

FisherBroyles

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Office: New York

Practice Areas: Entertainment & Sports; Intellectual Property

Bar Admissions: New York; U.S. Patent and Trademark Office (USPTO); U.S. Court of Appeals for the Federal Circuit

Education: Pace University School of Law, J.D., cum laude, 1997; University of Hawaii, M.S., Botanical Sciences (Plant Pathology Concentration), 1993; Master's Thesis: Detection and Isolation of dsRNA from a Closterovirus Associated with Pineapple Mealybug Wilt; State University of New York at Buffalo, B.S., Biological Sciences (Molecular Biology & Genetics Concentration), 1990

Experience: Proskauer Rose LLP (NYC); Nixon Peabody LLP (Rochester, NY)

In February 2016, Andrew joined FisherBroyles, LLP as a partner with close to 20 years of legal experience, primarily in the area of intellectual property law. Joining FisherBroyles has not only provided Andrew with even more opportunities to grow his intellectual property law practice, but it has also enabled him to expand and deepen his practice to cover a variety of legal issues facing the sports and entertainment industries.

At FisherBroyles, Andrew focuses on providing effective and collaborative legal services to a diverse array of clients, including university technology transfer offices, large multinational corporations, web-based retailers, sports and fitness companies, biotech and life sciences companies, university spinouts, high tech start-ups, individual inventors, athletes, sports/entertainment agents, athletic commissions, sports promoters, venture capital firms, entertainment/sports venues, actors, musicians, songwriters, and film/television writers and creators.

Intellectual Property Law

Andrew provides IP procurement, opinion, and strategic counseling services in all of the major areas of intellectual property, including patents, trademarks, copyrights, and trade secrets. Andrew has also handled plant variety protection certificate applications before the U.S. Department of Agriculture. In addition to IP procurement services, Andrew assists clients with matters such as IP licensing, due diligence, commercialization, brand management, and copyright counseling.

With regard to patents, Andrew has prosecuted utility, design, and plant patents, and has dealt extensively with the U.S. Patent and Trademark Office and its counterpart IP offices in many other foreign jurisdictions.

As a molecular biologist and registered patent attorney, Andrew has spent much of his career drafting, prosecuting, and assessing patents in the life sciences, biotechnology, and chemical fields. In these fields, Andrew has worked on a variety of technologies, including: recombinant DNA technology; protein purification; molecular diagnostics; transgenic plants; transgenic animals; pharmaceuticals; genomics; proteomics; cellulosic ethanol; biofuels; biological and chemical synthetic pathways; stem cells; agricultural biotechnology; traditional plant breeding; biological markers; vaccines (animal and human); RNAi technology; small molecules; organic compound synthesis; human, animal, and plant disease detection and treatments; ion channels; pathogen detection (human, animal, and plant); bioactive microbial products; viral, bacterial, and fungal plant pathogens; bioherbicides; biological control; bioactive botanical extracts; cosmetics; bioreactors; functional foods; and nutraceuticals.

Andrew also routinely prosecutes patents in a variety of other non-life sciences technologies, such as medical devices, lasers, optics, materials, electrostatic imaging, aeronautics, robotics, and mechanical devices.

Entertainment & Sports Law

While maintaining his IP procurement and counseling services, Andrew has continued to develop legal skills in two other areas of great interest to him: sports and entertainment law.

By cultivating a practice that allows him to maintain offices in two of the globe's most important sports and entertainment hubs, New York City and Los Angeles, Andrew has positioned himself to establish deep and meaningful ties with existing and new clients in these industries.

Andrew's love for sports has fueled his intense interest in working on a variety of legal issues affecting the sports industry, whether those issues involve professional, amateur, personal fitness, or recreational sports. As a martial artist and student of Taekwondo, Brazilian Jiu-Jitsu, and Muay Thai kickboxing, Andrew has a particular interest in assisting clients in understanding and complying with the rules, regulations, and laws affecting the combat sports. This aspect of Andrew's practice can include assisting combat sports athletes, mixed martial arts and boxing promotions, sports agents, trainers, and athletic commissions with the cutting-edge legal issues affecting the fight business (e.g., anti-doping and extreme weight-cutting regulations, exclusive apparel sponsorships, branding, anti-competitive practices, sports betting issues, etc.). With a background in biology and molecular biology, Andrew is particularly well-suited in handling legal issues that touch on the intersection between the sports industry and the life sciences, such as counseling and representing fighters during illegal doping and performance enhancing drug use inquiries, scrutinizing DNA, blood, and urine tests for professional and amateur athletes, implementing extreme weight-cutting rules, etc.

