Robert D. Keeler

Partner

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With a deep understanding of intellectual property law and employing a strategic approach to client advocacy, Robert Keeler is a trusted counselor and tenacious litigator in the fields of patent and trademark law. He assists clients across a wide array of industries—including medical devices, automotive, aerospace, rail, consumer products, software and artificial intelligence, chemistry, battery technology, solar power and electricity distribution, and robotics—guiding clients through the complex terrain of intellectual property litigation and prosecution. Robert's background in electrical and computer engineering provides a strong foundation for advising on technically complex matters.

Robert represents clients in high-stakes patent and trademark disputes before federal district and appellate courts, the International Trade Commission (ITC), the Patent Trial and Appeal Board (PTAB), and the Trademark Trial and Appeal Board (TTAB). He also obtains nontraditional relief in both mediation and arbitration. Known for blending sharp legal insight with a pragmatic business perspective, Robert helps clients protect their innovations, enforce their rights, and defend against infringement claims with precision and impact.

In addition to litigation, Robert provides comprehensive IP prosecution services. From drafting and filing patent and trademark applications to managing global portfolios, he guides clients from concept to commercialization. Whether it's securing patent protection for a breakthrough invention or establishing a brand's identity in a crowded marketplace, Robert strives to deliver results that align with clients' commercial goals.

Robert also counsels clients on a wide range of IP transactional matters, helping them strategically structure and negotiate licensing agreements, joint ventures, R&D collaborations, and IP-related aspects of mergers and acquisitions. By aligning IP assets with broader business objectives, he enables clients to maximize the commercial value of their intellectual property while managing risk in complex, high-value deals.

Education

- The Cooper Union (B.E., 2011)
- Yeshiva University, Benjamin N. Cardozo School of Law (J.D., *cum laude*, 2014)

Services & Industries

- Intellectual Property
- Internet, Technology & Social Media
- IP Litigation
- Licensing
- Litigation
- Patents
- Software, eCommerce & Technology Transactions
- Software Development & Licensing
- Technology
- Trademark

Admissions

- Connecticut
- United States District Court - Connecticut
- New York
- United States District Court - Eastern District of New York
- United States District Court - Southern District of New York
- Supreme Court of the United States
- United States Court of Appeals - Second Circuit
- United States Court of Appeals - Federal Circuit
- United States Patent and Trademark Office

Professional Affiliations

- New York Intellectual Property Law Association
- Federal Bar Association, IP and SDNY Sections

Awards & Honors

- New York Metro *Super Lawyers Rising Stars*, 2020-2026
- Dean's Merit Scholar, Benjamin N. Cardozo School of Law
- Articles Editor, *Cardozo Arts & Entertainment Law Journal*
- IP and Information Law Fellow, Benjamin N. Cardozo School of Law

Success Stories

USPTO Director Squires De-institutes IPR After Post-Institution Patent Claim Disclaimer
U.S. Patent and Trademark Office Director John Squires vacated institution of inter partes review proceeding IPR2025-01047 on Tuesday, finding that efficiency considerations prevailed after patent owner National Steel Car Limited disclaimed one independent claim, that formed the basis of the Patent Trial and Appeal Board (PTAB) institution decision, as well as the claims depending from the disclaimed independent claim. Five independent claims and their dependent claims remain in the patent and are being asserted in a corresponding infringement action in the District of Delaware.

The Legal Basis: Disclaimed Claims Are Treated as If They Never Existed

The order noted that under Federal Circuit precedent, once claims are disclaimed, *"the patent is viewed as though the disclaimed claims had never existed in the patent." "Under these circumstances,"* Squires wrote, *"maintaining this IPR is an inefficient use of Office resources."* The order therefore vacated the institution decision and denied institution.

Why This Decision Matters: Post-Institution Disclaimer as a De-Institution Tool

Prior to Tuesday's decision, post-institution disclaimer had not been viewed as an effective tool for obtaining de-institution of an IPR. The Director's order shows that under his leadership, post-institution disclaimer will be considered as part of discretionary considerations and opens up a new avenue for patent owners.

Background: PTAB Institution & the Delaware Infringement Action

In December 2025, the PTAB found a reasonable likelihood that petitioner FreightCar America, Inc. would prevail regarding independent claim 24 in U.S. Patent No. 8,132,515. However, the PTAB "questioned whether" or stated that FreightCar America "does not appear to show" unpatentability for the other challenged independent claims (claims 1, 7, 18, 20, and 32) and related dependent claims.

