



Jonathan Berschadsky

Partner

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Jonathan Berschadsky is a Partner at Merchant & Gould's New York office who focuses his intellectual property practice on complex matters. His 20 years of experience, mixed with a passion for technology and a flair for complex problem-solving, enable him to deliver effective technology and IP agreements, due diligence analysis, opinions of counsel, strategic patent prosecution, IP litigation and so much more.

PARTNERING WITH YOU IN ALL ASPECTS OF PATENT LAW

Whether he's litigating a patent that he drafted, counseling on an M&A or portfolio planning, Jonathan delivers a close partnership to each of his clients. He serves businesses, corporations and start-ups in a wide range of industries, including electronics, manufacturing, telecommunications and consumer products. Some of the technologies he deals with include:

- Artificial intelligence/machine-learning
- Audio signal processing
- Blockchain
- Cybersecurity
- Imaging
- Natural language processing
- Telecommunications

Regardless of your industry, he's involved in every aspect of patent law, partnering with you in your success and providing strategic insight and deliverables throughout.

- In patent prosecution, you receive a **valuable asset**.
- Through litigation as a defendant, you receive an **efficient resolution** and **disposition**.
- Through litigation as a plaintiff, you receive a **positive result**.
- In transactions, you witness **the creation of more business**.
- Through his opinion, you'll receive a **sense of safety**, giving you the confidence to move forward.

“Jonathan is a U.S. patent attorney with a brilliant legal mind. He is very business-oriented and he always sees the commercial aspects when he drafts and prosecutes patent applications before the USPTO. He brings a sense of comfort to our mutual clients by collaborating closely with me and keeping me in the loop as cases twist and turn.”

“Jonathan is a very strategic thinker and builds a friendly, positive, and trusting relationship with judges and opposing counsel alike. We have been impressed by his professionalism, legal acumen, and client-focused approach relating to transactional matters as well.”

When involved in drafting patent applications, formulating arguments for high-stakes litigations or sharing his opinions on patent infringement, he never leaves a stone unturned.

SKILLED ATTORNEY WITH A TEAM PLAYER MINDSET

Jonathan focuses on being an invaluable asset to your team, managing everything involved with your patent. He understands that true patent law requires a dedicated team for the best results. If you need trademark work, he has someone to do it. If you need a design patent, he has industrial and mechanical engineers/lawyers and skilled draftspersons ready to handle it.

You have access to the right person for the right matter, every time.

As your supporter, he'll remain your go-to while ensuring you're in the best hands and have the best resources at your disposal.

“Jonathan helped us consolidate four different sales contracts into one much stronger one. The terms are better for us and for our clients, saving time and money. He's incredibly responsive and easy to work with and genuinely cares about our business. I feel like I've gained a valuable team member.”

Jonathan is a regular CLE Instructor for the Practising Law Institute (PLI) and in-house counsel. In his free time, you'll find him moonlighting as a mixed martial artist or soaring in the hills on his mountain bike.

REPRESENTATIVE CASES

Blue Spike, LLC v. Spotify USA Inc. et al. (CDCA) Patent infringement dispute involving steganographic ciphers and data scrambling.

Dicta-Direct, LLC v. Speech Processing Solutions USA Inc. (GAND) Patent infringement dispute involving speech to text conversion and language translation services.

IPC Systems, Inc. v. Cloud 9 Tech. (D. of Del.) Patent infringement dispute involving web-based trading turrets and their use in trading communication systems as well as misappropriation of trade secrets claims.

Cloud9 Tech. v. IPC Systems (PTAB) CBM and IPR contested proceedings involving specialized communication systems.

CG Tech. Development, LLC, et al. v. DraftKings, Inc. (D. Nev. & D. of Del.). Patent infringement dispute and related IPR contested proceedings involving online contests.

Canon adv. Intellectual Ventures (D. Del.). Patent infringement dispute involving various aspects of printer, scanner, digital camera, and Wi-Fi technologies.

Sirona Dental Systems v. Danaher (D. Del.). Patent infringement dispute involving CMOS-based digital dental imaging products.

All Media Guide adv. MOAEC (W.D. Wisc.). Patent infringement dispute involving software for managing digital music.

IBM adv. Sky Technologies. Claims of patent infringement, trade secret misappropriation, breach of contract, conversion and unjust enrichment relating to e-commerce software.

Donnelly Corporation v. Johnson Controls, Inc. et al. (W.D. Mich.). Patent infringement dispute involving automotive electrochromic rearview compass mirrors.

