



## **Seth R. Ogden, Ph.D.**

**Shareholder**

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Dr. Seth Ogden focuses his practice on patent litigation and the protection of clients' trade secrets. He has extensive experience in the pharmaceutical, medical device, biotechnology, and chemical technology industries. His scientific background and years of experience in the laboratory give him a unique insight when working with clients in these industries.

Seth litigates intellectual property cases throughout the country, in *inter partes* review proceedings before the U.S. Patent Trial and Appeal Board, and in Section 337 investigations before the International Trade Commission and has argued before the Federal Circuit. He is also experienced in pre-trial discovery work, claim analysis, and motions practice. Outside of litigation, Seth has proficiency in developing trade secret protection plans for clients ranging from industrial manufacturers to data analytics firms.

Seth also maintains a robust veterans' benefits pro bono practice assisting veterans with disability claims. He has pursued veterans' claims to the Board of Veterans Appeals and the Court of Veterans Claims. Seth has been honored with an Attorney for Justice Award for several years by the Tennessee Supreme Court, most recently in 2020, for his pro bono work with veterans.

## Education

J.D., American University Washington College of Law, cum laude

Ph.D., Cancer Biology, Vanderbilt University

B.A., Biology, University of Virginia

## Bar Admissions

District of Columbia

Tennessee

Virginia

Registered Patent Attorney (USPTO)

Supreme Court of the United States

## Court Admissions

- U.S. Court of International Trade
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for Veteran Claims
- Supreme Court of the United States of America
- Eastern District of Tennessee
- Middle District of Tennessee
- Western District of Tennessee
- Supreme Court of Tennessee
- Supreme Court of Virginia
- District of Columbia Courts of Appeals

## Rankings & Recognition

- Best Lawyers® *Best Lawyers in America*, Litigation – Intellectual Property, 2022
- Tennessee Supreme Court “Attorney for Justice”, 2019 – 2021

## Experience

### REPRESENTATIVE MATTERS

- Earned a \$1.64 million verdict in a trademark case involving infringement, unfair competition, and cyberpiracy.
- Represented a multinational construction machinery manufacturer in two International Trade Commission (ITC) investigations (one as claimant and one as respondent) and obtained favorable outcomes in both.
- Defended a major medical device manufacturer in a district court patent infringement dispute through summary judgment filing and obtained a settlement permitting the continued sale of the accused medical device.
- Settled a design patent infringement dispute, obtaining a full release for the accused infringer with no monetary payment.

- Represented in clients in eighteen *Inter Partes* Review and Post-Grant Review proceedings before the Patent and Trial Appeal Board.
- Facilitated implementation of trade secrets protection programs at data analytics firms, medical diagnostics companies, and industrial manufacturers.
- Assisted with expert opinion work in pharmaceutical antitrust cases.
- Prosecuted patents in the pharmaceutical, biotechnology, medical device, and industrial chemical spaces.

## REPRESENTATIVE PATENTS

- 10,335,523 Incontinence aid
- 9,956,547 Preparation of polyglycerols
- 9,897,615 Immunoassay for free vitamin D
- 9,814,676 Encapsulation system

## Presentations & Publications

### PRESENTATIONS

#### Legal Presentations

- Your Patent vs. My Good Faith: Inducement to Infringe, Tennessee Intellectual Property Law Association Fall 2015 CLE Seminar, Nashville, TN November 13, 2015
- Update on Induced/Divided Infringement and Indefiniteness, General Session IP Panel, Life Science Tennessee Annual Conference & Venture Forum, Nashville, TN September 29, 2015
- PhD Career Connections, Vanderbilt University, Nashville, TN September 11, 2013
- 2014 CCR-FYI Colloquium, Tech Transfer and Patent Rights, NCI, NIH, Frederick, MD March 24, 2014

