

**FTC HEARING ON
THE EVOLVING IP MARKETPLACE
FEBRUARY 11 & 12, 2009
The Evolution of Remedies**

Speaker Biographies

Keith Agisim

Keith Agisim is Associate General Counsel for Global Intellectual Property for Bank of America. Mr. Agisim and his team are responsible for creating and implementing the Bank's intellectual property strategies and policies, including protecting the Bank's intellectual property, defending the Bank against claims of others, and monetizing the Bank's intellectual assets.

Prior to joining Bank of America, Mr. Agisim was IP Counsel at an affiliate of the Principal Financial Group, where he structured novel intellectual-property-based financings. The innovative structuring of these transactions earned a "Deal of the Year" Award from *Securitization News* and a "Deal of Distinction" Award from the Licensing Executives Society. He also provided strategic intellectual property counseling to businesses to assist them in developing and monetizing intellectual property assets.

Mr. Agisim practiced intellectual property law at Fish & Neave in New York. He advised investors and investment banks on the evaluation of the intellectual property and licensing strategies, as well as valuation issues related to intellectual property portfolios. In addition, Mr. Agisim has litigated patent, trademark and copyright matters.

Mr. Agisim graduated from the University of Michigan with a Bachelor of Science degree in Cellular and Molecular Biology and received a J.D. from Columbia University School of Law.

Robert A Armitage

Robert A. Armitage became Senior Vice President and General Counsel for Eli Lilly and Company in January 2003, and is a member of the company's executive committee. He joined the company as Vice President and General Patent Counsel, Lilly Research Laboratories, in October 1999.

Mr. Armitage received a B.A. degree in physics and mathematics in 1970 from Albion College. He received a master's degree in physics from the University of Michigan in 1971 and a J.D. from the University of Michigan Law School in 1973. Prior to joining Lilly, Mr. Armitage was Chief Intellectual Property Counsel for The Upjohn Company from 1983 to 1993. He also was a partner in the Washington, D.C., office of Vinson & Elkins LLP from 1993 to 1999.

Mr. Armitage is a member and a past President of the American Intellectual Property Law Association (AIPLA) and the Association of Corporate Patent Counsel (ACPC). He is also a past chair of the Patent Committee of the Pharmaceutical Research and Manufacturers of America (PhRMA), the National Council of Intellectual Property Law Associations (NCIPLA),

the Intellectual Property Committee of the National Association of Manufacturers (NAM), the Fellows of the American Intellectual Property Law Association, and the Intellectual Property Law Section of the State Bar of Michigan.

Mr. Armitage has served as an Adjunct Professor of Law at George Washington University, as a member of the board of directors of Human Genome Sciences, Inc., and as President of the Board of Directors of the Hospice of Southwest Michigan, Inc. He also has served as a member of the Board of Directors of both Intellectual Property Owners (IPO) and the National Inventors Hall of Fame Foundation (NIHFF). He currently is serving as a member of the Council for the Intellectual Property Law Section of the American Bar Association (ABA IPL Section), a member of the Board of Directors of the Indianapolis Symphony Orchestra, a member of the Greater Indianapolis Progress Committee and the Indianapolis Race Relations Leadership Network, and a trustee on the Albion College Board of Trustees.

George E. Badenoch

George E. Badenoch is chair of Kenyon & Kenyon's Electrical and Mechanical Practice Group. He has over 30 years experience in litigations and adversarial matters concerning all aspects of intellectual property, including patents, trade secrets, trademarks and copyrights.

Mr. Badenoch has had considerable experience in major patent litigations (jury and non-jury) involving computers, semiconductors and pharmaceuticals, with particular emphasis on computerized automatic machinery and equipment and automobile parts. His successful trial of a major patent jury case involving computerized equipment for custom designed ductwork led to the largest intellectual property judgment nationwide in that year. His role as lead defense counsel for a large group of automobile importers led to the dismissal of a much publicized case brought by an alleged inventor of intermittent windshield wipers, even though the same plaintiff had previously secured multi-million dollar verdicts against two of Detroit's big three automobile manufacturers.

Mr. Badenoch also counsels clients in patent and other intellectual property licensing matters. He has been involved in the licensing aspects of large merger and acquisition transactions and has been head of the firm's Licensing Practice Group.

Mr. Badenoch has spoken before domestic and international bar association groups, authored brochures advising the Japanese community on patent matters and appeared on a number of panels teaching licensing and patent litigation matters to other lawyers sponsored by the Practicing Law Institute and the American Conference Institute.

Bruce W. Burton

Bruce Burton is a Senior Managing Director at FTI Consulting, Inc. Mr. Burton has over 30 years experience providing litigation support, valuation or other consulting services focusing primarily on intellectual property, innovation, technology and new product development. Mr. Burton currently leads FTI's Technology and Intellectual Property Management practice. Mr. Burton formerly led Deloitte's Intellectual Property Dispute Consulting Practice in the Midwest and its Intellectual Asset Management consulting practice nationally.

