

Trust and Respect

An Interview with Ed Haug, Firm Chairman, Haug Partners LLP



Ed Haug

EDITORS' NOTE *Ed Haug was a founding member of Haug Partners in 1997 and is now the firm's Chairman. With offices in New York City, Boston, West Palm Beach and Washington, DC, intellectual property, antitrust, FDA and commercial litigation are among Haug Partners' specialties. Haug has been recognized by Chambers U.S.A. for his expertise in intellectual property law. He has extensive experience in bench and jury trials, having appeared before numerous district and appellate courts across the U.S., the U.S. Court of Appeals for the Federal Circuit, and the U.S. Supreme Court. His experience extends beyond*

the U.S., having participated in cases before the United Kingdom High Court, German Federal Supreme Court, and Tokyo High Court. He served as President of the Federal Circuit Bar Association and is a frequent lecturer on varied legal issues. Haug was a Ford Merit Scholar at the University of Notre Dame, graduating with a BS in chemical engineering. He graduated from St. John's Law School and studied law in Exeter, England. Apart from his legal career, Haug is a Board Governor of the New York Metropolitan Club and Chairman of the Trustees for the One East 60th Street Historical Foundation.

FIRM BRIEF *Haug Partners (haugpartners.com) provides integrated, multi-disciplinary legal services for life science and technology businesses. Its goal is to deploy the Firm's diverse resources, technical expertise, legal acumen, and business judgment to deliver optimal outcomes for clients.*

Will you highlight the history of Haug Partners and how the firm has evolved?

When we started the firm more than 25 years ago, the founders of the firm were all, at the time, classified as patent attorneys – drafting patents and enforcing patents. It was a very technically focused practice, and all the lawyers had engineering or science backgrounds. The firm that we had originally come from had disbanded as the industry changed, and we had to decide whether to join a large, general practice firm and head up an IP group, join one of the larger patent firms that then existed, or to start our own firm. In 1997, we decided to start our own firm, and our vision was to become an intellectual property firm with high-quality lawyers with a focus on technology-related issues – using technology to support our work in drafting, enforcing, and defending all forms of intellectual property including patents, trademarks, and copyrights. We also became focused on dealing with government regulatory issues and actions, such as those involving the FDA, FTC, and ITC. We wanted to bridge the gap between what highly specialized patent firms were doing and what antitrust and FDA specialists were offering to service businesses, such as financial institutions, pharmaceutical and automotive companies, etc. Our lawyers needed to learn to think like businesspeople in addition to serving as lawyers.

We started small and have continually grown through the years. We evolved in a number of ways: we were the first IP firm to start an

FDA practice, which followed naturally from all the pharmaceutical work we were handling. We were the first IP firm to start an antitrust practice, which made sense because the main focus of the firm at that time was life sciences and we had evolved into a leader in the Hatch-Waxman arena. The vision for the firm was to expand, but not to become a general practice firm. We were focused on expanding in areas that were complementary to our core offering and expertise.

Over the last two decades, the practice has changed dramatically as technology has grown and expanded in ways that no one could have predicted. The internet came along, 5G came into being, life-changing discoveries in gene therapy and medical breakthroughs, and now we are in the midst of a major paradigm shift to artificial intelligence and how all of this technology is going to intersect with the government and industry.

How has the talent at the firm provided a competitive advantage?

It has been a great advantage and enabled us to grow and achieve great results for our clients. Our approach to growing the firm has been to do it organically from people within. We aim to bring in the best young associates we can find in the top law schools, a diverse group of associates, and then provide opportunities for them to grow in the firm. We also added lateral partners with proven experience in very specific areas – including antitrust, FDA, and litigation – each of whom is today among some of the most respected experts in their respective fields. Our size and specialization allow us to be laser-focused on honing and elevating our practice.

Will you discuss Haug Partners' approach to representing clients?

