

PARTNER

Deakin T. Lauer

deakin.lauer@klarquist.com



EDUCATION

- J.D., *cum laude*, Georgetown University, 2002
- B.S., Mechanical Engineering, The George Washington University, 1994

BAR ADMISSIONS

- Oregon, 2008
- Minnesota, 2002 (inactive)
- U.S. Patent and Trademark Office (Reg. No. 47,735)

COURT ADMISSIONS

- U.S. District Court for the District of Oregon
- U.S. District Court for the Eastern District of Texas

YEAR JOINED FIRM

2008

PRACTICE AREAS

Intellectual Property Counseling
Licensing & Technology Transfer
Litigation
Outsourced "In-House" IP Counsel
Patents: Design, International, and Utility
Post-Grant USPTO Proceedings
Startups & Emerging Businesses
Trademarks
Copyrights

TECHNOLOGIES

Agriculture & Food Science
Consumer Products
Green Technology & Renewable Energy
Life Sciences
Mechanical
Mobile Devices & Applications
Medical Devices & Diagnostics
Nanotechnology
Software & Internet Technology

PRACTICE AREA OVERVIEW

Mr. Lauer practices in all aspects of intellectual property law, with an emphasis on patent and trademark counseling and patent litigation. Mr. Lauer is also an active member of the Post-Grant Practice Group at Klarquist. Mr. Lauer represents both patent owners and third-party requesters in reexamination proceedings, and has been lead or backup counsel in *inter partes* review (IPR) and covered business method (CBM) patent reviews.

TECHNICAL EXPERTISE

Mr. Lauer's legal experience covers a broad range of intellectual property issues, including patent litigation, patent and trademark prosecution, product design and development consultation, patentability studies, infringement and validity opinions, and various licensing issues. Mr. Lauer represents a broad range of clients and industries, with a particular emphasis in mechanical and electromechanical devices, medical devices and related delivery systems, laboratory and diagnostic equipment, and Internet technologies.

PRIOR PROFESSIONAL EXPERIENCE

Prior to joining Klarquist Sparkman, LLP, Mr. Lauer worked as a patent attorney at Carlson Caspers Vandenburg & Lindquist, PA and Merchant & Gould, PC in Minnesota. Before law school, Mr. Lauer worked in Washington DC as an engineer at an engineering and law firm that provided technical consulting on the design and optimization of telecommunications networks and related FCC compliance requirements.

PRESENTATIONS AND PUBLICATIONS

- "Is IPR estoppel losing even more teeth? District Court finds it applies only to instituted grounds," Klarquist's PTAB Blog (December 26, 2016)
- "The Supreme Court hears arguments on constitutionality of denying registrations for 'disparaging' trademarks," Klarquist's Oregon IP Blog (January 20, 2017)
- "To avoid running afoul of the APA, patent owners must be permitted to respond to "new" grounds of unpatentability," Klarquist's PTAB Blog (November 18, 2016)

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- "Portland-based Tranxition's 'PC migration' patents found invalid for claiming an abstract idea," Klarquist's Oregon IP Blog (November 17, 2016)
- "Supreme Court to consider Oregon band's right to register 'disparaging' name," Klarquist's Oregon IP Blog (October 1, 2016)
- "Coppola objects to Copa Di Vino's use of black wine labels with gold elements," Klarquist's Oregon IP Blog (September 9, 2016)
- "On remand, PTAB says it did consider an exhibit submitted to show the 'state of the art,'" Klarquist's PTAB Blog (September 2, 2016)
- "PTAB's denial of motion to amend was arbitrary and capricious," Klarquist's PTAB Blog (September 8, 2016)
- "Attorney fees denied: \$1,000 for one download of The Cobbler is enough," Klarquist's Oregon IP Blog (August 24, 2016)
- "En banc Federal Circuit to review standards for amending claims in PTAB proceedings," Co-author, Klarquist's PTAB Blog (August 17, 2016)
- "Burn the bus if you must, but you may want to keep the mural," Klarquist's Oregon IP Blog (August 1, 2016)
- "Obviousness prior art: From many comes one?" Klarquist's PTAB Blog (July 29, 2016)
- "Put it all in the Petition, and with particularity. PTAB authority is limited to unpatentability theories spelled out with specificity in the petition," Klarquist's PTAB Blog (July 27, 2016)
- "Post Grant Review on the rise?" Klarquist's PTAB Blog (July 26, 2016)
- "In a sea of orange, Oregon State University finds blue," Klarquist's Oregon IP Blog (July 15, 2016)
- "Debut of new PTAB filing and case management system – PTAB E2E," Klarquist's PTAB Blog (July 12, 2016)
- "Combining the names of your children to create new marks can avoid confusion in the wine industry," Klarquist's Oregon IP Blog (June 26, 2016)
- "Supreme Court issues Cuozzo decision: BRI stands; institution decisions not reviewable," Klarquist's PTAB Blog (June 20, 2016)
- "Vermont and Oregon craft beer dispute – The Shed v. Brew Shed," Klarquist's Oregon IP Blog (May 18, 2016)
- "Oral Arguments heard by Supreme Court in Cuozzo Speed," Klarquist's PTAB Blog (April 26, 2016)
- "Adidas files three IPR petitions challenging Nike patents," Klarquist's Oregon IP Blog (April 19, 2016)
- "Patent Grants To Oregon Inventors On The Rise," Klarquist's Oregon IP Blog (March 1, 2016)
- "Motions to Amend – The Federal Circuit discusses the Who (has the Burden), What (Prior Art needs to be distinguished), and How (does the PTAB need to address secondary considerations)," Klarquist's PTAB Blog (February 20, 2016)
- "Nike sues Skechers for design patent infringement," Klarquist's Oregon IP Blog (February 1, 2016)

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- “The reason a claim is obvious isn’t always obvious—Federal Circuit requires PTAB (and, in turn, petitioner) to spell it out,” Klarquist’s PTAB Blog (January 25, 2016)
- “Supreme Court accepts first IPR review—will the BRI standard survive?” Klarquist’s PTAB Blog (January 19, 2016)
- “What does “is” mean? Federal Circuit disagrees with Board construction and reverses IPR decision cancelling claims.” Klarquist’s PTAB Blog (November 25, 2015)
- “315(b) applies when a complaint has been served more than one-year earlier—even if some claims were dismissed without prejudice,” Klarquist’s PTAB Blog (September 17, 2015)