Mr. Burton has testified frequently on matters related to intellectual property lost profits, reasonable royalty, valuation and/or other damages issues. In addition, Mr. Burton has lead teams which have assessed and/or valued over 500 technologies. He has also participated in over 100 successful licensing efforts and has a wide-variety of other intellectual property management experiences.

Mr. Burton has been a frequent teacher, speaker and author on intellectual property related topics. He is active in various professional accounting organizations and intellectual property focused organizations such as the Licensing Executives Society, the Association of University Technology Managers and the Intellectual Property Owners Association (where he a current member and a past chairman of the Injunctions and Damages Committee).

Mr. Burton is a Certified Public Accountant, Certified Licensing Professional, Certified Management Accountant and Certified Fraud Examiner. Mr. Burton received a Bachelor of Arts in Business Administration from the University of Washington and a M.B.A. from the University of Chicago.

Bernard J. Cassidy

Bernard J. "Barney" Cassidy is General Counsel and Senior Vice President of Tessera Technologies, Inc. Mr. Cassidy joined Tessera as its General Counsel and Senior Vice President in November 2008.

Before coming to Tessera, Mr. Cassidy served for more than nine years as General Counsel and Senior Vice President for Tumbleweed Communications Corp., where he was responsible for corporate development and legal matters. Prior to Tumbleweed, he practiced law at Wilson, Sonsini, Goodrich & Rosati, and at Skadden, Arps, Slate, Meagher & Flom. Mr. Cassidy also served as law clerk to the Honorable John T. Noonan, Jr., a judge of the U.S. Court of Appeals for the 9th Circuit.

Mr. Cassidy holds a J.D. from Harvard Law School, a master's degree in philosophy from the University of Toronto, and a bachelor's degree in philosophy from Loyola University, New Orleans, LA. While at Harvard Law School, he was a research assistant to Professor Arthur R. Miller, focusing on federal civil practice and procedure, and served as an editor of the *Harvard Law Review*.

Thomas F. Cotter

Thomas F. Cotter is the Briggs and Morgan Professor Law and Solly Robins Distinguished Research Scholar at the University of Minnesota Law School. He joined the University of Minnesota Law School faculty in 2006. He received his bachelor's and master's degrees in economics from the University of Wisconsin-Madison, and in 1987 graduated *magna cum laude* from the University of Wisconsin Law School, where he served as Senior Articles Editor of the *Wisconsin Law Review* and was elected to the Order of the Coif. From 1987-89, he clerked for the Honorable Lawrence W. Pierce, United States Court of Appeals for the Second Circuit. He practiced law at Cravath, Swaine & Moore in New York City from 1988-90, and at Jenner & Block in Chicago from 1990-94. From 1994-2005, he taught at the University of Florida College of Law, where he held a University of Florida Research Foundation Professorship and directed the school's Intellectual Property Law Program. From 2005-06, he was a Professor of Law at Washington and Lee University School of Law.

Professor Cotter's principal research and teaching interests are in the fields of domestic and international intellectual property law, antitrust, and law and economics. He is the coauthor, with Roger D. Blair, of *Intellectual Property: Economic and Legal Dimensions of Rights and Remedies*, published by Cambridge University Press in 2005. He has authored or coauthored over 30 other scholarly works, including articles in the *California Law Review*, the *Georgetown Law Journal*, the *Iowa Law Review*, the *Minnesota Law Review*, the *University of Illinois Law Review*, the *William & Mary Law Review*, the *North Carolina Law Review*, the *Notre Dame Law Review*, and the *Tulane Law Review*.

John M. Golden

John Golden is an Assistant Professor at the University of Texas School of Law, where he teaches patent law and administrative law. Prior to joining the School of Law, Professor Golden worked as an associate in the intellectual property department of Wilmer Cutler Pickering Hale and Dorr LLP, and taught patent law as a lecturer at Harvard Law School in 2004 and 2005. Professor Golden clerked for Associate Justice Stephen Breyer of the United States Supreme Court during the Court's October 2002 term, and clerked for the Honorable Michael Boudin of the United States Court of Appeals for the First Circuit from June of 2000 to June of 2001. He obtained a J.D. from Harvard Law School in 2000, a Ph.D. in physics from Harvard University in 1997, and an A.B. in physics and history from Harvard College in 1992.

Paul M. Janicke

Paul Janicke is the HIPLA Professor of Law at the University of Houston Law Center, where he has taught since 1992. Prior to that he was a senior litigation partner in Arnold, White & Durkee, where he practiced for twenty-one years.

