



Contact

**Colin G. Cabral**

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Colin Cabral is the co-head of Proskauer's Patent Litigation Group. Colin is an experienced litigator and trial lawyer specializing in complex intellectual property and contract disputes.

Colin represents pharmaceutical, private equity, biotech, and medical device companies in high-stakes commercial litigation in the life sciences industry. He also serves as lead counsel in patent and trade secret matters involving a wide range of technologies, including computer software, electronic devices, and consumer products.

Recently, Colin has tried multiple cases for pharmaceutical companies and investors in contract disputes arising out of unsuccessful drug development programs and the exercise of "commercially reasonable efforts."

In 2017, Colin was named to *Benchmark Litigation's* Under 40 Hotlist, which recognizes attorneys under the age of 40 who "have been deemed the most promising emerging talent in their respective litigation communities . . . by peers and clients."

Previously, Colin served as in-house litigation counsel for a global life sciences company. He also served as a Special Assistant District Attorney in Dorchester, MA.

Colin volunteers as regular faculty for the National Institute for Trial Advocacy and the firm's trial advocacy training program. He is Board Chairman of FreeFrom, a charitable organization that helps survivors of domestic violence achieve financial independence. He is also a former board member of the Legal Aid Foundation of Los Angeles (LAFLA).

## Matters

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### Representative Matters

- *Rhode Island Hospital v. ProThera Biologics, Inc. et al.* (R.I. Super. Ct.): Representing Takeda Pharmaceuticals and Baxalta US as lead counsel in a commercial dispute.
- *SoClean, Inc. v. Philips* (D. Mass.): Lead counsel representing SoClean in a commercial dispute against Philips following the recall of millions of CPAP and ventilator devices.
- *In re SoClean, Inc., Marketing, Sales Practices and Products Liability Litigation* (MDL): Lead counsel representing SoClean in multiple class action matters.
- *3B Medical v. SoClean, Inc.* (S.D.N.Y.): Obtained a dismissal with prejudice on behalf of SoClean in a false advertising matter.
- *Jackson v. NuVasive Inc.* (D. Del.): Lead counsel representing NuVasive in a patent infringement dispute.
- *Andes Capital Financing LLC v. Crossed Keys LLC et al.* (D. Kan.): Lead counsel representing Defendants in breach of contract dispute.
- *MediaZam LLC v. Voices.com* (E.D. Wisc.): Lead counsel representing Voices.com against allegations of patent infringement.
- *Hypertherm, Inc. v. Jack & Dave* (D.N.H.): Obtained consent judgment and injunctive relief for Hypertherm in patent infringement dispute.
- Obtained 8-figure settlement in a confidential arbitration relating to pharmaceutical drug development.

- *Andes Capital Financing LLC v. Crossed Keys LLC et al.* (N.D. Tex.): Obtained dismissal for defendants for lack of personal jurisdiction following an evidentiary hearing.
- *GEMAK v. Church & Dwight* (D. Del.): Successfully resolved patent infringement dispute for Church & Dwight after winning motion to compel test results.
- *Away v. Olivet et al.* (S.D.N.Y.): Obtained successful resolution as lead counsel for Away in a case involving claims of trade secret misappropriation and trade dress infringement.
- *Rothschild Digital Confirmation v. Oracle* (E.D. Tex.): Won award of legal fees as lead counsel for Oracle in patent infringement dispute.
- *Script Security Solutions v. Canary Connect* (E.D. Tex.): Obtained early settlement for Canary as lead counsel in patent infringement dispute.
- *DRG International v. Bachem Americas et al.* (C.D. Cal.): Negotiated the dismissal of 5 of 7 asserted patents without motion practice and won a motion to dismiss claims of indirect and willful infringement.
- *Ultratech, Inc. v. Analog Devices, Inc.* (N.D. Cal.): Argued and won motion to dismiss action for copyright infringement.
- *Zenith Elecs. LLC et al. v. Sceptre, Inc.* (C.D. Cal.): Argued and defeated summary judgment motion on damages under 35 U.S.C. § 287; the case settled following the decision.
- *SpeedTrack v. Amazon.com et al.* (N.D. Cal.): Negotiated the dismissal of patent infringement claims against six clients without responding to complaint.
- *SpeedTrack v. Office Depot, Inc. et al.* (N.D. Cal., Fed. Cir.): Obtained summary judgment of non-infringement on behalf of all defendants under the Kessler doctrine; affirmed by the Federal Circuit on appeal.
- *Speedtrack v. Wal-Mart* (N.D. Cal., Fed. Cir.): Won summary judgment of non-infringement with respect to all asserted claims on behalf of defendants in a case relating to search algorithms used for online retail Web sites; affirmed by the Federal Circuit on appeal.
- *ADREA v. Barnes & Noble, Inc. et al.* (S.D.N.Y.): Won a jury verdict of patent

infringement and no invalidity while serving as lead trial counsel for plaintiff in a case concerning electronic books and related technologies.

- *NISTAC v. Nissan North America, Inc. et al.* (E.D. Mich.): Defended Honda in a patent infringement suit relating to automobile piston assemblies; the plaintiff voluntarily dismissed the case after the court ruled in favor of Honda on all claim construction issues.
- *Analog Devices v. Knowles Electronics* (D. Del., U.S.I.T.C): Obtained a finding of infringement and an exclusion order on behalf of plaintiff following a competitor's use of patented anti-stiction technology for micro-electromechanical systems (MEMS) devices.

#### Practices

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Litigation, Intellectual Property, Patent Law

#### Industries

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Life Sciences

#### Education

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University of Notre Dame Law School, J.D.

*cum laude*

Columbia University, B.S.

#### Admissions & Qualifications

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Massachusetts

New York

U.S. Patent and Trademark Office

California

#### Court Admissions

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U.S. District Court, Michigan, Eastern District

U.S. District Court, New York, Southern District

U.S. District Court, Massachusetts

U.S. District Court, California, Central District  
U.S. District Court, California, Northern District  
U.S. District Court, California, Southern District  
U.S. District Court, Texas, Eastern District  
U.S. Court of Appeals, Federal Circuit

#### Memberships

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

#### Awards & Recognition

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Benchmark Litigation's Under 40 Hotlist 2017  
Southern California Super Lawyers Rising Stars 2015-2019  
2011 Golden Gavel Award