Nicholas J. Gallo

Counsel

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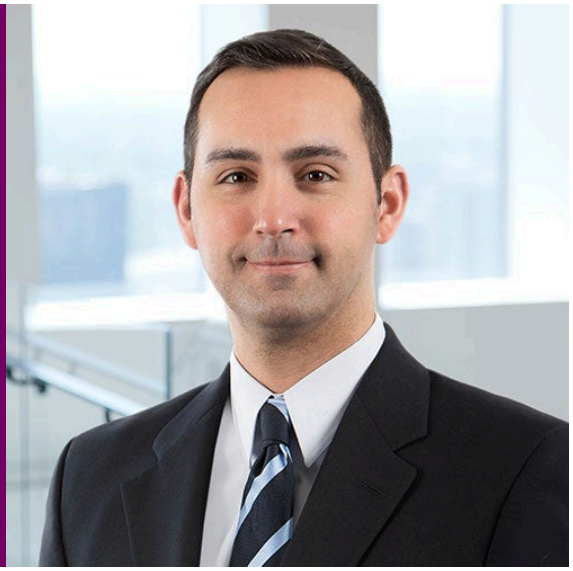

Nicholas counsels technology clients on intellectual property strategy and has particular experience navigating the eligibility of software inventions for patent protection as well as managing patent and trademark assets to achieve business goals.

OVERVIEW

Nicholas is an experienced technology attorney focusing his practice on strategic management of intellectual property assets, for clients ranging from startups to multinational corporations. He helps build and manage patent portfolios in a wide range of technology areas, with a particular focus on software, network traffic management, operating systems and virtualization, network security, cloud storage solutions, artificial intelligence, financial and blockchain technology, image processing and optical systems, and electromechanical systems across the automotive, medical, and consumer products industries.

He has significant experience in post-issuance practice before the U.S. Patent and Trademark Office. Throughout his career, he has counseled both petitioners and patent owners in numerous *inter partes* review procedures. Nicholas also provides counsel regarding computer technology in patent infringement cases litigated throughout the U.S. As part of his post-issuance work, Nicholas often assists clients with patent license agreements, as well as infringement and invalidity opinions.

In addition to his patent practice, Nicholas provides trademark and copyright counseling, particularly in the computer software industry. He helps clients manage trademark portfolios and assists with trademark infringement actions. Nicholas is also a certified legal specialist with experience conducting open source software due diligence analysis.

His diverse experience includes roles as in-house counsel for the imaging electronics group of a large technology company and as on-site counsel for a small, research-based startup focused on sensor technology. Nicholas is often asked to help clients protect and defend their technology investments. As part of this work, he regularly collaborates with patent counsel and inventors to develop and implement intellectual property strategies.

REPRESENTATIVE MATTERS

- Participated in invention harvesting, mining sessions, and patent portfolio management for a large data storage technology company relating to hybrid cloud architectures, data storage optimization, and storage operating systems.

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- Part of outside counsel team that developed a strategic patent portfolio for a computer network technology company relating to load balancing, network security, and application acceleration over the course of 10 years and from a nascent portfolio to more than 400 U.S. patents.
- Represented a petitioner in a validity challenge of several families of patents relating to optical scanner technology for providing digital representations of three-dimensional objects within the intraoral cavity in *3Shape A/S et al. v. Align Technology, Inc.*, Case Nos. IPR2021-01120, IPR2021-01240, IPR2021-01241, IPR2021-01323, IPR2021-01383.
- Counseled numerous clients on obtaining patent protection for artificial intelligence and machine learning technologies from personalized precision oncology solutions and real-time accent translation to credit lending models.
- Managed patent and trademark portfolios on behalf of clients with blockchain technologies for decentralized fintech applications and verifiable compute for decentralized data warehouses.
- Represented a patent owner in defense of multiple families of patents relating to session replay and heat map computer software technology in five IPRs.
- Advised several early-stage medical device and medical software companies in our Startup and Early-Stage Entrepreneurial Development (SEED) program in developing intellectual property strategies to protect technology investments and facilitate fundraising.

AWARDS

- *Best Lawyers in America®: Ones to Watch*: Intellectual Property Law (2023-2025)
- *Managing Intellectual Property*, Rising Star, IP Stars (2025)
- 2024 Patent Pro Bono Certificate, Support of Volunteer Lawyers for the Arts – New York, United States Patent and Trademark Office (April 2025)
- Selected for inclusion on the *Upstate New York Rising Stars* list for Intellectual Property (2016-2019)

TOP AREAS OF FOCUS

- Academic + Research Institutions
- Artificial Intelligence
- Health Care + Life Sciences Intellectual Property
- Intellectual Property
- Patent Litigation
- Patent Prosecution, Counseling + Portfolio Management
- Post-Grant Patent Review
- Trademark + Copyright

ALL AREAS OF FOCUS

- Academic + Research Institutions
- Artificial Intelligence
- Data Centers
- Digital Assets + Blockchain
- Digital Health
- Health Care + Life Sciences Intellectual Property
- Intellectual Property
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Litigation + Trial
- Patent Litigation
- Patent Prosecution, Counseling + Portfolio Management
- Payments + Financial Technology
- Post-Grant Patent Review
- Real Estate Technology
- Trademark + Copyright

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, American Intellectual Property Law Association
- Member; Former member, Board of Governors, Rochester Intellectual Property Law Association
- Former trustee; Former chair, Alumni Association, Allendale Columbia School
- Member, Eagle Bay Park Association

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of New Hampshire Franklin Pierce School of Law, J.D., *cum laude*, 2008
- Bucknell University, B.S., *cum laude*, 2005, computer science and engineering

BAR ADMISSIONS

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

COURT ADMISSIONS

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

PUBLICATIONS

- Podcast, "Subject Matter Eligibility Challenges in Post-Grant Proceedings," *Patents: Post-Grant Podcast*, March 30, 2026.
- 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, "Leveraging Policy Changes to Achieve AI Patent Eligibility," *Law360*, August 23, 2024.
- Podcast, "USPTO Director Review," *Patents: Post-Grant Podcast*, October 25, 2023.