Professor Janicke teaches evidence, patent law, patent litigation, licensing, and an introductory survey of Intellectual property law. He is a founder of the Law Center's Institute for Intellectual Property & Information Law, which has been ranked among the top ten Intellectual property law programs in the United States by *U.S. News & World Report* for each of the last twelve years.

He has authored numerous published articles on Intellectual property subjects, and a casebook, *Modern Patent Litigation*, published by Carolina Academic Press, now in its second edition.

Professor Janicke's research activities are primarily empirical patent law studies, including the web service patstats.org and other statistical analyses of developments within the patent system. He is a frequent speaker at gatherings of lawyers and judges.

Philip S. Johnson

Philip S. Johnson is Chief Intellectual Property Counsel for Johnson & Johnson, having joined the corporation in January 2000 after 27 years in private practice serving clients including Johnson & Johnson. In this position, he oversees about 100 patent and trademark attorneys worldwide, and advises Johnson & Johnson's top management on patent matters relating to its 200 plus operating companies worldwide.

Mr. Johnson is currently the President of the IPO Education Foundation, Chair of the Board of Directors of the American Intellectual Property Law Education Foundation, Chair Emeritus of the PhRMA's IP Focus Group, and Member of the Steering Committee of the Coalition for 21st Century Patent Reform. Mr. Johnson is also a member of the Executive Committees of the Board of Directors of the Association of Corporate Patent Counsel (Past President), of the Intellectual Property Owners Association, and of INTERPAT (Past President), and a member of the Board of the National Inventors Hall of Fame. He is active in a number of bar associations, including AIPLA where he now leads their Patent Litigation Committee.

Before joining Johnson & Johnson, Mr. Johnson was a Senior Partner and Co-chair of Litigation in the intellectual property law firm of Woodcock Washburn in Philadelphia, where he specialized in intellectual property issues affecting major pharmaceutical, medical device and consumer product companies. Mr. Johnson has served as trial counsel in over 100 patent cases, including over 50 resulting in reported decisions of the federal district courts and/or of the Federal Circuit Court of Appeals.

Mr. Johnson is a frequent speaker, and has testified before both the House and Senate Judiciary Committees on the subject of patent law reform. He received his B.S. degree, *cum laude*, with distinction in biology from Bucknell University and his J.D. degree from Harvard Law School, where his third year advisor was now-Supreme Court Justice Stephen Breyer.

Jack W. Lasersohn

Mr. Lasersohn has over twenty-five years of experience in health care venture capital investments. Prior to joining The Vertical Group's predecessor, F. Eberstadt in 1981, Mr. Lasersohn was a corporate attorney with Cravath, Swaine & Moore. Mr. Lasersohn currently serves on the Boards of Directors of Alsius Corporation, Bacchus Vascular, Inc., Masimo Corporation, Oncomed, Photothera, Proteolix, Timi3 Systems, Inc. and TetraLogic Pharmaceuticals. He previously served on the boards of CardioThoracic Systems, Inc., Cardiovascular Imaging Systems, Inc., E.P. Technologies and Kyphon Inc. Mr. Lasersohn currently serves on the Board of Directors of the National Venture Capital Association and is a

past Chairman of the Medical Industry group of the NVCA. He received a B.S. degree in physics from Tufts University, an M.A. from The Fletcher School of Law and Diplomacy, and a J.D. from Yale Law School.

Anne Layne-Farrar

Dr. Layne-Farrar is a Director with LECG. She specializes in antitrust matters where the core issues are at the intersection of intellectual property economics and competition policy. She advises clients on competition, regulation, and intellectual property issues across a range of industries with a focus on high-tech. Her advisory work for industry leading clients has included: analyzing RAND licensing practices; analyzing patent filings for market definition; assessing economic incentives and firm behavior within standard setting organizations; reviewing the competitive implications of licensing for pharmaceuticals; conducting empirical research on the costs and benefits of payment instruments within the United States; determining costs and benefits for legislative proposals covering software security, labor unions, television ratings, and e-commerce; and assessing the antitrust implications of mergers and acquisitions in a number of industries.

Dr. Layne-Farrar received her B.A. in economics with honors, summa cum laude, from Indiana University (Bloomington), her master's and her Ph.D. in economics from the University of Chicago. She has published articles in *Antitrust*, *Global Competition Review*, and *Regulation Magazine* and has numerous publications in academic journals, including *Antitrust Law Journal*, *Harvard Journal of Law and Public Policy*, and *Journal of Competition Law and Economics*.

Gregory K. Leonard

Dr. Leonard is a Senior Vice President in NERA's Antitrust and Intellectual Property Practices. His areas of expertise are applied microeconomics and econometrics. He has extensive experience analyzing competition and estimating damages in a wide variety of contexts. Dr. Leonard has provided written and oral testimony and presentations before courts and government agencies on issues involving antitrust, damages estimation, intellectual property, statistics and econometrics, surveys, and labor market discrimination.

