



Lawrence P. Cogswell III, Ph.D.

PRINCIPAL

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PRACTICE AREAS

- IP Litigation
- Post-Grant Proceedings
- Patents
- Licensing
- Counseling
- Agreements
- Copyrights
- Trademarks
- Trade Secrets
- IP Intelligence and Audits

TECHNOLOGY AREAS

- Pharmaceuticals
- Chemistry
- Computer Software
- Computer Hardware
- Biologics and Immunotherapies
- Biotechnology and Life Sciences
- Bioinformatics
- Chemical Engineering
- Clean Technology
- Materials Science
- Medical Devices

Larry is an experienced IP litigator, Ph.D. scientist, patent prosecutor, and trusted counselor in strategic IP matters, such as IP due diligence. Larry is a former judicial clerk to the United States Court of Appeals for the Federal Circuit. He is also a graduate of Yale Law School, Harvard University, and Duke University.

As an IP litigator, Larry represents clients in patent, copyright, trademark and trade secret cases. Clients rely on Larry's integrated understanding of the legal and technical aspects of the case, which enables a thorough vetting of the issues, cost-effective analysis and delivery of solid, practical advice. Over the years, Larry has handled many complex, high-stakes patent disputes. In some of these cases, the parties have asserted numerous patents against each other or started parallel proceedings in other courts or administrative agencies, e.g., ex parte reexaminations or Inter Partes Review ("IPR") proceedings at the United States Patent and Trademark Office ("USPTO").

Larry frequently appears before the federal district courts, the Court of Appeals for the Federal Circuit, and the Patent Trial and Appeals Board (PTAB), a specialized tribunal within the USPTO that handles Inter Partes Reviews ("IPRs"), Post Grant Reviews ("PGRs") and Covered Business Method proceedings ("CBMs"). Larry's practice also includes Section 337 Proceedings before the United States International Trade Commission (ITC) and trademark oppositions before the Trademark Trial and Appeal Board (TTAB).

Larry handles disputes across a range of technologies, including pharmaceuticals (ANDA applicants and patent owners in Hatch-Waxman litigation), small molecule chemistry, biologics, biotechnology, software, antibodies, electronics and telecommunications, integrated circuits, light-emitting diodes, global positioning systems, medical devices, biosensors, banking systems, automotive technologies, contact lenses and mechanical devices. Larry also handles IP due diligence for financial and operating companies that are considering transactions involving IP assets relating to these areas.

EDUCATION

- Duke University, B.S. in Chemistry, *summa cum laude*, 1994 - Angier B. Duke Memorial Scholarship
- Harvard University, A.M. in Chemistry, 1997 - National Science Foundation Pre-doctoral Fellowship
- Harvard University, Ph.D. in Biophysics, 2002
- Yale Law School, J.D., 2005 - Editor-in-Chief, Yale Journal of Law and Technology

PROFESSIONAL ASSOCIATIONS

- Boston Patent Law Association, Co-chair of the Antitrust Committee
- Boston Bar Association, Co-chair of the Life Sciences Committee, Intellectual Property Law Section
- New England Business Association- New England Innovation Awards Mentor

Larry is also a seasoned patent prosecutor, representing major universities and corporate clients in obtaining patent rights, managing portfolios and defending patents in ex parte reexamination proceedings. Larry prosecutes across disciplines with a focus on the chemical, pharmaceutical, biologic, healthcare, medical device, diagnostic, and software sectors, and the intersections between them, e.g., clean energy and the digital health space. Larry brings a strategic perspective to his prosecution work, counseling clients on maximizing return on investment and prosecuting with the ultimate business goal in mind, whether it is licensing, enforcement, attracting capital or bolstering a defensive portfolio.

A Ph.D. scientist, Larry was trained at Harvard with a grant from the National Science Foundation where he developed a multidisciplinary scientific background. For his doctoral work in biophysics, Larry focused on methods spanning the fields of pharmaceuticals, computer modeling and software, synthetic organic chemistry, protein structure, structure-activity relationships, lead optimization, protein-ligand interactions, analytical chemistry, drug development, biophysical chemistry, molecular modeling, fluorescence spectroscopy and chemical kinetics. For his master's degree in chemistry, Larry focused on inorganic and bioinorganic syntheses and methods, including enzyme mimetics, transition metal complexes, organometallic chemistry, coordination chemistry, spectroscopy, crystal structure, inorganic synthesis and reactions of air and moisture sensitive molybdenum and tungsten compounds. Larry's undergraduate research in chemistry focused on the bioinorganic chemistry of iron.

