

Intellectual Property

At the core of every commercial, scientific, or artistic endeavor is an innovator and an idea. Cozen O'Connor's intellectual property attorneys are committed to protecting the rights of innovators, the power of ideas, and a fair marketplace for intellectual property assets.

Cozen O'Connor's renowned Intellectual Property Department stands out from its competitors in part by providing comprehensive IP service coupled with the reach and resources of a full-service law firm. While many peer firms have quietly narrowed offerings, Cozen O'Connor's 50-lawyer IP group advises on all aspects of patent, trademark, copyright, trade secrets, and unfair competition, from clearance and procurement to litigation. The firm maintains a soup-to-nuts model because, quite simply, that's what's best for clients.

Members of the IP team have diverse backgrounds in industry and technology; graduate science degrees; and decades of relevant experience as firm counsel, in-house counsel, or government regulators. Equally important, our lawyers are *business* people. We don't just find legal solutions; we find practical and sustainable business solutions.

Copyright & Content Creative expressions.

Franchising Multi-layered partnerships.

Hatch-Waxman & Biologics Cutting-edge innovations.

IP Transactions, Licensing & Due Diligence Complex transactions.

Patents Proprietary inventions.

Privacy & Data Security Comprehensive protection.

Trademark & Brand Marketplace identities.

Experience

Successfully represented Marquee Brands, LLC in connection with its multi-million dollar acquisition of Martha Stewart Omnimedia's intellectual property rights -- including patent, trademark and copyrights pertaining to Martha Stewart and Emeril Lagasse. The project involved data privacy issues and investigating extensive worldwide intellectual property rights and employee and contractor rights.

Successfully represented Marquee Brands, LLC in connection with a substantial due diligence project culminating in its multi-million dollar acquisition of the outdoor sports and lifestyle brand Dakine, and all related intellectual property. The project involved investigating Dakine's extensive worldwide trademark and patent portfolio, third-party rights in Europe, employee and contractor intellectual property rights concerning copyright and patent issues in the United States and Europe, as well as data privacy issues.

Represented Kyowa Kirin, Inc. and Strakan International S.A. against Actavis Labs' attempt to make a generic version of Kyowa Kirin's SANCUSO® (granisetron) transdermal patch product. Following a bench trial, the judge ruled in our clients' favor on all contested issues and rejected the defendant's claims of non-infringement, invalidity, and unenforceability. Successfully argued on appeal with the Federal Circuit affirming the trial court decision without opinion.

Served as lead trial counsel for Patriot National Insurance in a trademark cancellation action before the Trademark Trial and Appeal Board successfully invalidating the PATRIOT RISK INSURANCE



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Related Practice Areas

- China Practice
- Copyright & Content
- Emerging Business & Venture Capital
- Entertainment Law
- Franchising
- Hatch-Waxman & Biologics
- Health Care & Life Sciences
- Intellectual Property Litigation
- International
- IP Transactions & Licensing
- Italy Practice
- Mergers & Acquisitions – Global

trademark registration.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action regarding Apotex's biosimilar applications to make biosimilar versions of Amgen's NEULASTA® and NEUPOGEN® products. We navigated Apotex through the Biologics Price Competition and Innovation Act's "patent dance," and in the first BPCIA case to go to trial, we obtained a verdict of noninfringement. This result was affirmed on appeal to the U.S. Court of Appeals for the Federal Circuit.

Manage the trademark portfolio for Barcade, a fast-growing bar/arcade concept with locations in multiple states.

Serve as outside counsel on a variety of intellectual property issues for an emerging company offering practice management software for acupuncturists.

Served as lead trial counsel for Beachbody, LLC in prosecuting a trademark infringement, unfair competition, and counterfeiting case adverse to Walmart and Universal Nutrients.

Served as lead trial counsel for Barcade in prosecuting various establishments that are attempting to use the incontestable BARCADE registration, all resulting in defendants discontinuing use of BARCADE.

Defended American Digital Monitoring against Unicom Monitoring LLC. Damages were denied to Unicom Monitoring LLC, a patent-holding security company, even though it had successfully sued its rival, and our client, American Digital Monitoring, ruling that Unicom didn't offer any explanation for their damages calculations. Unicom hadn't provided an expert witness or any other evidence — like a similar licensing arrangement with another company — to support its damages calculation.

Lead counsel in damage phase of a patent infringement action regarding Sandoz's ANDA to make a generic version of Pfizer's seizure and neuropathic pain product, Neurontin®, the active ingredient of which is gabapentin. The case settled during the pre-trial phase and after successful Motions in Limine by Sandoz.

Represented Apotex Inc. in a patent infringement action regarding Apotex's ANDA to make a generic version of AVODART® (dutasteride). Settled prior to trial.

Handled a patent infringement action regarding Sandoz's ANDA to make a generic version of Alcon's eye allergy product Pataday®, the active ingredient of which is olopatadine hydrochloride.

Handled a patent infringement action regarding Sandoz's ANDA to make a generic version of Pfizer's antimuscarinic tablet Detrol and Detrol LA®, the active ingredient of which is tolterodine tartrate.

