

Eric J. Lobenfeld

Senior Counsel

New York

Biography

Eric Lobenfeld's philosophy is to prepare each case as if it is going to trial. That puts the client in the strongest position to resolve the case, whether through settlement or through litigation to judgment.

Eric's work focuses on technology and life science intellectual property disputes. He has more than three decades of experience as a first-chair trial lawyer in patent, trademark, copyright, antitrust, unfair competition, and complex commercial cases. These include jury and non-jury trials in state and federal courts throughout the United States, as well as arbitrations and arguments in numerous state and federal appeals. He also handles post-grant review proceedings in the U.S. Patent & Trademark Office and has participated in Markman claim construction proceedings for more than 50 patents.

Eric represents companies in many industries, including computer hardware and software, pharmaceuticals and medical devices, bar code scanners and Radio Frequency Identification technology, Automated Teller Machines and web-enabled kiosks, semiconductor technology, television and motion picture technology, home and industrial lighting, and consumer electronics.

Eric is a regular panelist in the Practising Law Institute's annual two-day patent litigation program, where he has presented on expert issues and damages issues. He has also given a demonstration of a closing argument in a patent jury trial.



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Practices

Antitrust and Competition

Copyright

Intellectual Property

Patents

Trade Secrets and Confidential Know-how

Trademarks and Brands

International Trade Commission Section 337

IP Litigation, Arbitration, and Alternative Dispute Resolution

Industries

Aerospace and Defense

Automotive

Representative experience

Leading a Joint Defense Group composed of the major suppliers and customers of RFID equipment, challenging Round Rock's portfolio of RFID patents.

Representing a leading Japanese pharmaceutical firm in multiple Hatch-Waxman patent infringement cases.

Won summary judgment for Sprint in patent infringement litigation involving methods and apparatus concerning cellular networks. The judgment was affirmed by the Federal Circuit.

Won summary judgment of noninfringement for NCR and its customers in patent litigation concerning ATM machines with Internet access. The judgment was affirmed by the Federal Circuit.

Representing Depomed in litigation against Endo Pharmaceuticals concerning delayed release formulation patents and in Inter Partes Review proceedings.

Coordinating with our partners in Japan, the UK, and Europe in a number of cross-border patent disputes.

Successfully representing Heidi Klum in two copyright infringement actions concerning the hit television reality series "Project Runway."

Awards and rankings

- (Global), *IAM Patent 1000*, 2018
- Patents (Global), *Who's Who Legal*, 2018
- (Global), *Managing Intellectual Property Star*, 2018
- Top Attorneys in Intellectual Property Litigation, *Super Lawyers, Corporate Counsel Edition*, 2008-2014
- Intellectual Property Litigation, *New York Super Lawyers*, 2008-2018
- Intellectual property: Patent: Litigation (full coverage), *Legal 500 US*, 2019

Latest thinking and events

Consumer

Life Sciences and Health Care

Technology and Telecoms

Sports, Media & Entertainment

Areas of focus

Antitrust and Competition Litigation

Media and Entertainment Litigation

Post-Grant Proceedings

Food and Beverages

Pharmaceuticals and Biotechnology

Medical Devices

Education and admissions

Education

J.D., Brooklyn Law School, magna cum laude, 1975

B.A., The State University of New York, Binghamton University, 1971

Memberships

Member, American Intellectual Property Law Association

Member, Federal Bar Council

Member, Intellectual Property Owners Association

Member, International Trademark Association,

Member, New York Intellectual Property Law Association

Member, Conner Intellectual Property Inn of Court

- Sponsorships and Speaking Engagements
 - Patent Litigation: 2019 Advanced Techniques & Best Practices
- Published Works
 - Monetizing Patents – Perspectives From Plaintiffs’ Counsel, Defendants’ Counsel, In-House Counsel and Litigation Funders *PLI Patent Litigation 2017 Course Handbook*
- Published Works
 - Special issues arising from disputes with NPE's *PLI Patent Litigation 2016 Course Handbook*
- Published Works
 - Latest trends in remedies in patent litigation *PLI Patent Litigation 2015 Course Handbook*
- Events
 - PLI's Patent Litigation 2014
- Published Works
 - Dealing with experts in patent litigation *PLI Patent Litigation 2014 Course Handbook*

Bar admissions and qualifications

New York

Court admissions

U.S. Court of Appeals, District of Columbia Circuit

U.S. Court of Appeals, Federal Circuit

U.S. Court of Appeals, Fifth Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Third Circuit

U.S. District Court, District of Connecticut

U.S. District Court, Eastern District of Wisconsin

U.S. District Court, Eastern District of New York

U.S. District Court, Northern District of Illinois

U.S. District Court, Northern District of Indiana

U.S. District Court, Northern District of New York

U.S. District Court, Southern District of New York

U.S. District Court, Western District of New York

U.S. District Court, Western District of Wisconsin

U.S. Supreme Court
