



PAUL A. RAGUSA

Partner

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Concentration

High technology and pharmaceutical patent litigation, patent portfolio management, licensing and counseling

Summary

Paul Ragusa is a partner in the Intellectual Property Practice in the firm's New York office. His practice encompasses all aspects of intellectual property law with emphasis on high tech and pharmaceutical patent litigation, patent portfolio management, counseling and licensing.

His work spans a variety of fields, including audiovisual compression and transmission, semiconductor device fabrication, nanotechnology, telecommunications, software, techniques for delivering pharmaceutical products and medical devices. He was part of the team that drafted the patent licensing agreements directed to the MPEG-2 digital video compression standard. Mr. Ragusa was recommended in both the patent litigation and patent prosecution sections of *The Legal 500* U.S. 2011 guide, which noted that he is "a consummate legal professional for all aspects of patenting from prosecution to litigation." He was also identified in the *2012 Intellectual Asset Management (IAM) Magazine* listing of the world's leading patent practitioners for his patent and technology licensing experience, including his "knowledge of patent pool formation."

Mr. Ragusa is a member of the Advisory Board for the IP Litigator, and serves as the co-editor for the *Baker Botts IP Report*. He is heavily involved in the analysis of intellectual property-related topics concerning the practical implications of important court decisions.

Representative Engagements

- Columbia University - development, management, and licensing of a worldwide patent portfolio directed to a wide range of technologies, including audiovisual compression and transmission, medical devices, nanotechnology, semiconductor devices, digital signal processing, superconductivity, optical devices and materials science, and counseling concerning the group licensing of patents by MPEG-LA and other licensing entities
- Ethypharm, S.A. - ANDA related intellectual property litigation, licensing and counseling for patents related to methods of delivering pharmaceutical products
- Vidylo, Inc. - complete range of intellectual property representation, including negotiating patent licenses, conducting due diligence investigations, counseling regarding Standards Setting Organizations (SSOs), patent litigation, and the development and management of a worldwide patent portfolio directed to

audiovisual compression and transmission

- Plasma Physics, Inc. - tried a patent infringement action against Chi Mei Optoelectronics Corp. in the United States District Court for the Eastern District of New York, resulting in findings of infringement and validity of two patents and a significant damages award for patents directed to semiconductor processing using plasma enhanced chemical vapor deposition (PECVD)
- The University of Pennsylvania - development and management of a patent portfolio directed to a range of life sciences technologies, including therapies and diagnostic devices and methods
- American Dynamics Flight Systems, Inc. - development and management of a patent portfolio directed to aviation, conducting due diligence investigations, and patent licensing
- Allied Bolt, Inc. - complete range of intellectual property representation, including negotiating patent licenses, conducting due diligence investigations, and development and management of a worldwide patent portfolio directed to fasteners
- American Calcar, Inc. - tried a patent infringement action against American Honda Motor Co. in the United States District Court for the Southern District of California
- thinkFolio, Inc. - conducting due diligence investigations and counseling for patents related to securities

Publications, Speeches and Presentations

Publications

- “Social Media for Corporate Counsel: What you Need to Know to Protect Company IP and Avoid Disputes,” *IP Litigator*, July/August 2012
- “How to Protect Company IP in the Age of Social Media,” *IP Law360*, June 2012 (Justine Gozzi, co-author)
- “Should Your Company Inform Standard-Setting Organizations that its Employees Participate in Related Patent Prosecution Activities?” *The AIPLA Antitrust News*, May 2012 (Henry Chen, co-author)
- “Practical Strategies for Patent Marking of Software-Related Inventions,” *IP Litigator*, July/August 2011 (Eric Faragi, co-author)
- “The Use of Antitrust Evidence in Patent Litigation,” *The AIPLA Antitrust News*, February 2011 (Jeremy Merling, co-author)
- “Application of the Common Interest Doctrine in Patent Cases,” *NYIPLA Bulletin*, October/November 2010 (Christopher Patrick, co-author)
- “Practical Applications of Intervening Rights As a Defense to Patent Infringement,” *IP Litigator*, May/June 2010 (Yong Chen, co-author)
- “Patent Pool Participants Await Clarity Regarding Need to Make Separately Available Licenses to Competing Technologies,” *IP Litigator*, March/April 2010 (Jason Chumney, co-author)
- “ALI’s Principles of the Law of Software Contracts and the GPL Continue to Complicate The Use of Open Source Software,” *Bloomberg Law*, December 2009
- “New Challenges In Software Law And Policy, And Continued Open Source Complications, Challenge High Tech Market,” *Baker Botts Intellectual Property Report*, October 2009
- “The Risks of Failing to Properly Name Inventors on Patents,” *Law Journal Newsletters*, July 2009 (Jason Chumney, co-author)
- “The Changing Tide of Declaratory Judgment Jurisdiction in Patent Cases,” *Patent Strategy & Management*, May 2009 (Jennifer Lazo, co-author)
- “Recent Developments in ANDA Settlements - Getting Past the Antitrust Hurdle,” *AIPLA Antitrust News*, May 2009 (Sandra Lee, co-author)
- “Patent Damages Analysis: Maximize Admissibility And Reliability of Proposed Expert Testimony,” *Patent Strategy & Management*, February 2009 (Jeremy Merling, co-author)
- “ANDA Litigation Discovery: What the Patent Owner Should Seek,” *Patent Strategy & Management*,

June 2008 (Sandra Lee, co-author)

- “Patents and Open Source Software: New Issues Raised in the GNU General Public License v3.0,” *Patent Strategy & Management*, February 2008 (Edward Tempesta, co-author)
- “Opinion: Worldwide Recovery for Infringement of Software Patents? Not So Fast, Says the Supreme Court in *Microsoft v. AT&T*,” *In the News/Computer World.com*, July 2, 2007
- “The Patent Marking Statute: Investigate Before You License,” *Patent Strategy & Management*, April 2007 (Peter Withstandley, co-author)
- “Small Entity Status: Potential Pitfalls and Curative Measures,” *Patent Strategy & Management*, August 2006

Speeches and Presentations

- Panelist, “Navigating the America Invents Act - What Your Company Needs to Know Now to Manage Changes to the Patent Laws,” Baker Botts Seminar, September 2012
- Panelist, “Social Media For Corporate Counsel: What You Need To Know To Protect Company IP and Avoid Disputes,” Baker Botts Seminar, June 2012
- Panelist, “Caselaw Update - Royalties and Damages: What Recent Cases Reveal about Acceptable Royalty Bases in NPE Cases,” American Conference Institute, June 2012
- Panelist, “Assessing the Impact of *Mayo Collaborative Services v. Prometheus Labs., Inc.*,” Baker Botts Seminar, April 2012
- Panelist, “Strategies for Minimizing Patent Litigation Costs: Recent Developments in Patent Reexaminations, Venue Selection and Declaratory Judgment Jurisdiction,” Baker Botts Seminar, Munich, November 2009
- Advisory Board Member, 3rd Patent Strategies, IQPC, New York, March 2007
- Moderator, “Maximizing Value From Your IP Portfolio: Extracting Income Through Royalties and Financial Plays, Directors Roundtable”, New York, February 2007

Education and Honors

J.D. (*with high honors*), The George Washington University Law School, 1993

Order of the Coif

Member, *The George Washington Journal of International Law & Economics*

Moot Court Board

Prettyman-Leventhal American Inn of Court

B.S. (*with honors*), physics, State University of New York at Binghamton, 1990

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