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**Expert Witness and Consultant on USPTO Practice and Procedure**  
**October 2009 to Date**

**Cases**

- Listed in Appendix A

**Other Patent Practice and Procedure Work**  
**October 2009 to Present**

- Moderated Panel Discussion of Hot Topics in Patent Law for the 9<sup>th</sup> Annual Symposium at George Mason University School of Law
- Lectured on current USPTO practice and procedure as well as current Office programs to promote green, expedited and quality Patent Application examination – Wisconsin Alumni Research Foundation (WARF).
- Worked with Ditthavong Mori & Steiner (Alexandria Virginia and Osaka Japan) to recruit new clients in Japan by presenting the firms' ability to advantageously use current USPTO practice and procedure to promote early patent grants and addressed the International Association for the Protection of Intellectual Property of Japan (AIPPI).
- Worked with CGI International, Fairfax Virginia, to provide subject matter expertise with respect to the patent filing, examination through issue / abandonment / appeal process for an Information Technology XML Patent end to end process.
- Served on the Cloud Pharmaceuticals Board of Directors to provide policy decisions and oversight as well as specifically directing patent strategy and prosecution with respect to in silico drug design and development.
- Providing The Broad Institute with subject matter expertise regarding all patent aspects of their CRISPR patent filings and prosecution proceedings as well as lecturing with respect to USPTO practice and procedure.

## **USPTO Experience**

**September 1974 to October 2009**

### **Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office**

**January 2009 to August 2009**

Served as the Acting Under Secretary and Acting Director of the United States Patent and Trademark Office during the change of Administration. As the Acting Under Secretary, advised the President, the Secretary of Commerce, and the Administration about all intellectual property matters. As Acting Director, administered the laws of granting Patents and Trademarks, and the day-to-day management of the \$2.1 billion Agency for over 10,000 employees. Developed and articulated Administration positions on all Patent, Trademark and Copyright issues while promoting strong Intellectual Property policy globally, including strategies to thwart the theft of U.S. Intellectual Property around the world.

### **Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office**

**November 2008 to September 2009**

Assisted the Under Secretary in developing and promoting Administration positions on all Patent, Trademark and Copyright issues domestically and internationally. Served as the Chief Operating Officer in planning, measuring and improving the mission performance and achievement of the Agency. Responsible for maintaining and growing domestic and international leadership roles in Intellectual Property Rights policy by strengthening Intellectual Property protection. Also responsible for providing customers with the highest levels of quality and service in all aspects of Agency operations.

### **Commissioner for Patents**

**August 2005 to October 2009**

Appointed by the Secretary of Commerce and served as the Chief Operating Officer for all aspects of patent related operations, planning and policy with the mission of properly applying the patent laws and regulations of the United States in the examination of patent applications. Oversaw a budget of \$1.3 billion and a staff of over 7000 employees. Responsible for Patent's strategic planning and execution, budget formulation and execution, information technology systems, staffing, employee development, labor management relations, customer outreach, congressional relations, public advisory committee relations, and patent policy formulation.

### **Acting Commissioner for Patents**

**April 2005 to August 2005**

Appointed by the Under Secretary of Commerce for Intellectual Property and the Director of the United States Patent and Trademark Office to perform the duties of the Commissioner for Patents until the Secretary of Commerce appointed a new Commissioner for Patents.

**Deputy Commissioner for Patent Resources and Planning**

**January 2005 to August 2005**

Responsible for the formulation and execution of the \$1.3 billion budget as well as strategic planning for the Patent Office

**Special Assistant to the Director of the United States Patent and Trademark Office**

**March 2004 to January 2005**

Provided technical, examination and legal advice on all Patent related issues

**Director of Patent Examination Technology Center**

**August 1992 to January 2005**

Responsible for all patent examination issues in the chemistry, chemical engineering, pharmaceutical, biotechnology and design art areas

**Patent Examiner, Supervisory Patent Examiner, Quality Assurance Examiner**

**September 1974 to August 1992**

Examined and supervised the examination of patent applications encompassing pharmaceuticals, herbicides, pesticides, dyestuffs, inorganic chemistry, hydrometallurgy, zeolite catalysts, buckminsterfullerenes, proteins, and peptides

**Awards**

Department of Commerce Bronze Medal for examination and supervisory accomplishments; a second Bronze Medal for the implementation of Patent Application Location and Monitoring (PALM) system; a Department of Commerce Silver Medal for the development of automated examiner office action tools; the Vice Presidential Hammer Award for establishing the Biotechnology Customer Partnership; a Department of Commerce Gold Medal for implementation of the Image File Wrapper system.

