



# THINK FORWARD

## Brinks Gilson & Lione Attorneys Nichols, Lindner, Nykiel Present at ACI 7th Advanced Summit on Medical Device Patents

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CHICAGO—Brinks Gilson & Lione attorneys Jeff Nichols, David P. Lindner, and E. Brandon Nykiel will be featured presenters at the ACI 7th Advanced Summit on Medical Device Patents in New York on February 28 and March 1, 2017.

On February 28, patent litigator and shareholder Jeff Nichols will be a panelist for "Tackling the Offensive and Defensive Sides of *Inter Partes* Reviews," an overview of best practices for protecting patent portfolios and challenging competitors at the Patent Trial and Appeal Board (PTAB). The panel will review recent decisions to uncover effective uses of the *inter partes* review process and best practices for appearing before the PTAB, including avoiding procedural pitfalls such as timing and page-limit requirements.

A deeply experienced litigator, Nichols is a frequent speaker on the topic of post-grant proceedings, and is co-chair of Brinks' biotechnology and pharmaceutical practice group.

Patent litigator and shareholder David P. Lindner will be a panelist for the March 1 session "You Had me at *Halo*: Walking Through the New Willfulness Standard." The panel will provide an overview and analysis of the decisions in *Seagate* and *Halo*, and will discuss balancing the benefits of seeking an advice-of-counsel opinion with the risk of treble damages. The speakers will analyze recent post-*Halo* cases, discuss the increased influence of the district court, and offer suggestions on developing best practices for minimizing the risk of a willful infringement finding.

At Brinks, Lindner guides clients in industries ranging from medical devices to electrical and computer systems through all aspects of patent protection and enforcement.

Patent prosecutor Brandon Nykiel will be a participant in the March 1 panel "Dodging the § 101 Rabbit Hole: Patentability of Medical Devices and Related Software Post-*Alice*," a discussion of recent case law concerning the patentability of medical device and software technologies. The panel will look at ways to step away from "abstract idea" and "natural phenomena" classifications to satisfy the U.S. Patent and Trademark Office's "significantly more" standard, secure the broadest scope of protection, and factor in freedom-to-operate analyses.

With a background in electrical engineering, Nykiel advises clients with electrical and electrical-mechanical innovations on a range on intellectual property rights issues.

Brinks Gilson & Lione, one of the largest intellectual property law firms in the U.S., is an associate sponsor of ACI's 7th Advanced Summit on Medical Device Patents. The conference offers a forum for members of the rapidly evolving medical device industry to share knowledge and best practices for successfully prosecuting and litigating medical device patents.

More information is at <https://www.americanconference.com/life-sciences-patents/>.

### **Brinks Gilson & Lione**

*Celebrating its centennial year in 2017, Brinks Gilson & Lione is one of the largest intellectual property law firms in the US, and helps clients around the world to protect and enforce their intellectual property rights. Our more than 140 lawyers, patent agents and scientific advisors assist clients in all aspects of patent, trademark, unfair competition, trade secret, and copyright law. Brinks attorneys provide informed counsel with respect to innovations in a range of complex and valuable technologies, including pharmaceuticals, chemicals, bioengineering, industrial manufacturing, electronics and software, and medical devices. More information is at [www.brinksgilson.com](http://www.brinksgilson.com).*