



David W. Clough, Ph.D.

Principal

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As a lawyer, litigator and scientist, David focuses his practice on protecting worldwide intellectual property rights on behalf of biotechnology, pharmaceutical and chemical companies. He also collaborates with clients on designing and implementing global IP strategies. Businesses frequently turn to David for IP due diligence analysis in multibillion-dollar acquisitions. He represents clients before courts and administrative agencies and in private mediation and arbitration. He also guides clients through re-examination proceedings and European oppositions.

Tapping both his legal and scientific backgrounds, David has experience prosecuting applications, rendering opinions and representing clients in litigation, administrative and regulatory proceedings on patents in the medical arena. These include:

- Gene therapy
- Genetic engineering of viruses
- Cloning and expression of novel proteins
- Nucleic acid diagnostics and sequencing
- Transgenic animals
- Immunotherapy
- Reproductive technologies
- Genetic engineering of antibodies
- Screening methods for identification of drug candidates
- Novel drug formulations and delivery systems
- Cancer therapies, including oncolytic viruses and hormone therapies
- Treatment of gynecologic disorders
- Food chemistry
- Steroid chemistry
- Genetically engineered plants
- Methods and compositions for treating neurological diseases
- Medical devices

David's background also informs his litigation, mediation and arbitration practice. Many of his cases involve DNA fingerprinting probes, genetic engineering of antibodies, diagnostic DNA

probes, immunotherapy, chemical compositions and recombinant proteins, as well as trade secret violations, Lanham Act violations, inventorship disputes, patent infringement disputes and license disputes.

David's representative matters include:

- Litigated a case against a urologist and national media personality in Federal District Court in an inventorship dispute on behalf of a development stage biopharmaceutical company focused on the treatment of reproductive system disorders regarding a drug designed to treat male secondary hypogonadism. Won summary judgement in District Court which was upheld at the Court of Appeals for the Federal Circuit.
- Represented a private Ivy League research university and a multinational pharmaceutical company with revenue of more than \$45 billion in 2016 against a major hospital and one of their partner biopharmaceutical companies in an Eastern District of Pennsylvania case regarding a new technology for the treatment of leukemia. Achieved settlement on behalf of client.
- Represented an international life sciences company that now has more than 90,000 employees. Defendant was licensed to use client's patented technology in order to develop an antibody to a protein thought to play a large part in rheumatoid arthritis. The case centered around the amount of royalties payable to client in relation of the defendant's sale of a block buster biologic drug, which brought in more than \$16 billion in revenue in 2016. Judge ruled in favor of client, who was awarded the requested royalties based on the commercial context of contracts instead of the technical language used to outline ownership and roles of various parties, including client's third party patents. The appeal also settled on favorable terms for client.
- Has been involved in the IP aspects of biological drugs with current worldwide sales of more than \$30 billion.

Education

Chicago-Kent College of Law

J.D.

Harvard Medical School

Fellowship

Medical College of Wisconsin

Ph.D.

University of Arizona

B.S.

Bar Admissions

Illinois

Court Admissions

U.S. Patent and Trademark Office

U.S. Court of Appeals for the Federal Circuit

U.S. District Court for the Northern District of Illinois

Accolades

- Leading Lawyers Network, Intellectual Property Law, Patent Law, 2020
- IAM Patent 1000 Top Patent Practitioners in the World, 2018-2019
- Best Lawyers in America, Intellectual Property, 2013-2017

Leading Lawyers

Services

Intellectual Property & Technology

Litigation & Dispute Resolution

Areas of Focus

Intellectual Property Litigation

Intellectual Property Management

License & Protection of Intellectual Property

Patents

Technology Transactions

Technology Use & Protection