BANNER WITCOFF



Audra C. Eidem Heinze

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Audra applies a strategic and creative approach to helping clients achieve their business goals. Her practice extends to all areas of IP with a unique focus on industrial designs and brand building. She understands and navigates complex legal issues relating to utility and design patents, trade dress, trademarks, and copyrights. She has counseled industry-leading clients on procuring protectable IP rights, as well as enforcing and litigating IP rights.

Illinois Super Lawyers named Audra a “Rising Star” in Intellectual Property Litigation. She was also a member of the litigation team for a case named “Impact Case of the Year” by Managing Intellectual Property. Audra has represented clients in dozens of IP cases in federal court and before the International Trade Commission, Patent Trial and Appeal Board, and Trademark Trial and Appeal Board. Audra has also assisted clients in cases before the U.S. Supreme Court and U.S Courts of Appeals.

Audra served as in-house counsel for a Fortune 100 company where she helped manage a global trademark portfolio. She is also a contributing author to the Patent Litigation Strategies Handbook published by Bloomberg BNA.

Before joining Banner Witcoff, Audra researched gene mutations at the University of Texas Southwestern Medical Center’s Biomedical Research Facility. She also worked as a Field Claims Specialist Intern for Monsanto Corporation.

Audra earned her B.S. in Biochemistry from the University of Missouri, graduating with Honors. She earned her J.D. from Texas Wesleyan University School of Law (now Texas A&M University School of Law), graduating summa cum laude.

Education

University of Missouri
2005, B.S., Biochemistry, *with Honors*

Texas Wesleyan University School of Law (now Texas A&M University School of Law)
J.D., *Summa Cum Laude*

Admissions

Bar Admissions

2009, Illinois
2012, Missouri

Court Admissions

Supreme Court of Illinois
Supreme Court of Missouri
U.S. Court of Appeals for the Federal Circuit
U.S. Court of Appeals for the Second Circuit
U.S. District Court for the Central District of Illinois
U.S. District Court for the Eastern District of Missouri
U.S. District Court for the Northern District of Illinois
U.S. Patent and Trademark Office
U.S. Supreme Court

Practices

Appellate Litigation
Copyright
Design Patents
Jury Trials
Litigation
PTAB Litigation
Section 337/ITC Litigation
Trade Dress
Trademarks

Industries

Chemistry + Chemical Engineering
Electrical + Computer Technologies
Internet, E-Commerce + Business Methods
Life Sciences + Pharmaceuticals
Medical Devices

Representative Matters

- Represented a Fortune 100 company before the Supreme Court of the United States to argue successfully for affirmance — in an unanimous decision — of the lower court's dismissal of the defendant's trademark invalidity counterclaim, Already, LLC v. NIKE, Inc., No. 11-982
- Represented a leader in the gaming industry before the Federal Circuit and in district court to successfully argue for judgment of no patent infringement, Rembrandt Gaming Technologies, LP v. WMS Gaming Inc., et al., No. 2016-2249 (Fed. Cir.)

- Represented a Fortune 100 company before the Federal Circuit and in district court to argue successfully that plaintiff was collaterally estopped from asserting patent claims, Furnace Brook LLC v. NIKE, Inc., et al., 2011-1025 (Fed. Cir.)
- Represented a global imaging solutions leader in federal district court to obtain judgment that the asserted patent claims were ineligible for patent protection, Cyberfone Systems, LLC v. Lexmark International, Inc., No. 14-489 (D. Del.)
- Represented a leader in the gaming industry to obtain a writ of mandamus at the Federal Circuit vacating the district court's decision denying transfer in a patent infringement action, In re WMS Gaming Inc., No. 2014-107 (Fed. Cir.)
- Represented a Fortune 100 company in federal district court to obtain summary judgment of no trademark infringement due to the absence of a likelihood of confusion, Fuel Clothing Co. v. NIKE, Inc., No. 12-00555 (D.S.C.)
- Represented a Fortune 100 company before the PTAB in prevailing in final written decisions involving the company's design patents, Skechers U.S.A., Inc. v. NIKE, Inc. (PTAB)
- Represented a Fortune 100 company before the TTAB in opposing registration of marks on grounds of a likelihood of dilution and a likelihood of confusion, NIKE, Inc. v. Cheryl Bauman-Buffone, Opposition No. 91234556 (TTAB); NIKE, Inc. v. Capital E Finance Co., Opposition No. 91221511 (TTAB);); NIKE, Inc. v. Jamin Caldwell, Opposition No. 91240394