

Daniel J. Melman

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BIOGRAPHY

Daniel Melman is a Partner in the Patent Litigation and Post Grant Proceedings Groups at Pearl Cohen's New York office. He is an experienced intellectual property litigation and trial attorney, with a focus on patent, trade secret and other complex matters across various technologies, including telecommunications, computer hardware and software, medical devices, electro-mechanical devices, biotechnology, financial services, e-commerce, and the internet. He concentrates his practice on formulating and directing the protection and commercialization of intellectual property assets.

Daniel has taken lead roles in all aspects and phases of litigation, trials, and appeals in federal courts throughout the United States, in the United States Patent Office, and in the International Trade Commission as well as coordinating multinational parallel litigation proceedings. He is also registered to practice before the United States Patent and Trademark Office. Prior to attending law school, Daniel worked as an engineer at a Fortune 1000 leading supplier of filtration, separation, and purification technologies.

Speaking Engagements:

ADMITTED

New York State Bar
U.S. Patent & Trademark
Office
U.S. Court of Appeals for the
Federal Circuit
U.S. District Court, SDNY
U.S. District Court, EDNY
The U.S. District Court Eastern
District of Texas

EDUCATION

J.D., summa cum laude, St.
John's University School of
Law, 2001. Editor St. John's
Law Review.

B.S., cum laude, Mechanical
Engineering, Polytechnic
University (now NYU-poly).

LANGUAGES

English & Hebrew

PROFESSIONAL MEMBERSHIP

The New York Intellectual
Property Law Association
(NYIPLA)

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"U.S. Trade Secret Laws - What Technology Companies Should Know,"
Tel Aviv, Israel, May 2, 2018

"David v. Goliath: Greed or Fair Play? The Evolving Market of U.S. Patent Enforcement and Monetization" - AIPPI Israel Conference, The 3rd International Convention of the Economy of Innovation, Tel-Aviv, Israel,
April 30 - May 1, 2018

Representative Cases:

Broker Genius Inc. v. Seat Scouts LLC et al., 1:17-cv-08627 (S.D.N.Y. 2017) (pending) (Software as a Service, SaaS, technology). Representing plaintiff in an action for breach of contract and unfair competition. Succeeded in obtaining a preliminary injunction against the defendants enjoining the sale of a derivative product.

Broker Genius Inc. v. Zalta et al., 1:17-cv-02099-SHS (S.D.N.Y. 2017) (Software as a Service, SaaS, technology). Represented plaintiff in an action for trade secrets misappropriation, copyright infringement, breach of contract, and unfair competition. Case settled favorably after entry of judgment in favor of Broker Genius and a permanent injunction against the defendants.

Research Corporation Technologies, Inc. v. Eli Lilly and Company, 4:16-cv-00191-TUC-FRZ (D. Az. 2016) (pending) (Recombinant enzyme technology in the manufacture of Insulin drugs).

American Intellectual Property Law Association (AIPPLA)

PUBLICATIONS

Federal Circuit Clarifies Personal Jurisdiction Law in Declaratory Judgment Cases - Lexology, February 2017

Federal Circuit Provides Clarity For Contract Manufacturing On-Sale Invalidity Claims - The IP Strategist, August 2016

Federal Circuit Refuses to Review the PTAB's Decision to Institute IPR - The IP Strategist, April 2015

IP Monetization Cannot Be Ignored - Globes English, March 2015

Significant Patent Damages Cases Will Lead To More Rigorous Damages Proof - The New York Intellectual Property Law Association Bulletin, April/May 2011 Bulletin

United States Supreme Court

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Representing plaintiff in an action for breach of license agreement and unjust enrichment. Mute First Ring Ltd. v. LG Electronics, Inc. et al., Case No. 1:18-cv—00725 (S.D.N.Y. 2018) (pending) (Android OS functionality). Representing plaintiff patent owner in an action for patent infringement.

Tjat Systems v. Expedia, Inc., Case No. 1:16-cv-00581 (D. Del. 2016) (pending) (E-commerce and internet server technology). Representing plaintiff patent owner in an action for patent infringement. Successfully defeated motion to dismiss on 101 grounds.

RegenLab USA LLC v. Estar Technologies Ltd., Case No. 1:16-cv-8771 (S.D.N.Y. 2016) (pending); RegenLab USA LLC v. Raj Kanodia, M.D. et al., Case No. 1:17-cv-03845 (S.D.N.Y. 2017) (pending) (platelet rich plasma technology). Patent infringement. Antitrust counterclaims.

Representing manufacturer, distributors, and physician end-users in multiple litigations involving defending against claims of patent infringement and assertion of antitrust counterclaims.

Karmon v. Miambe Ltd., Case No. 1:16-cv-01643-DLC (S.D.N.Y. 2015) (dental implant devices) Patent infringement on behalf of patent owner. Case settled favorably.

On Track Innovations Ltd. v. T-Mobile USA, Inc., Case No. 1:12-cv-2224 (S.D.N.Y. 2012) (near field communication and mobile devices) Patent infringement on behalf of patent owner. Case

Takes a Second Look at Patent Exhaustion, But Is It Déjà Vu Again? – International Asset Management (IAM) Magazine (2010)


Patentable Subject Matter in the US: Past, Present, and Future – International Asset Management (IAM) Magazine (May 2009)

Post Markman: Claim Construction Trends – 7 RICH. J. L. & TECH. 34 (Spring 2001)

Patently Wrong: A Critical Analysis of Florida Prepaid Postsecondary Education Expense Board v. College Savings Bank – 74 St. John's L. Rev. 875 (2000)

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settled favorably following successful Markman decision and summary judgment ruling of infringement.

Realtime Data LLC v. Morgan Stanley, Case No. 1:11cv6696 (S.D.N.Y. 2012) (financial data compression) Patent infringement. Case settled favorably.

LG Electronics v. Iridian, Case No. 2:04cv391 (D.N.J. 2007) (biometrics) Patent and copyright infringement, trade secret misappropriation, breach of contract, and antitrust violations. Case settled on favorable terms.

Donnelly v. Reitter & Schefenacker, Case No. 1:00cv751 (W.D. Mich. 2002) (electro-mechanical automotive devices) Patent infringement on behalf of patent owner. Case settled favorably following successful Markman decision.


Litton v. Pirelli, Case No. 00-cv-10584 (C.D. Cal. 2008) (fiber optic amplifiers) Patent infringement. Case settled favorably prior to trial.

Yeda v. ImClone, Case No. 1:03cv8484, 443 F.Supp.2d 570 (S.D.N.Y. 2006) (anti-cancer therapy) Represented the Weizmann Institute of Science in an action to correct the inventorship of a patent covering the use of ImClone's blockbuster monoclonal antibody Erbitux® (cetuximab). Case settled favorably following a plenary trial and decision on the merits in favor of Weizmann.

Samsung v. Ericsson, Inv. No. 337-TA-866 (ITC 2013) (LTE systems) Patent infringement. Case settled favorably following a plenary evidentiary

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hearing.

IBM v. ASUS, Inv. No. 337-TA-628 (ITC 2011)
(wireless routers and computer power management) Patent infringement on behalf of patent owner. Case settled favorably following a plenary evidentiary hearing.

Israel Bio Engineering v. Amgen, Case No. 2:02cv6860 (C.D. Cal. 2002) (autoimmune disease therapeutics) Patent infringement. Resolved by successful summary judgment motions.

IPR2015-01317 (USPTO 2015): Detachably Integrated Battery Charger for Mobile Cell Phones and Like Devices. Inter Partes Review on behalf of Petitioner. IPR and related district court cases settled favorably.