



# John Cook

*Partner*

*Syracuse*

*P: 315.425.2885*

*jcook@barclaydamon.com*

## Education

- Villanova University School of Law, JD
- Le Moyne College, BS

## Practices & Industries

- Intellectual Property Litigation
- Commercial Litigation & Complex Trials
- Trademarks, Copyrights & Licensing
- Communications & Networking Technology

## Admitted to Practice

- New York
- Massachusetts

## Court Admissions

- US Court of Appeals for the Federal Circuit
- US Court of Appeals for the Second Circuit
- US District Court for the Eastern District of New York
- US District Court for the Northern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of New York
- US Court of International Trade
- US Supreme Court

## Biography

John is Barclay Damon's Intellectual Property Litigation Practice Area co-chair. For more than 20 years, John has prosecuted and defended claims in complex intellectual property litigation matters, counseling and representing patent, trademark, and copyright clients across a wide range of industries.

As a former federal court law clerk with extensive trial and appellate experience in courts across the country, John brings a deep understanding of courtroom dynamics and judicial decision-making to his practice. This background has been invaluable given the complexity of the matters he handles, including prosecuting claims against 22 defendants in a patent infringement case. In another, John successfully developed and executed a strategic plan in a complex dispute between a client and a competitor that played out in more than 20 different proceedings commenced in two different federal district courts, the Patent Trial and Appeal Board of the US Patent and Trademark Office (PTAB), the US Court of International Trade, the US International Trade Commission, and the US Court of Appeals for the Federal Circuit.

John is known as a precise and analytical thinker, traits he cultivated during his prior experience in public accounting. His accounting background enhances his ability to analyze complex matters, something that has proved to be invaluable in his legal practice. One example of this application was John leading a development and trial presentation of the damages case that culminated in a jury finding of willful patent infringement and entry of a \$62 million judgment in his client's favor.

In addition to his own practice, John is chair of the firm's Technology Committee.

## Bar Associations

- New York State Bar Association
- Northern District of New York Federal Court Bar Association, Trustee, Information Technology Committee Co-Chair
- Onondaga County Bar Association

## Selected Memberships & Affiliations

- Intellectual Property and Innovation American Inn of Court, Treasurer
- US District Court for the Northern District of New York, Local Rules Committee

## Representative Experience

### Patents

- Defended a multinational consumer-goods company in a patent infringement action that was resolved favorably following summary judgment of no willful infringement.
- Served as trial counsel in a patent-infringement action that resulted in a favorable jury verdict of willful infringement and a \$62 million judgment for a global manufacturer of telecommunication products.
- Represented a global manufacturer of telecommunication products in a patent infringement action against 22 defendants that was resolved favorably prior to trial.
- Represented a leading manufacturer in multiple patent-infringement actions that were resolved favorably prior to trial.
- Served as trial counsel in a patent-infringement action that resulted in a favorable jury verdict of non-infringement for a global agricultural-products company and its affiliates.
- Represented a manufacturer of medical devices in a patent-infringement action that was resolved favorably following summary judgment of no literal infringement.
- Defended a multinational consumer-goods company and its related entities in a patent-infringement action that was resolved favorably prior to trial.
- Represented a global manufacturer of telecommunication products in connection with US Customs and Border Protection efforts to enforce general-exclusion orders and a limited-exclusion order issued by the US International Trade Commission.
- Secured the dismissal of a patent infringement case commenced against a global manufacturer of telecommunication products without having to make a monetary payment.

## **Trademarks**

- Served as trial counsel in a trade-dress infringement action that resulted in a favorable jury verdict of non-infringement for a specialty paper-products manufacturer.
- Represented a medical device manufacturer in a successful Uniform Domain-Name Dispute-Resolution Policy (UDRP) proceeding that resulted in the transfer of an infringing domain name.
- Represented a health care provider in a trademark-infringement action that was resolved favorably prior to trial.
- Defended a footwear manufacturer and retailer in a trademark-infringement action that was resolved favorably prior to trial.
- Represented multinational automobile manufacturers in trademark and trade-dress infringement and dilution action that was resolved favorably prior to trial.

## **Copyrights**

- Defended a university in a copyright-infringement action that was resolved favorably prior to trial and after denial of a summary judgment motion filed by the copyright owner.

## **Prior Experience**

- Hiscock & Barclay, LLP, Partner

## **Judicial Clerkships**

- US District Court for the Northern District of New York, Judge Howard Munson

## **Selected Community Activities**

- Le Moyne College Board of Regents, Regent
- Le Moyne College Alumni Association Board, Past President
- Onondaga County Bar Association Volunteer Lawyers Project, Volunteer Attorney

## Selected Honors

- *The Best Lawyers in America*®: Commercial Litigation, 2020–2025
- Selected to *Super Lawyers* Upstate New York: Commercial Litigation, 2015–2018; Intellectual Property Litigation, 2015–2024
- Selected to *Super Lawyers* Upstate New York Rising Stars: Intellectual Property, 2013

## Selected Speaking Engagements

- Northern District of New York Federal Court Bar Association, "Federal Rules Update: What's New and What Practitioners Need to Know" CLE
- Intellectual Property and Innovation American Inn of Court, "A Modern-Day Markman Hearing Concerning the Classic Wright Brothers' Patent"
- Northern District of New York Federal Court Bar Association, "Back to Basics: A Discussion About Procedural Issues at the Early Stages of Civil and Criminal Cases" CLE
- Northern District of New York Federal Court Bar Association, "Discovery: The Rules, Guidelines, and Best Practices"
- Northern District of New York Federal Court Bar Association, "Federal Practice 101"

## Selected Media

- Law360, "How Executives' Deposition Standards Can Differ"

## Selected Alerts & Blog Posts

- Northern District of New York Adopts Local Patent Rules
- Satisfaction of the Machine-or-Transformation Test Necessarily Establishes Satisfaction of the Statutory Eligibility Requirements for Processes under 35 U.S.C. § 101