

FTC HEARING ON THE EVOLVING IP MARKETPLACE

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Panelist Biographies

Dan L. Burk

Dan L. Burk is Chancellor's Professor of Law at the University of California, Irvine, where he is a founding member of the law faculty. An internationally prominent authority on issues related to high technology, he lectures, teaches, and writes in the areas of patent, copyright, electronic commerce, and biotechnology law. He is the author of numerous papers on the legal and societal impact of new technologies, including articles on scientific misconduct, on the regulation of biotechnology, and on the intellectual property implications of global computer networks.

Professor Burk holds a B.S. in Microbiology (1985) from Brigham Young University, an M.S. in Molecular Biology and Biochemistry (1987) from Northwestern University, a J.D. (1990) from Arizona State University, and a J.S.M. (1994) from Stanford University.

Prior to joining the faculty at UC Irvine, he taught at the University of Minnesota; he has also taught at and at a number of prominent institutions across Europe and North America, including Cornell University, the University of California at Berkeley, University of Toronto, University of Genoa, and the University of Tilburg. He has served as a legal advisor to a variety of private, governmental, and intergovernmental organizations, including the American Civil Liberties Union Committee on Patent Policy, the OECD Committee on Consumer Protection, and the United States State Department Working Group on Intellectual Property, Interoperability, and Standards.

Yar R. Chaikovsky

Yar R. Chaikovsky is a partner in Sonnenschein's Patent Litigation practice. He is co-managing partner of the firm's Silicon Valley office and serves on the firm-wide Lawyer Development Committee. Mr. Chaikovsky's practice focuses on intellectual property litigation. In addition to appearing in federal courts and the U.S. International Trade Commission, Mr. Chaikovsky has coordinated multinational offensive and defensive patent actions.

Mr. Chaikovsky was recently profiled in the Daily Journal as one of the 75 Leading Intellectual Property Litigators and was previously profiled in the Daily Journal as one of the top twenty lawyers in California under the age of 40 and in the Silicon Valley Business Journal's 40 under 40. In 2005 and 2006, he was recognized as one of the top lawyers in the field of intellectual property law by a leading Bay Area publication.

Mr. Chaikovsky has extensive experience litigating and counseling on matters for companies in all stages of development, from start-ups to established companies. He has litigated in technology fields as diverse as networking, software, hardware, Internet, communications, video compression, semiconductors, consumer electronics, analog devices and medical devices.

Mr. Chaikovsky has been an adjunct lecturer at Stanford Law School, where he taught an intellectual property course. He is a frequent speaker at conferences around the nation on various aspects of intellectual property law. Mr. Chaikovsky is also the author of numerous publications and has been quoted in the national press. In 2008, Mr. Chaikovsky was elected as a Fellow of the American Bar Foundation (ABF). Election to the Fellows is limited to one-third of one percent of lawyers licensed to practice in each state.

Prior to joining Sonnenschein, Mr. Chaikovsky was a partner in the Silicon Valley office of Weil, Gotshal and Manges. Before that, he served as head patent counsel for Yahoo! and general counsel for Zaplet, Inc., an enterprise software company funded by Kleiner, Perkins, Caufield & Byers. Mr. Chaikovsky began his career in private practice where he focused on intellectual property litigation. Before practicing law, Mr. Chaikovsky was an engineer in the Missile Systems Division of Hughes Aircraft Company.

Mary E. Doyle

Mary Doyle is senior vice president, general counsel and secretary of Palm, Inc., and manages delivery of legal services to the company's worldwide operations. She is a member of the senior executive management team, and is advisor and business partner to the Board of Directors and executive management. Mary has also assumed responsibility for developing the company's government affairs program.

Mary's legal career spans more than three decades, beginning with her first job in business litigation at Manatt Phelps. In 1984, she joined Teledyne, Inc., where she worked for 12 years in increasingly responsible roles, ultimately as general counsel of the company's Aerospace and Electronics Segment. Mary returned to the Silicon Valley in 1996 to join General Magic, Inc. as its senior vice president, general counsel and secretary. She joined Palm, Inc. in April 2003.

