

Brian Wm. Higgins | Partner
Intellectual Property & Technology

1825 Eye Street NW
Washington, D.C. 20006
+1.202.772.5814
higgins@blankrome.com



Brian's intellectual property and technology law practice spans nearly two decades, and follows several years working as a professional engineer. Today, his legal practice is focused on human-centric technologies in the healthcare, automotive, software, and consumer electronics industries, among others, and follows a practical principle: develop a deep understanding of the client's technology and goals, and then design cost-effective legal strategies to reach those goals. Below are some examples highlighting Brian's work for his clients.

Artificial Intelligence ("AI") Technologies

Brian's expanding knowledge of artificial intelligence technologies is reflected in a proven track record stretching back over a decade working with clients in health tech and other areas, examples of which include:

- Securing intellectual property rights for a surgeon-inventor in the field of artificial intelligence-based digital conversational assistants which are adapted to medical devices to enhance the delivery of healthcare services; the technology involves innovative uses of deep learning neural networks and knowledge bases.
- Preparing patent applications and obtaining patents for university medical organizations covering machine learning and predictive analytics techniques adapted to Electronic Health Records ("EHRs"), medical processes for predicting health outcomes, and systems for identifying major health-related events.
- Obtaining a portfolio of patents covering uses of affective computing

(emotional AI) in the behavioral research field; the technology involves using facial recognition/facial coding techniques to deliver personalized and engaging media content.

- Advising a healthcare company about patenting a system that includes diagnostic, therapeutic, and medical dispensing features using artificial intelligence, statistical analytics, and other data-based techniques, and seeking intellectual property rights for a new startup.

Brian's views concerning important and timely legal issues surrounding the development and use of artificial intelligence technologies and patent strategies in general have appeared in leading peer-reviewed technology-focused journals such as the *Journal of Robotics and Artificial Intelligence Law* ("RAIL"), the *Intellectual Property & Technology Law Journal* ("IPTJ"), and the *Federal Circuit Bar Journal*, as well as on his website, *Artificial Intelligence Technology and the Law* ("AITL"; www.aitechnologylaw.com), which he began publishing in 2017. Some of Brian's writings cover:

- U.S. and international governance of AI technologies
- Valuation of AI businesses
- Protecting intellectual property rights related to AI developments
- Bias concerns and ethical issues arising from big data used to train machine learning model
- Privacy and individual rights implicated by AI systems and the collection of user data

Healthcare and Life Sciences Technologies

With an engineering background that includes evaluating technologies impacting human health, Brian helps healthcare academics, practitioners, and life sciences companies protect their inventions, enforce intellectual property rights, and defend against patent infringement claims. Examples include:

- Securing intellectual property rights for medical devices
- Reviewing and drafting contracts, including license and acquisition agreements concerning drugs
- Assessing competitor technologies
- Preparing freedom to operate opinions
- Managing complex patent litigation matters before federal district and appellate courts, including defending generic pharmaceutical companies in

Hatch-Waxman ANDA-type patent litigation

Legal Technologies

Brian is active in efforts to leverage the newest legal technologies emerging in areas such as legal process automation and litigation. He is helping lead an internal effort to assess ways to develop and harness legal tech to improve the delivery of legal services to clients.

Select Engagements

- For a private U.S. university, helped academic researchers secure patents and copyrights related to an award-winning artificial intelligence software invention for use in classifying health and geopolitical events.
- For a public U.S. university, assisted medical and software researchers seek patent protection for an Electronic Health Record (“EHR”) invention using natural language processing and other statistical models for event detection and predictive diagnosis.
- For U.S. and non-U.S. generic drug manufacturers, obtained pharmaceutical composition and process patents, and successfully defended against patent and trademark infringement allegations brought by competitors.
- For three Taiwan mobile telecommunications carriers, defended against a patent troll lawsuit.
- For a national weather content service provider, helped developed an extensive patent portfolio in the mobile telecommunications location-based services (“LBS”) market.
- For a prominent book author, identified and cleared copyright obstacles involving publication of photos of famous individuals in the author’s memoir.
- For Internet e-commerce and content/service providers, helped protect their online businesses by securing patents and other intellectual property rights.
- For an individual inventor, helped start up a new business from ground up, including procuring patent protection, incorporating a business structure, negotiating employment agreement terms, and developing strategies for enforcing and licensing patent rights.

Admissions

- District of Columbia
- Maryland
- U.S. Patent and Trademark Office
- United States Court of Appeals for the Federal Circuit

Memberships

- Maryland Bar Association

Education

- Arizona State University, BS
- University of Maryland School of Law, JD
- Johns Hopkins University, MS

Recognitions

- 2017, listed in Capital Pro Bono Honor Roll

Professional Activities

Brian provides volunteer pro bono services to clients referred through the Baltimore-based Maryland Volunteer Lawyers for the Arts organization.