



**Mark Schildkraut, BD**

Mark Schildkraut is Associate General Counsel-IP and Worldwide Cybersecurity Counsel at Becton, Dickinson and Company (BD), a Fortune 500 medical technology company advancing the world of health by improving medical discovery, diagnostics and the delivery of care.

Mark has responsibility for and leads a team of IP associates that handles intellectual property matters concerning BD's Pharmaceutical Systems and Medication Delivery Solutions business units. These matters include patent, trade secret and trademark protection, drafting and negotiating technology and commercial agreements, product clearance, litigation and client counseling.

Mark is also responsible for establishing legal strategy and counsel on trade secrets as well as enforcement issues relating to the infiltration of BD's information network and product offerings and exfiltration of BD's sensitive information. Particularly noteworthy was Mark's involvement in *BD v. Maniar* and *US v. Maniar*, resulting in the guilty plea of two counts of theft and attempted theft of trade secrets. He has also been involved with criminal prosecutions in Utah and Illinois, as well as civil enforcement in California and China.

Mark has been an associate with BD's Legal Department since 2005.

Prior to joining BD, Mark was an associate at Kaye Scholer LLP (now Arnold & Porter) and Morgan & Finnegan LLP, focusing on patent litigation, IP clearance and prosecution matters. Mark received his J.D. from Fordham University's School of Law and a B.S. in Electrical Engineering from the State University of New York at Buffalo.

Counsel, New York

Intellectual Property Litigation



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#### Education

J.D., The University of Chicago  
Law School, 2005

B.A., Yale University, 2002

#### Bar Admissions

New York

U.S. Patent and Trademark Office

U.S. Court of Appeals for the  
Federal Circuit

Rachel Blitzer has more than 15 years of experience in intellectual property litigation and counseling. She focuses her practice on technically complex cases in the areas of trade secrets, patent infringement, breach of contract and antitrust. Ms. Blitzer's litigation experience spans a broad range of technologies, including software applications, financial products, industrial machinery, medical devices, pharmaceuticals and chemical products.

Ms. Blitzer has litigated numerous cases to trial, notably as a key member on the team responsible for securing a \$500 million jury verdict in favor of ZeniMax Media and id Software in trade secret misappropriation and breach of contract litigation against Oculus VR and its executives, and more recently in a confidential multi-week trade secrets arbitration trial. On the patent side of Ms. Blitzer's practice, notable representations include securing an early dismissal of a lawsuit alleging deceptive trade practices and infringement of weather prediction software patents for a reinsurance provider, and successfully fending off multiple motions to dismiss her client's complaints alleging infringement of cybersecurity patents. Ms. Blitzer also has particular experience in Hatch-Waxman litigations and has represented brand-name and generic pharmaceutical companies at both the trial and appellate levels, as well as in post-settlement antitrust actions.

She also has litigated and consulted on a number of contract actions, including matters involving check-processing systems, industrial chemicals, pharmaceuticals and trademarks. She has secured multiple favorable settlements on the eve of trial, including for a food processing equipment manufacturer acting as plaintiff, and for a rebate service provider defending claims of tortious interference with contractual relations and a prospective business advantage. Ms. Blitzer also counsels clients on corporate matters involving technological issues and has advised in the areas of RFID technology, software patents, terahertz systems, synthetic super-materials, multivitamins, ATM anti-theft technology and pharmaceuticals.

Additionally, Ms. Blitzer devotes a substantial portion of her practice to *pro bono* work, including political asylum petitions, immigration appeals, Violence Against Women Act self-petitions, unemployment insurance representations, will drafting and end-of-life planning, patent prosecution and counseling for small entities, and case reviews for The Innocence Project, in addition to serving as a member of the New York State Permanent Sentencing Commission. Ms. Blitzer also is head of the Steering Committee for Skadden's Latinx affinity network.

Representative engagements include:

- a major video game company in its copyright infringement case against a *Fortune* 500 company, resulting in a \$500 million jury verdict following a three-week trial;
- defending a prominent scientist in a multi-week trade secret arbitration trial;
- a Hatch-Waxman litigation and in securing dismissal of the complaint at the Federal Circuit on behalf of the defendant, an active pharmaceutical ingredient manufacturer, resulting in new legal precedent;
- invalidating a patent asserted against a large insurance provider on Section 101 grounds at the motion-to-dismiss stage;
- an antitrust proceeding following settlement of a Hatch-Waxman case, securing the dismissal of sham litigation claims against a brand-name drug client, followed by a favorable settlement;

# Rachel R. Blitzer

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- a major cybersecurity company in a variety of matters, including successfully opposing multiple motions to dismiss on Section 101 and pleadings grounds;
  - a leading roofing company in multiple actions, including achieving a favorable *Markman* ruling in a U.S. International Trade Commission investigation that led to the termination of the investigation, and in the defense of multiple current patent infringement litigations;
  - securing a favorable settlement on the eve of trial for a food processing equipment manufacturer;
  - a *Fortune* 500 retailer in defending against claims, including trade secret misappropriation and breach of contract, which featured major victories on summary judgment and *Daubert*; and
  - an oil and gas machinery manufacturer in the assertion of its patents in multiple litigations, resulting in favorable settlements.