Dr. Leonard has published widely on the issues of antitrust, intellectual property, industrial organization, labor economics, and econometrics. His publications have appeared in the *RAND Journal of Economics*, the *Journal of Industrial Economics*, the *Journal of Econometrics*, the *International Journal of Industrial Organization*, the *Journal of Public Economics*, the *Journal of Labor Economics*, *Antitrust Law Journal*, *Antitrust*, the *Journal of Competition Law and Economics*, the *Journal of Economic Surveys*, the *Berkeley Technology Law Journal*, the *European Competition Law Review*, *les Nouvelles*, and the *George Mason Law Review*. Dr. Leonard co-authored two chapters in the American Bar Association Section of Antitrust Law (ABA) volume *Issues in Competition Law and Policy* and was a contributor to the ABA volume *Econometrics*. He co-edited *Economic Approaches to Intellectual Property: Policy, Litigation, and Management* and authored or co-authored three of its chapters. Dr. Leonard is an Associate Editor of the ABA publication *Antitrust* and has served as a referee for numerous economics journals.

Dr. Leonard served as a consultant on the issue of immunities and exemptions to the Antitrust Modernization Commission (“AMC”), and testified before the AMC in December 2005. He gave presentations at the 2004 Federal Trade Commission (FTC) and U.S. Department of Justice Merger Workshop and the 2008 FTC Retail Mergers Workshop. Dr. Leonard has also made presentations before the Fair Trade Commission of Japan and the Ministry of Commerce of the People’s Republic of China.

Dr. Leonard received an Sc.B. in Applied Mathematics-Economics from Brown University and a Ph.D. in Economics from the Massachusetts Institute of Technology, where he was a National Science Foundation Graduate Fellow and an Alfred P. Sloan Foundation Fellow. He was previously an assistant professor at Columbia University.

Gail F. Levine

Gail F. Levine is an Assistant General Counsel at Verizon Communications Inc., where she handles a wide array of high-tech, intellectual property, and competition policy strategy issues. Before joining Verizon, Gail was an attorney advisor to the Chairman of the Federal Trade Commission, Deborah Platt Majoras. She advised the Chairman on antitrust and intellectual property issues. Before joining the Chairman's office, Gail was the FTC's Deputy Assistant General Counsel. She was a significant contributor to the 2003 FTC report on intellectual property and innovation, and she co-authored many other FTC reports on antitrust and high-tech issues. Gail was an editor of the American Bar Association's 2007 *Antitrust and Intellectual Property Handbook*, and she is a vice-chair of the Computer & Internet Committee of the ABA's Antitrust Section.

Before joining the FTC, Ms. Levine was a trial lawyer in the Civil Division of the U.S. Department of Justice. Ms. Levine clerked for Judge Royce C. Lamberth of the U.S. District Court for the District of Columbia and Judge Patrick E. Higginbotham of the U.S. Court of Appeals for the Fifth Circuit. She graduated *magna cum laude* from Harvard Law School, where she was an editor of the *Harvard Law Review*.

Aron Levko

Mr. Levko is a Principal and founder of the Intellectual Asset Management Practice for PricewaterhouseCoopers in the Americas. Intellectual assets include intellectual property (patents, trademarks, copyrights, and trade secrets), technical know-how, and confidential information. Mr. Levko has extensive experience working with trial lawyers, corporate management, and entrepreneurs in a broad range of industries for more than 35 years. He specializes in dispute resolutions, intellectual asset transactions, business valuations, and Intellectual property portfolio management.

Mr. Levko leads and conducts business investigations from the Chicago office into product, market, and financial issues involving project consulting and expert testimony. He focuses on intellectual asset matters, as well as other complex business valuation analysis. He has extensive expert testimony experience on issues such as damages analysis, licensing practices, business valuations and commercial success.

Prior to his 23 years with PricewaterhouseCoopers, Mr. Levko was a Principal at Arthur Young (n/k/a Ernst & Young), Plant Controller at Rockwell International (n/k/a Rockwell Automation), and Car Product Planner at Ford Motor Company. He was also the Chief Financial Officer of a retailer during his work with Arthur Young and Rockwell International. He has in-depth experience in intellectual property licensing, manufacturing and financial systems, and corporate development.

Mr. Levko has published and spoken frequently on intellectual property topics. He has been quoted numerous times on Intellectual property and valuation issues in such publications as *The Wall Street Journal*, *Investors' Business Daily*, and *les Nouvelles*. Aron has an M.B.A. in Finance from the University of Chicago and a B.S.E. in Industrial & Operational Engineering from the University of Michigan, earning honors and full tuition scholarships at both institutions. He is an Accredited Senior Appraiser, Certified Licensing Professional, Certified Management Consultant and a Certified Production & Inventory Control Manager.