Mary is an honors graduate of the University of California, Santa Cruz, with a bachelor's degree in biology and economics. In 1978, Mary received her law degree from the Boalt Hall School of Law at the University of California, Berkeley, where she was the president of the law school student body and of her graduating class. Mary is past co-chair of the Silicon Valley Association of General Counsel, a trustee of the U.C. Santa Cruz Foundation and a member of the board of directors of TechAmerica and the Information Technology Industry Council.

Daralyn J. Durie

Daralyn J. Durie is a founding partner of Durie Tangri Page Lemley Roberts & Kent LLP. She has been chosen by *The American Lawyer* as one of the top 50 litigators under age 45 in the United States and selected by the *Daily Journal* as one of the top 100 lawyers and one of the top 50 intellectual property lawyers in California.

Daralyn successfully defended Comcast Cable Communications, Inc. in the Eastern District of Texas against a \$2.2 billion dollar patent infringement claim brought by Caritas and won summary judgment on Comcast's behalf against patent infringement claims brought by Finisar Corporation in the Northern District of California. Daralyn currently represents companies such as Genentech, PG&E and Impax Laboratories in patent litigation.

Daralyn has also handled several nationwide and international class actions, including defending Google against allegations of “click fraud” and the settlement of claims of copyright infringement arising from Google's program of scanning works in major library collections. She also defended Gap, Inc. against claims brought on behalf of fifty thousand garment workers arising out of factory conditions in Saipan. She recently won summary judgment on behalf of Gap in a pair of cases brought by companies alleging that they had entered into franchise relationships in the Middle East. Daralyn has also represented various law firms in professional liability matters.

Following law school, Daralyn clerked for the Honorable Douglas Ginsburg on the United States Court of Appeals for the District of Columbia Circuit. She then began work at Keker & Van Nest as an associate, and became a partner of the firm in January 1999. Daralyn co-founded Durie Tangri in 2009.

Daralyn is the past program chair and a member of the Board of Directors of the Northern California Association of Business Trial Lawyers, a former co-chair of the Lawyer Representatives to the Ninth Circuit Judicial Conference, and serves as a court-appointed Early Neutral Evaluator for the Northern District of California. She is a co-author of a two-volume practice guide on California civil trials.

Daralyn earned her A.B. from Stanford University in Human Biology and Comparative Literature, her M.A. from the University of California, Berkeley, in Comparative Literature, and her J.D. from Boalt Hall. In high school, Daralyn was the Canadian national independent school debate champion. She and Mark Lemley, as partners at Stanford, had the distinction of being demolished by the English National Champion Oxford debate team their freshman year.

Richard J. Gilbert

Richard Gilbert is Emeritus Professor of Economics and Professor of the Graduate School at the University of California at Berkeley. He was Chair of the Department of Economics at Berkeley from 2002 to 2005 and is currently Chair of the Berkeley Competition Policy Center. From 1993 to 1995 he was Deputy Assistant Attorney General in the Antitrust

Division of the U.S. Department of Justice, where he led the effort that developed joint Department of Justice and Federal Trade Commission Antitrust Guidelines for the Licensing of Intellectual Property.

Before serving in the Department of Justice, Professor Gilbert was the director of the University of California Energy Institute and Associate Editor of The Journal of Industrial Economics, The Journal of Economic Theory, and The Review of Industrial Organization. He is a past president of the Industrial Organization Society. Professor Gilbert's research specialties are in the areas of antitrust economics, intellectual property, research and development, and energy markets. Professor Gilbert holds a Ph.D. in Engineering-Economic Systems from Stanford University and Bachelor of Science and Master of Science degrees in Electrical Engineering from Cornell University.

Michelle K. Lee

Michelle K. Lee is Associate General Counsel and Head of Patents and Patent Strategy at Google Inc., a leading provider of internet search services. Prior to her position at Google, Ms. Lee was a partner in the Patent, Licensing and Intellectual Property groups at the law firm of Fenwick & West LLP in the Silicon Valley.