Drawing on his experience in both litigation and prosecution, combined with his extensive technical background, Larry devotes a substantial portion of his practice to counseling clients on important business matters and strategy. These matters arise throughout the lifecycle of a business and include:

- understanding and managing IP-related risks
- merger and acquisition (M&A) due diligence
- portfolio evaluation for potential investors
- IP audits
- freedom to operate analysis
- portfolio management and optimization
- licensing deals
- agreements
- noninfringement and invalidity opinions
- competitive IP intelligence

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RECOGNITIONS

- Selected as a Fellow of the Litigation Counsel of America (LCA)

CERTIFICATIONS

- Black Duck Certified Open Source Legal Professional

ADMISSIONS

- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the First Circuit
- U.S. District Court, District of Massachusetts
- U.S. Patent and Trademark Office
- District of Columbia
- Massachusetts

With a unique background that includes experience in the chemical, pharmaceutical, biologics, biotechnology, healthcare, and software sectors, Larry has a particular interest in the emerging digital health space, where he draws upon the combined perspectives of an IP litigator, scientist, and patent attorney to best position companies for success in a rapidly changing and expanding field. This involves considering a combination of trade secret, patent, copyright, and trademark strategies, as well as maintaining an awareness of the business and regulatory environment in which the company is operating. It requires, at core, the ability to assess and balance risk, which Larry provides, aided by his broad familiarity with the field of intellectual property law and years of practical experience.

Larry is a member of the Firm's Management Committee.

REPRESENTATIVE LITIGATION MATTERS IN THE UNITED STATES DISTRICT COURTS, UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT, AND THE PATENT TRIAL AND APPEAL BOARD

- Represented two major companies in patent litigation relating to light-emitting diodes (LEDs).
- Represented patentee of major dermatologic drug in ANDA litigation.
- Defended a large telecommunications company at the Patent Trial and Appeal Board in a series of Inter Partes Review ("IPR") proceedings.
- Represented a major hospital in ANDA (Hatch-Waxman) litigation relating to its novel anticancer drug, successfully settling before trial.
- Successfully settled claims of patent infringement against an electronics manufacturer
- Successfully settled claims against a major pharmaceutical company stemming from a failed business collaboration.
- Successfully represented a major integrated circuit manufacturer in patent litigation against its chief rival.
- Represented a medical device manufacturer in both offensive and defensive patent litigations against a major rival.
- Represented a major medical device manufacturer at the Patent Trial and Appeal Board in Inter Partes Review ("IPR") proceedings.
- Defended a major communications company against a patent infringement action brought by a nonpracticing entity.
- Defended the same communications company in a separate infringement action brought by a different nonpracticing entity on different patents.

INDUSTRY
ACKNOWLEDGEMENTS

- *World Trademark Review* 1000 2015
Hails John DuPré as “Exceptional”
- *World Trademark Review* 1000 2013
Calls John DuPré a “Key Figure”
- *World Trademark Review* 1000 2012
Recognizes John DuPré as a “Seasoned Trademark Practitioner”

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- Defended a major internet services company in a suit brought by a nonpracticing entity, favorably settling before trial.
- Represented multiple clients in enforcing federally registered trademarks against infringement by competitors
- Represented large company in registering and enforcing copyright in software. Represented clients in multiple appeals to the Federal Circuit across a range of technologies, including contact lens chemistry, pharmaceutical technology, automobile user interfaces, and banking systems.
- Represented holder of Orange Book patent in 505(b)(2) challenge to patent.
- Represented owner of patent in action against licensee for failure to abide by license.

REPRESENTATIVE PATENT PROSECUTION MATTERS

- Represented a digital health company in evaluating and expanding its patent portfolio
- Represented a major drug company in ex parte reexamination of patent on a blockbuster therapeutic
- Oversaw portfolio of biotechnology applications for university client
- Prosecuted applications directed to medical diagnostics for a major university
- Oversaw prosecution of a portfolio of applications for a major wearables company
- Prosecuted portfolios of software applications related to various applications of big data
- Prosecuted applications directed to antibody technology and therapeutics

REPRESENTATIVE STRATEGIC COUNSELING MATTERS

- Counseled clients on understanding and managing IP-related risk in business transactions
- Conducted IP due diligence for mergers and acquisitions (M&A)
- Counseled numerous companies on freedom to operate and patentability matters across a number of technology sectors, including digital health, pharmaceuticals, antibodies, software, networked technology, and chemical subject matter.