# HAUG PARTNERS



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## RELATED SERVICES

Anti-Counterfeiting  
Appellate Litigation  
Biotechnology Litigation  
Due Diligence & Investigations  
Hatch-Waxman Litigation  
Intellectual Property Litigation  
Life Sciences Litigation  
Trade Secret Litigation  
Trademarks & Unfair  
Competition

## BAR ADMISSIONS

New York  
Illinois  
Registered to practice before  
the U.S. Patent and Trademark  
Office  
Court of Appeals for the Federal  
Circuit  
Southern District of New York  
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## LAURA CHUBB PARTNER

### HIGHLIGHT

Laura's experience in many facets of intellectual property – from litigation to procurement, from patents to trademarks to copyright, and across a wide-range of industries – gives her a deep knowledge base for understanding her clients' needs and advising them.

### OVERVIEW

Laura Chubb is an intellectual property partner in the firm's New York office whose practice has particular emphasis on patent and trademark litigation and procurement. Laura has litigated in Federal District Courts across the country. Laura has advised clients in a wide variety of industries, including pharmaceuticals, software, luxury goods and fashion, medical devices, food products, dietary supplements, and consumer goods. Laura is a member of the firm's Trademark and Unfair Practice Group, her experience also includes trade secret, and licensing transactions and litigation. In law school, Ms. Chubb graduated cum laude and was the Executive Production Editor of the Indiana International and Comparative Law Review.

### REPRESENTATIVE PATENT CASES

- Gibraltar Perimeter Security, LP v. RSA Protective Technologies, LLC, No. 1:20cv01121 (D.Del.)
- RSA Protective Technologies, LLC v. Delta Scientific Corp., No. 2:19cv06024 (C.D. Cal.)
- Massachusetts Institute of Technology et al v. Shire Pharmaceuticals, Inc., No. 1:13cv10020 (D.Mass.)
- Shire Development LLC et al. v. Teva Pharmaceuticals USA, Inc. et al., No. 1:17cv01696 (D.Del.)
- Shire Orphan Therapies LLC et al v. InnoPharma Inc., No. 1:16cv00456 (D.Del.)
- Shire Orphan Therapies LLC et al v. Sandoz Inc., No. 1:15cv01161 (D.Del.)
- Shire Orphan Therapies LLC et al v. Fresenius Kabi USA, LLC, No. 1:15cv01102 (D.Del.)

Western District of New York  
Eastern District of Texas  
District of Connecticut  
Northern District of Illinois  
Eastern District of Michigan

- Supernus Pharmaceuticals, Inc. v. TWI Pharmaceuticals, Inc. et al, No. 1:15cv00369 (D.N.J.)
- Supernus Pharmaceuticals, Inc. v. Actavis Inc. et al, No. 1:13cv04740 (D.N.J.)
- Microbix Biosystems, Inc. v. Novartis Vaccines and Diagnostics, Inc., No. 6:14cv00003 (E.D.Tex.)
- ADP Dealer Services, Inc. v. Suggs, No. 1:14-cv-00631 (W.D.Tex.)
- Polylok, Inc. et al v. Bear Onsite, LLC et al, No. 3:12-cv-00535 (W.D.Ky.)
- Accuhire.com Corp. v. CVS Caremark Corp., No. 4:12-cv-00693 (W.D.Mo.)
- Whitehaus Collection v. Barclay Products, Limited et al, No. 1:12-cv-00373 (N.D.Ill.)
- Whitehaus Collection v. Barclay Products, Limited et al, No. 1:11-cv-00217 (S.D.N.Y.)
- Higher One Inc v. Touchnet Info Sys Inc, No. 3:10cv01435 (D.Conn.)
- GeoTag Inc v. Frontier Communications Corp et al, No. 2:10cv00265 (E.D.Tex.)
- Somanetics Corp. v. CAS Medical Systems, Inc., No. 2:09-cv-13110 (E.D.Mich.)
- Higher One Inc v. Touchnet Info Sys Inc, No. 3:09cv00337 (D.Conn.)
- Iovate Health Sciences Inc et al v. Bio-Engineered Supplements & Nutrition Inc, No. 9:07cv00046 (E.D.Tex.)
- Medical Research Institute v. Bio-Engineered Supplements & Nutrition Inc et al, No. 6:05cv00417 (E.D.Tex.)