Ms. Lee's practice has focused on the (a) development of comprehensive intellectual property strategies for high technology companies, (b) creation, protection and enforcement of intellectual property rights through patents, copyrights, trade secrets and trademarks, (c) counseling on the avoidance of infringement of the intellectual property rights of others, (d) licensing, acquisition and valuation of intellectual property assets, (e) patent litigation, and (f) mergers and acquisitions.

Ms. Lee received a master of science degree in computer science and a bachelor of science degree in electrical engineering, both from the Massachusetts Institute of Technology, where she graduated at the top of her class. At MIT, she was awarded the National Science Foundation Fellowship for graduate studies in Computer Science. Ms. Lee received her law degree from Stanford Law School and was editor of the Stanford Law Review.

Prior to attending law school, Ms. Lee worked as a computer science researcher at the Hewlett Packard Company and the M.I.T. Artificial Intelligence Laboratory. Upon graduating from law school, Ms. Lee clerked for Judge Vaughn R. Walker on the U.S. District Court for the Northern District of California. Thereafter, Ms. Lee clerked on the U.S. Court of Appeals for the Federal Circuit in Washington, D.C. for Chief Judge Paul R. Michel.

Mark A. Lemley

Mark Lemley is the William H. Neukom Professor of Law at Stanford Law School, the Director of the Stanford Program in Law, Science and Technology, and the Director of Stanford's LLM Program in Law, Science and Technology. He teaches intellectual property, computer and Internet law, patent law, and antitrust. He is also a founding partner of the law

firm of Durie Tangri, where he litigates in the areas of antitrust, intellectual property and computer law. He has litigated more than sixty IP, antitrust, and Internet law cases. He is the author of six books (all but one in multiple editions) and 100 articles on these and related subjects, including the two-volume treatise IP and Antitrust. His works have been reprinted throughout the world, and translated into Chinese, Japanese, Spanish, and Italian. He has taught intellectual property law to federal and state judges at numerous Federal Judicial Center and ABA programs, has testified six times before Congress and numerous times before the California legislature, the Federal Trade Commission and the Antitrust Modernization Commission on patent, trade secret, antitrust and constitutional law matters, and has filed numerous amicus briefs before the U.S. Supreme Court, the California Supreme Court, and the federal circuit courts of appeals. He has been named California Lawyer's Attorney of the Year (2005), a Young Global Leader by the Davos World Economic Forum (2007), one of the top 50 litigators in the country under 45 by the American Lawyer (2007), one of the 100 most influential lawyers in the nation by the National Law Journal (2006), one of the top 25 intellectual property lawyers in California (2003) and one of the 100 most influential lawyers in California by the Daily Journal (2004, 2005 and 2006), and one of the 500 leading lawyers in the country by Lawdragon Magazine, among other honors. In 2002 he was chosen Boalt's Young Alumnus of the Year.

Professor Lemley received his J.D. from Boalt Hall School of Law at the University of California at Berkeley, and his A.B. from Stanford University. After graduating from law school, he clerked for Judge Dorothy Nelson on the United States Court of Appeals for the Ninth Circuit, and has practiced law in Silicon Valley with Brown & Bain and with Fish & Richardson and in San Francisco at Kecker & Van Nest. Until January 2000, he was the Marrs McLean Professor of Law at the University of Texas School of Law, and until June 2004 he was the Elizabeth Josslyn Boalt Professor of Law at the Boalt Hall School of Law, University of California at Berkeley.

John T. McNelis

John T. McNelis is Chair of the Patent Group and former Managing Partner of Fenwick & West LLP. He represents a wide range of technology companies from privately held start-ups to publicly traded corporations and counsels these companies on procedures for protecting their intellectual property through patents, copyrights, trademarks and trade secrets. He also counsels these clients on various techniques for enforcing their intellectual property rights.

Mr. McNelis' practice emphasizes strategic counseling on intellectual property matters including intellectual property audits, patent counseling and patent prosecution for computer software and hardware technologies and business methods. His experience includes such technologies as Internet applications, computer aided engineering test and design, 3-dimensional graphics, optics, ATM communication, robotics speech recognition, microprocessors, power control and memory devices. Mr. McNelis is also a frequent speaker on intellectual property topics and has been an invited lecturer for a variety of seminars including those sponsored by the American Intellectual Property Law Association (AIPLA).