Our approach to representing clients, such as with due diligence or litigation, is to assemble a smaller team of people who are highly qualified from top to bottom, understand the issues our clients are facing, and remain focused only on addressing these issues. I like to describe us as a “Seal team” that gets meaningful results in very difficult cases as opposed to being like the Navy.

What have been the keys to Haug Partners' ability to retain its talent?

Success in what we do. We have been able to create a firm culture where everyone trusts and respects each other. This includes all of our lawyers and staff. I think that being a smaller, specialized firm has allowed us to build that culture internally which we then effectively use to serve our clients. We try to work with the decision-makers at the client – the chief IP attorneys, CEOs, managers, and business leaders – so that we can better understand their business needs. This collaborative style fosters a true partnership with our clients.

As the firm recently celebrated its 25-year anniversary, were you able to reflect and appreciate what the firm has accomplished?

Yes, I have. I have enjoyed every year of our 25-year history. I am very fortunate because of the trust and respect that I have with and among all of our Partners and our staff. Every five years we have a significant firm celebration with everyone at the firm and close friends and supporters of the firm. Haug Partners is not solely a law firm, but a family. I would not trade that for anything. ●

Teamwork and Mentoring

An Interview with Sandy Kuzmich, PhD, Firm Managing Partner, Haug Partners LLP



Sandy Kuzmich, PhD

EDITORS' NOTE *Sandy Kuzmich, PhD, focuses on patent litigation and strategic intellectual property counseling in the areas of pharmaceuticals, chemicals, and biotechnology. Recognizing that product life-cycle management is continuous and dynamic, she develops, manages, and protects diverse patent portfolios, taking into consideration a client's immediate and long-term business objectives. Her extensive experience in pharmaceutical patent litigation allows her to offer a distinctive approach to protecting and maximizing the value of intellectual property assets. She specializes in counseling clients on how to obtain strong and diverse intellectual property protection on pharmaceuticals and biological products during*

early research, and how to expand and defend that protection throughout development, product launch, and beyond. Upon completion of her graduate degree in pharmacology, Kuzmich became a post-doctoral research associate with the Fox Chase Cancer Center where she investigated mechanisms of anti-cancer drug resistance. She spent several years in the private pharmaceutical sector, managing departments in the U.S. in the areas of drug metabolism and pharmacokinetics, and also collaborating with her counterparts in Europe and Asia to coordinate worldwide regulatory submissions. Kuzmich serves as Secretary on the Board of Directors for the Federal Circuit Bar Association, which includes being a frequent lecturer at various international conferences throughout the year. She earned a BA in chemistry, Phi Beta Kappa, from Douglass College, Rutgers University; a PhD in pharmacology from Yale University; and a JD from Fordham University.

What has been your personal mission as Managing Partner of Haug Partners?

I agreed to take on the role of Managing Partner because at this point in my career I have the experience and flexibility to devote time to preparing the Firm for the future. To me, that means taking what has worked and expanding upon it, but also having the foresight to evolve and pivot so that the Firm can meet the challenges that lie ahead. When I was elected Managing Partner in August 2019, I could not have imagined that six months later I would be faced with running the business in the midst of a pandemic. What I had planned to focus on had to take a back seat to the challenges that confronted us because of the pandemic.

What was it like to encounter the pandemic and how did Haug Partners adapt its business during this uncertain time?

The biggest challenge I have faced to date as Managing Partner was running the business leading up to, during, and after the pandemic. I was fortunate enough to be surrounded by a small but incredibly knowledgeable and dedicated administration that worked with me to transition attorneys and staff to a fully remote operation in anticipation of lockdown in February 2020. Because of our size and our collaborative culture, we were able to manage this transition efficiently and continue to function effectively while being fully remote so that we could focus on our business, which was to service our clients without interruption.

What is the biggest challenge you have faced coming out of the pandemic?

