

# David J. Cervený

## Curriculum Vitae

### EDUCATION:

**Boston College Law School**, Newton MA

Juris Doctor, 1997

Semifinalist, John J. Gibbons National Criminal Procedure Moot Court Competition, BCLS National Moot Court Team, 1997

**Marquette University**, Milwaukee WI

Bachelor of Science in Biomedical Engineering, *cum laude*, 1988

### BAR ADMISSIONS:

**United States Patent and Trademark Office** – Registered Patent Attorney, Admitted 1999

**Massachusetts Bar** – Admitted 1997

### LEGAL EXPERIENCE:

**Boston College Carroll School of Management**

**Business Law and Society Group**

Assistant Professor of the Practice

Part-Time Faculty

Jul 2025 – Present

Jun 2024 – Jun 2025

**Legal Advisor & Consultant**

Oct 2023 – Jun 2025

Advised life sciences companies based in the European Union on key issues affecting their U.S. and international operations.

**Chief Legal Officer, General Counsel & Secretary**

Mar 2018 – Jun 2023

**uniQure N.V., Amsterdam, The Netherlands / Lexington MA**

Integral member of the Executive Leadership Team and advisor to the Board of Directors and Chief Executive Officer for a global biotechnology company headquartered in Amsterdam that develops gene therapies for diseases of the central nervous system and liver. Responsible for all aspects of legal affairs, including corporate governance, intellectual property, mergers & acquisitions, compliance, executive compensation and employment, securities reporting, R&D, clinical, and regulatory. Built a highly diverse international in-house team and managed an international roster of outside counsel.

- **Commercialization Partnership with CSL Behring.** Led (with Chief Business Officer) the negotiation, global antitrust review, closing and integration of exclusive global license and commercialization partnership valued at over \$2 Billion for HEMGENIX® (etranacogene dezaparvovec), a gene therapy for patients with hemophilia B, 2021.
- **Capped Sale of HEMGENIX Royalties.** Led (with Chief Financial Officer) negotiation of sale of royalty rights due to uniQure from CSL Behring from net sales of HEMGENIX (\$400 million upfront payment with return capped at 2.25x upfront payment, uniQure retained contractual milestones totaling up to \$1.5 billion), 2023.
- **Acquisition of ALS program from Apic Bio.** Led (with Chief Business Officer) the negotiation of a global license agreement for program to treat superoxide dismutase 1 (SOD1) amyotrophic lateral sclerosis (ALS), 2023.
- **Acquisition of Corlieve Therapeutics SAS.** Led (with Chief Business Officer and Chief Financial Officer) the negotiation, French competition review, closing and integration of approximately €250 million acquisition of French biotechnology company developing gene therapies for the treatment of Temporal Lobe Epilepsy, 2021.
- **uniQure v. VectorY.** Led successful litigation and settlement negotiations with VectorY, B.V., a Dutch gene therapy company founded in August 2020 by a major uniQure shareholder and former uniQure employees. Settlement included a significant ownership interest in VectorY, a cooperation agreement, and other protections for uniQure, 2021.

- **Research Collaboration Agreements with Bristol-Myers Squibb Company (BMS).** Led (with Chief Business Officer) the renegotiation of a significant 10-target Collaboration and License Agreement on more favorable terms, and the negotiation of a Project Services Agreement to generate capsid libraries as platform technologies, 2020.
- **Research Collaboration / Option to Acquire Gen-X.** Led negotiation of collaboration / option to acquire Gen-X, B.V., a Dutch biotech spin-off of the Netherlands Cancer Institute to develop genetic platform technologies, 2020.
- **Other Research & Business Development.** Led the negotiation of a broad range of research, development, partnership, and license agreements, including with 4D Molecular Therapeutics, Deutsch Roet Kreuz Blutspendedienst (the German Red Cross Blood Donation Service), Institut Pasteur (France), Leiden University (Netherlands), National Institutes of Health, The Rockefeller University, and St. Jude Children's Research Hospital.
- **\$100 Million Debt Facility.** Led (with Chief Financial Officer) senior secured \$100 million aggregate loan and security agreement with Hercules Capital Inc., 2021.
- **\$400 Million Follow-on Public Offerings.** Led (with Chief Financial Officer) a \$250 million public equity offering, 2019 and a \$150 million public equity offering, 2018.

