



# Howard J. Susser

PARTNER

Howard advises his clients within the unique intersection of science, technology, and law.



## Industries

Life Sciences  
Beverage & Food

## Practices

Complex Litigation  
Patent Litigation  
Patent  
Trademark  
Copyright  
Advertising & Promotions  
Trade Secrets, Noncompetes & Employee Mobility

## Education

The George Washington University, JD, 1989  
Rutgers University, BS, with High Honors, Slade  
Scholar, 1986

## Offices

Boston

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Howard has more than 30 years of experience handling intellectual property litigation. He focuses his practice on disputes involving patents, trademarks, false advertising, unfair competition, copyrights, licensing, trade secrets, employment, and antitrust laws. Howard's legal practice is informed by his foundational background as a chemical engineer. He regularly represents clients within the life sciences, pharmaceuticals, biotech, medical devices, chemicals, computer hardware and software, telecommunications, electronics, e-commerce industries, and beyond.

Howard is also highly experienced in commercial arbitration and mediation proceedings of IP disputes.

He often advises clients in complex business transactions involving intellectual property assets, including drafting and negotiating research and development, sales and license agreements, and supporting mergers and acquisitions, funding rounds, and other due diligence.

In addition, he counsels clients on patent prosecution and has conducted US Patent & Trademark Office proceedings, including *inter partes* reviews, reexaminations, interferences, trademark oppositions, and cancellations.

Prior to joining Arentfox Schiff, Howard was the chair of the IP Litigation practice at a full-service law firm in Boston, MA.

## Client Work

Howard's representative matters include:

- Served as lead counsel in patent infringement suits involving weapons.
- Served as lead counsel in ERP software contract dispute in cannabis industry.
- Served as lead counsel in dispute over biotechnology vendor contract.
- Served as lead counsel in publishing contract and copyright dispute.
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- Served as lead counsel in employment, trade secret, and breach of contract dispute in managed services.
- Served as lead counsel in a patent infringement suit regarding heavy machinery and joystick electronics.
  - Served as lead counsel on design patent suits regarding LED lighting fixtures.
  - Served as lead counsel in trade secret, copyright, and unfair competition suit regarding industrial computer software.
  - Served as lead counsel in patent infringement litigation involving database management systems and web-based spreadsheet services.
  - Served as lead counsel for the plaintiff in a patent infringement suit on cell phone communication protocols.
  - Served as lead counsel for the plaintiff in a patent infringement suit on cable television communication protocols.
  - Served as lead counsel for the plaintiff in a patent infringement suit on 3-D scanning metrology devices.
  - Served as counsel for a defendant weapons accessories manufacturer in a contract and trade secret suit.
  - Served as lead counsel for the defendant in a patent infringement suit on plastic injection molding container manufacturing.
  - Served as lead counsel for a large, international fuel additives defendant in a false advertising suit on petroleum dyes.
  - Served as counsel for the plaintiff in a patent infringement suit on crystalline forms of pharmaceuticals and processes.

## Professional Activities

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- Tufts University and Babson College, Guest Lecturer

## Publications, Presentations & Recognitions

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### Recent Publications

- “Contract Rights Vs. Patent Invalidity: 2 Key Cases to Watch,” Co-Author, *Law360*, June 2021.
- “Roche could see advantage with respect to generic inequitable conduct arguments in Boniva trial,” Quoted, *PharmaWire*, October 2010
- “Sanofi-Aventis has uphill climb to prevail on Taxotere patent litigation appeal,” Quoted, *PharmaWire*, October 2010
- “Otsuka/BMS’s Abilify: Strong inequitable conduct challenge presented by generics at trial faces uphill battle,” Quoted, *PharmaWire*, September 2010
- “Teva likely to prevail on indefiniteness at Copaxone trial, but may face enablement issues,” Quoted, *PharmaWire*, September 2010
- “Teva/Cubist patent litigation over Cubicin could be closely fought, attorneys say,” Quoted, *PharmaWire*, August 2010
- “Myriad’s BRAC Analysis method claims more likely to be found patentable on appeal based on Supreme Court’s Bilski decision,” Quoted, *PharmaWire*, July 2010
- “Sepracor faces uphill battle against generic challengers in Lunesta litigation on claim construction, infringement,” Quoted, *PharmaWire*, July 2010
- “Changing the Focus of the Patent Damages Case,” Co-Author, *Business Law Today*, November/December 2009
- “The Reel Truth: Everything You Didn’t Know You Need to Know About Making an Independent Film,” Quoted, June 2009
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- “Contentious Changes to US Patent Law Looming,” Co-Author, *Vantage, WPI Venture Forum*, May 2009
- “Broad Copyright Protection Extended To Corporate Training Materials, Even ‘Aggressively Vapid’ Ones!,” Co-Author, *Intellectual Property Update*, April 2009
  - “Facebook’s Fine-Print Fiasco”, Quoted, *BusinessWeek*, February 2009
  - “Court Signals A Potential End To Race-To-The-Courthouse Forum Shopping In Patent Suits,” Co-Author, *Intellectual Property Update*, March 2008
  - “Who Owns an Employee’s Invention?,” Co-Author, *BSCES News - Boston Society of Civil Engineers Section / ASCE*, March 2008
  - “Unified Under Law,” Quoted, *InfoWorld*, March 2007
  - “Supreme Court Ends Special Treatment for Patent Injunctions,” Co-Author, *Boston Bar Journal*, November/December 2006
  - “Intellectual Property Review, Annual Review of Developments in Business and Corporate Litigation,” Co-Author, 2006, 2007 and 2008 Editions
  - “The future of patents are pending with Congress and the courts in 2006,” Co-Author, *Mass High Tech*, December 2005
  - “U.S. Patent Laws Shifting to Encourage Competition,” Co-Author, *Mass High Tech*, August 2005
  - “Appeals Court Could Clarify ‘Advice-Of-Counsel Defense’ in Patent Infringement Cases,” Co-Author, *New England In-House*, July 2004
  - “Legal Uncertainty Increases Risks to Alleged Patent Infringers,” Co-Author, *Boston Business Journal*, June 2004
  - “Supreme Court: Federal Lanham Act No Help to Owners of Expired Copyrights,” Co-Author, *Intellectual Property Reporter*, July 2003

### Recent Presentations

- “IP and Cybersecurity: Critical Points on Data Misuse,” Webinar Host, *Burns & Levinson’s Intellectual Property Group*, March 2021
- 4D Meets AI Conference, Guest Speaker, *Life Science Nation*, September 2020
- “Founder’s Workshop: Startup Fundamentals and Essentials,” Speaker, *Tufts School of Engineering*, February 2020
- “West LegalEdcenter Webinar,” Speaker, June 2011

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### Bar Admissions

[Massachusetts](#)

[New York](#)

[US Patent and Trademark Office](#)

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### Court Admissions

[US Court of Appeals, Federal Circuit](#)

[US Court of Appeals, 1st Circuit](#)