Handled a patent infringement action regarding Sandoz's ANDA to make a generic version of Pfizer's antifungal medication VFEND®, the active ingredient of which is voriconazole.

Represented Sandoz Inc. in a patent infringement action regarding Sandoz's ANDA to make a generic version of Alcon's eye allergy product PATANOL® (olopatadine hydrochloride). Case settled.

Represented Sandoz Inc. in a patent infringement action concerning Sandoz's ANDA to make a generic version of Abbott's NIASPAN® (Niacin) controlled-release tablets. Case settled prior to trial.

Represented Sandoz Inc. in a patent infringement action concerning Sandoz's ANDA to make a generic version of Abbott's TRILIPIX® (Fenofibric Acid) capsules. Case settled prior to trial.

Represented Innopharma, Inc. and Amneal Pharmaceuticals, Inc. in patent infringement actions

- Patents
- Private Equity
- Trade Secrets, Restrictive Covenants, and Computer Abuse
- Trademark & Brand

Industry Sectors

- Cannabis
- Education
- Food & Beverage
- Gaming
- Hospitality
- Retail
- Sports

concerning our clients' ANDAs to make generic versions of Spectrum's FUSILEV® (Levoleucovorin) Injection product.

Represented Sandoz Inc. in patent infringement action concerning Sandoz's ANDA to make a generic version of Helsinn's anti-nausea product Helsinn's ALOXI® (Palonosetron Hydrochloride) injection product. Case settled prior to trial.

Represented Sandoz Inc. in a patent infringement action concerning Sandoz's ANDA to make a generic version of Roche's VALCYTE® (Valganciclovir Hydrochloride) capsule product. Case settled prior to trial.

Represented Sandoz Inc. in a patent infringement action concerning Sandoz's ANDA to make a generic version of Shire's ADHD product INTUNIV® (Guanfacine Hydrochloride). Case settled prior to trial.

Represented Apotex Inc. and Apotex Corp. in a patent infringement action concerning Apotex's ANDA to make a generic version of Pfizer's PRISTIQ® (Desvenlafaxine) extended-release oral tablet products. Case settled prior to trial.

Represented Apotex Inc. in a patent infringement action regarding Apotex's ANDA to make a generic version of ACULAR LS® (0.4% ketorolac tromethamine). Led the negotiations that resulted in a successful settlement of the matter after the close of expert discovery.

Trial counsel for Apotex Inc. and Apotex Corp. in a patent infringement action regarding Apotex's ANDA to make a generic version of LYSTEDA® (tranexamic acid). After a two week trial, received a favorable decision of non-infringement on all three patents in-suit. Successfully argued on appeal with the Federal Circuit affirming the trial court decision.

Represented Sandoz Inc. in a patent infringement action concerning Sandoz's ANDA to make a generic version of Abbott's ZEMPLAR® (Paricalcitol) oral capsule product. Case settled prior to trial.

Represented Mylan Pharmaceuticals, Inc. in a patent infringement action concerning Mylan's ANDA to make a generic version of Pfizer's CADUET® (Atorvastatin Calcium and Amlodipine Besylate) oral tablet products. Case settled prior to trial.

Represented Actavis in a patent infringement action concerning Actavis's ANDA to make a generic version of King's pain product AVINZA® (Morphine Sulfate) oral capsule products. Case settled prior to trial.

Lead counsel for Chimei InnoLux Corporation, f/k/a InnoLux Display Corporation, in a patent infringement case involving Honeywell's patent to brightness-enhancing films used in LCD devices. Plaintiff dismissed its case against our client, with prejudice, after the special master indicated he would recommend granting our motion for summary judgment of noninfringement.

Represented Sandoz Inc. in a patent infringement action regarding Sandoz's ANDA to make a generic version of Merck's anti-nausea product EMEND® (aprepitant).

Represented our client, Sandoz Inc. in a patent infringement action regarding Sandoz's ANDA to make a generic version of Alcon's eye allergy product PANTANOL® (olopatadine hydrochloride).

Represented Sandoz Inc. in a patent infringement action regarding Sandoz's ANDA to make a generic version of Allergan's glaucoma drops COMBIGAN® (brimonidine tartrate/timolol maleate).

Represented Apotex Inc. in a patent infringement action regarding Apotex's ANDA to make a generic

version of Sanofi-Aventis' anticancer product TAXOTERE®, the active ingredient of which is docetaxel. Following a two-week trial, obtained an order for Apotex striking down the patents-in-issue as invalid as obvious and unenforceable due to Sanofi-Aventis' inequitable conduct in procuring the patents. Successfully argued on appeal with the Federal Circuit affirming trial court decision (April 2012). Of import is that inequitable conduct defense remains viable in ANDA litigations because of this ruling.

Represented Apotex Inc. in a patent infringement action regarding Apotex's ANDA to make a generic version of Wyeth's anti-depressant product EFFEXOR XR® (venlafaxine hydrochloride). Settled on favorable terms during trial.

Represented Sandoz Inc. in a patent infringement action regarding Sandoz's ANDA to make a generic version of Endo's pain product OPANA® ER (oxymorphone hydrochloride).