#### Scientific Presentations

- Oral, Campylobacter, Helicobacter and Related Organisms International Meeting; Rotterdam, Netherlands, 2007; Honors: Best Young Investigator
- Poster, American Gastroenterology Association Annual Conference, Washington, DC, 2007
- Poster, American Gastroenterology Association 2006 Annual Conference, Los Angeles, CA, 2006
- Poster, American Society for Microbiology Meeting, Atlanta, GA, 2005

### PUBLICATIONS

#### Legal Publications

- Alex Huffstutter & Seth Ogden, *Intellectual Property Protections For Cannabis Cultivars*, High Times (Jan. 22, 2020), available at <https://hightimes.com/business/intellectual-property-protections-for-cannabis-cultivars/>
- Design Patent Damages Awards Under Apple v. Samsung, Tennessee Bar Journal,

James M. Starling, Seth R. Ogden, Ryan D. Levy (Sept. 1, 2015)

- Crowdfunding: The Open-Source Option Against Capital Crunch, Pharmaceutical Executive, Seth R. Ogden, M. Andrew Holtman (Oct. 1, 2014)
- Freedom to Operate Analysis Could Be Key to Crowdfunding Success, BNA's Patent, Trademark & Copyright Journal,
- Andrew M. Holtman, Scott J. Popma, and Seth R. Ogden (May 31, 2013)
- Noninfringement and Invalidity Opinions Can Play Increasingly Important Role in Showing Lack of Intent to Infringe and Can Prevent Summary Judgment of Contributory Infringement and Inducement, LES Insights, John C. Paul, Brian D. Kacedon, Seth R. Ogden (Nov. 20, 2012)
- The Federal Circuit's Decision in Myriad: Isolated DNA Molecules Are Patentable Subject Matter, 61 Am. U. Law Rev. 443 (2011)
- Stifling Scientific Progress: The District Court's Decision in Myriad, 2 Am. U. Intell. Prop. Brief 31 (2011)

## **Scientific Publications**

- Nagy TA, . . . Ogden SR, et al. 2011.  $\beta$ -catenin and p120 mediate PPAR $\delta$ -dependent proliferation induced by Helicobacter pylori in human and rodent epithelia. Gastroenterology, v141(2) p553-64
- Wei J, . . . Ogden SR, et al. 2010. Regulation of p53 tumor suppressor by Helicobacter pylori in gastric cancer cells. Gastroenterology, v139(4) p1334-43
- Ogden SR, et al. 2010. Matrix metalloproteinase-7 and premalignant host responses in Helicobacter pylori-infected mice. Cancer Research, v70(1) p30-5
- Wroblewski LE, . . . Ogden SR, et al. 2009. Helicobacter pylori dysregulation of gastric epithelial tight junctions by urease-mediated myosin II activation. Gastroenterology, v136(1) p236-46
- Ogden SR, et al. 2008. p120 and Kaiso regulate Helicobacter pylori-induced expression of matrix metalloproteinase-7. Mol Biol Cell, v19(10) p4110-21
- O'Brien DP, . . . Ogden SR, et al. 2008. Regulation of the Helicobacter pylori cellular receptor decay-accelerating factor. J Biol Chem, v283(35) p23922-30
- O'Brien DP, . . . Ogden SR, et al. 2006. The role of decay-accelerating factor as a receptor for Helicobacter pylori and a mediator of gastric inflammation. J Biol Chem, v281(19) p13317-23

## **Professional & Community Service**

- Board of Veterans Appeals and U.S. Court of Appeals for Veterans Claims
  - Pro bono representation of veteran claimants before the Veterans Administration
- Life Sciences Tennessee
  - Mentor
- Nashville Bar Association
  - Veterans Committee, Co-Chair
- Nashville Entertainment and IP Law Inn of Court



- Operation Stand Down Tennessee
  - Board of Directors, Vice President
- Tennessee Bar Association
  - Executive Council
  - Intellectual Property Section, Chair
- Tennessee Intellectual Property Law Association
  - Treasurer