Mr. Levko is a past Board Member of the Institute of Management Consultants-Chicago Chapter, past Chairman of Chicagoland Chamber of Commerce's Youth Motivation Program and past member of the Cook County Judicial Evaluation Committee. He is a member of the Licensing Executive Society, American Society of Appraisers, Institute of Management Consultants, American Production & Inventory Control Society, International Trademark Association, and an associate member of the American Bar Association.

Gary H. Loeb

Gary Loeb is Vice President, Intellectual Property for Genentech, where he has been practicing for the past nine years. He is involved in a variety of patent, trademark and trade secret procurement, analysis, and enforcement in addition to general licensing and commercial legal issues. Before joining Genentech, he earned his B.S. in biology and B.A. in English from Stanford University and his J.D. from Columbia University Law School, where he served as an editor of the *Journal of Law and Social Problems*, and graduated as a Harlan Fiske Stone Scholar. Following law school, Mr. Loeb clerked for The Honorable A. Joe Fish, United States District Court, Northern District of Texas and practiced with law firms in Los Angeles and San Francisco.

Mr. Loeb is an adjunct professor, teaching Biotechnology Law at University of San Francisco Law School, an annual presenter at the Advanced Patent Law Institute, a panelist at the 2008 Federal Circuit Bench and Bar Conference, and a speaker at multiple patent law conferences.

Bryan Lord

Bryan Lord serves as the vice president of Finance and Licensing, as well as General Counsel for AmberWave Systems. He is responsible for managing the company's financial, general legal and public policy matters, in addition to overseeing the company's venture capital fund-raising, and managing the company's in-licensing, out-licensing and litigation.

Prior to joining AmberWave Systems, Mr. Lord was a corporate attorney at one of the nation's

leading high-technology law firms, Testa, Hurwitz & Thibault, LLP in Boston. During his tenure, he represented venture capital funds, investment banks and public and private technology corporations on a variety of technology licensing and financial transactions, including \$250 million in M&A transactions, \$1 billion in public and private financings, and \$2 billion in venture capital fund formations.

Mr. Lord earned his bachelor's of arts degree, magna cum laude, in business administration and political science from Concordia College in Moorhead, MN. He earned his J.D. from Notre Dame Law School, where he was *Propter Honoris Repectum* Editor of *The Notre Dame Law Review*.

Douglas B. Luftman

Douglas Luftman is Associate General Counsel of Intellectual Property at Palm, Inc. Palm is headquartered in Sunnyvale, California, the heart of Silicon Valley, and is renowned for its rich history of innovation in the mobile computing industry, dating back to the original category-defining Palm Pilot personal digital assistant, and more recently the Treo™, Centro™ and Pre™ smartphones. Recently, Palm has been publically recognized for its innovation by *Fortune Magazine* as a Contender in America's Most Admired Companies, by *Business Week Magazine* as one of the "Top 15 Stocks to Watch" and by innovation-based stock indices, such as Ocean Tomo 300® (AMEX: OTPAT) and IPX Composite (AMEX: IPXCI).

Mr. Luftman's areas of focus include strategic intellectual property counseling, patent portfolio development, intellectual property enforcement and licensing strategy, intellectual property asset acquisitions, standards development strategy, intellectual property and technology licensing, open source software management strategy and leveraging information technology systems to maximize the effectiveness of delivering legal and business services. Prior to joining Palm, Mr. Luftman's roles have included Vice President, General Counsel and Secretary of Caspian Networks, Inc., West Coast Counsel of CIENA Corporation and Senior Intellectual Property Group Counsel for Intel Corporation's Communications Group. Prior to working in-house, Mr. Luftman was an attorney at Fenwick & West LLP, Silicon Valley Office.

Mr. Luftman received his J.D. with honors from the George Washington University Law School, where he was Technical Editor of the Law Review and externed for The Honorable Randall R Rader of the United States Court of Appeals for the Federal Circuit. Mr. Luftman received his B.S. in Electrical Engineering from the University of California, Los Angeles.

Mr. Luftman has spoken at a variety of forums including professional trade organizations and as a guest lecturer at the University of California, Hastings College of the Law and the University of California, Berkeley School of Law on various topics relating to intellectual property strategy. He also recently joined the Board of Directors for the National Inventors Hall of Fame, Inc.

Taraneh Maghamé

Taraneh Maghamé is Vice President, Patent Policy and Government Relations Counsel, at Tessera, Inc. in San Jose, California. Her responsibilities include advising company management regarding various Intellectual property and patent-related issues, including issues relating to patent licensing and litigation. She is also responsible for Intellectual property due diligence and strategic Intellectual property counseling relating to development and acquisition of Intellectual property assets as well as government relations activities relating to intellectual property law and policy.