Mr. McNelis earned his J.D. from the College of William and Mary in 1992, and his B.S. in electrical engineering with a computer engineering concentration from the University of Notre Dame in 1986. He is a member of the state bars of California and Pennsylvania, a member of the District of Columbia bar and is registered to practice with the U.S. Patent office.

Peter S. Menell

Peter S. Menell is Professor of Law at the University of California at Berkeley School of Law (Boalt Hall). He co-founded and serves as a Director of the Berkeley Center for Law and Technology, which has been instrumental in Berkeley Law being named the top intellectual property program in the nation for more than a decade. Professor Menell earned his S.B. from the Massachusetts Institute of Technology, his M.A. and Ph.D. (economics) from Stanford University, and J.D. from Harvard Law School, where he served as an editor of the Harvard Law Review. After graduating from law school, he clerked for the Honorable Jon O. Newman of the U.S. Court of Appeals for the 2nd Circuit.

Professor Menell joined the law faculty at the University of California at Berkeley in 1990. He has written more than forty articles and numerous books, including *Intellectual Property in the New Technological Age* (with R. Merges and M. Lemley, 4th rev. ed. 2007); *Software and Internet Law* (with M. Lemley, R. Merges and P. Samuelson, 3rd ed. 2006); *Patent Case Management Judicial Guide* (Federal Judicial Center 2009) (with Lynn Pasahow, James Pooley, and Matthew Powers). Professor Menell has organized more than 30 intellectual property education programs for the Federal Judicial Center since 1998. Professor Menell founded and supervises the *Annual Review of Law and Technology* (now in its 12th year, published by the Berkeley Technology Law Journal). He has advised the U.S. Congress, federal agencies, state Attorneys General, and technology and entertainment companies on a wide range of intellectual property and antitrust matters.

Vern Norviel

Vern Norviel is a partner at Wilson Sonsini Goodrich & Rosati, where he leads the patents and innovation counseling practice. Vern has more than two decades of experience in formulating successful strategies for life science companies and the development of their IP programs. He represents a wide variety of companies, as well as venture capital firms, in areas such as therapeutics, diagnostics, nanotechnology, genomics, proteomics, and personalized medicine.

Before joining the firm in 2003, Vern was the general counsel and corporate secretary of Perlegen Sciences, Inc., a start-up biotechnology company that scans the entire human genome for important therapeutic and diagnostic products. Previously, as senior vice president and general counsel, he was an early employee of Affymetrix, the biotechnology company that pioneered and developed DNA chip technology. He also had been a partner at Townsend and Townsend and Crew in Palo Alto.

During his career, Vern has authored or prosecuted more than 15 patents that have been litigated in the United States and abroad, and has overseen intellectual property lawsuits throughout the world.

Vince O'Brien

Dr. O'Brien is a founder and Managing Partner of OSKR, LLC which provides economic analysis and expert testimony for clients involved in complex litigation. He has been providing these services in the intellectual property area for over 29 years and has testified sixty-six times in over fifty courts in the U.S. and abroad. He is the author of several articles on the economics of patents. He holds a BSEE from the University of Illinois and an MBA and DBA from Harvard University. He is a member of the IEEE, the EA, the NABE and the FMA.

Lee Petherbridge

Lee Petherbridge is Associate Professor of Law at the Loyola Law School in Los Angeles, CA, where he has taught intellectual property law, patent law and related courses since 2005. Prior to joining the faculty, Lee Petherbridge served as law clerk to the Honorable Raymond C. Clevenger III of the U.S. Court of Appeals for the Federal Circuit. Before clerking for Judge Clevenger, he was an associate in the Washington, D.C., office of Finnegan Henderson LLP, where his work focused on patent litigation. A graduate of Penn Law, he was the managing editor of the University of Pennsylvania Journal of International Economic Law, worked in the school's Civil Practice Clinic, representing economically disadvantaged clients on a variety of issues, and also interned at the University of Pennsylvania Center for Technology Transfer. Prior to law school, he taught and performed original research in the life sciences.