No question, the tension between remote work versus physical presence in the office. Our Firm has always had, and still does have, a culture

that emphasizes teamwork and mentoring, much of which is done through in-person collaborations at the office. And many of the most valuable interactions happen on the spur of the moment, which means a group of professionals getting together in a conference room to brainstorm an issue. Remote platforms, as good as they may be, don't really lend themselves to this type of collaborative mentoring. Because of our culture that has for 25 years emphasized the value of interpersonal interactions in professional development, the majority of our attorneys have returned to the office on almost a full-time basis. In contrast to some large general practice law firms, we have not had to mandate that attorneys be in the office a specific number of days a week – that has happened organically.

Will you discuss Haug Partners' efforts around diversity and inclusion?

Now that the pandemic is in our rearview mirror, I have been able to turn more of my attention to issues related to positioning the Firm for the next generation. Diversity is one of those issues. Post-pandemic I established a Diversity Committee, and the Firm became a member of the Leadership Council on Legal Diversity (LCLD), where I have pledged to continue to make inroads on the issues of Diversity, Equity, and Inclusion (DEI). Through the Federal Circuit Bar Association (FCBA), of which I am a board member and have been nominated for the position of Secretary beginning July 2023, I have fostered the participation of the Firm's associates in mock appellate arguments before the judges of the Federal Circuit and mock pitches before in-house counsel. As an alumni of Douglass College, Rutgers University, every summer I sponsor two externs from the Reilly Program at the BOLD Center at Douglass. Our partnership with this program gives women an opportunity for a real-world experience of law-firm life at an early stage of their education.

My approach to DEI is holistic, and not limited to what I do at Haug Partners. I was elected to the Board of Yale's Graduate Student Alumni Association where I serve as a co-chair of the DEIB ("B" for "Belonging") Committee.

In addition to your efforts in DEI, what other areas do you think are important as you look to shaping the future of the Firm?

I would like us to do more in the area of pro bono work. It is a real win-win for the client, and also for our young attorneys. The client benefits through attorney representation. On the other hand, our attorneys have the opportunity to argue cases before a judge, which sometimes does not occur early in a career because a lot of what we do is based upon written submissions to the court.

Because the pro bono prospects in the field of intellectual property law are not always available, we encourage our associates to take on pro bono work that interests them and gives them an opportunity to develop their skills. Appellate work concerning unemployment benefits, issues related to New York City small businesses, and legal assistance to Afghan nationals in need are just some of the Firm's pro bono efforts.

You and Ed are both now managing the firm. Do you still have the chance to practice law together?

Yes we do, and we still have fun after all these years. Just recently, together we represented the Intellectual Property Law Professors and Scholars in the filing of an amicus brief before the Supreme Court in a high-profile intellectual property appeal. Not only was an aspect of the brief raised at oral argument, but the brief was cited and quoted in the Supreme Court's written decision. Moments like this never get old. ●

Haug Partners: Leading Experts in Life Sciences



Kaitlin Farrell, Porter Fleming, Nick Giove, Andrew Roper, Andrew Wasson

Hatch-Waxman Litigation – A Proven Track Record of Success with “Brand vs. Generics” Wars

**Porter Fleming, Nick Giove, Andrew Roper,
Kaitlin Farrell, Andrew Wasson**

Will you provide an overview of the Life Sciences practice at Haug Partners?

Haug Partners collaborates with Life Sciences clients to provide comprehensive legal strategies from the inception of an idea through commercialization and next-generation planning. Industry leaders trust and rely on the Firm to help them procure, manage, protect, and maximize the lifecycles of their most valuable intellectual property assets.

Haug Partners has appeared as lead trial counsel in more than 200 Hatch-Waxman litigations in its 25-year history, litigating more than 60 different pharmaceutical products with an overwhelming success rate. Our team includes more than 50 attorneys, mostly with technical degrees who have extensive experience litigating Hatch-Waxman cases as well as biosimilars and biotechnology discoveries. We have also prosecuted over 16,000 issued patents. Haug Partners effectively combines its scientific know-how with extensive trial, FDA, and antitrust experience to achieve optimal results for our life science clients.

What sets Haug’s Hatch-Waxman practice apart?