PUBLICATIONS & SPEAKING

Speaking Engagements

Inside View for Working with the USPTO”, Moderator, NYIPLA One-Day Patent CLE Seminar, Nov. 13, 2019

“Section 101 - Three Years of Uncertainty”, Moderator, NYIPLA One-Day Patent CLE Seminar, Nov. 16 2017

Fundamentals of Patent Prosecution: A Boot Camp for Claim Drafting & Amendment Writing, Practising Law Institute, 2010-2020

PTAB Forum 2016, Managing Intellectual Property, May 12, 2016

The 11th Annual Patents for Financial Services Summit, World Congress, July 23-24, 2014

Patent Drafting Considerations in Light of Some Notable Court Interpretations of the Written Description Requirement, 16th Annual Advanced Patent Prosecution Workshop, July 2007

Publications

The Uncertain Future of Laches in Patent Litigation, IPWatchdog, co-written with Jason Dorsky, October 26, 2016

The Patent Trial and Appeal Board Designates Five Decisions as Precedential, Fitzpatrick Case Update, May 9, 2016

Is PTAB Death Squad just a myth?, Intellectual Property Magazine, June 2015

IP Due Diligence: key areas of analysis in biotech and pharma transactions, Financier Worldwide, September 2011

IP risk assessment in corporate M&A, Financier Worldwide, April 2010

Software and Patent Damages for Foreign Sales: Have the District Courts Gone Too Far?, The Computer & Internet Lawyer, July 2004

Current Developments in Business Method Patent Law, E-Commerce Law Journal, September 2001

EDUCATION

Rutgers University School of Law
J.D. 2000

Boston University
M.S. Electrical Engineering, 1993
B.S. Electrical Engineering, 1991

ADMISSIONS

Southern District of New York
Eastern District of New York
State of New York, 2001
State of New Jersey, 2000
U.S. Patent and Trademark Office

PROFESSIONAL AFFILIATIONS

New York Intellectual Property Law Association (NYIPLA)
Board of Directors
Patent Law & Practice Committee Co-Chair 2018-2020

AWARDS & RECOGNITION

Recognized in *IAM Strategy 300 Global Leaders, 2021*

Recognized in *IAM Strategy 300 – The World’s Leading IP Strategists, 2017-2021*

Winner of The Burton Awards 2016 Distinguished Legal Writing Award for co-authoring “Is PTAB ‘death squad’ just a myth?”

IP Star, Managing Intellectual Property, 2013-2021

Top Patent Prosecutors, Patent Buddy, 2011-2017

Top New York City Intellectual Property Litigator, Super Lawyers: New York Metro Edition, 2014-2021



Christopher E. Loh

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Chris Loh practices complex patent litigation in the areas of pharmaceuticals, biotechnology, and chemistry. As lead or co-counsel, Chris has litigated patent cases involving oncology therapies, anti-HIV therapies, anti-hepatitis drugs, antidepressants, and statins. He has argued before numerous federal district courts and the United States Court of Appeals for the Federal Circuit, and has won in inter partes review (IPR) proceedings before the Patent Trial and Appeal Board (PTAB), on behalf of patent owners.

In addition to his litigation work, Chris counsels clients on transactional and patent prosecution issues concerning both small-molecule drugs and biological products, such as recombinant antibodies. He also provides advice on a range of intellectual property matters, including inventorship, trade secrets, and licensing.

Experience

Representative Matters

- Represented Novartis Pharmaceuticals Corp. against multiple defendants in cases concerning patents for Novartis's Alzheimer's disease treatment, Exelon® Patch (rivastigmine)
- Represented Novartis AG against Teva Pharmaceuticals USA, Inc. in a case concerning patents for Novartis's organ transplant rejection therapy, Myfortic® (mycophenolic acid)
- Represented Genzyme Corporation against multiple defendants in cases concerning patents for Genzyme's renal disease treatment, Hectorol® (doxercalciferol)
- Represented Novartis Pharmaceuticals Corp. against Mylan Pharmaceuticals, Inc. in a case

concerning patents for Novartis's statin drug, Lescol® (fluvastatin)

