



Ben Cappel joined AddyHart P.C. in 2020. He has extensive experience in patent law and litigation, including in the semiconductor, information technology and cloud computing, and video gaming industries. His previous experience includes acting as senior counsel to the YMCA of the USA.

Practice Areas

- Patent Litigation
- Trademark Litigation
- Copyright Litigation
- *Inter partes* reviews (PTAB)
- Intellectual Asset Portfolio Mgmt.

Education

- B.A. *cum laude*
Rutgers University, 2013
- J.D. Seton Hall University
School of Law, 2016

Court Admissions

- New Jersey
- Illinois (*pending waiver*)
- U.S. Dist. Ct. (D NJ)
- U.S. Ct. of Appeals for the Fed. Circ.

Professional Memberships

- AIPLA
- INTA
- IPLAC

Benjamin Cappel joined AddyHart P.C. in 2020 as counsel, bringing experience litigating matters in the semiconductor, IT, social media, video gaming, and cloud computing spaces. He has also developed litigation plans for clients, and his experience includes establishing pre-litigation policies and procedures and working with e-discovery vendors and opposing counsel to develop e-discovery plans.

Ben formerly was was Senior Counsel to the YMCA of the USA in Chicago, where he managed the organization’s intellectual property portfolio, obtaining, licensing, and enforcing its IP rights. During his tenure at the YMCA, he negotiated and structured agreements with professional sports leagues including the NBA and NFL, and was hired to guide and advise for a six-month period the organization’s incoming general counsel in managing intellectual property issues.

From 2016 to 2018, Ben practiced intellectual property law as an associate at Sughrue Mion PLLC in Washington D.C., accepting the firm’s offer to join as an Associate after having interned in its summer internship program. While practicing at Sughrue Mion, Ben successfully litigated Hatch-Waxman matters, including *St. Regis Mohawk Tribe v. Mylan Pharmaceuticals, Inc.*—the so-called Restasis case, which was named one of the ten most influential cases of 2018 by *Law360*.

While at Sughrue Mion, Ben participated in patent litigations for several technologies, including biotechnology and pharmaceuticals, computer software, automobiles, machines for applying body art and recreational pools and tubs. His experience includes filings at the USPTO’s Patent Trial and Appeal Board (PTAB) both for *inter partes* reviews and for covered business method (CBM) reviews of pharmaceutical patents, litigating trademark and copyright disputes at the USPTO’s Trademark Trial and Appeal Board (TTAB); litigating in the U.S. District Courts for a large software client; interviewing experts in advance of litigation including for Markman hearings; and helping prepare experts for testifying at trial. Ben also worked with joint defense groups to assist in managing complex matters.



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Ben was formerly a Judicial Intern in U.S. District Court (D NJ) in Newark, where he assisted the Hon. Steven C. Mannion, U.S. Magistrate Judge, in managing his daily caseload, including composing legal memoranda including substantive analysis to prepare Judge Mannion for court. In 2014 he was a summer intern at Sterne, Kessler, Goldstein & Fox in Washington D.C., also receiving an offer from employment from that firm.

Ben earned his J.D. in 2016 from the Seton Hall University School of Law and earned his B.A. *cum laude* from Rutgers – The State University of New Jersey in 2013. He works in our Chicago office.

Representative Litigation

- *Rearden, LLC, v. The Walt Disney Company, et al.*, (N.D. Cal. 2019)
- *Data Scape Ltd., v. Barracuda Networks, Inc.*, (E.D. Cal. 2019)
- *Intel Corp., Cavium LLC, and Dell, Inc., v. Alacritech, Inc.*, (Fed. Cir. 2019)
- *Cellspin Soft. V. GoPro, Inc.*, (Fed. Cir. 2018)
- *Allergan, Inc. v. Teva Pharmaceuticals USA, Inc., et al.* (Fed. Cir. 2017)
- *Allergan, Inc. v. Teva Pharmaceuticals USA, Inc., et al.* (E.D. Tex. 2015)
- *Mt. Derm GmbH et al. v. Needlejig Tattoo Supply, Inc.* (D. Mass. 2017)
- *Mt. Derm GmbH et al. v. Joker Tattoo Supply LLC* (E.D. Cal. 2017)
- *Eli Lilly and Co., et al. v. Accord Healthcare, Inc., et al.*, (S.D. Ind. 2014)
- *Kowa Company Ltd., et al. v. Sawai USA Inc. et al.*, (S.D.N.Y. 2013)
- *Inter Partes Review of U.S. Patent No. 8,633,162 IPR2017-00599 (and related IPRs)*
- *Hospira, Inc. v. Amneal Pharm., LLC.*, (D. Del. 2015)
- *Shire Pharm. Development Inc., et al. v. Amneal Pharm., LLC et al.*, (D.N.J. 2015)
- *Forest Labs, Inc. v. Amneal Pharm. LLC*, (D. Del. 2015)

Publications & Presentations

- “PTAB Denies Saint Regis Mohawk Tribe’s Motion to Terminate based on Sovereign Immunity” (2018). *Patent Office Trials Blog*.
- “Additional discovery at the patent trial and appeal board: will requests for evidence of commercial success be a success?” (2018). *Financier Worldwide, March 2018 Issue*.
- With John M. Bird et al. *The Essential Case Law Guide to PTAB Trials*. American Bar Association. 2018.
- “Fundamental Issues in the Appellate Standard of Review of Patent Claim Construction and why the Issues is Moot in Practice” (2016). *Law School Student Scholarship*. 750.
- “Exploring the ITC as an Alternative Forum in ANDA Litigations” International Symposium on Pharmaceutical, Biotechnology, and Chemical Patent Laws. Mumbai, India.

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- “Examining Uncertainties in the Boundaries of 271(e)(1) and the Scope of Divided and Induced Infringement: Understanding which Post-Approval Activities Fall Within the Scope of the Safe Harbor as per *Amphastar Pharmaceuticals, Inc. v. Momenta Pharmaceuticals, Inc.*” International Symposium on Pharmaceutical, Biotechnology, and Chemical Patent Laws. Mumbai, India.



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