**Chief Legal Officer, General Counsel & Secretary**  
**ConforMIS, Inc., Billerica MA**

**Oct 2008 – Mar 2018**

Integral member of the Executive Management Team of manufacturer of patient-specific, individualized knee and hip implants and instrumentation systems. Served as advisor to the Board of Directors and Chief Executive Officer. Managed all aspects of ConforMIS' legal department and legal affairs, including board relations and corporate governance, public and private fundraising, including initial public offering, securities reporting, stock plan, intellectual property portfolio development and enforcement strategy, negotiation of licenses, product development agreements, other commercial agreements, product liability and commercial litigation, regulatory, compliance, and general business matters. Built in-house legal team, initially reducing multi-million dollar legal spend by about 40%.

- **Top Ranked Medical Device Patent Portfolio.** ConforMIS patent portfolio ranked first in medical device category, ahead of large industry competitors such as Medtronic and Boston Scientific and alongside stalwarts in other categories, such as Google, Apple, and Microsoft; published in IEEE Spectrum, Patent Power Rankings, 2014; also highly ranked in subsequent years.
- **Initial Public Offering.** Led (with Chief Executive and Chief Financial Officers) successful \$135 million initial public offering, 2015.
- **Follow-on Public Offerings.** Managed shelf registration statement for follow on offerings of up to \$200 million in debt and equity securities, and \$50 Million "At-the-Market" offerings, 2017.
- **\$50 Million Debt Facility.** Negotiated (with CFO) and closed senior secured \$50 million loan and security agreement with Oxford Finance, LLC, 2017.
- **Acquisition of Broad Peak Manufacturing.** Led legal and integration teams in purchase of machining and polishing assets and operations of vendor, which improved operations and gross margin, 2017.
- **Dismissal of Securities Litigation.** Obtained order granting motion to dismiss class action securities litigation filed following a product recall in August 2015, resolving matter in early stage of litigation, 2016.
- **Product Development & License Agreements.** Managed negotiation of multiple product development and license agreements, including the licensing and co-development of technologies owned by Massachusetts General Hospital and Cambridge Polymer Group, 2011-2016.
- **Intellectual Property Enforcement Strategy.** Negotiated patent license agreements and settled litigation with MicroPort Orthopedics and Wright Medical, including payment to ConforMIS at above-average fixed royalty, 2015.
- **\$20 Million Debt Facility.** Negotiated (with CFO) and closed senior secured \$20 million loan and security agreement with Silicon Valley Bank and Oxford Finance, LLC, 2014.
- **Series D and Series E Preferred Stock Financings.** Managed and closed the sale of \$116 million in Series E-1

preferred stock and \$77 million in Series E-2 preferred stock, on a rolling basis from 2011-2014; managed and closed the sale of approximately \$75 million in Series D preferred stock, on a rolling basis from 2009-2010.

- **Acquisition of ImaTx, Inc.** Managed acquisition of ImaTx, Inc., imaging diagnostic company, 2009.

#### **Chief Intellectual Property Counsel**

**Jan 2006 – Oct 2008**

#### **Palomar Medical Technologies, Inc. (later acquired by Cynosure), Burlington MA**

Responsible for all aspects of Palomar's intellectual property portfolio, including patent prosecution, licensing, litigation, trademark prosecution, product clearance and design. Consistently managed IP legal spend under budget. Managed active litigation for patent enforcement strategy, including negotiation of multiple royalty-bearing license agreements. Managed defense of Palomar through trial in patent infringement action in the Eastern District of Texas and obtained rare favorable verdict and final judgment of both non-infringement and invalidity of all patent claims in notoriously patent-friendly jurisdiction.

Served unofficially in associate general counsel role responsible for other general legal activities, including FDA clearance and compliance, review and drafting of joint development, consulting and other commercial agreements, management of general litigation, collections, customer complaints, review of marketing materials, and management of outside counsel.

- **Candela Corp. v. Palomar Med. Tech., Case No. 9:2006cv00277 (E.D. Tex., Lufkin Division).** Successfully defended Palomar against chief competitor in patent infringement suit involving three asserted patents and seven accused products with an estimated \$40-50 million in damages at stake. Jury verdict and final judgment of non-infringement and invalidity of all asserted patent claims, 2008.
- **Commercial Product Development.** Worked closely with Palomar's Research and Development team to develop successful new product that incorporated novel non-infringing technology and that resulted in new intellectual property and the issuance of several meaningful patents, 2008.
- **Palomar Med. Tech. v. Cutera, Inc., Civil Action No. 02-10258-RWZ (D. Mass.).** Successfully resolved litigation and licensed patents to Cutera on terms favorable to Palomar, including payment of all Palomar litigation fees and expenses, 2006.
- **Appeal Before the European Patent Office.** Successfully appealed a prior decision of the EPO Opposition Division revoking Palomar's EP Patent 0806913; Patent was reinstated (Case # T 0197/05), 2006.
- **Appeal Before the European Patent Office.** Successfully appealed the denial of pending patent application and secured the issuance of EP Patent 1347711, 2006.
- **Pajag, Inc. v. Palomar Med. Tech., Case No. 16-2006-CA000098 (4<sup>th</sup> Cir. Court, Fla.).** In product liability case where plaintiff sued Palomar alleging Palomar's products were defective and seeking substantial damages, successfully negotiated settlement that required plaintiff to pay Palomar, 2006-07.