Lead counsel for Sandoz Inc. in a patent infringement action regarding Sandoz's ANDA to make a generic version of Medicis' acne product SOLODYN® (minocycline hydrochloride).

Represented defendant Walmart Inc. on appeal to the Federal Circuit. Settled the case on terms the client found favorable just prior to oral argument.

Represented Signalization Ver-Mac in declaratory judgment patent infringement action relating to solar tilt and rotate features of roadside message boards. Settled the case on terms the client found favorable after discovery.

Served as lead counsel to vacuum tube manufacturer in opposition proceeding in Trademark Trial and Appeal Board. Obtained summary judgment in client's favor on issue of priority of use, resulting in dismissal of opposition and global settlement assigning worldwide marks to client.

Served as lead counsel to well-known retailer of women's clothing in bringing cybersquatting claim under Lanham Act. Obtained summary judgment in client's favor, resulting in award of statutory damages, attorney fees, costs, sanctions and transfer of infringing domain name. Subsequently argued appeal in Fourth Circuit, obtaining affirmance on all grounds.

Represented a German-based biotech company in a patent infringement action regarding a method for synthesizing nucleic acids.

Represented Cumberland (Sweet'n Low) against Monsanto (NutraSweet) in a trade dress case for the use of the color blue on sweetener packets. Lower court ruling in our favor was affirmed by the seventh circuit.

Served as lead trial counsel for Clark Capital Management Group in multiple trademark infringement actions involving unauthorized use of its NAVIGATOR marks.

Represented Chi Mei Optoelectronics in a jury trial against a plaintiff who had received 42 licenses totaling \$180-plus million in license royalties. Non-infringement found on one of three patents, reducing potential \$900 million damages award to \$10 million.

Represented relator in qui tam action involving patent false marking.

Represented Chi Mei Optoelectronics in patent infringement action relating to modules for monitor and television displays.

Represented Peter Kiewit & Sons in patent infringement relating to fiber optic cable communications systems. Settled the case on terms the client found favorable following substantial discovery.

Represented NuVox in patent infringement action relating to Voice Over Internet Protocol (VoIP). Settled the case on terms the client found favorable following substantial discovery.

Represented Vonage Holdings in a jury trial of a patent infringement action relating to Voice Over Internet Protocol (VoIP). Settled the case on terms the client found favorable following trial.

Represented Signalization Ver-Mac in declaratory judgment patent infringement relating to smart work zones on highways. Settled the case on terms the client found favorable after summary judgment motions were filed.

Represented Fame Jeans Inc. in a trademark matter stemming from a TTAB action relating to mark for clothing. After heated discovery, prevailed on motion to dismiss one count from complaint. Subsequently negotiated multimillion-dollar settlement for Fame Jeans relating to mark.

Patent infringement action representing defendant Chi Mei Optoelectronics (CMO) relating to modules for monitor and television displays. Received summary judgment of non-infringement in favor of CMO.

Lead counsel for Barr Labs in a patent infringement case involving Barr's drug, TAMBACOR®.

Defended our client in a preliminary injunction motion to its right to its name in a \$10 million trademark infringement claim and convincing a judge that not enough evidence existed to create a trademark challenge when our client, a top video adventure game manufacturer, was sued by another top producer of video games.

Served as lead trial counsel for Celgene Corporation against various internet pharmacies to stop the unauthorized sale of products, all resulting in defendants discontinuing online sales of unauthorized products.

Served as lead counsel for a cigar manufacturer, now owned by Altria, where we won a summary judgment motion on product trade dress protection for the appearance of a cigar which led to a favorable settlement in which the opposing cigar manufacturer agreed to phase out all use of the trade dress in question.

Served as co-counsel representing National Association for Stock Car and Auto Racing, Inc., where NASCAR won a summary judgment leading to a ruling that NASCAR owns the worldwide copyrights to the NASCAR NEXTEL Cup Series Trophy. This ruling was upheld by the Third Circuit.

Served as lead trial counsel for the estate of the author of the song "Disco Inferno," where we succeeded in negotiating a settlement which confirmed the author's estate was the copyright owner in the renewal rights, could appoint their own administrator of such rights, and could collect licensing fees relating to such rights.

Served as lead trial counsel for Wilmington Trust Company in largest multidistrict patent litigation suit in defense of claims of patent infringement of RAKTL concerning call processing patents.

Served as lead trial counsel representing Jon Bon Jovi and the Philadelphia Soul Arena Football Team in prosecuting a trademark and copyright dispute.

Served as lead trial counsel for Beachbody, LLC in prosecuting a copyright and counterfeiting case adverse to Costco Wholesale Corporation.

Served as lead trial counsel for Oasys Mobile, Verizon Wireless, AT&T, and Thumbplay in defense of a trademark infringement claim filed by Mantra Entertainment.

Served as lead trial counsel for Triumbari Corporation in a motion to intervene and a motion to set aside a consent decree filed by Bug Juice concerning product trade dress on a plastic bottle.

Served as lead trial counsel for Arora Board Review and various doctors in defense of claims of copyright infringement and breach of contract filed by the American Board of Internal Medicine.
