

## Andrew P. Zappia

Partner

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Andrew has a long track record of finding innovative solutions for dispute and licensing challenges for a wide range of technology companies in the chemical, biotech, and information technology industries.

### OVERVIEW

Andrew represents a wide variety of technology and media companies in intellectual property disputes and licensing, joint development, and commercial transactions. He focuses his patent dispute practice on *inter partes* review (IPR) proceedings before the PTAB, trials and arbitrations relating to pharmaceuticals and biotechnology, biosimilars, medical devices, mechanical inventions, and software. He is experienced in the full array of issues that arise in connection with intellectual property disputes, including patent, trademark, and copyright protection and infringement; International Trade Commission proceedings; antitrust issues; and trade secret and trade dress protection and disputes. He focuses his transactional practice on national and international commercial, sale, and licensing deals in the biotech and information technology fields.

Andrew is highly experienced in IPR practice before the PTAB, and has served as litigation counsel in more than 40 IPR proceedings. He and his team have successfully represented both patent owners and petitioners across a wide variety of technology areas. His team is also well-versed in other proceedings before the Patent Office, including *ex parte* reexaminations, reissues, supplemental examinations, derivation proceedings, and interferences.

Additionally, Andrew has an active abbreviated new drug application (ANDA) and biosimilar patent litigation practice. He has served as lead counsel in more than a dozen ANDA litigations in the U.S. and has coordinated international pharmaceutical patent enforcement strategies in Europe, Canada, India, Japan, New Zealand, and Australia. Many of these matters have involved billion-dollar drug products, and he has worked with internationally renowned experts, conducted *Markman* hearings and trials, and consulted with clients on antitrust, biosimilar patent dance, FDA, and settlement strategies.

Andrew has also handled many copyright, trademark, and trade secret disputes. He has represented dozens of technology, media, franchise, and distribution companies in a wide range of areas, including business formation, regulatory and disclosure practice, dispute resolution, litigation, and arbitration work.

Andrew is practice group leader for Health Care + Life Sciences Intellectual Property.

### REPRESENTATIVE MATTERS

- Served as litigation counsel in IPR proceedings for both patent owners and petitioners in biotech, medical device, and information technology fields.
- Served as lead litigation counsel for a patentee in pharmaceutical and biosimilar patent litigations, which included coordinating responses to ANDA certification letters; drafting responsive pleadings and motions; conducting fact discovery in the U.S., Europe, Asia, and Australia; preparing expert reports; conducting *Markman* hearings and trials; and preparing appellate papers.
- Served as lead counsel for numerous technology and media companies for licensing, joint development, manufacturing, and distribution agreement transactions.
- Advised international drug development company on biosimilar strategy relating to a billion-dollar biologic drug product.
- Represented a medical device company in patent litigations relating to dental implants.
- Represented a major retailer in a design patent dispute.
- Advised multiple clients in mechanical and design patent disputes covering technologies including tennis court repair systems, water pipe coupling technology, and consumer product designs.
- Represented telecommunications and media companies in multiple licensing, patent, copyright, and ITC disputes.
- Resolved multiple patent litigations relating to sports equipment technologies for sports technology companies.
- Represented several top 100 franchise companies in trademark infringement litigations.

