ms. Borland successfully prosecuted a motion for contempt of a consent judgment on behalf of her client. She saved a client significant patent litigation costs by obtaining summary judgment on the issue of non-infringement before the start of discovery in the case. In another matter, Ms. Borland successfully defended her client against numerous claims based on allegations of false inventorship in a patent application by obtaining a favorable ruling on a motion to dismiss for failure to state a claim on all claims and a finding that certain claims brought by the plaintiff were frivolous under Rule 11 — a decision that was partially affirmed by the Federal Circuit. Additionally, Ms. Borland has obtained many settlements on favorable terms for her clients in recent proceedings before the Trademark Trial and Appeal Board and in cases in various U.S. District Courts.

Ms. Borland was named on the inaugural list of the "Top 250 Women in IP" by Managing IP in 2013. She was also recognized as the Copyright Attorney of the Year in Georgia in 2014 by CorporateINTL. She is a member of the Intellectual Property Law Section of the State Bar of Georgia and the Georgia Association of Woman Lawyers. Prior to beginning private practice, Ms. Borland served as a judicial clerk for Judge Wilbur D. Owens, Jr., then-Chief Judge of the U.S. District Court for the Middle District of Georgia, Macon, Georgia.

Ms. Borland received her Bachelors of Science degree in Mathematical Sciences (Computer Science Option) from the University of North Carolina at Chapel Hill in 1987. While there, she served as a student programmer on the IBM Courseware Development Project. In 1988, Ms. Borland completed a summer study program in London, England, through the University of North Carolina. In 1991, she received her Juris Doctor degree, with distinction, from Emory University School of Law, where she served as a Managing Editor of the Emory Law Journal and was a Wayne L. Cardon Scholar. During law school, Ms. Borland completed an internship with Judge Dorothy T. Beasley of the Georgia Court of Appeals.

Ms. Borland was admitted to the Georgia Bar in June 1991. Ms. Borland is an active member of Trinity Presbyterian Church, where she teaches Sunday School and sings in the Chancel Choir. She is also active in the parent-teacher organizations for the schools attended by her two daughters.

## **Admissions**

Georgia

U.S. District Court Middle District of Georgia

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U.S. District Court Northern District of Georgia

Georgia Supreme Court

U.S. Court of Appeals, Eleventh Circuit

Federal Circuit Court of Appeals

## **Memberships**

Georgia Association of Women Lawyers

Emory IP Advisory Board

Chancel Choir of Trinity Presbyterian Church