The Firm is a one-stop-shop for Life Sciences clients. From the Hatch-Waxman perspective, this involves extensive expertise not just in protecting our clients’ life-saving innovations by maximizing the lifecycles of their pharmaceuticals, but also providing expert insight into related issues including antitrust and FDA. The Firm brings a unique group of exceptionally experienced, bright, diligent, and focused lawyers to a trial who understand the science, are comfortable in the courtroom, versed in the legal and regulatory issues at play, and appreciate the real-world pharmaceutical market dynamics to win and achieve our clients’ objectives. Additionally, we are able to tap into our unique history of being an industry-leader in representation of generic pharmaceutical companies before we transitioned to representing on the brand side. All of these factors contribute to the firm’s extraordinarily high rate of success in representing Hatch-Waxman plaintiffs.

What is the future of the firm’s Hatch-Waxman practice?

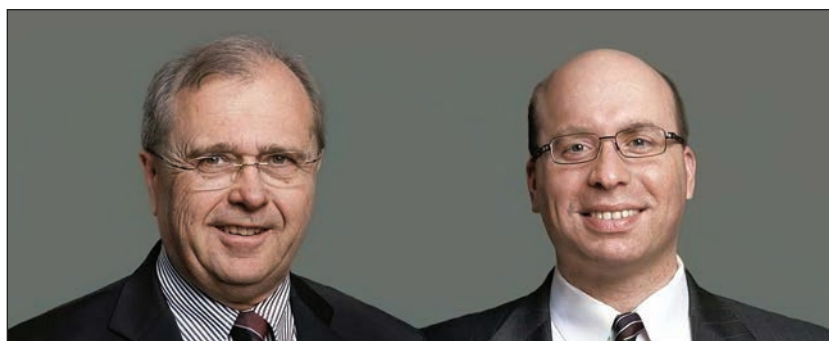
The Hatch-Waxman practice’s future is bright and exciting as the Haug team relies on experienced attorneys and an ever-growing bench

of motivated, eager, and capable younger attorneys who participate, contribute and add to a winning team. The practice has evolved into the biosimilars arena, too.

What is something you enjoy about Hatch-Waxman litigation?

We enjoy the opportunity to understand and support the business objectives of our clients both from a high level and also down to the smallest details. We don’t just understand the highly technical subject matter behind our clients’ hard-earned patents, but we also understand how drugs are formulated and distributed, how doctors prescribe them and how consumers use them. We leverage this knowledge to really “paint a picture” or tell a story for the judge or jury when putting together our strongest case.

Of course, we also enjoy the thrill of achieving favorable results for our clients when the stakes are high. Most recently, the Firm secured a key victory protecting Takeda’s multibillion dollar Vyvanse® product from generic competition during the full term of Takeda’s patent life. ●



Mike Brockmeyer, David Shotlander

Expertise in Antitrust Litigation and Counseling

Mike Brockmeyer, David Shotlander

How does the Firm’s antitrust practice support the firm’s mission of enhancing value for technology and life sciences clients?

Our technology and life sciences clients are innovators, and gain value by introducing new and unique products that dominate the marketplace, frequently on account of intellectual property rights. With that success and with IP rights comes antitrust risk, and we routinely work

with these clients to avoid, mitigate and defend against that risk, whether in the initial strategy or throughout the product lifecycle, including at the point of IP enforcement.

What makes the Firm's antitrust practice unique?

Our antitrust practice is unique in two ways. First, we are a small firm practice with a big firm presence. The small firm approach offers us regular access to our patent, regulatory and litigation colleagues, enabling us to better serve our antitrust clients. In the meantime, we take on major complex antitrust cases in roles typically handled by only the largest firms and we counsel on high stakes cutting-edge issues. Second, we are among the leading experts in pharmaceuticals and life sciences antitrust. Beyond working in a lead role on some of the major cases of recent years, we closely follow every development within this space, and we share an understanding of the industry and the law that puts our life science clients at a strategic advantage.

How do you see the antitrust practice evolving?