#### **REPRESENTATIVE TRADEMARK CASES**

- Bahlsen GmbH & Co. KG v. Stark Foods Inc., No. 1:12-cv-01185 (S.D.N.Y.)
- Bahlsen GmbH & Co. KG v. Stark Foods Inc., No. 1:11-cv-06560 (S.D.N.Y.)
- Nord-Lock, Inc. et al v. Heico Fasteners, Inc. et al, No. 1:11-cv-02725 (N.D.Ill.)
- Magnolia Operating, LLC v. Appel et al, No. 1:10-cv-09312 (S.D.N.Y.)
- Touchnet Information Systems, Inc. v. Higher One, Inc., No. 2:10-cv-02545 (D.Kan.)
- Sint, LLC et al v. Macy's Merchandising Group, Inc. et al, No. 1:10-cv-03982 (S.D.N.Y.)
- Sint, LLC et al v. Natura World Inc., No. 1:10-cv-03542 (S.D.N.Y.)
- Panda Security, S.L. v. Panda Core Technology, Inc., No. 91191921 (T.T.A.B.)
- Benz-Abess LLC v. Christian P. Benzing, No. 91186163 (T.T.A.B.)

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- Sint, LLC et al v. Sleepy Bedding & Furniture, Corp., No. 1:08cv01841 (S.D.N.Y.)
- RBC Nice Bearings, Inc v. Peer Bearing Corp, No. 3:06cv01380 (D.Conn.)
- Pom Wonderful LLC v. Geni Inc - Good Earth Nutritional Ingredients Inc et al, No. 2:05cv04647 (C.D. Cal.)
- Talk of the Town v. Gosh Enterprises Inc., No. 6:04cv00649 (M.D.Fla.)

## **PUBLICATIONS**

- "Supreme Court to Hear Case Regarding When Providing Inaccurate Copyright Registration Information Affects a Registration's Validity." Haug Partners, 6 July 2021, <https://www.haugpartners.com/article/supreme-court-to-hear-case-regarding-when-providing-inaccurate-copyright-registration-information-affects-a-registrations-validity/>.
- "United States." Patent Enforcement in the UK and Trans-Pacific Countries, GLOBE LAW AND BUSINESS, S.I., 2021, p. 389.
- "Federal Circuit Clarifies Prior Decision on Limiting Claim Preambles." Haug Partners. (19 Aug. 2020)
- "Ninth Circuit Reverses Northern District of California Decision in FTC v. Qualcomm Inc., No. 19-16122." Haug Partners (13 Aug. 2020)
- "Matal v. Tam: The Death Knell of the Lanham Act's Disparagement Clause and Implications for the Fashion Industry." The Luxury Law Alliance (July 21, 2017)
- "A Good-Faith Belief in Patent Invalidity Is No Longer a Defense to Induced Infringement," Lexology (May 26, 2015)
- "Foodborne Illness: How Do You Find Out If Your Food Might Cause Illness?" Lexology (March 31, 2014)
- "Prescription Drug TV Advertisements – How Do You Know Which Are Actually the Serious Drug Risks?" Lexology (February 21, 2014)
- "Liquid Dietary Supplements and Beverages: How Do You Distinguish?" Lexology (January 31, 2014)
- "Antibacterial Soap Rule Proposed by FDA: Could Your Antibacterial Hand Soap Be Doing More Harm Than Good – FDA Intends to Find Out," Lexology (December 20, 2013)
- "Patent Troll Legislation Happens Again – Yet Another Bill," Lexology (November 19, 2013)
- "What Subject Matter is Patent-Eligible?" Connecticut Law Tribune (October 10, 2011)
- "Tiffany Can't Sell Trademark Suit Against Ebay," Connecticut Law Tribune (October 13, 2008)

## **SPEAKING ENGAGEMENTS**

- "Exploring the New Patent Litigation Hotbeds After TC Heartland Reshaped the Map", Speaker, Patent Law Institute 2021: Critical Issues &

Best Practices, April 2, 2021.

- "The Undisclosed Reality: The Rising Importance of Trade Secrets in IP Portfolios", Moderator, NYIPLA Fall Patent CLE Series, Webinar, November 19, 2020.
- "A Conversation with STEM Leaders", Moderator, BioNJ Inspiring Women in STEM Conference, Bridgewater, New Jersey, December 1, 2017.
- "Current Hot News in the IP Industry: Venue, Trade-Secrets and On-Sale Bar," New York Law Journal In-House CLE Seminar (presenter), The Yale Club of New York, May 20, 2016.
- "Creating Your Legacy: A Pipeline for the Next Generation?", Moderator, NAWL Annual Meeting, New York, NY, July 16, 2015.

#### **EDUCATION**

- Indiana University School of Law – Indianapolis
- Vanderbilt University (B.A., molecular biology)

#### **BAR ADMISSIONS**

- New York
- Illinois
- Registered to practice before the U.S. Patent and Trademark Office
- Court of Appeals for the Federal Circuit
- Southern District of New York
- Western District of New York
- Eastern District of Texas
- District of Connecticut
- Northern District of Illinois
- Eastern District of Michigan

#### **MEMBERSHIPS**

- New York Intellectual Property Law Association, Co-Chair of Trade Secret Committee and Member of Trademark and Women in IP Committees
- Federal Circuit Bar Association, 2017-2018 Global Fellow
- National Association of Women Lawyers, Member of Fashion Law and Intellectual Property Affinity Groups
- International Trademark Association