Cooley

Dr. Daniel Knauss

Partner



dknauss@cooley.com

+1 650 843 5287

Palo Alto

Life Sciences IP Litigation
Agricultural Sciences and Technology
M&A Disputes
Trade Secret Litigation and Dispute Counseling
Employee Mobility, Competitive Hiring and Unfair Competition
Hatch-Waxman Litigation
Intellectual Property Litigation

Dan is an experienced trial lawyer and life sciences litigator focusing on high-stakes patent, trade secret and commercial disputes. He litigates matters involving a wide variety of complex technologies. In the life sciences, these include biosimilars and antibody drugs, agricultural tech and biofuels, cancer and antiviral medicines, and medical devices. Beyond life sciences, Dan has handled many cases for high-tech companies, in areas including autonomous vehicles, machine learning, semiconductor design, processor cooling, optics and software. Dan represents branded pharmaceutical companies in abbreviated new drug application (ANDA) litigation and both reference product and biosimilar companies in Biologics Price Competition and Innovation Act (BPCIA) litigation. He has tried cases in district courts across the United States, at the Patent Trial and Appeal Board (PTAB), the Delaware Court of Chancery and the International Trade Commission (ITC), and handled appeals at the US Court of Appeals for the Federal Circuit. Dan also has extensive arbitration trial experience.

Dan has a PhD in microbiology and cancer biology from the University of Wisconsin–Madison. He earned a JD, with distinction, from Stanford Law School, where he was an editor of the Stanford Technology Law Review. He externed in the Santa Clara County District Attorney's Office. Before attending law school, Dan was a patent agent and director of intellectual property at a medical diagnostics company.

Dan's representative past matters include:

- *Genentech v. Amgen* (D. Del.) – Represented Amgen in Biologics Price Competition and Innovation Act (BPCIA) litigation regarding trastuzumab biosimilar; defeated temporary restraining order/preliminary injunction enabling Amgen to launch its trastuzumab biosimilar Kanjinti; affirmed by federal circuit; obtained global settlement
- *Alexion v. Samsung Bioepis* (D. Del.) – Represented Samsung Bioepis in BPCIA litigation, obtaining institution of five inter partes review (IPR) proceedings as part of integrated PTAB-district court strategy, defeating Alexion's preliminary injunction motion and clearing the path for the commercialization of Soliris (eculizumab) biosimilar
- *Genentech, et al. v. Celltrion, et al.* (D. Del.) – Represented Celltrion and Teva in BPCIA litigation regarding rituximab biosimilar Truxima; invalidated method of treatment patent in IPR proceedings prior to settlement
- *Central Valley Seeds v. Vilmorin North America* (N.D. Cal.) – Represented Vilmorin in patent litigation concerning proprietary vegetable varieties; obtained settlement securing product launch

- Confidential arbitration matter – Represented the founder and CEO of a biotech company in an arbitration involving immunotherapeutic fusion proteins brought by a former employer alleging misappropriation of trade secrets, breach of fiduciary duty and other claims
- *Butamax Advanced Biofuels v. Gevo* (D. Del.) – Represented Gevo in multipatent disputes relating to production of isobutanol biofuel in microorganisms, including defeat of a preliminary injunction threatening Gevo's operations
- *Shareholder Representative Services v. Celldex Therapeutics* (Delaware Chancery) – Represented Shareholder Representative Services on behalf of former shareholders in a merger agreement milestone payment dispute relating to antibody technologies
- *Journey Medical Corp.* (D. Del.) – Represented Journey Medical in a variety of Hatch-Waxman (abbreviated new drug application) litigations concerning Journey Medical's dermatology products
- *Elekta, et al. v. Varian Medical Systems* (E.D. Mich.); *Varian Medical Systems v. Elekta* (ITC); *Varian Medical Systems v. Elekta, et al.* (PTAB) – Represented Varian in a three-fora patent battle, including in defense of the first suit filed by Elekta in district court, as well as in ITC and IPR countersuits for Varian; obtained settlement with no payments exchanged between plaintiffs and defendants and no future financial obligations
- *Scientific Applications and Research Associates, Inc. v. Zipline International* (N.D. Cal.) – Represented Zipline in defense of patent and trade secret litigation involving autonomous vehicles; the case was resolved through settlement
- *Hoffmann-La Roche v. Gilead Sciences* (American Arbitration Association arbitration, International Centre for Dispute Resolution) – Obtained complete defense verdict in favor of Gilead in a contract and patent dispute for exclusive rights to Sovaldi
- *Onyx Pharmaceuticals v. Bayer* (N.D. Cal.) – Represented Onyx in a collaboration agreement dispute relating to regorafenib (Stivarga)
- *Horus Vision v. Applied Ballistics* (N.D. Cal.) – Represented optical technology company Horus Vision in a patent infringement action; obtained complete claim construction victory and licensing outcome for client
- *Meta Platforms, Inc. v. Palo Alto Research Center Inc.* (PTAB) – Represented Meta (Facebook) in two IPRs; all challenged claims were found unpatentable, and the result was confirmed on appeal
- *Microsoft Corp. v. Windy City Innovations, LLC* (PTAB) – Represented Meta in three IPRs after joinder; all challenged claims were found unpatentable
- *Tele-Publishing Inc. v. Facebook, Inc., et al.* (D. Mass and Fed. Cir.) – Represented Facebook in a patent case; won on claim construction briefing and motion to invalidate all of Tele-Publishing's asserted claims based on indefiniteness and unpatentable subject matter

