



Sam Lockner represents technology-focused clients oftentimes in the life science, biotechnology, pharmaceutical, bio-agricultural, food, medical device, and molecular diagnostic industries. His practice focuses on intellectual property and technology-driven commercial disputes and transactions.

Sam has experience representing clients in adversarial matters involving patents (including Hatch-Waxman cases), complex commercial matters (e.g., breach of contract, fraud, indemnification), trade secret misappropriation, unfair competition, trademark, and marketing-related claims. He advises clients on regulatory matters, including safe harbor issues, opportunities under the BPCIA, and Hatch-Waxman strategies and approaches.

Sam also advises clients on patent prosecution matters; performs diligence for strategic acquisitions, (e.g., companies, portfolios, product lines, and regulatory dossiers); drafts and negotiates technology agreements (e.g., joint-developments, merger-and-acquisitions, clinical trials, distribution, material transfer, non-disclosure, license agreements, supply and distribution agreements, toll/contracted manufacturing agreements, joint venture agreements, SaaS agreements, logistics services agreements); evaluates design-around options for new or next-generation products; issues freedom-to-operate and invalidity opinions; conducts competitive commercial, regulatory, and patent landscape analyses; and counsels on antitrust, marketing, ESG, and privacy issues.

Sam represents clients in administrative proceedings, including before the U.S. Patent Office in connection with inter partes reviews, ex parte reexaminations, post grant reviews, and trademark matters.

Sam is active in the legal community and performs pro bono work, including for the Children's Law Center and the Great North Innocence Project. He was a member of two trial and appellate teams that through the Great North Innocence Project secured the freedom of two wrongfully convicted individuals. Sam is a former Board member of the Fund for Legal Aid and currently serves on the planning committee for the Midwest IP Institute.

Sam frequently publishes and speaks at domestic and international conferences on IP issues.

EDUCATION

Boston University School of Law
J.D., cum laude
Health Law Concentration with honors
Dean's Award for Trademark and Unfair Competition

University of Minnesota
B.S., Genetics Cell Biology and Development

BAR ADMISSIONS

Supreme Court of the United States
U.S. Court of Appeals for the Federal Circuit
U.S. Court of Appeals for the Eighth Circuit
U.S. District Court for the District of Minnesota
Minnesota Supreme Court

**ADDITIONAL
QUALIFICATIONS**

REPRESENTATIVE CASES

PUBLICATIONS & PRESENTATIONS

"Small and Large Molecule Drug Patents and Other Related IP Protections and Mechanisms," ACI's 4th Annual Passport to Proficiency on the Essentials of Hatch-Waxman and BPCIA," October 2024

"Litigation Financing in IP Cases: Industry Insights and New Developments," Midwest Intellectual Property Institute 2023 (Minneapolis, MN)

"Patent Infringement: How to Maximize Remedies by Advanced In-House Planning, Claim Drafting, and Litigation Strategy," at Midwest Intellectual Property Institute 2022 (Minneapolis, MN)

"Litigation Funding: Considerations and Strategies," at Midwest Intellectual Property Institute 2020 (Minneapolis, MN)

"Expert Perspectives on the Rapidly Evolving Cannabis Industry," at Midwest Intellectual Property Institute 2019 (Minneapolis, MN)

"Protecting IP in Manufacturing and Distribution Relationships: Helsinn and More," at Midwest Intellectual Property Institute 2018 (Minneapolis, MN)

"Navigating the Interface between IPRs and Patent Litigation," at World Intellectual Property Forum 2018 (Dubai, UAE)

"Perspective from the U.S. with Gene Therapy: Trends Before the Patent Office, District Court Litigation, and Licensing Strategies," at BIO Korea 2017 (Seoul, South Korea)

"Strategy Considerations for Patent Enforcement Worldwide: A Panel of International Experts," at Midwest Intellectual Property Institute 2017 (Minneapolis, MN)

"Ask Questions First, Then File: The Importance of Pre-Suit Investigation," at Midwest Intellectual Property Institute 2016 (Minneapolis, MN)

"Patent Disputes in the Medical Device Field-2016-17," Book Chapter in Midwest Intellectual Property Institute (2017)

RECOGNITION

IAM Leading Patent Professional (2023-present)

- Silver recipient for intellectual property litigation
- Recommended for intellectual property transactions

Listed in The Best Lawyers® in America©

- Litigation-Intellectual Property (2020-present)
- Biotechnology and Life Sciences (2023-present)

Ranked in Patexia's ANDA Litigation Intelligence Report (2020-present), including:

- Top 15 Most Successful and Best Performing ANDA Attorneys-Defendant
- Top 100 Attorneys Representing Defendants
- Top 100 Most Active ANDA Attorneys Overall Representing Plaintiffs and Defendants

Named a Super Lawyer®/Rising Star® for Intellectual Property Litigation (2008-present)

Named a Top 25 Attorney of Minnesota by Attorney Intel (2024)

Awarded inaugural Pro Bono Champions of the Year Award (2022) by the Great North Innocence Project