



Katherine D. Prescott

Principal
Silicon Valley
650 839 5180
prescott@fr.com

Overview

Katherine (Katie) Prescott partners with clients to protect their innovative products, services, and trade secrets through creative litigation strategies and proactive counseling.

With a unique insider's perspective gained from working in-house at a top 10 Fortune 500 consumer electronics company, Katie understands the impact of litigation from a client's point of view, and she formulates legal strategy with an eye to the realities and constraints her clients are working under. Her practice covers a broad spectrum of technologies, from software, computer security, and network technology to medical devices and consumer products.

Known for her organized, detail-focused, and relational approach to managing both cases and teams, Katie has extensive experience leading all aspects of litigation, including pre-suit investigation, fact and expert discovery, claim construction, summary judgment, mediation, and trial. She also provides her clients with strategic counseling, particularly in the area of trade secrets, to develop and implement long-term plans that minimize risk and optimize market positions.

Katie's pro bono practice includes working alongside AdkAction to support the environmental sustainability, community health, and cultural vitality of the Adirondack region. In conjunction with Kids in Need of Defense, she provides legal defense to unaccompanied migrant and refugee children in asylum matters. She also serves on the board of the National Homelessness Law Center and teaches a course in trade secret law at University of California, Davis School of Law.

In her leisure time, Katie pursues her lifelong goal of joining the ranks of the Adirondack 46ers by scaling all 46 of the highest peaks in the Adirondack Mountains, an endeavor made all the more rewarding now that she is often joined on hikes by her son.

Experience

Represented the University of Minnesota in four District of Minnesota patent infringement cases that each alleged infringement of five of the University's wireless communications patents. The University sought damages for alleged infringement related to the defendants' LTE and 5G networks. The District Court cases reached summary judgment, which the University successfully opposed, prior to settling favorably on the eve of trial. Fish had previously fended off six related IPRs on behalf of patent owner, obtaining institution denials in each matter.

Recognitions & awards

Best Lawyers in America

Best Lawyers 2021-2025

Top Trade Secrets Lawyers in California

Daily Journal 2019

Rising Star

Super Lawyers 2009, 2016-2019

Women Worth Watching

Profiles in Diversity Journal 2018

Insights

Webinar | April 23, 2025

Trade Secrets: How to Protect IP You (Probably) Already Own

Blog | January 22, 2025

Protecting and Enforcing Your Trade Secrets in a Global Economy

Article | December 4, 2024

Is Reverse Engineering Misappropriation of Trade Secrets?

Webinar | June 26, 2024

Evidentiary Strategies in Patent Damages Litigation

Blog | May 1, 2024

What the FTC's Ban on Noncompete Agreements Means for Trade Secrets

Webinar | February 28, 2024

Protecting and Enforcing Your Trade Secrets in a Global Economy

Webinar | February 15, 2023

Initiating Trade Secret Litigation

Blog | April 28, 2022

Crafting a Comprehensive Trade Secret Strategy

Webinar | February 24, 2022

Crafting a Comprehensive Trade Secret Strategy

Blog | March 16, 2021

Extraterritorial Application of the Defend Trade Secrets Act

Webinar | February 24, 2021

Protecting Your Trade Secrets from Misappropriation

IP Law Essentials | November 18, 2020

Stipulated Protective Orders During Patent Litigation

IP Law Essentials | July 30, 2020

Is "Reverse Engineering" Misappropriation of Trade Secrets?

IP Law Essentials | July 1, 2020

Navigating Fact Discovery in a Patent Case

IP Law Essentials | June 29, 2020

Is it Too Late to File a Misappropriation of Trade Secrets Suit?

News

News | August 15, 2024

101 Fish Attorneys Included in the 2025 Edition of *The Best Lawyers in America*

Media Coverage | May 7, 2024

IP Landscape Shift: Principal Katherine Prescott Maps the Post-Noncompete Terrain

Bloomberg Law

News | August 17, 2023

101 Fish Attorneys Included in the 2024 Edition of *The Best Lawyers in America*

News | August 22, 2022

96 Fish Attorneys Included in the 2023 Edition of *The Best Lawyers in America*

News | August 19, 2021

Fish Attorneys Recognized in 2022 Edition of *The Best Lawyers in America*

News | February 4, 2019

Fish & Richardson Elevates 11 Attorneys to Principal

News | July 26, 2018

Fish & Richardson Attorneys Named 2018 "Women Worth Watching" by *Profiles in Diversity Journal*

News | October 30, 2017

Fish & Richardson Welcomes Patent and Trade Secret Litigator Katie Prescott to Silicon Valley Office

Events

August 31, 2023

Strafford Webinar: Experts in Patent Disputes: Selection, Discovery, Use in Claim Construction, Limiting or Striking Expert Testimony

December 7, 2022

thINc Patents & IP Summit 2022

September 28, 2022

ThINc Webinar | Crafting a Comprehensive Trade Secret Strategy

June 15, 2021

Unlocking the Secrets of Trade Secret Discovery

December 3, 2019

MIP International Women's Leadership Forum

September 19, 2019

Daily Journal 2019 Trade Secrets Forum

April 17, 2019

Daily Journal 2019 Patent Disputes Forum

October 30, 2018

Daily Journal's Trade Secret Litigation Forum

December 6, 2017

Daily Journal 2017 SoCal Patent Disputes Forum

November 16, 2017

Unified Patent: 4th Annual Corporate IP Strategy (CIPSC) Conference

Additional insights

Speaking engagements

- "Trade Secrets Tips and Trends," *Managing Intellectual Property's International Women's Leadership*, San Mateo, California (December 2019)
- "Loose Lips Sink Ships: Protecting Trade Secrets," *Daily Journal Trade Secrets Forum*, Palo Alto, California (September 2019)
- ""Step Away from the Claim Charts," *Daily Journal Patent Disputes Forum*, Menlo Park, California (April 2019)
- "Litigation Trade Secrets: A View from the Trenches," *Daily Journal Trade Secret Litigation Forum*, Palo Alto, California (October 2018)

2018)

- "Patent Damages," *Daily Journal Patent Disputes Forum*, Beverly Hills, California (December 2017)

Media mentions

- "[Noncompete Ban Has Companies Eying Trade Secrets, Patents](#)," *Bloomberg Law* (May 7, 2024)
 - "[Hsu Untied](#) Interview with Katie Prescott, Principal at Fish & Richardson," *Hsu Untied*, Webinar (March 05, 2024)
 - "[It's not always obvious who to sue for trade secret theft](#)," *Legal Dive* (March 8, 2023)
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Services

Litigation

Patent Litigation

Trade Secret Litigation

Industries

Electrical & Computer Technology

Software & Internet

Digital Media & E-Commerce

Financial, Business & FinTech Services

Medical Devices

Manufacturing

Admissions

California (2001)

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

U.S. District Court for the Eastern District of California

Education

J.D. Order of the Coif, University of California, Berkeley School of Law (2001)

M.S., Civil & Environmental Engineering, Stanford University (1998)

B.A. general honors, Earth and Planetary Science, Johns Hopkins University (1997)