Publications and media

- Co-author, "Enablement Risks for Method of Treatment Claims After Wyeth v. AstraZeneca," Cooley alert, July 2026
- Co-author, "Teva Ruling Offers Patentees New Support For Genus Claims," Law360, June 2026
- Co-author, "What Teva v. Eli Lilly Means for Written Description and Enablement of Method-of-Use Patents," Cooley alert, April 2026
- Co-author, "New Ex Parte Reexamination Procedure at USPTO: What Patent Owners and Challengers Need to Know," Cooley alert, April 2026
- Co-author, "Federal Circuit Sheds Light on Patent Eligibility for Gene Therapy Patents in Precedential REGENXBIO Decision," Cooley alert, March 2026
- Co-author, "*Ex Parte Desjardins*: Squires-Helmed USPTO Looks to Train PTAB on § 101 Eligibility of AI-Related Patent Claims," Cooley alert, October 2025
- Co-author, "End of the Road for Jepson Format Claims in the Life Sciences?," Cooley alert, April 2025
- Co-author, "UPOV Releases Explanatory Notes Further Defining Protection for Essentially Derived Varieties," Cooley alert, February 2024
- Co-author, "Two Recent Federal Circuit Opinions Illustrate Risk of Product Demonstrations for Patent Validity," Cooley alert, August 2023

- Co-author, "Supreme Court Affirmance in Amgen v. Sanofi Leaves Legal Standard for Patent Enablement Undisturbed," Cooley alert, May 2023
- Co-author, "Illegality Doctrine Rejected in Legal Cannabis Patent Case, Confirming Patent Enforceability," Cooley alert, February 2023, published in IP Litigator, March/April 2023
- Noted in "Facebook Gets Patent Axed After Citing Inventors' Paper," Law360, January 2023
- Co-author, "Teva Ruling May Shake Up Skinny Label Strategies," Law360, September 2021
- Co-author, "*GSK v. Teva*: Federal Circuit Opinion After Rehearing Confirms Induced Infringement Liability Despite Skinny Label," Cooley alert, August 2021
- Co-author, "IP Protection for Vegetatively Reproduced Plants: New Paths Forward," Journal of the Patent and Trademark Office Society, June 2021
- Co-author, "*GSK v. Teva* – Induced Infringement Liability Despite Skinny Label," Cooley alert, October 2020
- Co-author, "EPO: Plants and Plant Materials Not Patentable if Exclusively Obtained by Essentially Biological Process," Cooley alert, May 2020
- Co-author, "Federal Circuit Report: Syngenta Ruling Impacts Process Patent Owners," IP Litigator, March/April 2020
- Co-author, "*Syngenta* Confirms Section 271(g) Infringement Does Not Require Single Entity Perform All Steps of Patented Method," Stanford Intellectual Property Association Newsletter, January 2020 (also published as a Cooley alert in December 2019)
- Co-author, "Protecting Plant Innovation," American Bar Association Landslide magazine, July/August 2019
- Co-author, "Ensuring a Bountiful IP Yield from Plant Sales," Managing Intellectual Property, February 2019
- Co-author, "2018 Farm Bill Enacted With Important Provisions for Plant IP and Cannabis-Related Business," Cooley alert, January 2019
- Co-author, "*Helsinn* Confirms Longstanding Law Concerning 'On-Sale' Bar," Cooley alert, January 2019
- Co-author, "Shoots, Leaves and Money Trees," Intellectual Property Magazine, December 2018
- Co-author, "Major Judicial Decisions Impacting Pharmaceutical and Biotech Patents," Practicing Law Institute, July 2015

