



Erik Swenson

Member

Minneapolis

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Erik Swenson focuses on creating litigation strategies that are focused on a client's specific business needs in order to find a fiscally responsible solution. He is a recognized leader in complex patent litigation. With 20 years of experience and his degree from Massachusetts Institute of Technology (MIT), he has a deep understanding of key technological areas such as telecommunication, computer, semiconductor, Internet and e-commerce software and services, microprocessors, display hardware, and medical devices.

Erik has extensive experience in handling all aspects of patent litigation in federal jurisdictions across the country. He has been lead counsel in over 100 adverse matters, including all aspects of trials, appeals, and administrative proceedings. Erik works tirelessly to achieve the best results for his clients.

Erik has broad-based transactional experience assisting companies in intellectual property transactions and licensing negotiations. He regularly assists intellectual property holders, acquirers and potential licensors in various endeavors. He has vast experience in patent portfolio evaluation and leads negotiations regarding potential licensing. Erik is experienced in due diligence and providing formal opinions concerning potential infringement, freedom-to-operate, validity and enforceability of client and third party intellectual property.

Erik is also licensed to practice before the U.S. Patent and Trademark Office (USPTO). His patent prosecution practice includes all facets of drafting and prosecuting patent applications before the USPTO, as well as supervising the prosecution of patent applications before many foreign patent offices. Erik's patent prosecution experience emphasizes electrical, mechanical, and software technology related matters. He has experience in ex parte prosecution, as well as post-grant proceedings, including IPR's and ex parte reexamination. Erik has handled IPRs representing both patent owners and patent challengers resulting in favorable outcomes for his clients.

Erik's background and experience in both patent prosecution and complex litigation matters makes him particularly adept at developing and managing patent portfolios.

Erik earned his undergraduate degree from Massachusetts Institute of Technology in 1992 and his law degree from University of Minnesota Law School in 1998. He has been recognized as a Super Lawyer numerous times.

Experience

Represented Spell Capital Partners, LLC in connection with its acquisition of Polar Plastics Inc., a manufacturer of plastic film and low-density polyethylene packaging products based in St. Paul, Minn. This transaction drew on the experience of the firm's corporate, tax, real estate, intellectual property, employee benefits and executive compensation, labor and employment, and environmental attorneys.

Represented Acreage Holdings, Inc. (Acreage) -- the largest vertically integrated, multistate owner of cannabis licenses and assets for the United States with respect to the number of states with operational licenses -- in its acquisition of Form Factory, Inc. through an all-stock transaction valued at \$160 million. Form Factory is a cannabis manufacturer, co-packer, and distributor headquartered in Portland, Ore. Cozen O'Connor also served as Acreage's U.S. corporate counsel in its reverse takeover

Practice Areas

- Intellectual Property
- Intellectual Property Litigation
- Licensing & Transfer
- Patents

Education

- University of Minnesota Law School, J.D., *cum laude*, 1998
- Massachusetts Inst. of Technology, M.S., *magna cum laude*, 1992

Bar Admissions

- Minnesota
- United States Patent and Trademark Office

Court Admissions

- U.S. District Court -- Eastern District of Michigan
- U.S. Court of Appeals for the Federal Circuit

Affiliations

American Bar Association

American Intellectual Property Law Association (AIPLA)

Minnesota Intellectual Property Law Association (MIPLA)

Minnesota State Bar Association

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of Toronto-based Applied Inventions Management, resulting in the listing of Acreage shares on the Canadian Securities Exchange.

Represented Spell Capital Partners, LLC and its portfolio company, Viking Plastics, in connection with the acquisition of Genesis Plastics and Engineering, LLC and Genesis Plastics Solutions, LLC. Viking Plastics is an injection molding and value-added assembly service provider. With facilities in Jeffersonville and Scottsburg, Ind., Genesis manufactures injection molded parts for the automotive industry. This transaction drew on the experience of the firm's corporate, tax, real estate, intellectual property, labor and employment, employee benefits and executive compensation, and utilities, environmental, and energy attorneys.

Represented Spell Capital Partners, LLC in its acquisition of Viking Engineering & Development, Inc., a manufacturer of automated wood pallet and bedding manufacturer equipment. The transaction drew on the experience of the firm's corporate, employee benefits, tax, real estate, intellectual property, and environmental attorneys.

Served as lead counsel for co-defendant Bosch Security Systems, Inc. in case involving video security and surveillance systems. Successfully argued and obtained favorable claim construction rulings resulting in the Parties stipulation and agreement of entry of Final Judgment in favor of Defendants. Plaintiff appealed to the U.S. Court of Appeals for the Federal Circuit who affirmed the District Courts Judgments.

Served as lead counsel for Defendant in a patent case involving a cooking and lifting tool. Successfully obtained a favorable settlement.

Served as counsel for Defendant Digital River, Inc. in a patent case involving internet commerce platforms. Successfully obtained a favorable settlement.

Served as lead counsel for Plaintiff in a patent case regarding a jobsite radio. Successful in motion for judgment on the pleadings barring asserting new product infringes asserted patents. Successfully obtained a favorable settlement.

Served as lead counsel for Plaintiff in a patent case regarding a hand gripping machine with a suction device. Successfully obtained a favorable settlement.

Served as counsel for Plaintiff in a trademark suit regarding Plaintiff's mark VIPER. Successfully obtained a favorable settlement.

Served as lead counsel for Plaintiff concerning a light bar for mounting on emergency vehicles to provide warning light signals. Successfully obtained a favorable settlement.

Served as lead counsel for Defendants in case involving wheel aligners. Successfully obtained a favorable settlement.

Served as counsel for Defendant Capella Education Company in case involving computer architecture for managing courseware in a shared use operating environment. Successfully obtained a favorable settlement.

Served as lead counsel for BreathableBaby, LLC in case involving breathable crib liners. Successfully obtained a favorable monetary and non-monetary settlement.

Served as lead counsel for Plaintiff in case involving diagnostic testing device for motor vehicles with programmable control devices. Successfully obtained a favorable settlement.

Served as lead counsel for Plaintiff in case involving data acquisition and display system for motor

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vehicles. Successfully obtained a favorable settlement.

Served as lead counsel for co-defendant Logic Technology Development LLC in case involving e-cigarettes. Lead coordinated post-grant review strategy and prepared and filed inter partes review petitions with the U.S. Patent and Trademark Office (USPTO) to seek invalidation of the asserted claims; obtained stay at the District Court pending inter partes review. Successfully obtained favorable settlement.