BANNER WITCOFF

Brian T. Apel

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Brian is a litigator, focusing his intellectual-property practice on patent litigation. He has experience in all stages of litigation from pre-suit diligence and claim construction to trials and appeals. Outside of federal court, Brian has been involved in proceedings before the U.S. Patent and Trademark Office, both at the Patent Trial and Appeal Board and the Trademark Trial and Appeal Board. He also has experience in alternative dispute resolution.

Leveraging his experience as an Engineering Duty Officer in the U.S. Navy, Brian can handle all kinds of technology, and has knowledge in a wide spectrum of technical disciplines, including mechanical, electrical, computer, software, chemical, pharmaceutical, and medical-device technologies. He has worked for clients across a similarly wide range of industries, both big and small. And leveraging his experience as a law clerk to a federal judge, Brian can handle a variety of non-IP legal issues that arise in IP litigation, including contract issues, business torts, procedural and jurisdictional issues, evidentiary disputes, unfair-competition claims, and antitrust claims.

In addition to litigation, Brian has handled multiple intellectual-property diligence matters on behalf of clients investing in technology-focused businesses. Brian also advises small companies and startups on IP-related legal matters, including assignments, licenses, freedom-to-operate analyses, and IP procurement, and has also handled First Amendment issues for both individual and institutional clients.

Brian focused his undergraduate studies on chemistry, specializing in organic synthesis and catalysis at the Northwestern University Center for Nanofabrication and Molecular Self-Assembly. Brian also was an Executive Editor of the Michigan Law Review during law school. Brian served as an officer in the U.S. Navy, specializing in the operation, maintenance, and repair of shipboard propulsion, electrical, and nuclear systems. Prior to joining Banner Witcoff, Brian clerked for Chief U.S. District Judge John R. Tunheim at the U.S. District Court for the District of Minnesota.

Education

Northwestern University
2008, B.A., Chemistry

University of Michigan Law School
2016, J.D.

Admissions

Bar Admissions

2019, Illinois

Court Admissions

U.S. Court of Appeals for the Federal Circuit
U.S. District Court for the Northern District of Illinois
U.S. District Court for the Western District of Texas
U.S. Patent and Trademark Office

Practices

Appellate Litigation

Counseling, Opinions + Licensing
Jury Trials
Litigation
PTAB Litigation
Trade Dress
Trademarks

Industries

Chemistry + Chemical Engineering
Electrical + Computer Technologies

Accolades

- Named an "Illinois Super Lawyer," Super Lawyers, Thomson Reuters, 2024

Recent News + Events + Related Publications

NEWS - 07.23.26

Banner Witcoff Wins Appellate Victory for Commerce Bank as Eighth Circuit Affirms Denial of Preliminary Injunction

NEWS - 05.27.26

2026 Super Lawyers and Rising Stars Features 20 Banner Witcoff Attorneys

NEWS - 01.26.26

Banner Witcoff Elects Five New Shareholders in Chicago and D.C. Offices

NEWS - 04.02.25

Banner Witcoff Attorneys Receive Northern District of Illinois Court’s Pro Bono and Public Interest Award for Excellence

NEWS - 06.13.24

Banner Witcoff Settles Pro Bono Lawsuit with Illinois Department of Corrections Officials in Federal Court; Judge Praises Lawyers’ Exemplary and Patient Conduct

NEWS - 01.19.24

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