

# Fisher Broyles

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**Practice Areas:** Intellectual Property

**Bar Admissions:** Ohio; U.S. Patent and Trademark Office

**Education:** University of San Diego, School of Law, J.D., 1997; University of Notre Dame, B.S., Electrical Engineering, 1986

**Experience:** Benesch, Friedlander, Coplan & Aronoff LLP; Brennan, Manna & Diamond, LLP

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Scott has been practicing intellectual property law, with an emphasis in the electrical arts for over 20 years. He has developed a broad practice across all aspects of intellectual property law including patent and trademark preparation, prosecution, licensing and litigation. He has appeared in a numerous appeals and proceedings before administrative boards within the USPTO and in the United States Court of Appeals for the Federal Circuit.

Prior to embarking on his legal career, Scott served in the U.S. Navy as a Naval Flight Officer and Mission Commander of the E-2C Hawkeye, airborne early warning, command and control aircraft. He has over 1000 flight hours, 200 carrier landings, and 2 deployments to the Pacific and Indian Oceans including the first Gulf War.

## Representative Transactions Include

With regard to patent aspects, Scott writes and prosecutes valuable patents that get enforced and withstand attacks on validity. For example, Scott either drafted, prosecuted or both the underlying patents in

- Connective Tissue Imagineering, LLC v. Thomas F. Mitts, M.D., et al.; U.S. District Court, Northern District of California (Exemplary Patent No. 6,506,731 entitled "Elastin peptide analogs and methods of using same")

- Responsive Innovations, LLC et al. v Holtzbrinck Publishers, LLC et al.; U.S. District Court, Northern District of Ohio (Exemplary Patent No. 7,813,726 entitled “Wireless Communication System”)
- ShieldMark, Inc. v. Creative Safety Supply, LLC; U.S. District Court, Northern District of Ohio (Exemplary Patent No. 8,088,480 entitled “Floor marking tape”)
- Board of Patent Appeals and Interferences (currently, the Patent Trial and Appeal Board), successfully defended patent claims attacked in Ex Parte Re-Examination (Reexamination No. 90/012,670, 12/3/2013).
- Board of Trademark Trial and Appeals, defended attempt by later user to limit U.S. Trademark Registration by Concurrent Use Proceeding through trial and precedential opinion resulting Registrant’s confirmed nation-wide registration. Turdin v. Trilobite, Ltd. Concurrent Use No. 94002505 (TTAB 1/24/2014)
- Court of Appeals for the Federal Circuit, appealed improper rejection of patent claims from examiner and Board of Patent Appeals and Interferences (Appeal 2008-004501, 7/16/2009), resulting in remand to the Examiner to and eventual allowance of patent. Fed. Cir. (Appeal No. 2010-1048, 5/6/2010)