



**Joseph J. Berghammer**

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Joe assists clients in achieving their business goals through creative intellectual property solutions. In his prosecution practice, he assists clients in obtaining, maintaining and registering patents, trademarks and copyrights. Joe has assisted numerous Fortune 100 companies in developing and augmenting their patent programs through the successful use of incentive programs and invention harvesting sessions. Joe often utilizes creative prosecution strategies for achieving clients' business goals. These strategies include the use of early pre-grant publication procedures to obtain patent rights within as little as thirty days, maintaining continuing prosecution for important inventions, and devising strategies to limit clients' costs in creating and managing their patent and trademark portfolios. Joe has extensive experience in the chemical, mechanical, electrical, and business method arts.

In his counseling practice, Joe assists clients in the successful launch of new products, the analysis and navigation of competitive intellectual property threats and the development of strong intellectual property programs. Joe also assists clients in the assessment and acquisition of intellectual property (including the due diligence related thereto) and in the valuation of internal and external intellectual property.

In his litigation practice, Joe has been successful before juries and Judges. He has seized the goods of infringers, obtained preliminary injunctions and succeeded in full trial of damages and permanent injunction. Joe also is adept at utilizing litigation to achieve clients' business goals prior to the incursion of costs associated with full litigation. Joe believes in strong and simple presentations of facts and law and the utilization of technology to simplify issues. He also assists clients in "right-sizing" their litigation to achieve their business goals.

Joe is an adjunct professor in intellectual property litigation at the Northwestern Law School and previously served as an adjunct professor in intellectual property litigation at the Georgetown Law Center. He is a former Chair of the Board of Directors of the Wisconsin Bar Association Intellectual Property Law Section and is a founding member of the Intellectual Property Academy. He has been recognized as a leader in intellectual property litigation in The Best Lawyers in America for ten consecutive years, most recently in the 2023 edition.

Joe has authored numerous articles and spoken broadly on intellectual property issues, including:

- "Creative Litigation Strategies—Winning Before the Race Has Begun,"
- "False Patent Marking Cases Become the New Craze" from The IP Strategist;
- "IP Rights in 30 Days" from IP Law & Business,
- "Bilski v. Kappos: Business Methods Still Patentable After All These Years" from Landslide,
- "Understanding False Patent Marking in Packaging" from Packaging Digest,
- "Taking Products to Market: Key Preliminary Legal Steps,"
- "Adopting a 'Mustard Seed' Strategy" in developing patent portfolios from Grocery Manufacturers of America's Forum,
- "Opinions of Counsel—Emerging Business and Legal Issues,"
- "The New (Electronic) Street for Counterfeiting" from the Intellectual Property Counselor,
- "Valuation and Due Diligence in Acquiring Intellectual Assets,"
- "International Patent Protection."

Joe earned his B.S. degree in Chemical Engineering from the Massachusetts Institute of Technology, where he was awarded the Ford Foundation Scholarship for graduating as the top student in his class. Joe earned his J.D. degree from the Yale Law School, where he was the managing editor of the Yale Journal on Regulation. Upon graduation from Law

School, he was a law clerk to Honorable Federal District Court Judge Terence Evans in the Eastern District of Wisconsin.

## Education

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Massachusetts Institute of Technology

1991, B.S., Chemical Engineering

Yale Law School

1994, J.D.

## Admissions

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### **Bar Admissions**

1995, Wisconsin

2001, Illinois

### **Court Admissions**

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. District Court for the Central District of Illinois

U.S. District Court for the Eastern District of Wisconsin

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Southern District of Texas

U.S. District Court for the Western District of Texas

U.S. District Court for the Western District of Wisconsin

## Industries

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Chemistry + Chemical Engineering

## Recent News + Events + Related Publications

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### **NEWS - 08.15.24**

Banner Witcoff Attorneys Named to Best Lawyers in America Guide

### **NEWS - 06.06.24**

IAM Patent 1000 Recognizes 14 Banner Witcoff Attorneys, Patent Prosecution, and Litigation Practices

### **NEWS - 01.19.24**

2024 Illinois Super Lawyers and Rising Stars Features 15 Banner Witcoff Attorneys

### **NEWS - 06.27.23**

IAM 1000 Recognizes 15 Banner Witcoff Attorneys, Patent Prosecution, and Litigation Practices

### **NEWS - 01.24.23**

17 Banner Witcoff Attorneys Named 2023 Illinois Super Lawyers and Rising Stars

### **NEWS - 08.23.22**

Eight Banner Witcoff Attorneys Named to Best Lawyers in America Guide

### **NEWS - 07.06.22**

Banner Witcoff's Patent Prosecution and Litigation Practices Recognized in IAM 1000

[NEWS - 01.31.22](#)

16 Banner Witcoff Attorneys Named 2022 Illinois Super Lawyers and Rising Stars

[NEWS - 12.29.21](#)

24 Banner Witcoff Attorneys Listed as 2022 Leading, Emerging Lawyers