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- Advised a major pharmaceutical company on how to minimize risk in its collaboration with an outside manufacturer.
- Counseled a major research hospital on a strategy for minimizing potential risks involved in licensing a portfolio of novel drugs.
- Counseled clients on exploiting the value of their patents through licensing or enforcement
- Advised a major electronic goods manufacturer on enforcement and pre-litigation strategy relating to its multi-billion dollar patent portfolio.
- Provided competitive assessments of IP portfolios for clients interested in strategic growth and positioning of their businesses
- Counseled clients on the importance of trademark, copyright, and trade secret protection as valuable adjuncts to an overall plan for IP protection
- Advised an international consumer goods manufacturer on the protection of its internationally recognized trademark in the U.S. marketplace.
- Advised a major electronics manufacturer on copyright and trade secret strategy

IP NEWS ALERTS

- Supreme Court Includes Lost *Foreign Profits* In Patentee's Recovery, *Hamilton Brook Smith Reynolds Alert*, June 26, 2018
- New Challenges and New Opportunities in Enforcing Method of Treatment Claims, *Hamilton Brook Smith Reynolds Alert*, July 2011
- How the New Multi-Party Patent Infringement Rulings Will Affect Pharmaceutical Treatment Claims, *Hamilton Brook Smith Reynolds Alert*, July 25, 2011

PUBLICATIONS

- *The Federal Circuit and the Supreme Court*, 55 Am. U. L. Rev. 821 (2006). Co-authored with The Honorable Arthur J. Gajarsa, U.S. Court of Appeals for the Federal Circuit. [This article was named one of 2006's best intellectual property articles by Intellectual Property Law Review (Thomson West), and reprinted therein in 2007.]
- *Understanding and Addressing the Unfair Dilemma Created by the Doctrine of Willful Patent Infringement*, 41 Houston L. Rev. 393 (2004). Co-authored with William F. Lee.
- [This article was cited by the U.S. Court of Appeals for the Federal Circuit in *In re EchoStar*, 448 F.3d 1294 (Fed. Cir. 2006).]

SPEAKING ENGAGEMENTS

- “Pitfalls of U.S. Patent Filings and Litigation,” June 28, 2019
- “Digging Into Digital Health Deal Diligence,” Due Diligence for Life Sciences M&A, Partnerships and Divestitures, Philadelphia Pennsylvania, December 1, 2017
- “Post-Grant Review - An Increasingly Important Tool for Challenging Competitors’ Patents,” Hamilton Brook Smith Reynolds Webcast, November 9, 2016
- “Understanding Major Differences for Digital Health M&A Deals and Strategic Alliances,” 2nd Annual Life Sciences Summit on M&A and Strategic Alliances, Cambridge, MA, October 26, 2016
- “Stop IP Theft: Minimizing Risk and Maximizing Value,” MassChallenge Lecture, Boston, MA, July 27, 2016
- “Litigating Life Sciences at the PTAB,” Boston Bar Association Lecture, Boston, MA, November 16, 2015
- “Protecting Innovation - Best Practices,” Hamilton Brook Smith Reynolds / Ogletree, Deakins, Nash, Smoak & Stewart Lecture, Waltham, MA, November 5, 2015
- “Recent Developments in *Inter Partes Reviews* (IPRs),” Hamilton Brook Smith Reynolds Webcast, May 28, 2015
- “Managing Patent Litigation Effectively: In-house and Outside Counsel’s Roles in Streamlining Disputed Issues, Making Costs More Predictable, and Minimizing Business Impact,” Hamilton Brook Smith Reynolds Lecture, Boston, MA, November 12, 2013
- “Moving the Battleground to the Patent Office by Taking Advantage of Post-Grant Proceedings,” Hamilton Brook Smith Reynolds Webcast, September 19, 2013
- “Wrestling the eDiscovery Beast - The Role of In-House Counsel,” Hamilton Brook Smith Reynolds Lecture, Boston, MA, March 19, 2013