

**CINDY H. CHEN**  
**Partner**

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**Biography**

Ms. Chen's practice focuses on patent litigation and prosecution. Her litigation experience includes matters before the U.S. International Trade Commission. In addition to litigation matters, Ms. Chen has experience prosecuting patent applications relating to a range of technical subjects, including biotechnology, medical and mechanical devices, software, and semiconductor devices.



During law school, Ms. Chen spent a summer interning in-house at Hyundai Heavy Industries, where she drafted intellectual property licensing agreements and assisted in litigation matters before federal district courts. Before attending law school, Ms. Chen was a researcher with the Research and Development Group of the Canadian Blood Services. Her research focused on applying proteomics to define the molecular mechanisms governing platelet storage lesion, in an effort to improve the shelf-life of transfusable platelet concentrates in blood banks.

When she is not practicing law, Ms. Chen translates Korean and Chinese short fiction. Her translations have been published in a number of literary journals and anthologies. Ms. Chen also enjoys reading, road trips, snowboarding, and hockey.

**Related Services**

- › Patent Prosecution
- › Litigation
- › ITC Litigation
- › Post-Grant Procedures
- › Legal Opinions and Counseling

**Related Technologies**

- › Chemistry, Chemical Engineering and Materials Science
- › Electrical Engineering and Software
- › Life Sciences
- › Mechanical Engineering

**Education**

- › B.Sc., Biochemistry and Molecular Biology, 2006, University of British Columbia
- › J.D., Concentration in Intellectual Property Law with Honors, 2012, Boston University School of Law

### Languages

- › English
- › Korean
- › Traditional Chinese

### Admissions

- › Massachusetts Bar, 2012

### Memberships

- › Asian Pacific American Bar Association of DC
- › Canadian American Bar Association
- › Society for Canadian Women in Science and Technology

### Publications

- › A Tale of Two Printed Publications, 11.8.2018
- › Spray your way to non-obviousness: Patents directed to intranasal delivery of migraine drugs not obvious where prior art would have resulted in reduced efficacy, 7.11.2018
- › Tell Me Why: A conclusion of obviousness based on routine optimization must be supported by articulated reasoning , 10.16.2017
- › Back to Basics: In re Chudik offers a refresher on the law of anticipation for functional limitations, 4.17.2017
- › In a post-Williamson decision, “compliance mechanism” is a means-plus-function element that does not comply with the requirements under §112., 1.20.2016
- › Indefiniteness kills patent, as expert testimony cannot compensate for the failure of intrinsic evidence to provide a “reasonably certain” meaning to claim term, 7.15.2015
- › If At First You Don’t Succeed, (Don’t) Try, Try Again?: Myriad Genetics Lost More Claims To 35 U.S.C. §101., 1.29.2015
- › “Trace Contamination by Patented Seeds Insufficient to Establish Standing to Challenge Patents”, IPWatchdog, June 25, 2013, 6.25.2013
- › “Sowing the seeds of wrath: Doctrine of Patent Exhaustion Could Not Save Farmer from Liability for Infringing Monsanto’s Patents on Genetically Modified Seeds”, IPWatchdog, May 19, 2013 , 5.19.2013
- › "Claim Construction: A Game of Chance at the Federal Circuit", IPWatchdog, April 26,2013 , 4.26.2013
- › "Divided Claim Construction Leads to Reversal of Jury Verdict Against Alleged Infringer", CAFC Alert, April 17, 2013, 4.17.2013
- › “CAFC Favors Non-Practicing Entities on “Domestic Injury”, IPWatchdog, January 16, 2013, 1.16.2013



- > "Like Prior Art Patents, Potentially Anticipatory Non-Patent Printed Publications Are Presumed to be Enabling", CAFC Alert, October 5, 2012, 10.5.2012
- > "Liability For Induced Infringement Of A Method Claim No Longer Requires Proof Of Direct Infringement", CAFC Alert, September 14, 2012, 9.14.2012
- > "A Signaling Pathway Contributing to Platelet Storage Lesion Development", Transfusion 49 (2009) 1944-55 (with Schubert P, Thon JN, Walsh GM, et al.), 1.1.2009