

Ben Roxborough

Associate

Overview

Ben focuses his practice on intellectual property and commercial litigation, with an emphasis on patent, trademark and false advertising disputes. He is a dual-qualified lawyer in the U.S. and Australia—providing clients with a diverse set of skills, a scientific background and a unique global perspective.

Ben clerked for Judge William J. Martínez and Magistrate Judge Kathleen M. Tafoya in the District of Colorado and for Chief Judge James D. Peterson and Judge William M. Conley in the Western District of Wisconsin. Such experience allows him to employ strategic litigation—appreciating the court’s procedures and processes—leading to positive, client-focused outcomes.

Ben teaches false advertising and patent law courses as an Adjunct Lecturer at the University of Denver Sturm College of Law. As a thought leader in intellectual property, Ben has also authored articles in patent blogs and publications, such as Patently-O and IPSANZ.

Prior to joining Michael Best, Ben worked in the Denver office of an IP boutique law firm and the Sydney and Melbourne offices of an international law firm. With this combined experience, Ben brings broad expertise in both intellectual property and commercial litigation.

Experience

Judicial Clerkship Experience

- While clerking in the Western District of Wisconsin, and drawing on his scientific background, Ben was heavily involved in the claim construction and summary judgment opinions *vis-à-vis* two biotechnology patents. In relation to these opinions, Ben undertook detailed research into patent eligibility, obviousness and related validity issues. In preparing for the seven-day jury trial, Ben worked on orders relating to motions *in limine* and jury instructions—all leading to an \$8.6 million jury verdict. The case was recognized in the Patent Case Management Judicial Guide, Third Edition, 2016 as one of the first to “grapple” with patent eligibility following the Supreme Court’s decision in *Alice Corp. v. CLS Bank*.



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Practices

Enforcement, Clearance & Defense
Litigation

Post-Grant

Venture Capital & Private Equity

- While clerking in the District of Colorado, Ben was involved in oral argument hearings, preparing the judge on complex contract, trade secret and false advertising issues. In drafting proposed orders on these issues, Ben undertook specific research on, *inter alia*, Tenth Circuit law interpreting 15 U.S.C. 1125(a)(1)(B).

U.S. Legal Experience

- Ben has worked on patent, trademark and false advertising matters involving data centers, gaming software, RFID and snow retention technologies. Much of this work entailed developing litigation strategies, drafting complaints, interrogatories and motions to dismiss. In addition, Ben drafted an opinion that served as the predicate for an inter partes review (IPR) petition. Such work involved analysis of mechanical patents and prior art, examining the novelty and non-obviousness of multiple claims.

Australian Legal Experience

- Ben's Australian experience involved software and pharmaceutical matters in Patent Office Oppositions (equivalent to U.S. IPRs) as well as proceedings in the Federal Court of Australia. His work required analysis of prior art, drafting briefs and preparing lengthy expert reports. During a 10-day bench trial, Ben also assisted barristers in developing a cross-examination strategy and final written submissions. The client—a multinational food and beverage company—was successful upon issuance of final judgment.

Professional Activities

- Adjunct Lecturer, University of Denver Sturm College of Law: False Advertising in Digital Media and Patent Law
- Member, Colorado Intellectual Property Inn of Court
- Member, American Bar Association

Education

- Stanford Law School, Master of Laws (LL.M.), 2010
- University of Melbourne, Graduate Studies in Intellectual Property, 2006
- College of Law - Sydney, Graduate Diploma in Legal Practice, 2005
- University of Wollongong, Bachelor of Laws (LL.B.), *with Honors*, 2002
- University of Wollongong, Bachelor of Science (B.S.), in Chemistry, 2002;

Admissions

- Colorado
- Victoria, Australia
- New South Wales, Australia

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