



David L. Nocilly

Member

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Profile

Dave specializes in U.S. patent law and helps university and corporate clients maximize the value of intellectual property with creative patenting and licensing strategies. He also regularly assists clients by crafting invention disclosure programs, providing employee training on intellectual property protection and business management best practices, and negotiating complex licensing deals.

Dave is a registered U.S. patent attorney who has prepared and prosecuted hundreds of patent applications worldwide, encompassing a variety of technologies including:

- electronic and pneumatic braking systems
- locomotive energy management systems
- small molecule pharmaceuticals
- shape memory polymers
- medical devices
- biomaterials

In addition to an extensive proficiency with the rules and procedures of the U.S. Patent and Trademark Office, Dave teaches an upper level course on patent prosecution at the Syracuse University College of Law. He also regularly shepherds Patent Cooperation Treaty (PCT) applications through patent offices in Australia, Brazil, Canada, China, Europe, India and South Africa and is well-versed in the nuances of international patent strategy.

As lead counsel in numerous patent, trademark, copyright and trade secret litigation matters, Dave has first chair trial experience in federal district court and before the U.S. International Trade Commission. His litigation matters have included:

- nationally-known consumer electronic goods
- medical devices
- computer software systems
- ground fault circuit interrupters
- yogurt
- roller coasters

Dave has also lectured on intellectual property protection strategies for the Special

Education

- Syracuse University College of Law (J.D., *summa cum laude*, 2000)
- Cornell University (B.S. in Biology 1991)

Bar/Court Admissions

- New York
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Western District of New York

Practices

- Litigation
- Intellectual Property
- Business and Transactions
- COVID-19 Essential Resources for Business

American Business Internship Training (SABIT) Program of the U.S. Department of Commerce, local business and industry leaders, and undergraduate and graduate business classes and entrepreneurial programs.

Representative Matters

Recent Patents

- 9,851,528 Optical coating permitting cavity self-locking
- 9,821,822 Automatic parking brake for truck mounted brake cylinder
- 9,819,781 System for providing temporary speed restrictions to locomotives
- 9,789,889 Slack adjuster for narrow gauge railroad cars
- 9,758,808 Bioluminescence resonance energy transfer between bioluminescent proteins and semiconductive nanomaterials
- 9,752,180 Methods and compositions for amplification and detection of MicroRNAs
- 9,744,041 Shape-memory-actuated materials for accelerated healing of orthopedic injuries
- 9,737,587 Treatment of autism spectrum disorders with ciliary neurotrophic factor peptide mimetic
- 9,643,587 Sequence valve for a brake cylinder having an automatic parking brake
- 9,604,281 Method to control void formation in nanomaterials using core/alloy nanoparticles with stainless interfaces
- 9,603,905 Intranasal insulin administration for the minimization of anesthesia-induced memory loss
- 9,505,825 Methods and systems for zinc delivery using intrinsic factor or haptocorrin
- 9,450,572 Self-cascadable phase shifter
- 9,422,393 Water-triggered shape memory of PCL-PEG multiblock TPUs
- 9,340,578 Inhibitors targeting human ghrelin O-acyltransferase
- 9,249,203 Treatment of brain injury with a neurotrophic peptide

Recent IP Litigation

- General Mills, Inc. v. Chobani, LLC, 3:16-cv-58 (NDNY) – Assisted Fortune 500 company in obtaining a preliminary injunction against allegedly false advertising campaign launched by competitor
- Fage Dairy Industry v. General Mills, Inc. 11-cv-01174 (NDNY) – Represented trademark owner in appeal by plaintiff from adverse Trademark Trial and Appeal Board decision
- Conmed Corporation v. Cosmescu et al, 6:13-cv-01226 (NDNY) – Successfully defended publicly traded corporation from patent infringement claims brought by a competitor

Honors & Affiliations

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Listed in:

- *The Best Lawyers in America*®, Patent Law, 2022
- *New York Super Lawyers*®, Intellectual Property, 2018
- *Martindale-Hubbell*®, AV Preeminent Rated
- New York State Bar Association
- Onondaga County Bar Association
- Justinian Honorary Law Society
- Form and Accuracy Editor, *Syracuse Law Review*
- Corpus Juris Secundum Recipient
- West Outstanding Achievement Award Recipient