#### **PTAB Proceedings – IPRs**

- *Samsung Electronics Co., Ltd. v. SiOnyx, LLC*, IPR2024-00064, 01431, 00065, 00161, 00162, 00163, 00164, 00165, 00689, 00811, 00845 (Patent Owner). Represented patent owner in 11 IPR proceedings relating to semiconductor technologies.
- *Cargill, Incorporated v. Bunge Lodgers Crokiaan USA, LLC*, IPR2024-01360 (PTAB) (Patent Owner). Represented patent owner in IPR relating to food and nutritional technologies.
- *Arnold & Richter Cine Technik GMBH & Co. Betriebs KG v. Rotolight Limited*, IPR2021-01496, 01497, 01498, 00099 (Patent Owner). Represented patent owner in 5 IPR proceedings relating to lighting technologies.
- *Nanofiber Solutions, LLC v. Acera Surgical, Inc.*, IPR2021-01016 (Petitioner). Representing petitioner in an IPR on a medical device technology.
- *AB Vista, Inc., Abitec Corporation, AB Enzymes GmbH, PGP International, Inc., Associated British Foods, plc, and AB Enzymes, Inc. v. Cornell Research Foundation, Inc.*, IPR2019-00582, -00581, -00580, -00579, -00578, and -00577 (6 IPRs) (Patent Owner). Represented patent owner in six IPRs relating to biotech inventions.
- *3Shape A/S and 3Shape Inc. v. Align Technology, Inc.*, IPR2021-01120, -01240, -01241, -01323, and -01383 (5 IPRs) (Petitioner). Represented petitioner in five IPRs relating to medical device technologies.
- *Quantum Metric, Inc., Decibel Insight, Ltd., and Decibel Insight, Inc. v. Content Square Israel Limited (f/k/a Clicktale Limited)*, IPR2021-00363, -00364, -00416 (terminated), -00464, -00530, and IPR2022-00476 (6 IPRs) and CAFC Appeal Nos. 2022-2205, -2206 (Patent Owner). Representing patent owner in six IPRs relating to internet technologies.
- *Content Square SAS v. Medallia Inc.*, IPR2022-00316 (Petitioner). Representing petitioner in IPR relating to internet technologies.
- *Intel Corporation v. Tela Innovations, Inc.*, IPR2019-01220, -01221, -01228, -01254, -01255, -01256, -01257, -01262, -01513, -01515, -01518, -01520, -01521, -01522, -01636, and -01637 and CAFC Appeal No. 2021-1730 (16 IPRs) (Patent Owner). Represented patent owner in 16 IPR proceedings challenging five patents relating to semiconductor technology.
- *Microsoft Corporation v. Science Applications International Corp.*, IPR2019-01311, -01312, -01359, -01360, and -01361 and CAFC Appeal Nos. 2020-1464, -1465, -1466, -1467, and -1468 (5 IPRs) (Patent Owner). Represented patent owner in 5 IPR proceedings challenging five patents relating to defense technologies.
- *Apple, Inc. v. Andrea Electronics Inc.*, IPR2017-00626 and CAFC Appeal No. 2021-1248 (Patent Owner).

Representing patent owner in IPR proceeding and appeal relating to audio technology.

## Patent Litigations

- *Amneal Pharmaceuticals LLC and Impax Laboratories, LLC v. Sandoz, Inc.*, 3:25-cv-00181-GC-TJB (DNJ) (ANDA).
- *KWS SAAT SE & Co. KGAA v. Sesvanderhave and Sesvanderhave USA, Inc.*, 1:25-cv-00370-UNA (DDE).
- *Impax Laboratories, LLC v. Qilu Pharmaceuticals (Hainan) Co., Ltd. and Qilu Pharma Inc.*, 3:25-cv-03292-BRM (DNJ) (ANDA).
- *Impax Laboratories, LLC v. Biocon Pharma Ltd., Biocon Ltd., and Biocon Pharma, Inc.*, 3:25-cv-01968-JXN (DNJ) (ANDA).
- *Impax Laboratories, LLC v. Ascent Pharmaceuticals Inc.*, 1:24-cv-05299-KMW-EAP (DNJ) (ANDA).
- *Impax Laboratories, LLC v. Dr. Reddy's Laboratories Ltd. and Dr. Reddy's Laboratories Inc.*, 2:24-cv-07875-SRC-LDW (DNJ) (ANDA).
- *Baudax Bio Inc. v. Axsome Therapeutics, Inc.*, Civil Action No. 2:21-cv-1586 (D. Del.) (ANDA).
- *Encore Dermatology Inc. v. Glenmark Pharmaceuticals Limited*, Civil Action No. 2:20-cv-02509 (D.N.J.) (ANDA).
- *Arjuna Natural Ltd et al v. Dolcas Biotech, LLC et al.*, Civil Action No. 2:18-cv-11971 (D.N.J.).
- *Arcadia Biosciences, Inc. v. Vilmorin & Cie et al.*, Civil Action No. 1:18-cv-08059 (S.D.N.Y.).
- *Prime European Therapeutics, S.p.A. v. Novel Laboratories, Inc. et al.*, Civil Action No. 3:17-cv-01944 (D.N.J.).
- *New York University v. Galderma Laboratories, Inc.*, Civil Action No. 1:12-cv-08169 (S.D.N.Y.) and 2d Cir. Appeal No. 16-722 (ANDA).
- *GlaxoSmithKline Biologicals, S.A. v. Novartis Vaccines and Diagnostics SRL, et al.*, Civil Action No. 1:10-cv-01620-RJL (D.D.C.).
- *Cornell University et al v. Illumina Inc.*, Civil Action No. 1:10-cv-00433 (D. Del.) and CAFC Appeal No. 18-1902.
- *Albany Molecular Research, Inc. v. Sandoz, Dr. Reddy's, Teva Pharmaceuticals, Mylan Pharmaceuticals, Barr Laboratories et al.*, Civil Action Nos. 09-cv-04639, 09-cv-04638, No. 04-cv-01078, 04-cv-01075, 04-cv-01064 (D.N.J.) (ANDA)
- *Abbott Laboratories, Elan Pharma International Ltd. Biovail Laboratories International SRL et al.*, Civil Action Nos. 2:09-cv-00005, 08-cv-05412 (D.N.J.) (ANDA).

