# Bryan C. Smith
Counsel

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## OVERVIEW

Bryan focuses his practice on preparing and prosecuting patent applications in a wide range of technologies, with a particular focus on optical technologies, electrical components, mobile and smart phone applications, imaging devices, and mechanical systems. He also has experience in conducting patentability, infringement, and invalidity studies, as well as reviewing and providing guidance with respect to licensing agreements.

Bryan's practice also includes intellectual property litigation involving patents, trademarks, and trade dress. His litigation experience consists of discovery proceedings, including deposition preparation; preparing and responding to written discovery demands; and preparing and filing discovery-related motions, as well as dispositive motion practice and trial preparation. He also has assisted in drafting appeals to the Federal Circuit on patent-related issues.

## AWARDS

- *Best Lawyers: Ones to Watch*: Litigation – Patent (2022)

## TOP AREAS OF FOCUS

- Health Care + Life Sciences
- Health Care + Life Sciences Intellectual Property
- Intellectual Property

## PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, New York State Bar Association
- Member, American Intellectual Property Law Association
- Member, Rochester Intellectual Property Law Association
- Member, American Bar Association

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## EDUCATION AND CERTIFICATIONS

### EDUCATION

- Boston College Law School, J.D., 2006
- Hamilton College, B.A., *magna cum laude*, 2002, physics, Phi Beta Kappa

### BAR ADMISSIONS

- New York
- U.S. Patent and Trademark Office

### COURT ADMISSIONS

- U.S. District Court, Western District of New York
- U.S. Court of Appeals, Federal Circuit

## PUBLICATIONS

- Podcast, "New Preorder Patent Owner Rights in *Ex Parte* Reexamination," *Patents: Post-Grant Podcast*, May 18, 2026.
- Podcast, "USPTO Proposes New Rules to Limit Multiple Validity Challenges," *Patents: Post-Grant Podcast*, November 13, 2025.
- 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.
- Podcast, "Director Review Under the USPTO's Final Rule," *Patents: Post-Grant Podcast*, October 23, 2024.
- Podcast, "Behaving Badly: *OpenSky v. VLSI* and Sanctions at the PTAB," *Patents: Post-Grant Podcast*, February 15, 2024.
- Podcast, "USPTO Director Review," *Patents: Post-Grant Podcast*, October 25, 2023.