Speaking engagements

- Co-presenter, "Promethean Fire: Who Owns Innovation in the Age of AI?," AgStart's "Learn from a Leader" series, Woodland, California, September 2026
- Presenter, "Preparing Your Company for IP Diligence – Building a Defensible, Scalable Portfolio," Cooley Agtech and Foodtech Legal Series, February 2026
- Invited speaker, "BPCIA Litigation Update: Key Cases, Trends and Takeaways from 2024 – 2025," BIO IPCC panel, November 2025
- Presenter, "IP 101 for AgTech Startups," AgStart's "Learn from a Leader" series, Woodland, California, November 2025
- Presenter, "Startup Success: Strategies for Attracting Venture Capital," AgStart's "Learn From a Leader" series, Woodland, California, April 2025
- Presenter, "Gene Editing & Intellectual Property Rights Update," American Seed Trade Association's Field Crop Seed Convention, Orlando, Florida, December 2024
- Invited speaker, "Patent Protection and Litigation Strategy," in conjunction with the University of California, Davis, Seed Biotechnology Center course, Hemp Breeding and Seed Production, December 2024
- Invited speaker, "US IP Landscape Update," International Conference on IP Protection for Plant Innovation, June 2024
- Invited speaker, "Claim Construction," Consero IP Forum for Life Sciences, December 2023
- Invited speaker, "Patent Protection and Litigation Strategy," in conjunction with the University of California, Davis, Seed Biotechnology Center course, Hemp Breeding and Seed Production, December

2023

- Invited speaker, "CRISPR-Cas Patent Landscape Update," International Conference on IP Protection for Plant Innovation, December 2022
- Invited speaker, "Getting Your House in Order – Preparing for IP Diligence," 5th International Cannabinoid-Derived Pharmaceuticals Summit, September 2022
- Invited speaker, "IP Considerations for Global Seed Companies," American Seed Trade Association 61st Vegetable & Flower Seed Conference, January 2022
- Invited speaker, "IP Update: CRISPR, New Gene Editing Technologies and US Caselaw," American Seed Trade Association Annual Meeting, Seed Innovation and Protection Alliance seminar, December 2021
- Invited speaker, "Genome Editing and New Breeding Technologies – IP Considerations," International Conference on IP Protection for Plant Innovation, December 2021
- Co-presenter, "Patent Protection and Litigation Strategy," in conjunction with the University of California, Davis, Seed Biotechnology Center course, Hemp Breeding and Seed Production, November 2021
- Roundtable co-host, "Protecting Your Work With Strong Intellectual Property Strategy," 4th International Cannabinoid-Derived Pharmaceuticals Summit, September 2021
- Roundtable host, "IP Enforcement in the Emerging Cannabis Market," World Agri-Tech Innovation Summit, March 2021
- Co-presenter, "Patent Protection and Litigation Strategy," in conjunction with the University of California, Davis, Seed Biotechnology Center course, Hemp Breeding and Seed Production, October 2020
- Co-presenter, "America's Newest Crop: IP Protection, Product Development, and Enforcement for Hemp Innovation," Lawline webinar, June 2020
- Co-presenter, "Agtech IP Enforcement and Litigation," American Seed Trade Association Annual Meeting, Seed Innovation and Protection Alliance seminar, December 2019
- Co-presenter, "Patent Protection and Litigation Strategy," University of California, Davis, Seed Biotechnology Center Plant Breeding Academy program, October 2019
- Co-presenter, "Agtech Plant IP Prosecution and Litigation," California Seed Association Annual Convention, Seed Innovation and Protection Alliance seminar, October 2019
- Co-presenter, "Protecting Plant Innovation: Hemp, CBD & Plant IP Laws Under the 2018 Farm Bill," Lawline webinar, May 2019

Education

Stanford Law School JD, with distinction

University of Wisconsin, Madison PhD, Microbiology and Cancer Biology

Gonzaga University BS, Biology, cum laude

Admissions & Credentials

California

Registered to practice before the United States Patent and Trademark Office (USPTO)

Court Admissions

US Court of Appeals for the Federal Circuit

US District Court for the Northern District of California

US District Court for the Central District of California

US District Court for the Eastern District of California

US District Court for the Southern District of California

US District Court for the Eastern District of Texas

US District Court for the Eastern District of Michigan

Memberships & Affiliations

California Bar Association

Federal Bar Association, Northern District of California, executive committee member