



Brian Emfinger

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With over a decade of legal experience, Brian helps his clients procure, protect, and enforce their intellectual property. Above all, he strives to find the right solution to meet his clients' business goals.

Leveraging his background in computer science and his experience as a former software developer, Brian focuses his practice on growing patent portfolios for clients of all sizes. He has helped clients obtain domestic and foreign patent protection in a wide variety of technologies, including 5G telecommunications, video and image processing, the Internet-of-Things (IoT), cybersecurity and network maintenance, content delivery, remote and virtual computing, voice recognition, search engines, scientific instruments and equipment, military systems, fintech, insurtech, ecommerce, business methods, and footwear. Brian also enjoys advising clients on cutting-edge technologies like artificial intelligence, virtual reality, and augmented reality.

Beyond patent procurement, Brian counsels clients in all aspects of intellectual property law. He has prepared opinions on product clearances, patent validity, and patent infringement. He has also helped clients obtain trademark protection and resolve domain disputes. At the Patent Trial and Appeal Board (PTAB), Brian has represented clients in numerous inter partes review challenges, including a successful series of IPRs involving a leading telecommunications company that gained national media attention.

Brian also advises clients on the issue of patent-eligible subject matter. Having presented and having written several articles on this topic, Brian assists clients with identifying patent-eligible subject matter in their inventions and overcoming challenges to subject matter eligibility.

As a member of the Intellectual Property Law Association of Chicago's (IPLAC) Amicus Committee, Brian served as lead counsel for IPLAC's amicus brief submitted to the Federal Circuit requesting that the court vacate a PTAB final decision for failing to follow proper procedures in determining that the appellant's claims did not satisfy the subject matter requirements of Section 101.

Education

Georgia Institute of Technology
2004, B.S., Computer Science

Chicago - Kent College of Law
2009, J.D.

Admissions

Bar Admissions
2009, Illinois

Court Admissions
U.S. District Court for the Northern District of Illinois
U.S. Patent and Trademark Office

Practices

Counseling, Opinions + Licensing
Design Patents
PTAB Litigation
Patent Prosecution

Industries

Electrical + Computer Technologies
Internet, E-Commerce + Business Methods

Accolades

- Recognized as an "Emerging Lawyer" by Leading Lawyers, a division of Law Bulletin Media, 2019
- Recognized as an Illinois "Rising Star" for intellectual property law by Super Lawyers, 2019

Affiliations/Memberships

Member, Intellectual Property Law Association of Chicago

Recent News + Events + Related Publications

NEWS - 07.13.20

Banner Witcoff Secures PTAB Win for Client Clear-Vu Lighting

NEWS - 06.04.20

PTAB Highlights | Takeaways From Recent Decisions in Post-Issuance Proceedings

NEWS - 01.14.20

25 Banner Witcoff Attorneys Listed as 2020 Leading, Emerging Lawyers

NEWS - 01.31.19

Twenty-three Banner & Witcoff attorneys named 2019 Illinois Super Lawyers and Rising Stars