## Copyright, Trademark, and Trade Secret Litigations

- *JP Morgan Chase & Co, et al. v. Chase Capital Advisors, LLC*, Civil Action No. 16-cv-00777 (S.D.N.Y.).
- *Language Intelligence, Ltd. v. Linqualinx Language Solutions, Inc.*, Civil Action No. 13-cv-01516 (N.D.N.Y.).
- *Barbara McDonald v. K-2 Industries et al.*, Civil Action No. 10-cv-6678 (W.D.N.Y.).
- *Creative Photographers, Inc. v. Urban One, Inc., et al.*, Civil Action No. 21-cv-01133 (C.D.CA.).
- *August Image, LLC v. Urban One, Inc., et al.*, Civil Action No. 21-cv-05958 (C.D.CA.).
- *Mark Seliger v. Urban One, Inc.*, Civil Action No. 20-cv-08855 (C.D.CA.).
- *Dana Ruth Lixenberg v. Interactive One, LLC, et al.*, Civil Action No. 20-cv-07175 (S.D.N.Y.).
- *Kevin Downs v. Interactive One, LLC*, Civil Action No. 19-cv-8571 (S.D.N.Y.).
- *John Curtis Rice v. Interactive One, LLC*, Civil Action No. 19-cv-02223 (S.D.N.Y.).
- *Richard Harbus v. Interactive One, LLC*, Civil Action No. 18-cv-3273 (S.D.N.Y.).
- *Maid To Perfection Global, Inc. v. Andra J. Miller, et al.*, Civil Action No. 18-cv-00176 (D.N.D.).

## AWARDS

- *The Daily Record*: Power List: IP (2023)

- *Best Lawyers in America*®: “Lawyer of the Year” in Litigation – Patent (2023, 2025)
- *Best Lawyers in America*®: “Lawyer of the Year” in Litigation – Intellectual Property (2026)
- *Best Lawyers in America*®: Litigation – Intellectual Property (2024-2025), Litigation – Patent (2021-2026), Biotechnology and Life Sciences Practice (2025-2026)
- Listed in Upstate New York Super Lawyers (2011-2019)
- Recognized as a New York Super Lawyer in *Intellectual Property, Law & Politics Magazine* (2011)
- Recognized as Leader in Law (2011)
- *Legal 500 United States* (2020)
- Listed in the *New York Daily Record's* Power 20 Intellectual Property List (2022)

## TOP AREAS OF FOCUS

- Health Care + Life Sciences
- Health Care + Life Sciences Intellectual Property
- Intellectual Property
- Patent Litigation
- Post-Grant Patent Review
- Trademark + Copyright

## ALL AREAS OF FOCUS

- Academic + Research Institutions
- Franchise, Distribution + Marketing Litigation
- Health Care + Life Sciences
- Health Care + Life Sciences Intellectual Property
- ITC Litigation
- Intellectual Property
- Litigation + Trial
- Patent Litigation
- Post-Grant Patent Review
- Trademark + Copyright

## PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Civil Practice & Procedure Committee, State Bar of Arizona
- Past member, Intellectual Property Section, American Bar Association
- Past member, International Franchise Association
- Past member, American Bar Association Forum on Franchising

## EDUCATION AND CERTIFICATIONS

### EDUCATION

- University of Virginia School of Law, J.D., 1995, Order of the Coif; assistant editor, *Harvard Journal of Law and Public Policy*

- Tufts University, B.A., *summa cum laude*, 1991, Phi Beta Kappa

## BAR ADMISSIONS

- New York
- District of Columbia
- Arizona

## COURT ADMISSIONS

- Supreme Court of New York, Appellate Division, Fourth Judicial Department
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Western District of New York
- U.S. District Court, Northern District of New York
- U.S. District Court, District of Maryland
- U.S. District Court, Eastern District of Texas
- U.S. District Court, District of North Dakota
- U.S. District Court, District of Arizona