Ms. Maghamé came to Tessera from Hewlett-Packard Company, where she was Senior Counsel in its Intellectual Property Group. At Hewlett-Packard, her practice focused on intellectual property licensing and transactions as well as patent dispute and litigation management. Before the merger between Hewlett-Packard and Compaq Computer Corporation, Ms. Maghamé was responsible for managing all intellectual property litigation for Compaq. Prior to joining Compaq, Ms. Maghamé was associated with the law firms of Brobeck, Phleger & Harrison in Palo Alto and Perkins Coie in Seattle, where she specialized in intellectual property litigation, licensing, and counseling.

Ms. Maghamé is a graduate of Georgetown University Law Center and is admitted to practice in California and Washington State, as well as before the U.S. Patent and Trademark Office.

Steven C. Malin

Steve Malin is Counsel at Sidley Austin, LLP. His private practice includes substantial experience in commercial litigation cases, with an emphasis on patent and intellectual property rights. He has tried jury and non-jury trials across the state of Texas, the most recent being September, 2008. Mr. Malin also has argued cases before several state and federal appellate courts. Mr. Malin's patent experience encompasses all phases of litigation and many diverse technologies, from semiconductor fabrication and packaging to landfill coverings, from computer software applications to plastic bottling to women's apparel. Mr. Malin currently represents as 'first chair' one of the world's largest museums in a trademark infringement case set for trial in February, 2009.

In the commercial arena, Mr. Malin has obtained significant rulings from the Fifth Circuit Court of Appeals establishing federal preemption and protecting defendants from liability under local law. He has also helped clients secure preliminary and permanent injunctive relief, including enforcing covenants not to compete, preventing trade secret misappropriation, closing down illegal Internet sites, and collecting assets. Mr. Malin also frequently represents clients faced with the threat of injunction and has successfully dissolved temporary orders on a number of occasions. Mr. Malin's article on the nuances of collateral estoppel, written during law school, has been cited as authority by the Texas Supreme Court.

Mr. Malin earned a B.B.A. from the University of Texas at Austin where he was in the Undergraduate Business Honors Program. He earned his J.D., *cum laude*, Southern Methodist University School of Law, where he was elected to the Order of the Coif and was Comments

Editor for the *Journal of Air Law & Commerce*. He earned his LL.M. in Intellectual Property and Information Technology from the University of Houston Law Center. Mr. Malin clerked for the Honorable William J. Rea, United States District Judge for the Central District of California. He has been listed in *The Best Lawyers in America* and *Texas Monthly Magazine's* Texas Super Lawyers.

Kenneth M. Massaroni

Ken Massaroni is Senior Vice President and General Counsel at Seagate Technology, and was previously Seagate's Chief Intellectual Property Counsel. Prior to Seagate, Mr. Massaroni was Vice President and Deputy General Counsel for Scientific-Atlanta, Inc. Mr. Massaroni earned a B.S. in chemistry from Butler University and a J.D. from Indiana University.

Christine Meyer

Dr. Meyer is a Vice President at NERA, a firm of consulting economists. She conducts economic research and analysis in the areas of intellectual property, antitrust economics, commercial damages, business valuation, and labor economics. She has written expert reports and testified in deposition and at trial about her economic analysis.

In the area of intellectual property, Dr. Meyer has written about and analyzed issues of preliminary and permanent injunctions in conjunction with patent cases. She has recently co-authored two papers concerning injunctions: "Don't Feed the Trolls?" published in *les Nouvelles* (with John Johnson, Gregory Leonard and Ken Serwin); and "Reasonable Royalties after *eBay*," published in *IP Law 360* (with David Blackburn). She has also analyzed damages arising from patent infringement, the misappropriation of trade secrets, and breaches of contract. She has analyzed commercial success and antitrust issues in patent cases. She has also analyzed the value of several patents, licenses, and potential business acquisitions.

In the area of antitrust, Dr. Meyer has evaluated the competitive effects of mergers and acquisitions and analyzed antitrust claims and damages in cases involving alleged resale price maintenance, monopolization and price discrimination. Dr. Meyer has written expert reports and testified about her analysis and has presented her analysis to the Federal Trade Commission and Department of Justice.

Prior to joining NERA, Dr. Meyer taught economics and statistics at Colgate University and Bentley College and served as a Lieutenant in the U.S. Army. She received her B.S. from the United States Military Academy and her Ph.D. from the Massachusetts Institute of Technology.

