

Austen Zuege

Patent & Trademark Attorney, Officer

Overview

Austen Zuege focuses his practice on intellectual property (IP) law in both transactional and litigation settings, including patent, trademark, copyright, trade secret, and domain name dispute matters. This includes international IP filings and prosecution such as Paris Convention patent applications, PCT applications and related national stage patent applications, Madrid protocol applications, as well as the coordination and supervision of global IP portfolios. He has familiarity with a variety of technical areas.

Austen has extensive experience organizing and conducting complex freedom-to-operate studies, advising on IP strategies, preparing invalidity/non-infringement opinions of counsel, negotiating agreements, enforcing rights and defending clients in contentious IP disputes, and creating strategic plans. He embraces processes and systems from an engineering and process improvement standpoint. He also writes and speaks about IP issues, and can translate complex legal issues into actionable tips and strategies for clients and their inside counsel.

He holds a bachelor's degree in industrial engineering. In his spare time, Austen is an avid cyclist. He commutes to work by bike year-round, including snowy Minnesota winters.

Areas of Practice

- Patents
- Trademarks
- Copyrights
- Trade Secrets
- Domain Name Disputes
- Freedom-to-Operate Studies
- Validity/Non-infringement Opinions
- IP Litigation
- PCT National Phase Filings and Paris Convention Filings in the USA
- Global Patent & Trademark Portfolio Management and Strategy
- USPTO Trial Proceedings (TTAB/PTAB)
- Local Counsel for IP Disputes in the District of Minnesota
- IP Licensing

Selected Areas of Technical Expertise

- Mechanical Devices
- Electrical and Electromechanical Devices
- Software
- Aerospace Technologies
- Airfoils and Fans
- Medical Devices
- Automotive Technologies
- 3-D Printing & Additive Manufacturing
- Communications and Networking
- Data Storage (e.g., Hard Drives)
- Machine Vision Systems
- Sensors, Transducers, & Control Systems
- Building Systems Including Elevators and Moving Walkways/Escalators
- Office Products, Recreational Equipment, and Gaming
- Environmental Systems (e.g., HVAC)



Contact Information

E-mail: azuege@wck.com
Phone: 1-612-330-0585
Fax: 1-612-334-3312
Linkedin: [linkedin.com/in/austen-zuege-1a86b945](https://www.linkedin.com/in/austen-zuege-1a86b945)

121 South Eighth Street
Suite 1100
Minneapolis, MN 55402 USA

Bar Admissions

United States Patent and
Trademark Office
Minnesota State Bar
Federal Court for the District of
Minnesota
Court of Appeals for the Federal
Circuit

Education

University of Illinois College of Law,
Juris Doctor, *cum laude*
University of Wisconsin-Madison,
B.S. Industrial Engineering

Honors & Recognitions

Recognized in *The Best Lawyers in America*® (2018-21) in the field of patent law
Minnesota Super Lawyers®, Rising Star (2013-2018)
Top Patent Prosecutor, Patent Buddy® (2011)

Professional Affiliations

American Intellectual Property Law Association (AIPLA)
Minnesota Intellectual Property Law Association (MIPLA)
Minnesota State Bar Association (MSBA)
Hennepin County Bar Association (HCBA)
International Trademark Association (INTA)

Community Service

Board Member, Minneapolis Civilian Police Review Authority, 2008-2012

Personal Interests

Bicycling
Music

Representative Matters

- *Patent Prosecution* - Prepared, prosecuted and supervised hundreds of patent applications, including PCT and foreign counterparts, on a variety of technologies on behalf of multi-national corporations, medium-sized businesses, small businesses, and individual inventors
- *Patent Prosecution* - Filed and prosecuted utility and design applications in the United States based on foreign priority filings, including PCT national phase entries and Paris Convention filings
- *Patent Risk Management* - Coordinated patent clearance/freedom-to-operate studies for billion-dollar product lines; advised client regarding risk management and patent avoidance strategies, and prepared associated opinions of counsel
- *Patent Litigation* - Worked on litigation team for a leading automotive component business asserting multiple patents against competitor; negotiated settlement of all claims; also successfully defended the patents-in-suit in five concurrent *ex parte* and *inter partes* reexaminations
- *Patent Litigation* - Defended international maker of optical identification systems against non-practicing entity in the Eastern District of Texas, in a case involving most competitors in the industry; negotiated settlement resolving all claims
- *TM Prosecution* - Prosecuted trademark registrations in the U.S. and managed global trademark portfolios; represented foreign applicants in U.S. Madrid protocol designations
- *TM Litigation* - Implemented trademark policing and enforcement program for photo booth service company; successfully pursued infringement action with a default judgment obtained over Defendant's active opposition
- *TM Litigation* - Successfully defended registration and application of software startup in consolidated Trademark Trial & Appeal Board (TTAB) cancellation and opposition proceeding through Accelerated Case Resolution (ACR)
- *Domain Disputes* - Obtained cancellation of domain name registration by client's competitor in UDRP arbitration
- *Copyright Registration* - Filed and obtained copyright registrations for a variety of types of works, including successful requests for reconsideration of refusals; advised clients regarding self-registration procedures
- *Copyright Litigation* - Defended nonprofit in copyright infringement dispute