#### **Proskauer Rose LLP, Boston MA – Counsel**

**Mar 2004 – Jan 2006**

#### **Litigation and Intellectual Property Practice Groups**

Joined Proskauer Rose LLP in March 2004 as one of two senior attorneys hired to help build the Boston office, which grew from eight attorneys to approximately sixty attorneys within two years.

Practice encompassed all aspects of intellectual property law, including: domestic and international litigation, licensing, patent portfolio development and analysis, legal opinions, patent prosecution, corporate transactions involving intellectual property assets, strategic planning, analysis of competitor patent portfolios, developing non-infringing product designs, and advising clients regarding the protection and enforcement of their intellectual property assets.

- **Patent Portfolio Strategic Evaluation Programs.** Developed programs to assist medical device and electronics companies in identifying, protecting, and profiting from their intellectual property assets. Made presentations to clients to increase their awareness of and effectiveness in determining what constitutes patentable/protectable subject matter and how to strategically develop and exploit a patent portfolio, 2005.
- **Venture Capital Investment.** Led team responsible for intellectual property due diligence and analysis of

intellectual property assets. Negotiated settlement of multiple litigations, negotiated, and drafted multiple license agreements, resolved disputes with creditors and restructured joint venture agreement, 2005.

- **PSN Illinois, LLC, v. Ivoclar Vivadent, Inc., No. 04-CV-7232 (N.D. Ill.).** Obtained Summary Judgment of non-infringement for Ivoclar, a maker of dental veneers and other dental products, which resulted in dismissal of patent infringement case, 2005. Summary Judgment was affirmed on appeal (Fed. Cir. Case No. 2007-1512).
- **MKS Instruments, Inc. v. Advanced Energy Industries, Inc., Civil Action No. 03-469 (D. Del. 2004).** Represented MKS at patent infringement trial concerning remote plasma generators and involving five patents-in-suit. Jury returned a verdict for MKS in under three hours that all ten asserted patent claims were infringed, 2004.
- **MKS Instruments, Inc. v. Advanced Energy Industries, Inc.** Won patent infringement action in Germany concerning European patent related to U.S. litigation (above), 2005.

**Wilmer Cutler Pickering Hale and Dorr LLP, Boston MA – Partner  
Litigation and Intellectual Property Practice Departments**

**May 1999 – Mar 2004**

Practice encompassed a broad spectrum of both general and intellectual property litigation, including patent, trademark, copyright, trade secret, unfair competition, securities, antitrust, commercial, partnership, corporate governance, and white-collar investigations. Responsibilities included litigation (trial, appellate and International Trade Commission (ITC)), negotiating and drafting license agreements, joint venture agreements and joint development agreements, drafting non-infringement opinions, reviewing patent portfolios, and advising clients with respect to the protection and enforcement of their intellectual property.

- **Gemstar TV-Guide International, Inc. v. ITC, 383 F.3d 1352 (Fed. Cir. 2004).** Assumed control of patent enforcement strategy that, to that point, had been highly unsuccessful on all fronts. Represented Gemstar on appeal of action before the ITC. In first favorable ruling associated with enforcement strategy, Federal Circuit ruled in favor of Gemstar, reversed the claim construction of two patents, reversed the ITC's determination regarding inventorship, and remanded the case to the ITC. Lead drafter of appeal brief and responsible for overall management of appeal.
- **Member of the E-Commerce / Internet Alert Committee,** a cross-departmental interdisciplinary committee responsible for monitoring and publishing articles about intellectual property and other issues associated with the law of the Internet and e-commerce.

**Fish & Richardson P.C., Boston MA – Associate**

**Aug 1997 – May 1999**

Practice encompassed all aspects of intellectual property, including patent prosecution, litigation, licensing, trademark, and copyright.

**Verizon Communications Inc., Boston MA - Legal Intern**

**Fall 1996**

Clinical program in Verizon's Intellectual Property Department encompassed a broad range of intellectual property issues associated with the NYNEX/Bell Atlantic merger.