Edward R. Reines

Edward Reines is a litigation partner in the Silicon Valley Office of Weil, Gotshal & Manges with an active trial practice. He serves on the Advisory Council to the Federal Circuit. He is immediate Past President of the Federal Circuit Bar Association. He is Chair of the National Model Jury Instructions Project. He is Vice-Chair of the Amicus Committee of the AIPLA. He serves as Chair of the Patent Rules Committee for ND Cal and is a lawyer-delegate to the Ninth

Circuit Court Of Appeals. He was recognized in 2008 as one of the Top 100 California lawyers by the *California Daily Journal* and one of the Top 50 attorneys nationally in Intellectual Property under 45. He teaches patent litigation at Boalt Hall School of Law. He is a graduate of Columbia Law School.

Kevin H. Rhodes

Kevin Rhodes is the President and Chief Intellectual Property Counsel of 3M Innovative Properties Company in St. Paul, Minnesota, where he is responsible for managing the intellectual property assets of 3M Company and its worldwide affiliates.

Mr. Rhodes joined 3M in 2001. Prior to joining 3M, Mr. Rhodes was a partner at Kirkland & Ellis in Chicago, where he specialized in intellectual property litigation.

Mr. Rhodes received his J.D., *magna cum laude*, from Northwestern University. Mr. Rhodes is a registered patent attorney, with an undergraduate degree in chemistry from Grinnell College.

Honorable Sue L. Robinson

Judge Robinson is District Judge for the United States District Court for the District of Delaware. She has served on this Court since February 1988 as both a Magistrate and District Judge. From June 2000 to June 2007, she served as Chief Judge. Prior to joining the bench she was an Assistant United States Attorney for the District of Delaware and an Associate with Potter Anderson & Corroon. She was a member of the Judicial Conference of the United States from 2000-2003. She received her J.D. from the University of Pennsylvania School of Law and her B.A. from the University of Delaware.

David Simon

David Simon is currently the Chief Patent Counsel for Intel Corporation and has been involved over the last five years in running the intellectual property matters for Intel Corporation. Prior to joining Intel in 1996, Mr. Simon was in private practice in Los Angeles for fifteen years, specializing in intellectual property matters, licensing and High Technology law. He has a B.S.E.E. from Massachusetts Institute of Technology and a J.D. from Georgetown University.

John Skenyon

John M. Skenyon is a Principal in Fish & Richardson P.C.'s Boston office. He joined the firm in 1977, and for over 30 years, he has specialized in patent litigation. To date, he has been lead counsel in over 100 intellectual property lawsuits in 24 states, including cases in so-called "rocket docket" jurisdictions and those known for large numbers of patent trials, such as Delaware, Texas and California. He has obtained one of the largest patent jury verdicts ever, and he has successfully defended clients from damages claims totaling hundreds of millions of dollars.

Mr. Skenyon is the principal author of a book on patent damages entitled *Patent Damages Law*

& *Practice* published by West, and he has written numerous articles and lectured extensively on patent damages subjects over the years.

Mr. Skenyon is active in numerous organizations, including the AIPLA and the Federal Circuit Bar Association. He is past president of the Boston Patent Law Association and is past chairman of the AIPLA's patent litigation committee.

Henry E. Smith

Henry E. Smith is a Professor of Law at Harvard Law School, where he directs the Project on the Foundations of Private Law. He teaches in the areas of property, intellectual property, natural resources, remedies, and taxation. He clerked for the Honorable Ralph K. Winter, U.S. Court of Appeals for the Second Circuit, has taught at the Northwestern University School of Law, was the Fred A. Johnston Professor of Property and Environmental Law at Yale Law School and Professor of Cognitive Science at Yale, and has visited at the University of Virginia School of Law, the University of Chicago Law School, Yale Law School, and Harvard Law School.

Professor Smith has written primarily on the law and economics of property and intellectual property, with a focus on how property-related institutions lower information costs and constrain strategic behavior. His publications include *Property: Principles and Policies* (with Thomas W. Merrill, Foundation 2007), *Property: A Short Introduction* (with Thomas W. Merrill, forthcoming, Oxford, 2009); "Institutions and Indirectness in Intellectual Property," (forthcoming, University of Pennsylvania Law Review); "Intellectual Property as Property: Delineating Entitlements in Information, 116 Yale Law Journal 1742-1822 (2007); "Modularity in Contracts: Boilerplate and Information Flow, 104 University of Michigan Law Review 1175-1222 (2006); "Property and Property Rules, 79 New York University Law Review 1719-98 (2004); "Exclusion versus Governance: Two Strategies for Delineating Property Rights," 31 Journal of Legal Studies S453 (2002); "Optimal Standardization in the Law of Property: The *Numerus Clausus* Principle," 110 Yale Law Journal 1 (2000) (with Thomas W. Merrill). He is the co-editor of the *Research Handbook on the Economics of Property Law* (with Kenneth Ayotte, forthcoming 2009). Professor Smith holds an A.B. from Harvard, a Ph.D. in Linguistics from Stanford, and a J.D. from Yale. In 2003, he was awarded a Berlin Prize Fellowship by the American Academy in Berlin.