Exemplary Patents

- U.S. Pat. No. 7,214,192 "Vascular Testing System"
- U.S. Pat. No. 7,648,279 "Journal Air Bearing"
- U.S. Pat. No. 7,821,437 "Line Noise Analysis and Detection and Measurement Error Reduction"
- U.S. Pat. No. 7,929,248 "Top Bond Pad for Transducing Head Interconnect"
- U.S. Pat. No. 7,966,807 "Vapor Cooled Static Turbine Hardware"
- U.S. Pat. No. 7,984,656 "NSMS Flight Laser Detector System"
- U.S. Pat. No. 8,030,807 "Electromechanical Energy Harvesting System"
- U.S. Pat. No. 8,246,302 "Teeter-Restraint Device for Wind Turbines"
- U.S. Pat. No. 8,315,058 "Capacitive Touch Interface Assembly"
- U.S. Pat. No. 8,337,989 "Layered Thermal Barrier Coating With Blended Transition"
- U.S. Pat. No. 8,430,154 "Nano-Particle Wave Heat Pipe"
- U.S. Pat. No. 8,578,362 "Method For Downloading Software To An Electronics Product"
- U.S. Pat. No. 8,855,952 "Ram Air Turbine With Flux Regulated Permanent Magnet Generator and Testing Method"
- U.S. Pat. No. 9,154,228 "Method and Apparatus for Signal Reception with Ambient Light Compensation"
- U.S. Pat. No. 9,415,880 "Actuator for RAT Deployment"
- U.S. Design Pat. No. D830,719 "Plant Stand"
- U.S. Pat. No. 10,415,587 "Composite Fan and Method of Manufacture"
- U.S. Pat. No. 10,612,605 "Viscous Clutch Fluid Capture System"

Publications

- [Patent Freedom to Operate Searches, Opinions, Techniques, and Studies](#) (ABA 2017), editor and lead co-author
- [Understanding Patent and Commercial Warranty Liability Stemming from Pending Patent Applications](#), 18 *Wake Forest Journal of Business and Intellectual Property Law* 444 (Spring 2018)
- **Beyond the Looking Glass: Patent-Eligible Subject Matter After Alice and Mayo**, [Intellectual Property Today, Vol. 21, No. 11](#) (November 2014), with Erik Wright
- [A New Theory for Patent Subject Matter Eligibility: A Veblenian Perspective](#), 5 *CYBARIS* 211 (2014)
- **Strategic Third-Party Submissions Against Patent Applications**, *Intellectual Property Today*, Vol. 19, No. 12 (December 2012)
- **A New Era for Patent-Eligible Subject Matter**, *Intellectual Property Today*, Vol. 19, No. 5 (May 2012)
- **No Short-Cuts: Weighing the Facts Under §103**, *Journal of the Patent and Trademark Office Society*, Vol. 91, No. 6 (June 2009), with Carolyn Beck
- **Untying Patents from the Sherman Act: Illinois Tool Works, Inc. v. Independent Ink, Inc.**, [The IP Book, 4th Edition](#) (2006), with Thomas Stueber and Jessica Kwak
- **Implications of SmithKline Beecham v. Apotex Corp. on the Experimental Use and Inherent Anticipation Doctrines**, [The IP Book, 3rd Edition](#) (2005), with Michael Pape and Jessica Kwak
- **The “Written Description” Requirement: Recent Cases and Their Practice Implications**, [The IP Book, 2nd Edition](#) (2004), with D. Fairbairn and A. DeMaster
- [Intellectual Property Law for Business Lawyers](#), Thomson Reuters®, annual (former contributing author and chief editor, 2002-2016)
- [Federal Intellectual Property Laws and Regulations](#), Thomson Reuters®, annual (former chief editor, 2009-2016)

Presentations

- [Structuring Freedom to Operate Opinions: Reducing Risk of Patent Infringement](#), with John M. Fleming, 2020
- [Structuring Freedom to Operate Opinions: Reducing Risk of Patent Infringement](#), with Michael S. Cuvillo & John M. Fleming, 2019
- [The “Patent Troll” Debate](#) Intellectual Property: Advanced Topics for Businesses in a Changing Legal Landscape, 2014
- [Oracle v. Google and Its Impact on Software Development and Protection](#) Intellectual Property: Key Topics for In-House Counsel and Business Lawyers Today, 2013
- [Design Patents: Review & Developments](#) Intellectual Property: Key Topics for In-House Counsel and Business Lawyers Today, 2013
- **And Now from the Peanut Gallery: Understanding New Avenues for Third-Party Attacks on Pending Patent Applications** Hennepin County Bar Association Corporate Counsel Section, 2013
- [The New Paradigm for Patentable Subject Matter](#) Intellectual Property Strategies: Seizing Opportunities and Managing Risks, 2012
- **Practical Copyrights for Small Businesses** Intellectual Property Law: Beyond the Basics, 2011
- **Copyright and Street Art** Intellectual Property Law: Beyond the Basics, 2011
- **Patent Reexamination: A View from the Trenches** Intellectual Property Law: Beyond the Basics, 2010
- **State of the USPTO** Intellectual Property Law: Beyond the Basics, 2009
- **Myths of Copyright Law** Intellectual Property Law for Business Lawyers, 2008
- **Pushing the Bounds of Copyright** Intellectual Property Law for Business Lawyers, 2008
- **Pushing the Boundaries of Copyright Law**, with Thomas Stueber, Midwest Intellectual Property Institute, 2007
- **eBay v. MercExchange: Injunctive Relief** Intellectual Property Law for Business Lawyers, 2007
- **Copyright Basics** Intellectual Property Law for Business Lawyers, 2006
- **Top Patent Cases** Intellectual Property Law for Business Lawyers, 2006