Turning to the entertainment industry, as a musician and singer-songwriter with over 100 musical compositions to his name, Andrew is constantly seeking out ways to assist those who work in the entertainment and creative arts, whether they be in the music, television, film, design, or theater fields. An area of particular interest to Andrew is how digital media has affected and will continue to affect how we as a society produce, consume, purchase, protect, and regulate creative works in music, film, and television.

Presentations & Teaching Experience

- Moderator, "Strategic IP Management of Biomarker and Diagnostic Technologies," 2015 New York BIO 25th Anniversary Annual Conference, New York, NY (May 5, 2015)
- Speaker, "Patent Law: Patent Prosecution Basics," IP Nuts & Bolts CLE, Monroe County Bar Association, Rochester, NY (October 10, 2013)
- Speaker, "Commercializing Mobile Apps: Effective Management of Legal Threats and Challenges," Technology Transfer Tactics Webinar (June 13, 2013)

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- Moderator and Speaker, “Positioning a Life Sciences Mobile App for Venture Funding,” AUTM 2013 Annual Meeting, San Antonio, TX (March 2, 2013)
- Moderator and Speaker, “Patenting Botanical Drugs and Related Inventions,” Panel: Botanical Drugs: Navigating an Emerging BioPharma Pipeline, AUTM 2010 Annual Meeting, New Orleans, LA (March 18-20, 2010)
- Speaker and Panelist, “Academic Freedom and NIH Requirements vs. Protecting IP,” Panel: In Whose Best Interest? Finding Common Ground to Patenting, Drug Discovery Partnership: Filling the Pipeline Conference, Boston, MA (October 29, 2009)
- Speaker, “An Engine of Invention: The University as a Hub of Innovation and Catalyst for Regional Economic Growth,” F.I.R.E. Lecture Series, University of Rochester, Rochester, NY (April 9, 2009)
- Speaker, “Invention Disclosures,” Panel: Navigating the Mysterious Waters of Intellectual Property: A Guide for Scientists, Engineers, and Product Development Professionals, MedTech Lecture Series, Rochester, NY (November 20, 2008)

Professional Memberships

- American Society of Composers, Authors and Publishers (ASCAP)
- Association of University Technology Managers (AUTM)
- Beverly Hills Bar Association
 - Entertainment Law Section
 - IP/Internet & New Media Law Section
- International Trademark Association (INTA)
- New York State Bar Association
 - Entertainment, Arts and Sports Law Section
 - Intellectual Property Law Section
- Sports Lawyers Association

Publications

- Author, “The Rise of Daily Fantasy Sports: Risks, Rewards and Intellectual Property,” IP Frontiers, The Daily Record (October 20, 2015)
- Author, “Biotechnology: Commercialization of the Genetically Modified Arctic® Apple,” The Licensing Journal, Vol. 35, No. 5 (May 2015)

- Author, "Biotech IP Briefing: Genetically Modified Arctic® Apple Approved for Sale in the United States," Mondaq USA: Intellectual Property (April 14, 2015)
- Author, "Copyright Infringement Update: Marvin Gaye's Estate Awarded Stunning \$7.4 Million Jury Verdict Against Robin Thicke and Pharrell Williams," Lexology (March 13, 2015)
- Author, "Music Licensing/Digital Music Distribution," The Licensing Journal, Vol. 35, No. 3 (March 2015)
- Author, "American Idol Winner Turns the Legal Spotlight on Talent Show's Contestant Agreements," Lexology (February 4, 2015)
- Author, "Spotify Center Stage in Digital Music Debate: Can a Popular Digital Streaming Service Hold Up Under the Glare of the Spotlight?," IP Frontiers, The Daily Record (November 18, 2014) (republished by Mondaq USA: Intellectual Property, March 2, 2015)
- Author, "Keeping Secrets: A Primer on Trade Secret Laws," IP Frontiers, The Daily Record (November 19, 2013)
- Author, "Clearing Up Robin Thicke's Blurred Lines: Using Declaratory Relief to Preempt a Copyright Infringement Suit Against a Hit Song," IP Frontiers, The Daily Record (October 18, 2013)
- Author, "How Songwriters Handle Their Intellectual Property," IP Frontiers, The Daily Record (November 20, 2012)
- Author, "SCOTUS on Patent Eligibility of Medical Diagnostics," IP Frontiers, The Daily Record (April 17, 2012)
- Author, "Early-Stage Commercialization Strategies," IP Frontiers, The Daily Record (May 19, 2009)
- Author, "Cultivating University/Industry Partnerships," IP Frontiers, The Daily Record (April 21, 2009)