## CLERKSHIPS

- Hon. Christine O.C. Miller, U.S. Court of Federal Claims, 1995-1996

## SPEAKING ENGAGEMENTS

- Speaker, "[Navigating the Nexus: Intellectual Property and Regulatory Challenges in Plant Breeding](#)," CROP Innovation & Business 2025, March 31, 2025.
- Speaker, "[Patent Post-Issuance Proceedings at the USPTO](#)," Philadelphia Bar Association, August 28, 2024.
- Speaker, "[Patent Post-Issuance Proceedings at the USPTO](#)," Arizona State Bar CLE, April 23, 2024.
- Panelist, PTAB Developments, 2023 Federal Circuit Bench & Bar Conference, The Broadmoor, Colorado Springs.
- National Association of University Counsel: Program on Litigation Financing for IP and Civil Litigation Disputes.
- ABA IP Law Section: Program on Standards for Willful Infringement.
- International Chamber of Commerce: Program on United States IP Law Basics.
- Monroe County Bar Association Program: Law of Sanctuary Cities.
- ABA Forum on Franchising: Program on Licensing and Franchise Regulatory Developments.
- International Franchise Association: Program on the Implied Covenant of Good Faith and Fair Dealing.

## PUBLICATIONS

- Podcast, "[Understanding the Impact of IPR Estoppel and PTAB Discretionary Denials](#)," *Patents: Post-Grant Podcast*, July 1, 2025.
- Co-author, "[How IPR Estoppel Ruling May Clash With PTAB Landscape](#)," *Law360*, June 17, 2025.

- Podcast, “[Navigating PTAB's New Approach to IPR and PGR Discretionary Denial](#),” *Patents: Post-Grant Podcast*, May 6, 2025.
- Co-author, “[Budding Lessons From Landmark Plant Seed Patent Battle](#),” *Law360*, October 23, 2024.
- Podcast, “[New Developments in Obviousness-Type Double Patenting and Original Patent Requirements](#),” *Patents: Post-Grant Podcast*, August 12, 2024.
- Podcast, “[Behaving Badly: OpenSky v. VLSI and Sanctions at the PTAB](#),” *Patents: Post-Grant Podcast*, February 14, 2024.
- Co-author, “[The Murky World of IP Protection for Gene-Edited Plants](#),” *Law360*, October 26, 2023.
- Podcast, “[Disputing Patent-Eligible Subject Matter in PGRs and IPRs](#),” *Patents: Post-Grant Podcast*, July 11, 2023.
- Podcast, “[Reexamination in IPR and PGR Practice](#),” *Patents: Post-Grant Podcast*, June 5, 2023
- Podcast, “[Reissue in IPR and PGR Practice](#),” *Patents: Post-Grant Podcast*, April 4, 2023
- Podcast, “[Reissue vs. Reexamination in IPR and PGR Practice](#),” *Patents: Post-Grant Podcast*, March 1, 2023
- Co-author, “[Patent Licensing](#),” *The Licensing Journal*, Volume 42, Number 2, February 2023.
- Podcast, “[Discretionary Denials at the PTAB: What to Expect?](#)” *Patents: Post-Grant Podcast*, August 11, 2022.
- Co-author, “[Strategic Considerations for ITC Investigations Given USPTO's New Guidance on IPR/PGR Discretionary Denial](#),” *Troutman Pepper*, July 21, 2022.
- Co-author, “[New PTO Guidance Helps Clarify Discretionary Denial of IPR and PGR Petitions](#),” *Troutman Pepper*, June 27, 2022.
- Podcast, “[Motions to Amend: PTO Pilot Program Extended](#),” *Patents: Post-Grant Podcast*, October 6, 2021
- Podcast, “[Drilling Down: Real Parties in Interest and Time Bars](#),” *Patents: Post-Grant Podcast*, August 2, 2021
- Podcast, “[IPR Institution and Early Intervention](#),” *Patents: Post-Grant Podcast*, May 24, 2021.
- Podcast, “[Enforcing IP in a Pandemic: Considerations, Risks, Strategies](#),” October 27, 2020.
- Published Op-Eds and letters on legal topics: *The Wall Street Journal*, *New Jersey Law Journal*, *Oklahoma Law Journal*, *Legal Times*, and *The Democrat & Chronicle*.
- Author, Franchise Law Chapter, Treatise: *Commercial Litigation in New York State Courts*.

## MEDIA COMMENTARY

- Quoted, “[Life Sciences M&A Set to Boom, Litigation to Remain Steady Under New Trump Admin](#),” *The Legal Intelligencer*, November 11, 2024.
- Featured and Interviewed, “[Power 20 Intellectual Property List: Andrew P. Zappia](#),” *New York Daily Record*, September 22, 2022.
- Quoted, “[Intellectual Property Basics: A Look at Tips and Trends](#),” *New York Daily Record*, March 8, 2022.
- Quoted on developments in patent venue rules, *Rochester Business Journal*.