

Tate L. Tischner

Partner

Rochester

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D 585.270.2109



Tate uses his technical training and scientific research background to advise health sciences and agricultural clients on protecting and maximizing the value of their innovations.

OVERVIEW

Tate is the managing partner of the Rochester office and a registered patent attorney who counsels clients on domestic and foreign utility patent prosecution, plant patents, plant variety certificates, interferences, reexaminations, reissues, foreign oppositions, licensing, noninfringement and validity opinions, and patent litigation.

He has handled legal matters in a variety of technologies, with particular emphasis in biotechnology, molecular biology, plants, agricultural technology, medicinal chemistry, synthetic chemistry, membrane technology, and medical devices.

In the botanical and agricultural technology areas, Tate has broad experience in patent prosecution, plant patenting, and plant variety protection, for crops, ornamental plants, genetically modified plants, plant-breeding technologies, agricultural compositions, plant varieties, various food-related technologies (e.g., food compositions, health and functional foods, food additives, food-related products for treatment of human diseases, and animal feed compositions), farm equipment and implements, and opinions, patent disputes, and litigation for major crops.

Tate has presented to numerous groups on topics related to intellectual property law, including diagnostic methods patents, plant protection, subject matter eligibility for biotechnology inventions, patent legislation, promulgation of new patent rules, Patent and Trademark Office procedures, patent prosecution strategies, and post-issuance procedures and strategies.

His technical training is in biology, botany, agriculture, genetics, and organic chemistry. As a graduate student, he conducted and published research related to quantitative traits in soybean.

AWARDS

- *Best Lawyers in America®*: Litigation – Intellectual Property (2024-2026)
- *IAM Patent 1000*: Individuals: Prosecution: Recommended (2024); Bronze (2025)
- Recognized as an Upstate New York Rising Star for Intellectual Property, *Law & Politics Magazine* (2013-2015)

TOP AREAS OF FOCUS

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

ALL AREAS OF FOCUS

- Academic + Research Institutions
- Health Care + Life Sciences
- Health Care + Life Sciences Intellectual Property
- Hemp + Hemp Derivatives Industry
- Intellectual Property
- Patent Prosecution, Counseling + Portfolio Management
- Post-Grant Patent Review

PROFESSIONAL/COMMUNITY INVOLVEMENT

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

EDUCATION AND CERTIFICATIONS

EDUCATION

- The University of Utah, J.D., 2003, S.J. Quinney College of Law
- Brigham Young University, M.S., 2000, botany
- Brigham Young University, B.S., *magna cum laude*, 1998
- Snow College, A.S., *magna cum laude*, 1996

BAR ADMISSIONS

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

SPEAKING ENGAGEMENTS

- Speaker, USPTO: Post-Issuance Proceedings, Troutman Pepper Locke, January 21, 2026.
- Speaker, "Navigating the Nexus: Intellectual Property and Regulatory Challenges in Plant Breeding," CROP Innovation & Business 2025, March 31, 2025.
- Speaker, "Protecting Plant-based Innovations in the US," Lex Mundi 2025 Intellectual Property Practice Group Virtual Meeting Q1, March 26, 2025.
- Speaker, "Adapting to Evolving Legislation and Regulations," CROP Innovation & Business Conference 2024, March 26, 2024.

PUBLICATIONS

- Co-author, “[Budding Lessons From Landmark Plant Seed Patent Battle](#),” *Law360*, October 23, 2024.
- Co-author, “[The Murky World of IP Protection for Gene-Edited Plants](#),” *Law360*, October 26, 2023.
- Co-author, “[The USPTO May Be Miscalculating Patent Term Adjustments](#),” *Law360*, April 7, 2022.
- Co-author, “[Patent Term Adjustment PTO Calculation Does Not Fully Reflect 2020 Rule Change](#),” *Troutman Pepper*, March 22, 2022.