- Represented Adams Respiratory Therapeutics, Inc. against Mutual Pharmaceutical Co., Inc. in a case concerning patents for Adams' antitussive drug, Mucinex® (guaifenesin)
- Represented AstraZeneca Pharmaceuticals LP against multiple defendants in cases concerning patents for AstraZeneca's anticonvulsive and antidepressant medication, Seroquel® (quetiapine)
- Represented IBM Corp. against Sky Technologies Inc. in a case concerning patents for Sky's automated negotiation software
- Represented Novartis Pharmaceuticals Corp. against Dr. Reddy's Laboratories, Ltd. in a case concerning patents for Novartis's antifungal treatment, Lamisil® (terbinafine)
- Represented Bausch & Lomb Inc. against Allergan Inc. in a case concerning patents for Allergan's glaucoma drug, Alphagan® (brimonidine)
- Represented AstraZeneca AB against Mutual Pharmaceutical Co., Inc. in a case concerning patents for AstraZeneca's antihypertensive medication, Plendil® (felodipine)

Representative Clients

- Adams Respiratory Therapeutics
- Akros Pharma
- AstraZeneca
- Bausch & Lomb Inc.
- Genzyme
- Gilead
- LEO Pharma
- Novartis
- Sanofi

Insights

Thought Leadership

[New Dance Moves? Purple Book Amendments Require Public Disclosure of 'Patent Dance' Patent Lists](#)

July 12, 2021

[Supreme Court Upholds and Limits Assignor Estoppel in Patent Cases](#)

June 29, 2021

[Supreme Court Holds That Authority Exercised by Administrative Patent Judges in IPRs Is](#)

Unconstitutional and Provides for Director Review of IPR Decisions as a Remedy

June 21, 2021

Events

Antibody Claims Drafting Master Class: Strategies for Ensuring Success in U.S.

May 16 - 17, 2019

SMI's 5th Annual Biosimilars North America Conference

November 15, 2018

Recent News

[IPWatchdog Quotes Chris Loh on the Restoring America Invents Act](#)

September 30, 2021

[Venable Fitzpatrick Obtains Favorable Markman Decision For Novartis In Entresto® Patent Litigation](#)

July 08, 2021

[BioWorld Quotes Chris Loh on a Supreme Court Case That Tested the Boundaries of Assignor Estoppel](#)

June 30, 2021

Credentials

Education

- J.D., Columbia Law School, 1998
 - Harlan Fiske Stone Scholar
 - Notes editor, *Columbia Business Law Review*
 - Intern, New York Volunteer Lawyers for the Arts
- B.S., Molecular Biochemistry and Biophysics, Economics (Double Major), Yale University, 1995

Bar Admissions

- New York
- U.S. Patent and Trademark Office

Court Admissions

- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York
- Court of Appeals for the Federal Circuit

Professional Memberships and Activities

- Frequent author on intellectual property issues; articles have appeared in *Lexology*, the *National Law Journal*, the *New York Law Journal*, *Bloomberg IP*, and *Managing Intellectual Property*
- Presented at the BIO IPCC Counsels conference and the New Jersey Intellectual Property Law Association Pharmaceutical/Chemical Patent Practice Update
- Taught for *Lawline*

Recognition

- **The Burton Awards**, *Burton Award for Legal Achievement*, 2006, 2008 (The award is presented in recognition of exceptional writing)

Related Practices

Technology, Media, and Commercial
Intellectual Property Litigation
Patent Litigation
Trademark Litigation
Intellectual Property

Related Industries

Pharmaceuticals
Life Sciences



Yu-Ming Dammann Speaker Bio

Yu-Ming Dammann is Senior Associate General Counsel of Kite Pharma, Inc. In her role at Kite Pharma, she practices intellectual property law in connection with a range of technologies across the biotechnology, life sciences and pharmaceutical fields. Among her responsibilities, she develops and manages Kite's patent portfolio, advises on transactions, and conducts due diligence for those transactions.

Yu-Ming earned her Ph.D. from the University of California, and her J.D. from Seattle University.



Christopher Davis is Chief IP Counsel for U.S. Bank, where he leads the IP legal practice - focused on protecting the bank's ever-growing IP portfolio. Named on the 2021 Law.com shortlist for Innovator of the Year, Chris works closely with inventors and innovators across the enterprise. Prior to joining the bank, Chris spent over 11 years practicing in a law firm environment. His full spectrum experience includes litigating patents, writing patents, as well as representing plaintiffs and defendants in trade secret cases. Outside of his core practice, Chris has been recognized as a 2017 Lawyer of the Year by Minnesota Lawyer magazine for his pro bono efforts in obtaining asylum in the United States for a refugee family. Before going to law school, Chris was a software engineer for seven years, programming database and video game systems for several major developers.