Our antitrust practice evolves by staying on top of both the technological developments and legal developments that are in constant flux. As products, conduct and theories evolve, our practice moves with them and even subtle changes in the landscape may counsel for change in how we frame certain issues and advise our clients. Likewise, our litigation practice utilizes the best and latest technology, and will continue to evolve as the features and options available to us evolve. ●

Leaders in FDA and Regulatory Affairs

Andrew Wasson

What is your approach to FDA law?

Our approach emphasizes the close relationships that FDA law has with other practice areas in the life sciences sector. FDA regulatory law has a close and important relationship with patent law and litigation between pharmaceutical companies advancing brand products and generic pharmaceutical companies looking to market lower cost drugs. The statutes that authorize generic drugs and follow-on biologics contain extensive provisions relating to the resolution of patent disputes. Issues at the cutting-edge of FDA regulatory law also underpin many antitrust disputes in the pharmaceuticals sector. Appreciating the many touch points between the areas of law is not only intellectually challenging, but it provides a richer approach to litigation and product strategy.

How does FDA law effect patent litigation in therapeutics?

FDA regulatory statutes have many direct effects on patent litigation in pharmaceuticals and biologics. For one, regulatory exclusivities can affect the timing of when a patent litigation can start. The statutes that govern generic or follow-on therapeutics often prescribe exclusivities that limit when a generic or follow-on applicant can file an application with the Agency. For drugs that are new chemical entities and for biological products, the relevant statutes prevent a generic applicant from even filing an application until four years from the approval of the innovator product. And then relevant statutes contain provisions that give rise to other types of exclusivities as well, which govern when the FDA can approve a generic product (e.g. orphan drug exclusivity, clinical exclusivities, and pediatric exclusivity).

What is the relationship between FDA law and antitrust litigation?

FDA regulatory law is also sometimes implicated in antitrust disputes in the pharmaceuticals sector and our regulatory practice often supports our antitrust colleagues. For instance, antitrust plaintiffs sometimes allege that innovator pharmaceutical companies improperly petitioned the FDA to institute inappropriate requirements on generic competitors. Understanding whether arguments are reasonable often has antitrust implications and requires deep experience with Agency precedent.

What are some other issues at the intersection of FDA law and patent law?

One major area where FDA and patents overlap is the FDA publication colloquially called the Orange Book – the print edition many years ago had an orange cover. The types of patents that can – and should

not – be listed in the Orange Book can have wide-ranging repercussions. For instance, generic applicants have to take a position on the infringement and validity of patents listed in the Orange Book, which could give rise to a 30-month litigation stay during which the FDA generally cannot approve a generic applicant. Knowing the line between “listable” and “unlistable” patents requires judgment and familiarity with a decades long dialogue between the Agency, industry, and lawmakers.

What are some ways that high tech advances are transforming FDA law?

Advances in computer science are transforming every industry, including pharmaceuticals. As the pharmaceutical industry continues to harness new computing advances, the FDA faces the increasing challenge of determining whether, and to what extent, regulation applies to these new uses. However, these challenges are not new to the Agency – the FDA has been addressing the growing number of medical devices incorporating AI and machine-learning for a number of years. ●

Trusted Representation at the USPTO

Brian Murphy



Brian Murphy

How does your experience as a former Lead Administrative Patent Judge shape your practice?

The Patent Trial and Appeal Board (PTAB) is a high-profile business unit of the U.S. Patent & Trademark Office responsible for taking a second look at commercially important patents. For example, a company sued for patent infringement in federal district court can now challenge the validity of the asserted patent in a PTAB proceeding that is much faster and less expensive than district court patent litigation. I served as a PTAB judge for four years, including three years on the leadership team where I was a Lead Administrative Patent Judge responsible

for supervising, training, and mentoring a team of 15 Administrative Patent Judges. I also presided over nearly 200 PTAB patent validity challenges that impacted some of the most successful companies in the world – AstraZeneca, Apple, AT&T, Baxter Healthcare, Cox Communications, Eli Lilly, Google, Lenovo, Microsoft, and 3M Company, among others.

