

## Andrew M. Gross

### Partner

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Andrew Gross is an intellectual property attorney with experience in a wide array of intellectual property matters. He is a partner in the firm's Intellectual Property Litigation, Business Litigation & Dispute Resolution, Trademark, Copyright & Advertising, and Mechanical & Electromechanical Technologies Practices.

Andrew represents clients in patent, trademark, trade secret, and other complex technology-based disputes in federal courts throughout the United States, as well as at the International Trade Commission. He has deep experience managing and handling all aspects of litigation from pre-filing investigations through trial and appeal.

Andrew represents clients in intellectual property licensing, due diligence, and transactional work. As a registered patent attorney, he has experience preparing and prosecuting patent applications before the United States Patent and Trademark Office, preparing opinions concerning patent infringement and invalidity, and providing strategic patent counseling.

Andrew's experience spans diverse industries, including aerospace, automotive, consumer goods, electronics, financial services, food and beverage, healthcare diagnostics, manufacturing, medical device, oil and gas, and software. Some representative technologies include the following: aircraft fuel systems, artificial intelligence, automotive transmissions and turbochargers, fuel cells, global positioning systems, home security systems, photovoltaic cells, secure payment systems, solar concentrators, and turbine generators.

Before beginning his legal career, Andrew was a mechanical engineer with Caterpillar, Inc. As an engineer, he designed and performed structural and vibrational analysis on large diesel engines and construction equipment.

### **Presentations and Publications**

- Presenter, “Do You Have AI Blind Spots in Your Licensing Agreements? Revisiting the Past, Considering the Present, and Planning for the Future,” Intellectual Property Owners Association Annual Meeting, September 24, 2024
- “Federal Circuit Says No Timing Requirement to Qualify as a POSITA,” *IP Litigation Current*, September 13, 2024 (co-author)
- “Full Federal Circuit Ditches Decades-Old Design Patent Test,” *IP Litigation Current*, May 24, 2024 (co-author)
- Presenter, “Practical Considerations for Obtaining and Relying Upon a Patent Opinion of Counsel,” Foley & Lardner webinar, March 19, 2024
- “Generative AI Systems Tee Up Fair Use Fight,” *IP Litigation Current*, February 29, 2024 (co-author)
- “Full Federal Circuit Set to Consider Changing the Test for Obviousness of Design Patents,” *IP Litigation Current*, July 7, 2023 (co-author)
- Quoted, “Amazon Self-Publishers Eye Emerging Legal Arena to Fight Piracy,” *Bloomberg Law*, July 18, 2022
- “Do We Need a Small Claims Court for Patent Disputes?,” *IP Litigation Current*, May 10, 2022
- “Insurers Must Pay Cost of Defending Case Stemming from Use of Famous Marathoner’s Name,” *IP Litigation Current*, October 1, 2018 (co-author)
- “The Second Circuit’s Fox News Decision Suggests That the Value of an Accused Secondary Use Dictates What Constitutes Fair Use,” *IP Litigation Current*, April 3, 2018
- “Samsung v Apple: calculation complication,” *Intellectual Property Magazine*, 56-57, February 2017
- “In re: TC Heartland LLC: Status Quo for Venue Selection in Patent Suits (For Now),” *IP Litigation Current*, May 25, 2016
- “Supreme Court on Induced Infringement: Good-Faith Belief of Invalidity Not a Defense and Knowledge of Infringement Required,” *IP Litigation Current*, June 2, 2015
- “Federal Circuit Finds Disclaimer Based on ‘Object of Invention’ Language,” *IP Litigation Current*, March 25, 2015
- “Green Technology Pilot Program: Impact of the USPTO’s Elimination of the Green Technology Classification Requirement,” *Foley & Lardner LLP Energy Industry Legal News*, September 2010

## Affiliations

- Member of the Intellectual Property Owners Association’s Artificial Intelligence and New Emerging Technologies Committee
- Member of the Intellectual Property Owners Association’s IP Licensing & Related Issues Committee

## Sectors

- [Automotive](#)
- [Manufacturing](#)
- [Smart Manufacturing](#)

## Practice Areas



FOLEY & LARDNER LLP

- Business Litigation & Dispute Resolution
- Financial Institutions
- IP Litigation
- Intellectual Property
- Mechanical & Electromechanical Technologies
- Patent Litigation
- Trademark, Copyright & Advertising Litigation

## Education

- Georgetown University Law Center (J.D.)
- Iowa State University (B.S.)
  - Mechanical Engineering

## Admissions

- Illinois
- United States Patent and Trademark Office (USPTO)
- United States Court of Appeals for the Federal Circuit
- U.S. District Court for the Northern District of Illinois (Trial Bar Member)
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Western District of Texas
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the Western District of Wisconsin