



## **Jennifer L. Fitzgerald**

Of Counsel | Chicago

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### **Areas of Practice**

Litigation/Trial Practice | Intellectual Property | Intellectual Property Litigation | Antitrust and Trade Regulation | Copyright Law | Patent Law | Patent Prosecution | Trademark Law | Consumer Products

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Jennifer L. Fitzgerald is Of Counsel in the Litigation Practice of Smith, Gambrell & Russell, LLP. Ms. Fitzgerald was Of Counsel at Freeborn & Peters, which combined with SGR in 2023.

Ms. Fitzgerald has extensive business litigation experience in matters involving intellectual property, securities, antitrust, and general commercial litigation throughout the United States. Her legal experience includes trial and appellate work on behalf of both plaintiffs and defendants in a wide range of complex litigation matters.

As a registered patent attorney, Ms. Fitzgerald has the ability to discuss inventions at their most scientific level but she also is skilled in the art of explaining technical issues to lay persons. She has advised clients and litigated patents throughout the U.S. on topics as varied as golf clubs, windshield wipers, diet modification software, visual skills enhancement, package design, medical products, acoustic echo cancellation technology, RFID technology, and wireless communications.

Ms. Fitzgerald has represented multiple clients before the International Trade Commission, both as respondent and complainant. With first chair trial experience in the infamous Wiper Wars, she appeared in no less than 7 Section 337 cases, several of which were tried to determination.

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She assists clients with prosecution and protection of trademarks and copyrights worldwide. She has organized raids against counterfeiters in China, actively assisted a client in the "reclamation" of trademarks in Europe, and recovered U.S. domain names from cybersquatters. She maintains contacts with a worldwide set of foreign counsel to serve the international needs of her clients.

Initially stemming from her intellectual property and litigation backgrounds, Ms. Fitzgerald regularly advises clients in the area of product recalls. Having represented clients before the Consumer Products Safety Commission, National Highway Transportation Safety Administration, and the U.S. Coast Guard, she is skilled in the assessment and management of a product recall, recognizing the sensitivity in protecting a brand and consumers alike. She also assists clients in evaluating internal practices and procedures related to recall preparedness. In these advisory roles, Ms. Fitzgerald and clients work together to minimize the impact of a recall on the company as a whole.

In her securities practice, Ms. Fitzgerald served on a team that won the only "fraud on the market" securities class action case in which, after trial, a jury found the company not guilty, despite evidence that directors were selling shares prior to a disappointing earnings announcement. She also has represented broker dealers in both class action suits and regulatory body investigations. In the antitrust context, she has participated in actions before the International Trade Commission and the Department of Justice. In addition she represented a client in a U.S. antitrust action, alleging tying, predatory pricing, monopolization, and attempted monopolization in the international arena.

As a result of both her broad legal experience and her personality, Ms. Fitzgerald also serves as outside general counsel to several companies. In this context, she provides general advice and counseling services, and facilitates problem identification and resolution.

Ms. Fitzgerald earned her J.D. from Loyola University's Chicago School of Law where she was a case reporter for the Consumer Law Reporter and participated in the London Advocacy Program in 1994-1995. She earned her B.S. from the University of Southern California.

## **Representative Experience**

- Represented a publicly traded maker of automatic identification and data capture equipment through nationwide, multi-jurisdictional litigation against one of its largest competitors, securing favorable settlements in all matters.
- Represented a client in litigation to enforce patent rights relating to an extensive portfolio of radio-frequency identification ("RFID") patents.

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- Represented a manufacturer of wiper blades in multi-year, multi-jurisdictional litigation over developments in wiper technology.
- Served as intellectual property counsel to large backpack and suitcase. Devised and enforced worldwide trademark portfolio; oversaw transfer of intellectual property when company was sold.
- Obtained \$16 million settlement shortly before trial for seller of energy development company in litigation over earn-out provision.

## Admissions

Illinois

United States Court of Appeals for the Federal, Seventh and Ninth Circuits

United States District Court for the Northern District of Illinois

Patent Bar at the United States Patent and Trademark Office

## Memberships

ASTM International

USC Midwest Alumni Association

Shedd Aquarium Auxiliary Committee

Girl Scouts of Greater Chicago and Northwest Indiana

## Recognitions

*Illinois Leading Lawyers* - 2020 (cited in multiple years)