My experience allows me to provide clients with strategic and tactical advice in PTAB patent validity proceedings as a critical component of an integrated patent litigation strategy. In particular, I help identify, distill, and forcefully present the most relevant and material evidence of record in our briefs and at oral argument. I often conduct mock PTAB and Federal Circuit arguments to help prepare lead counsel to be most effective at oral argument. On occasion, I also serve as an expert witness in patent practice and procedure.

How does the PTAB practice contribute to Haug Partners' mission of maximizing the value of its clients' patent portfolios?

Haug Partners has a very successful track record when defending patent owners in PTAB patent validity trials. PTAB cases we have handled range across many technology disciplines: pharmaceuticals, biotechnology, biomedical devices, mechanical and electrical devices, and related computer science and software. Our firm grasp of legal, scientific, and procedural nuances yields critical insights when litigating complex patent cases, which is key to our effective representation of innovative life sciences and technology clients at the PTAB. Haug Partners attorneys are well prepared and adept at explaining the legal and technical positions crucial to persuasive argument before technically savvy PTAB judges.

I bring the cold eye of an experienced judge and passion of a long-time trial advocate to advance each client's interest in every case. In virtually all completed cases where Haug Partners has defended a patent owner in PTAB patent validity challenges, the firm has either won a denial of the patent challenger's petition, a Final Written Decision upholding the patent claims, or a favorable settlement. Clients trust our PTAB expertise. ●

Haug Partners: Robust Technology Practice



Mark Chapman, Sheila Mortazavi, Georg Reitboeck, Camille Turner, Jonathan Herstoff

Tailored Strategies and Solutions to Unique Client Problems

**Mark Chapman, Georg Reitboeck
Camille Turner, Sheila Mortazavi, Jonathan Herstoff**

Does Haug Partners represent clients in industries other than the life sciences industry?

The Firm represents clients in a variety of other industries, including the automotive, technology, and medical device industries, in patent litigations and related proceedings. This includes patent infringement litigations in U.S. District Courts and the International Trade Commission (ITC), post-grant proceedings in the Patent Trial and Appeal Board (PTAB), and patent appeals in the U.S. Court of Appeals for the Federal Circuit. Clients include Porsche, Volkswagen, Audi, Bentley, and Red Bull Racing (the Formula One team). The firm also represents clients applying for patents in the U.S. Patent and Trademark Office.

What tools does Haug Partners utilize to achieve its success in the courtroom?

We like to say that we have a “deep bench” of top tier intellectual property attorneys and can specially curate the right team of people to represent the specific needs of our clients. Whereas some large general practice firms have smaller IP practice groups where each attorney focuses

broadly on all sectors of IP law, our attorneys have the ability to sub-specialize and hone their practice with a more focused approach. This means that for most IP issues that arise, we have attorneys who have favorably resolved very similar problems many times over. Of course, the challenge and the excitement comes from leveraging that experience to develop the right strategy for a particular and unique client issue.

We also routinely collaborate with trusted, industry-leading experts with whom we are very proud to work. Choosing a qualified and credible expert who will defend his or her opinions under cross-examination is critical, and the Firm has extensive experience identifying the right expert for any given case by tapping into our vast network of trusted connections or finding new experts based on top-of-the-line industry and academic credentials.

Does the Firm have experience litigating at the International Trade Commission?

Yes, the Firm has significant experience litigating at the International Trade Commission, or the ITC. The ITC is a federal government agency that can block the importation into the United States of products that the agency determines infringe a valid patent. An ITC litigation is similar in many respects to a patent litigation in a district court because the parties litigate the question of whether the patent is valid and infringed. While the ITC does not award infringement damages, it will block importation of products that infringe a valid patent, and it can be a powerful tool in the arsenal of a patent infringement plaintiff.

Are there benefits to litigating at the ITC compared to the district court?

