



Rachel C. Hughey

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Rachel practices intellectual property law with an emphasis on patent litigation and appellate level disputes. Rachel has experience with patent, trade secret, trademark, and copyright litigation. She has expertise in a wide variety of fields—including chemical technologies, medical devices, pharmaceuticals, mechanical devices, and software—and is involved in all elements of trial preparation—including formulating strategy, preparing briefs and pleadings, handling discovery matters, engaging in oral arguments, and managing trial issues. Rachel has successfully briefed, argued, and won dispositive and non-dispositive issues in both state and federal courts. Rachel also has experience with due diligence investigations and validity and infringement opinions. Rachel further develops her practice through publication of legal articles and speaking engagements in areas ranging from patent litigation to trademarks and licensing.

Atlanta

Denver

Knoxville

Rachel is committed to service to the legal community. As a volunteer attorney for the Advocates for Human Rights, she represents asylum seekers in their appeals to Federal Circuit Courts. In her pro bono representation, she successfully obtained a remand of her client's immigration case from the Eighth Circuit Court of Appeals. Rachel has also served as an adjunct professor at the University of Minnesota Law School for the Intellectual Property Moot Court and Legal Writing courses.

Madison

Minneapolis

In 2008 Rachel was named one of twenty-five "Up & Coming Attorneys" by Minnesota Lawyer. This recognition is given to attorneys in practice ten years or less who are accomplished in the areas of leadership, professional accomplishment, and service to the legal community. Rachel was also selected by Law & Politics as a "Rising Star" for 2009, 2010, and 2011. Less than 2.5 percent of attorneys in any state are selected for this honor.

New York

Seattle

From 2005–2006, Rachel was a law clerk for the Honorable Alvin A. Schall of the United States Court of Appeals for the Federal Circuit. In 2002, Rachel externed for the Honorable James M. Rosenbaum of the United States District Court for the District of Minnesota.

Washington DC

Rachel C. Hughey (continued)

Education

University of Wisconsin - Madison
B.S., Chemical Engineering, 2000; Tau Beta Pi

University of Minnesota
J.D., magna cum laude, 2003; Order of the Coif
Minnesota Law Review, Note and Comment Editor

Bar Admissions

Minnesota State Courts, 2003
Minnesota Federal Courts, 2003
Federal Circuit Court of Appeals, 2004
Eighth Circuit Court of Appeals, 2006
United States Supreme Court, 2007

Professional Affiliations

Federal Bar Association
Federal Circuit Bar Association
American Intellectual Property Law Association

Board Service

The Federal Bar Association, Editorial Board for *The Federal Lawyer*
The American Intellectual Property Law Institute, Editorial Board for the *AIPLA Quarterly Journal*
YouthCARE, Board
Minnesota Law Review Alumni Advisory Board, President

Atlanta

Denver

Articles Authored/Presentations

Annual Review of Developments in Business and Corporate Litigation, Chapter 20.13 Federal Circuit Decisions, ABA Business Law Section (2011) (with William Burgess)

Knoxville

Assessing Reasonable Royalty Damages for Patent Infringement in a Changing Legal Landscape, The IP Legal Browser (Winter 2011)

Madison

Effective Appellate Advocacy Before The Federal Circuit: A Former Law Clerk's Perspective, 11 J. of Appellate Prac. and Pro. 401 (2010)

Minneapolis

Evaluating Reasonable Royalties After ResQNet, IP Law360 (Oct. 14, 2010) (with Phil Green)

Supersize Me: Damages Claims in Patent Litigation, Patent Enforcement and Defense 2010 CLE, Minneapolis, MN (April 28, 2010)

New York

Annual Review of Developments in Business and Corporate Litigation, Chapter 20.12.1 Federal Circuit Decisions, ABA Business Law Section (2010) (with William Burgess)

Seattle

Avoiding Patent Claim Construction Errors After Phillips, The Federal Lawyer 50 (Nov. 2009) (with Anthony R. Zeuli)

The Three Year Anniversary of eBay v. MercExchange: A Statistical Analysis of Permanent Injunctions, IP Today 25 (Nov. 2009) (with Ernest Grumbles and Susan Perera)

Washington DC

Rachel C. Hughey (continued)

Abbott Laboratories v. Sandoz, Inc.: *The Federal Circuit Finally Aligns Its Precedent On Product-By-Process Claims*, IP Today 1 (Nov. 2009)

Exergen Corp. v. Wal-Mart Stores, Inc.: *Heightened Pleading Standard for Inequitable Conduct*, IP Law360 (Sept. 2009)

First-Sale Doctrine – Absolute or Conditional Under Quanta v. LG Electronics?, American Intellectual Property Law Association, Miami, FL (January 28, 2009)

A Review of the Supreme Court’s Decision in LG Electronics v. Quanta, Minnesota Intellectual Property Law Association, Minneapolis, MN (June 26, 2008)

First-sale doctrine: absolute or conditional?, Minn. Lawyer In-House Counsel Q. (June 12, 2008)

Avoiding Claim Construction Errors by Determining the Ordinary and Customary Meaning, Advanced Patent Litigation Seminar, American Intellectual Property Law Association, New York City, NY (June 24, 2005)

R.F. Delaware, Inc. v. Pacific Keystone Technologies, Inc.: *The Federal Circuit Has Finally Spoken on Collateral Estoppel of Claim Interpretation*, 20 Santa Clara Computer and High Tech. L. J. 293 (2004)

The District of Columbia’s Decision in Pro-Football v. Harjo and Its Effect on Trademark Protection of Other Marks, 14 Fordham Intellectual Prop., Media & Entertainment L. J. 327 (2004)

Avoiding Patent Claim Construction Errors: Determining the Ordinary and Customary Meaning Before Reading the Written Description, The Federal Lawyer 29 (June 2004) (with Tony Zeuli)

Atlanta

Implied Licenses by Legal Estoppel, 14 Albany Law J. Sci. & Tech. 53 (2003)

Denver

Trademark Protection for Native American Team Names and Mascots and the Impact of the Harjo Decision, XVI Sovereignty Symposium 81 (2003)

Collateral Estoppel of Claim Interpretation After Markman, 86 Minn. L. Rev. 1581 (2002)

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