Christopher J. Sprigman

Chris Sprigman is an Associate Professor at the University of Virginia School of Law. He teaches intellectual property law, antitrust law, competition policy, and comparative constitutional law. His scholarship focuses on how legal rules affect innovation and the deployment of new technologies.

Professor Sprigman received his B.A. with honors from the University of Pennsylvania in 1988. He attended the University of Chicago Law School, serving as a Comment Editor of the *University of Chicago Law Review* and graduating with honors in 1993. Following graduation, Sprigman clerked for the Honorable Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit, and for Justice Lourens H. W. Ackermann of the Constitutional Court of South

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From 1999 to 2001, Professor Sprigman served as Appellate Counsel in the Antitrust Division of the U.S. Department of Justice, where he worked on *U.S. v. Microsoft*, among other matters. Sprigman then joined the Washington, D.C. office of King & Spalding LLP, where he was elected a partner. In 2003, he left law practice to become a Residential Fellow at the Center for Internet & Society at Stanford Law School. He joined the Virginia faculty in 2005.

Henry Su

Henry Su is a partner in the law firm of Howrey LLP. He specializes in trial and appellate litigation, alternative dispute resolution and strategic counseling of claims and controversies that involve intellectual property, antitrust, competition and trade regulation issues. Based in California's Silicon Valley and San Francisco, he represents primarily high technology and life science companies, both domestic and foreign, on matters involving a wide range of technologies.

Mr. Su is a member of the bars of the State of California, the District of Columbia and the Commonwealth of Virginia, as well as a registered patent attorney with the United States Patent and Trademark Office. He is a graduate of the University of Virginia School of Law, where he was a recipient of the John M. Olin Prize in Law and Economics, and Yale College, where he earned a B.S. degree in biology, *cum laude*.

Mr. Su is a Fellow of the American Bar Foundation and the Litigation Counsel of America. He has held leadership roles within a number of bar associations and community service organizations, including the American Bar Association, the National Asian Pacific American Bar Association, and the Federal Circuit Bar Association. Mr. Su has been active in the ABA Section of Antitrust Law for a number of years, and currently serves as a Vice-Chair of the Intellectual Property Committee.

Marian Underweiser

Marian Underweiser is Counsel in IBM's IP Law Strategy and Policy organization. In her current position, Ms. Underweiser is responsible for developing IBM's strategy on a broad spectrum of Intellectual property policy matters, including various aspects of legislative, PTO, and judicial reform. She co-authored IBM's *amicus curiae* briefs in the Supreme Court cases of *eBay v. Mercexchange*, *KSR v. Teleflex*, and *Quanta v. LG*. Ms. Underweiser previously served as IBM's Counsel for Patent Portfolio Management. Other positions in IBM include managing Intellectual property legal matters for the Watson Research Center, and drafting and negotiating Intellectual property agreements as a member of IBM's Corporate IP law licensing department. Before joining IBM, Ms. Underweiser worked at Kenyon & Kenyon, an intellectual property law firm in New York.

Ms. Underweiser is a graduate of Harvard University where she received her A.B. in physics. She received her Ph.D. in physics from UCLA, where she specialized in the area of condensed

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Donald R. Ware

Mr. Ware is a partner in the Boston office of Foley Hoag LLP. He is a graduate of Yale College and Harvard Law School. Mr. Ware chairs the firm's Intellectual Property Department and specializes in patent litigation. He has litigated patent and inventorship disputes for large and small biotechnology companies, major universities and hospitals, medical device manufacturers, and other technology-based companies. His cases have involved such technologies as recombinant DNA, monoclonal antibodies, small molecules, genetic probes, biodegradable polymers, and research tools.

Mr. Ware has been lead counsel in numerous high profile patent cases, including *Johns Hopkins v. CellPro*, *In re Columbia University Patent Litigation*, and *Enzo Biochem v. GenProbe*. He has also authored *amicus* briefs in patent cases in the Federal Circuit and the Supreme Court on behalf of bar associations and industry trade organizations. Mr. Ware also advises clients on intellectual property due diligence, licensing, and freedom to operate. Most recently, he has worked on behalf of both biotechnology and university clients on proposed patent reform and follow-on biologics legislation. Mr. Ware is a frequent speaker and author on intellectual property matters, and he has been named a leading intellectual property lawyer in *The Best Lawyers in America*, *Chambers USA*, *plc Which Lawyer?* and other publications. Mr. Ware can be contacted at dware@foleyhoag.com.