**ENGINEERING EXPERIENCE:**

**McDonnell Douglas Corporation (acquired by Boeing) – St. Louis MO, and Long Beach CA  
Engineer, Flight Control Software and Electronics**

**1989 – 1994**

*Engineering Liaison for Contract Negotiations, Long Beach CA (1992 – 1994)*

Lead engineer for the C-17 Flight Control System Division in charge of technical support for contract negotiations with the United States Air Force and with subcontractors, including General Electric and Martin Marietta.

*Engineer, Digital Flight Control Systems, Long Beach CA (1990 – 1994)*

Software systems and electronics engineer, Digital Flight Control System for the C-17 Air Transport; responsible for development of electronic takeoff and landing control systems, including system integration, software development, and software and hardware system testing.

*Engineer, Digital Flight Control Systems, St. Louis MO (1989 – 1990)*

Software systems and electronics engineer, Digital Flight Control System for the AV-8B (Harrier Jump Jet); responsible for project to improve aircraft stability, including system development, integration, and system testing.

**National Engineering Technology, Toronto, Ontario Canada, Traffic Control Systems Engineer**

**1988 – 1989**

On-site technical liaison for project to upgrade existing traffic control system with microprocessor-based system. Responsibilities included hardware and software development and integration and working on-site with customer.

**SELECT AWARDS, PUBLICATIONS, AND ACTIVITIES:**

- Academy of Legal Studies in Business, Member, 2025 - present
- Zoo Ambassador, Zoo New England, assist Zoo New England Education Department at the Stone Zoo with its mission to inspire people to protect and sustain the natural world for future generations, 2025 - present
- City Year Greater Boston, committee member for the 2025 annual “Starry Night Gala” – City Year’s primary fundraising event. City Year is an organization that places mentors in underprivileged schools to improve educational outcomes. Served as committee member for various fundraising events and as a volunteer, 2018 – present.
- Mentor, FirstxFounder / ABCT (Accelerator for Biosciences in Connecticut) / WCBA (Westchester County Biosciences Accelerator), programs of education to prepare academic and corporate spinouts, inventors, and first-time founders to run successful startup enterprises, 2019 – present.
- Boston College Law School, Law Day Awards Dinner Committee, member of committee that confers awards in association with annual awards dinner and fundraising event, 2016 - present.
- Member, Massachusetts Leadership Team, Nikki Haley Presidential Campaign, 2023-24.
- Judge for AMTA collegiate mock trial regional competitions and for moot court, mock trial, and negotiation competitions; Judged law school competitions regularly over past ten+ years, and AMTA competitions regularly since 2021.
- Boston Bar Association’s Life Sciences Roundtable Event: Navigating Difficult Conversations Around the Board Table, Panelist, May 2023.
- 2017-18 Boston Legal Market Conference presented by Sandpiper Partners LLC, Oct 2017, presentation, and panel discussion on the future of the Boston Legal Market.
- Youth soccer coach (9 years); coached girls’ and boys’ teams (simultaneously for 7 of 9 years).
- Deloitte IPO Bootcamp, Boston, MA, Sep 2016, Panelist, “Lessons Learned: What I wish I had known during IPO preparations, the IPO process, and our first days as a public company.”
- Confidentiality Agreements, presentation, Massachusetts Continuing Legal Education (MCLE), September 2010.
- Inside The Inside Counsel’s Office, Panelist, Intellectual Property Program, Foley & Lardner, 2010.
- Co-Chair of the Corporate Practice Committee of the Boston Patent Law Association, term from 2006-2009.
- Current Issues in Patent Law, presentation, Massachusetts Continuing Legal Education (MCLE), June 2009.
- Current Issues in Patent Litigation, presentation, Boston Patent Law Association, December 2008.
- SuperLawyers Rising Star, 2006 & 2007, prior to taking in house positions, named a “Rising Star” in the May 2006 and May 2007 editions of Massachusetts SuperLawyers, published in Boston Magazine and Law & Politics.
- Cervený, David J. et al. “The Legal Protection of Databases: Setting the Stage in the Supreme Court.” Hale and Dorr LLP Internet Alert, December 2003.
- Lippert, Nels and Cervený, David J. “Cybertresspass: The Final Stage?” Global Commerce Law and Business Report, Vol. 5, Number 8, August 2003. (Republished by Hutchison & Mason PLLC, H & M Technology Law Update, Dec. 12, 2003).
- Costello, Robert V. and Cervený, David J. “Trying the Case.” *Superior Court Civil Practice Manual*, edited by Catherine M. Greene, Esq., Massachusetts Continuing Legal Education, Inc., 1997.
- Member of Alpha Eta Mu Beta (Biomedical Engineering Honor Society).
- Member of Tau Beta Pi (Engineering Honor Society).