**Education:**

MS	Physical Chemistry	Pennsylvania State University	1974
BS	Chemistry / Physics	Bowling Green State University	1971

**Articles Authored or CoAuthored:**

The Patenting of DNA, Science, Vol. 280, May 01, 1998, pp 689-690

Recent Performance of the CRU in Inter Partes Reexamination, *IP Law*360, Jan. 26, 2010

## Appendix A

- Association for Molecular Pathology et al. v. **Myriad Genetics** et al.
  - United States District Court for the Southern District of New York
  - United States Supreme Court
  - Statutory Subject Matter with respect to Genetic Material
  
- **Kathrein-Werke KG** v. Radiación y Microondas S.A., and Ryma Micro Communications, Inc.
  - United States District Court for the Northern District of Illinois Eastern District
  - Validity and Infringement with respect to US Patent 6,850,130
    - Deposed
  
- **King Drug Company of Florence Inc.**, et al. v. Cephalon, Inc., et al.
- Vista HealthPlan, Inc., et al. v. Cephalon, Inc., et al.
- Apotex, Inc. v. Cephalon, Inc., et al.
  - United States District Court for the Eastern District of Pennsylvania
  - Antitrust Litigation re US Patent 5,618,845 and RE37,516
    - Deposed
  
- **Fujitsu Limited** v. Tellabs Operations, Inc. and Tellabs, Inc.,
- Tellabs Operations, Inc. v. **Fujitsu Limited and Fujitsu Network Communications**
- **Fujitsu Limited** v. Tellabs Operations Inc., Tellabs Inc., and Tellabs North America
  - United States District Court for the Northern District of Illinois Eastern Division
  - Inequitable Conduct during the Prosecution of US Patents 7,227,681 and 5,526,163
    - Deposed
  
- **Tekmira Pharmaceuticals Corporation** and Protiva Biotherapeutics, Inc. v. Alnylam Pharmaceuticals, Inc. and Alkana Technologies, Inc.
  - Commonwealth of Massachusetts, Suffolk Superior Court, Business Litigation Session
  - Trade Secret Misappropriation and New Matter
  
- **Prism Technologies** v. AT&T Mobility, Sprint Spectrum, T-Mobile USA, US Cellular Corp, Cellco Partnership aka Verizon Wireless
  - United States District Court for the District of Nebraska
  - Priority Date Asserted in US Patents 7,290,288 and 8,107,345

- **AbbVie Biotechnology Ltd. and Abbott BmbH & Co. vs. Inter-Lab Ltd. and Merck Serono S.A.**
  - World Intellectual Property Organization Arbitration and Mediation Center
  - Arbitration regarding the Validity for US Patent 8,090,923
- Cold Spring Harbor Laboratory v. **Ropes & Gray, LLP** and Matthew P. Vincent
  - United States District Court for the District of Massachusetts
  - Malpractice Suit
    - Deposed
- E.I. du Pont de Nemours and United States of America v. **Kolon Industries**
  - United States District Court for the Eastern District of Virginia, Richmond Division
  - Trade Secret Suit
- **Koninklijke Philips Electronics and Philips Electronics North America** v Zoll Medical
  - United States District Court for the District of Massachusetts
  - Trade Secret Suit
    - Deposed
- **Intellectual Ventures I LLC** v Honorable Teresa Stanek Rea, USPTO
  - United States District Court for the Eastern District of Virginia, Alexandria Division
  - Appeal under 35 USC 145
- **I/P Engine Inc and Vringo** v. AOL Inc, Google Inc, IAC Search & Media Inc, Gannett Company Inc, Target Corporation
  - Court of Appeals for the Federal Circuit
  - Reexamination Appeal
- **SoftView LLC** v. Apple, AT&T Mobility, Dell, HTC, Huawei, Kyocera, LG, Motorola, Samsung
  - United States District Court for the District of Delaware
  - Patent Validity
- G.D. Searle and Pfizer Asia Pacific v. Lupin Pharmaceuticals, Teva Pharmaceuticals, Mylan Pharmaceuticals, **Watson Laboratories**, Apotex Pharmaceuticals
  - United States District Court for the Eastern District of Virginia, Norfolk Division
  - ANDA Patent Validity Challenge
    - Deposed

- Ethox Chemicals, LLC and James Tanner v. **The Coca-Cola Company**
  - United States District Court for the District of South Carolina, Greenville Division
  - Inventorship Dispute
    - Deposed
    - Testified
  
- **Creative Integrated Systems**, Inc v. Nintendo of America, Inc; Nintendo Co, Ltd; Macronix America , Inc; and Macronix International Co, Ltc and DOES 1-10 Inclusive
  - United States District Court for the Central District of California, Southern Division
  - Duty of Disclose and Inventorship
    - Deposed
  
- XY, LLC v. **Trans Ova Genetics, L.C.** v. Inguran, LLC
  - United States District Court for the District of Colorado
  - Patent Validity Challenge
    - Deposed
  
- W.L. Gore & Associates, Inc v. **C.R. Bard, Inc and Bard Peripheral Vascular, Inc**
  - United States District Court for the District of Delaware
  - Patent Validity Challenge with respect to Duty of Disclosure
    - Deposed
  
- **Amneal Pharmaceuticals, LLC** v. Supernus Pharmaceuticals, LLC
  - USPTO Patent Trial and Appeal Board
  - Patent Validity Challenge with respect to Duty of Disclosure
    - Deposed
  
- LifeNet Health v. **LifeCell Corporation**
  - United States District Court for the Eastern District of Virginia, Norfolk Division
  - Willful Infringement
    - Deposed
  
- **Baxter Healthcare** v. Ferrosan Medical and Ethicon Inc
  - United States International Trade Commission
  - Inequitable Conduct and Patent Laches
    - Deposed
    - ITC Direct Testimony Submitted

- Regeneron Pharmaceuticals v. **Merus, B.V.**
  - United States District Court for the Southern District of New York
  - Infringement and Inequitable Conduct
    - Deposed
    - Testified
  
- **Fontem Ventures** v. NJOY et al
  - United States District Court for Central District of California
  - Infringement and Written Description
    - Deposed

Bold text indicates the party represented.