His research interests derive from the intersection of innovation, law, and the life sciences. They broadly cover patent and intellectual property law with a current emphasis on the rules and institutional arrangements developed to foster invention and innovation, and the impact of these rules and arrangements on private science, public science, and the public at large.

Professor Petherbridge earned his J.D. from the University of Pennsylvania and his Ph.D. from the Baylor College of Medicine. He also holds an M.A. from Smith College and a B.S. from Western New England College.

Kevin G. Rivette

Kevin Rivette is Chair of the Patent and Trademark Office's Patent Public Advisory Committee and is currently a Managing Partner of 3LP Advisors. He is a former patent attorney and litigator. Mr. Rivette is also the former Vice President for Intellectual Property Strategy for the IBM Corporation.

In September 2007, Mr. Rivette was honored to be voted into the Intellectual Property Hall of Fame (www.iphalloffame.com) by members of the IP community.

Prior to his work with IBM, Mr. Rivette was the Executive Advisor for Intellectual Strategy at the Boston Consulting Group (BCG). In this capacity he helped establish and run BCG's successful international Intellectual Property strategy practice. This practice included developing sustainable IP advantage for major Fortune 500 firms worldwide.

Mr. Rivette was also founder, Chief Executive Officer and Chairman of Aurigin Systems. Aurigin Systems was the first company to develop and commercially market visualization technologies for analyzing and understanding the competitive landscape of worldwide patents.

For his work in IP tool development, Mr. Rivette has been awarded over forty patents worldwide.

Mr. Rivette is also the author of the Rembrandts in the Attic, which the New York Times declared to be the "textbook" on Intellectual Property strategies. He has also written on this subject for many publications including CEO, Chief Legal Officer Magazine, The Harvard Business Review and has made numerous TV and radio appearances to discuss the strategic business use of Intellectual Property. He is a frequent speaker at international conferences, including: The World Economic Forum in Davos, Switzerland; The International Patent Licensing conference in London; Patent and Strategy Management in Washington, D.C.; and The National Post Automotive Conference in Toronto. He has also been a guest lecturer at Keio, Harvard and Stanford University business schools. He lives in Palo Alto California.

William C. Rooklidge

Bill Rooklidge is co-chair of the intellectual property practice at Howrey LLP, and a partner in that firm's Irvine, California office. His practice focuses on patent infringement litigation, both before trial courts across the country and on appeal before the United States Court of Appeals for the Federal Circuit. Registered to practice before the United States Patent and Trademark Office for almost 25 years, he previously served as a registered professional engineer and a judicial clerk to the Honorable Helen Nies, Circuit Judge of the United States Court of Appeals for the Federal Circuit. Before his clerkship, he earned his LL.M. in patent and trade regulation law from George Washington University, his JD from Lewis & Clark Law School and his BS in Mechanical Engineering from the University of Portland.

Bill has served as President of both the American Intellectual Property Law Association and the Orange County Patent Law Association. He has written amicus briefs both for AIPLA and for the American Bar Association. His many legal publications have been cited by the United States Supreme Court, Federal Circuit and district courts.

Since 2004, Bill has actively participated in the current patent reform debate. His articles on patent law reform include: William C. Rooklidge & Alyson G. Barker, *Reform of a Fast-Moving Target: The Development of Patent Law Since the 2004 National Academies Report*, 91 J. Pat. & Trademark Off. Soc'y 153 (2009); William Rooklidge & Jesse Mulholland, *Gatekeeper Run Amok: The Patent Reform Act of 2009 and the Seventh Amendment*, Intellectual Property Today (March 18, 2009); William C. Rooklidge, Mansi

