MAYNARD
COOPER GALE

BIRMINGHAM

Nicholas J. Landau, Ph.D.

SHAREHOLDER

Nicholas's Profile

Nick is a seasoned Patent attorney with 18+ years of legal experience and doctoral level training in environmental/industrial microbiology. As a Shareholder in the Firm's Intellectual Property Group, Nick focuses his practice on patent drafting, patent prosecution, managing international patent portfolios, and providing legal analysis and opinions; as well as brand protection and enforcement.

Dedicated to intellectual property law and the advancement of biological science, Nick is active in the biotechnology industry serving as a board member of BIO Alabama, former Chair of the AIPLA Biotechnology Committee, and as an Adjunct Professor of Law at Cumberland School of Law.

Prior to joining Maynard, Nick practiced in Alabama and Florida with national firms. His background also includes serving as Litigation Counsel with the U.S. Army Corps of Engineers Office of the Chief of Counsel in Washington, D.C., and serving as an Associate Plant Examiner at the U.S. Plant Variety Protection Office.

Nicholas's Experience

- A national research university needed protection for an unconventional method of dialysis. During the patenting process the method proved a great improvement over previous methods and was licensed to a global manufacturer and distributor of medical products. Patents were obtained in multiple countries with claims broadly covering the method, and created abundant royalties that are now the source of continuing research endowment created by the inventor. This was accomplished through frequent collaboration both with the inventor and other experts in the field.
- Two faculty members founded an ag-biotech startup to develop their invention, a genetically modified peanut. After many years with

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another law firm, they had only succeeded in patenting the method of making the plant. Nick was able to obtain patent protection over the plant itself and its useful parts.
- A small business with a highly successful exercise vehicle discovered rampant trademark piracy and knockoffs on dozens of pages of a Chinese-based shopping website. Nick resolved the situation with the website owner within a couple weeks, resulting in complete takedown of the infringing material without having to seek relief in the courts.
- An international chemical company developed an improved method of making high-performance plastics in a very crowded and valuable market. Through careful analysis of the prior art and rigorous collaboration with the client's experts, multiple patents were obtained in the United States despite numerous issues with novelty and obviousness raised by the patent office.
- A nonprofit research institute sought patent protection for the use of several biomarkers in precision medicine applications. Their previous efforts to patent in the United States were stonewalled by the patent office under the Mayo v. Prometheus decision by the Supreme Court. After taking over the portfolio, Nick employed created approaches to successfully overcome the reluctance of the patent office, successfully obtaining several patents.
- A surgeon invented a new surgical approach to a common urinary problem, and an implant useful in the method. A series of patents in the United States and several other countries were obtained covering the implant itself and method, compliant with restrictions in the United States and elsewhere on patenting surgical techniques.
- A small innovative defense contractor invented a fundamentally novel smoke generator. Despite the very distinctive nature of the invention, the patent examiner repeatedly refused to recognize its patentability. Rather than continue with amendments and arguments, Nick made careful use of the ex parte appeals process to ultimately obtain several patents for the smoke generator and improvements on it.
- A land grant research university invented a new method of making biofuel using a novel genetically modified microorganism, in which multiple genes in a metabolic pathway were transferred from a an archaeon into a common lab bacterium. A patent was obtained with little argument despite the complex nature of the invention.

Nicholas's Awards

The Best Lawyers in America© for Copyright, Patent, and Trademark Law (2021-present)

Nicholas's Affiliations and Civic Involvement

Professional Affiliations

- BIO Alabama, Board of Directors

- American Intellectual Property Law Association (AIPLA), Biotechnology Committee Chair (2019-2021), Chair of Industrial Biotechnology Subcommittee and Genetic Resources/Traditional Knowledge Subcommittee (2019-present)
- Association of University Technology Managers (AUTM), Member
- Cumberland School of Law, Adjunct Professor of Law (2016-present)
- Alabama/Mississippi Pro Bono Patent Program, Co-founder, Co-director
- Gulf Coast Intellectual Property Law Association, Life Sciences Committee Chair
- American Bar Association
- Birmingham Bar Association

Civic Affiliations

- National Veterans Legal Services “Lawyers Serving Warriors” Project (Volunteer)
- Firehouse Shelter, volunteer server (2008-2021)

Bar Admissions

State Bar: Alabama, Virginia, Washington, D.C.

U.S. Patent & Trademark Office

Education

- University of Virginia School of Law
    - (J.D., Executive Editor, Virginia Environmental Law Journal)
- Rutgers, the State University of New Jersey
    - (Ph.D., Environmental Science)
- University of Maryland
    - (M.S. Marine, Estuarine and Environmental Science)
- University of Virginia
    - (B.A. Environmental Science)