Often times these litigations take place in parallel. The ITC typically issues its decision more quickly than most courts, which can strengthen the patent owner's leverage in settlement discussions. Given its jurisdiction, ITC cases are often filed against foreign companies that import products made overseas into the U.S., including consumer electronics and automotive companies.

Does the Firm work with clients involved in international patent litigations?

Because we represent leading global technology companies, this is most often the case. For defendants, patent litigation in the U.S. is typically more expensive, burdensome, uncertain, and unpredictable than patent litigation in other countries, primarily because of several unique features of the U.S. litigation system. We work with international clients to protect their interests while navigating and complying with the sometimes intrusive nature of U.S. discovery processes.

Have there been any recent noteworthy developments in the patent world from an international perspective?

One significant recent development is the new European Unified Patent Court (UPC), which opened its doors on June 1. Before the UPC, patent owners who wanted to sue for infringement in Europe would have to bring a separate litigation in each country. Now they can file one litigation in the UPC and obtain an infringement damages award and an injunction in all 17 member countries, including Germany, France, Italy, and the Netherlands.

The advantages of being able to obtain cross-border remedies across such a large marketplace presumably should induce patent owners to file in the UPC. Moreover, we expect that the UPC will be more willing than U.S. courts to grant injunctions, in particular for patent-assertion entities who typically cannot obtain injunctions in U.S. courts. It will be interesting to see whether patent-assertion entities file more actions in the UPC, including as another front in an international enforcement campaign with a parallel U.S. lawsuit.

How is the patent world dealing with the rapid pace of developments in artificial intelligence?

The patent community is actively considering and debating the role of artificial intelligence (AI) in innovation and obtaining patent protection. The Federal Circuit concluded last year that a patent cannot be obtained if an AI system is listed as the sole inventor. The court reasoned that the patent statute defines an 'inventor' who can obtain a patent as limited to a human being, and the Supreme Court recently declined to review the decision.

Overseas, the Federal Court of Australia also concluded that AI could not be an inventor under the Australian patent statute, and the UK Supreme Court is currently considering this issue under the UK statute.

Additionally, the U.S. Patent and Trademark Office has solicited feedback and is actively considering the impact of AI on the patent application process, including the circumstances in which a human inventor can obtain a patent for an invention developed with the assistance of AI. The U.S. Congress is also holding hearings regarding the impact of AI on intellectual property protection. ●



Jon Gordon and Jenny Lee

Proficiency in Patent Prosecution

Jon Gordon and Jenny Lee

What types of prosecution and counseling services does the Firm provide to technology-focused clients?

As a result of its 20+ years of experience in prosecuting patents across widely diverse technologies – spanning data processing to drug development – clients rely on Haug Partners to protect their innovations in the United States and worldwide. The technology prosecution practice emphasizes computers, data networks, and financial technology, building on our professional experience, such as Partner Jon Gordon's background as a derivatives trader and a software developer. Gordon has deep experience protecting inventions related to blockchains and distributed ledgers. When seeking patent prosecution services, innovators trust the Firm's multifaceted experience and insight will let us find and protect the value in their inventions.

How does the the life sciences patent prosecution practice support the Firm's objectives of maximizing the value of its clients' intellectual property?

We routinely help innovators secure patent protection for their inventions and help navigate intellectual property questions that arise in day-to-day research and development in the pharmaceutical, biologic, and medical device industries. In life science industries, patent rights are critical in helping innovators protect their research and development investments and manage product life cycles. Our attorneys apply their strong abilities to digest complex biologic and chemical technical information to help clients procure worldwide patent rights. We apply that technical understanding to help clients navigate the interplay between patent protection and regulatory exclusivity regimes and provide a business-oriented approach in building and managing patent portfolios. Often, we work closely with both technical and business personnel to develop patent strategies that are aligned with our clients' business goals, including life cycle management of products. We are also frequently called upon by our clients to provide patent insights in various types of transactions, including evaluating patent portfolios and regulatory exclusivities relating to pharmaceutical, biologic, and medical device products. ●

“We like to say that we have a ‘deep bench’ of top tier intellectual property attorneys and can specially curate the right team of people to represent the specific needs of our clients.”

