

Counsel, New York

Intellectual Property Litigation



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Education

J.D., Harvard Law School, 2003
B.S., Massachusetts Institute of Technology, 2000 (Phi Beta Kappa, Order of Omega)

Bar Admissions

New York
U.S. Supreme Court
U.S. District Courts for the Southern and Eastern Districts of New York
U.S. District Court for the Eastern District of Michigan
U.S. Court of Appeals for the Federal Circuit
U.S. Patent and Trademark Office

Stacey L. Cohen represents clients in all aspects of intellectual property litigation and arbitration with a focus on patent, trade secret, and other technology and science-based disputes. Ms. Cohen's practice spans litigations in federal and state court at both the district court and appellate levels as well as in proceedings before the National Advertising Division and National Advertising Review Board involving technical claim substantiation. Ms. Cohen's practice also includes counseling on acquiring, evaluating, licensing, enforcing and protecting intellectual property rights, and she has served as the technical liaison with in-house scientists in consumer class actions and in crafting pre-litigation strategy.

Ms. Cohen has advised clients in the pharmaceutical, medical device, biotechnology, financial services, consumer electronics, retail, cosmetics, semiconductor, food services equipment, beverage and IT industries. Notable representations include:

- serving as trial counsel in a jury trial involving virtual reality technology before the U.S. District Court for the Northern District of Texas, which resulted in a \$500 million verdict against Facebook subsidiary Oculus and its executives for copyright infringement, breach of contract and false designation;
- a complete victory in a bet-the-company arbitration involving an IP licensing dispute;
- providing counsel on claim support substantiation and false advertising matters including NAD and NARB proceedings and consumer class actions involving FDA-regulated products;
- representing multiple financial services entities in an industry-wide patent litigation, which resulted in findings of no infringement by all clients;
- ensuring that a client's patent enforcement action remained in the original jurisdiction;
- securing a client's freedom to operate by proving a competitor's patent to be invalid;
- successfully resolving numerous patent, trade secret and false advertising disputes through mediation and other alternative dispute resolution processes on favorable terms for clients; and
- serving as author of an *amicus* brief submitted to the Supreme Court of the United States on behalf of the American Bar Association, whose proposals were largely adopted by the Supreme Court.

Ms. Cohen has represented, among others, Anheuser-Busch InBev, BlackBerry, Celgene, Endo Pharmaceuticals, Estee Lauder, Goldman Sachs, Hewlett-Packard, Johnson Matthey, J.P. Morgan Chase, Middleby Corporation, Morgan Stanley, Mount Sinai School of Medicine, Viking River Cruises and ZeniMax Media.

Ms. Cohen is a frequent contributor to publications, including *Law360*, *BNA's Patent, Trademark & Copyright Journal*, *Intellectual Property Magazine*, *Practical Law The Journal* and the *AIPLA FDA Flash*, and has been quoted in publications including *Forbes*, *Law360*, the *ABA Journal* and *Intellectual Asset Management Blog* concerning recent rulings on patent law. She has presented at the Practising Law Institute's Patent Law Institute and IP Monetization seminars and the NYIPLA Patent CLE Seminar, as well as at the International IP ADR Center Program in Seoul, Korea.

Stacey L. Cohen

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Ms. Cohen devotes substantial time to *pro bono* work for the Innocence Project, including authoring two petitions for writs of *certiorari* submitted to the Supreme Court of the United States on behalf of a death row inmate. She was named a 2015 Empire State Counsel Honoree by the New York State Bar Association for her *pro bono* work.

“Supreme Court Lowers the Bar for Attorneys’ Fees in Patent Litigations,” *Intellectual Asset Management*, July/August 2014

She is a member of the Skadden IP Litigation Group that has received numerous accolades, including as a finalist for 2018 Litigation Department of the Year (*The American Lawyer*), one of the top legal advisers general counsel turn to for pharmaceutical work (BTI Counseling), one of the top six IP litigation powerhouses (BTI’s Litigation Outlook 2017 report), a 2015 Technology Practice Group of the Year for courtroom victories in the technology sector (*Law360*) and one of the country’s leading IP practices in its IP Hot List for multiple years (*The National Law Journal*).

Ms. Cohen has served as vice chair of the Biosimilars Subcommittee of the Food and Drug Committee of the American Intellectual Property Law Association, and currently serves as a member of the board of directors for the American Committee of the Weizmann Institute for Science.

Publications

“Is One the Only Lonely Number? *Life Technologies v. Promega* and the Impact on Substantiality Requirements in the Patent Context and Beyond,” *BNA’s Patent, Trademark & Copyright Journal*, May 19, 2017

“Catching Fire: The Odds of Patent Eligibility For Life Sciences Patents Are No Longer in Favor,” *BNA’s Patent, Trademark & Copyright Journal*, January 29, 2016

“1 Year Later, Teva Providing Less Certainty Than Expected,” *Law360*, January 19, 2016

“GC Agenda: November 2015,” *Practical Law*, November 2015

“Spotlight on Extrinsic Evidence – What is the Anticipated Impact of *Teva v Sandoz*?”

“Into the Rabbit Hole: Invalidation Fallout of *Alice* Is Not Limited to Computer-Based Inventions,” *AIPLA FDA Flash*, February 2015

“How High Court Teva Ruling Will Affect Patent Litigants,” *Law360*, January 21, 2015

“Professional Insight: An Analysis of the First Few Decisions Following *Octane Fitness* — Watershed or Water Under the Bridge?” *Financier Worldwide*, September 2014