After institution, FreightCar America requested a stay of proceedings in the corresponding Delaware infringement action. That stay was denied in March, citing the institution decision and characterizing the PTAB's comments as a *"strong hint"* and finding that there was *"a rare situation where in granting review . . . the PTAB seemed to go out of its way to communicate that aside from one asserted claim . . .the PTAB did not think there was a reasonable likelihood that the remainder of the patent's claims would ultimately be found invalid."*

National Steel Car Counsel Comments on Decision

Robert Keeler, Ice Miller counsel for National Steel Car in the IPR and corresponding district court litigation, commented *"this is a very positive development for patent owners. National Steel Car believed in the patentability of all its claims and so the decision to disclaim any claims was not made lightly. Ultimately, however, that decision was made to help ensure the infringement case moved forward. Not only was the disclaimer critical to the de-institution of the IPR, it also factored into the District Court decision not to stay the infringement action."*

Patents & Cases at Issue

The patent at issue in district court and at the PTAB are:

- U.S. Patent No. 8,132,515, which is the subject of IPR2025-01047 at the PTAB;
- U.S. Patent No. 8,166,892, which is the subject of IPR2025-01046 at the PTAB.

Counsel of Record

National Steel Car is represented at the PTAB and in the district court case by Robert Keeler, Safet Metjahic, Ken Sheehan, and Kevin Adams of Ice Miller LLP. National Steel Car is also represented by Andrew Russell, Emily DiBenedetto, and Lindsey Gellar of Shaw Keller LLP in the district court case.

FreightCar America is represented at the PTAB by Philip Nelson, Ted Cannon, and Justin Gillett of Knobbe Martens Olson & Bear. FreightCar America is represented in the district court by Brian Horne, Sean Murray, and Justin Gillett of Knobbe Martens Olson & Bear, and by John C. Phillips, Jr. and David Bilson of Phillips, McLaughlin & Hall, P.A.

The cases are *FreightCar America, Inc. v. National Steel Car Limited*, case number IPR2025-01047, at the Patent Trial and Appeal Board, and *National Steel Car Limited v. FreightCar America, Inc. et al.*, case number 1:24-cv-00594, in the U.S. District Court for the District of Delaware.

Contact our team.

Ice Miller Helps Client Secure a Strategic Collaboration with Johnson & Johnson
Ice Miller's South Korea-based client Prazer Therapeutics Inc. (Prazer) has entered into a strategic collaboration and license agreement with Johnson & Johnson (J&J) to advance the discovery of novel therapeutics for neurodegenerative diseases. This partnership follows Prazer's Series B financing led earlier this year by J&J, through its corporate venture capital organization, Johnson & Johnson Innovation (JJDC, Inc.).

Prazer is a biotechnology company developing orally available, brain-penetrant targeted protein degraders with a novel approach to targeted protein degradation (TPD). Their proprietary SPiDEM™ platform is engineered to identify new degradation mechanisms and address limitations associated with traditional bivalent and monovalent protein degraders. This new collaboration with J&J will help Prazer leverage their innovation platform and advance targeted protein degradation to accelerate the discovery of new potential TPD medicines for patients.

The Ice Miller deal team was led by Business group partner TaeSoo Sean Kim and included partner Mai Zymaris and law clerk Kelly Xia (not yet admitted to practice in any jurisdiction). Intellectual Property partners Fabian Koenigbauer and Robert Keeler also provided key assistance. Further assistance was provided by associate Brigid Sharek.

Ice Miller's Life Sciences practice group has extensive experience working with biotechnology companies to help them with seed-stage funding, intellectual property procurement and counseling, and licensing and strategic alliances.

Published In

- "Protecting your Trademark from Counterfeiting," *General Counsel News*, November 2015
- "Covered Business Method Review," *Intellectual Property Magazine*, May 2015
- "Why Can't We Be FRAND(s)?: The Effect Of Reasonable And Non-Discriminatory Commitments On Standard Essential Patent Licensing," *32 Cardozo Arts & Ent. L. J. 317*, 2013

Thought Leadership

December 8, 2025
***Ex Parte* Reexamination Keeps Looking Like a Better Post-Grant Option for Patent Defendants**

October 5, 2023
Patent Continuation Practices: A Strategic Guide for Businesses