Haug Partners: Top Global Trademark Firm



Ben Natter

Trusted Trademark Counsel

Ben Natter

What goes into filing for a new trademark application?

Our aim is to go beyond robotically filing for new trademark applications – anyone can do that. Rather, we strive to help our clients carefully clear potential marks and ensure that our filing strategy matches their long-term goals for their business and brand. This process may include a global trademark search, deciding whether to add a design or additional terms to accomplish registration, analyzing potential enforcement issues, along with numerous other considerations regarding how the mark will be used and in which jurisdictions.

Our trademark team represents domestic and international clients, including world-famous brands and market leaders. Moreover, our clients stem from a broad range of industries including technology, fashion, retail, consumer goods, software, hospitality, entertainment, and media. It takes time to learn business and industry objectives to ensure clients are properly represented. Our trademark group includes attorneys with experience in the U.S. and abroad that have worked both as in-house counsel and in private practice. Our unique perspective and experience allows

clients to tackle potential roadblocks at the onset of implementation of strategy and minimize issues brands are accustomed to discovering down the road with a standard U.S.-focused firm.

What is the reach of the trademark practice?

At Haug Partners, the trademark group is global. On any given day, we handle trademark filings, enforcement, and disputes worldwide. Our team is highly effective handling global disputes because we understand there is not a one-size fits all strategy in trademark law. We tailor each client's specific needs, objectives, and concerns to develop the proper strategy. In doing so, we take into account the global implications of any particular action to ensure that we are consistently putting the client's objectives first, no matter where they may be doing business.

Our team is well equipped to handle the procurement and enforcement of intellectual property rights even in the most complex regions due to our experience and close relationships with a cultivated team of local counsel throughout the world. Notably, our team has achieved considerable success and recognition in connection with our work in Latin America and China. This keeps the practice interesting for both clients and our team and it is quite unique for a U.S.-based firm.

How does Haug Partners utilize the Trademark Trial and Appeal Board to achieve client goals?

The Trademark Trial and Appeal Board (TTAB) is a very important part of our practice in handling domestic disputes. Our team has extensive experience handling all types of disputes before the TTAB including appeals, oppositions, and cancellations. By strategically utilizing the TTAB, we are able to bring pressure on another front that tends to be quicker and more cost-effective than a federal lawsuit. The TTAB is yet another example where we are able to apply our vast experience to develop an appropriate strategy, utilizing all available avenues, on behalf of our clients.

What advice would you give a prospective client about their options if someone is infringing their trademark?

Enforcement against an infringer can feel like a daunting task for clients. We aim to tailor each client's enforcement strategy to accomplish their goals while keeping in mind important considerations such as cost, timeline, and potential publicity. Our practice utilizes a large range of enforcement measures ranging from cost-effective administrative proceedings – which can be implemented in many countries – to federal infringement lawsuits. Additionally, our team has extensive experience negotiating favorable settlement agreements on behalf of our clients. In sum, we carefully weigh options to determine the most appropriate and efficient path to achieving the objective of our client. ●



Waterfront office space, Haug Partners West Palm Beach

HAUG PARTNERS



State-of-the-art boardroom overlooking Central Park, Haug Partners New York

SELECT FIRM ACCOLADES

- Firm Managing Partner Sandy Kuzmich
Current Secretary
Federal Circuit Bar Association
- World Trademark Review for New York
2020-2023
- Patexia® Best Performing Law Firm
2023, 2022
- Patexia® Most Active Firm
2023, 2022
- Patexia® Best Performing Attorney
2023, 2022
- Leadership Council on Legal Diversity –
2022 Compass Award
- Best Lawyers® “Best Law Firms”
2023, 2022 – National Rankings in Patent
Law, Antitrust Law, FDA Law, and Mass
Tort Litigation/Class Action - Defendant
- Many Super Lawyers® and Rising Stars
distinctions