Shah & Jesse Mulholland, *Congress' Latest Patent Reform Acts Are Already Damaged Goods*, 122 Daily J. No. 50, 5 (March 18, 2009); William C. Rooklidge & Jesse D. Mulholland, *The Patent Reform Act of 2009 and the Seventh Amendment*, ipFrontline, (March 17, 2009); William C. Rooklidge, *Patent Reform Damages Provision Violates Seventh Amendment*, Patently-O (March 16, 2009); William C. Rooklidge & Mansi H. Shah, *Essential Features of the Invention: Patent Damages Reform Dead End*, Intellectual Property Today (March 10, 2009); William C. Rooklidge, *"Reform" of Patent Damages: S.1145 and H.R. 1908* (May 2007); William C. Rooklidge, *Reform of the Patent Laws: Forging Legislation Addressing Disparate Interests*, 88 J. PAT. & TRADEMARK OFF. SOC'Y 9 (2006); William Rooklidge, *Reform of the Patent Laws: The US Experience in Forging Legislation from Disparate Interests*, 1 INTELLECTUAL PROP. Q. 1 (2006); William Rooklidge, *U.S. Patent Reform: Coming Changes Heard Round the World*, 1 WORLD INTELLECTUAL PROPERTY REVIEW 20 (2006); William C. Rooklidge, *U.S. Patent Reform Could Aid Patent Law Harmonization*, LEGAL WEEK (May 26, 2005).

John W. Schlicher

Since 1973, John Schlicher has specialized in patents, patent litigation, licensing, and related antitrust matters, while practicing with major patent and general firms in New York and California and one biotechnology startup, Genentech. He now works with companies and law firms on these matters and assists companies resolve patent actions and other disputes. He also serves as an expert on patents and licensing. He has represented clients in the biotechnology, pharmaceutical, diagnostics, medical device, chemical, scientific instrument, computer, semiconductor, semiconductor equipment, cellular telephone, audio recording, and other industries.

He was one of the earliest lawyers to apply economics to patent law and related antitrust and misuse issues. He is the author of *Patent Law: Legal and Economic Principles* (West Group 1992, second ed. 2003), a book that included the Supreme Court's often overlooked view of the law. He is the author of two books on the law and economics of patent licensing and antitrust in the United States, the EU and Japan as well as chapters of two other books on those subjects, including *Antitrust Law Developments (Second)* (ABA 1983 ed.). He is the author of twenty published legal articles and several unpublished papers, including *Settlement of Patent Litigation and Licensing Patents, an Economic Approach to Evaluating the Likelihood and Financial Terms for Settlement of Patent Actions and Licensing Patents* (2009). His books and articles have been relied on by the Court of Appeals for the Federal Circuit, the Court of Appeals for the Seventh Circuit, and various district courts.

He graduated from Northwestern University with highest distinction, majoring in chemistry. He received the Marple-Schweitzer Award of Northwestern Chemistry Department. Some of his chemistry research is published in the *Journal of Organic Chemistry*. He received his law degree from Stanford Law School, where he worked as Research Assistant to Professor William F. Baxter. He is a member of Phi Beta Kappa, Phi Lambda Upsilon, and Sigma Xi. He has taught at Stanford Law School and the School of Law of the University of California, Berkeley. His special technical expertise relates to chemistry, biotechnology, pharmaceuticals, and diagnostics.

Jason M. Schultz

Jason M. Schultz is the Acting Director of the Samuelson Law, Technology & Public Policy Clinic at UC Berkeley School of Law. Before joining Berkeley Law, he was a Senior Staff Attorney at the Electronic Frontier Foundation (EFF) where he founded EFF's Patent Busting Project, an effort to protect innovation and the public domain by filing reexamination requests at the U.S. Patent Office on overly-broad software and Internet patents. Prior to EFF, he practiced intellectual property law at the firm of Fish & Richardson, P.C. and served as a clerk to the Honorable D. Lowell Jensen of the Northern District of California.

P. Martin Simpson

Martin Simpson serves as Managing Counsel - Business and Land Use in the Office of the General Counsel of the University of California since 1989. He previously served as Deputy Laboratory Counsel for Patents and a Patent Attorney at the Lawrence Livermore National Laboratory and as a Patent Attorney at the US Department of Energy. In these positions since 1976, Mr. Simpson has experience in a wide variety of intellectual property licensing, litigation and prosecution activities. Mr. Simpson received his JD from the University of Texas School of Law, and his BS with Honors in Physics from Rhodes College.

Mr. Simpson is a member of the following: State Bar of California and IP Section, American Bar Association and IP Section, AIPLA, San Francisco Intellectual Property Law Association, Silicon Valley Intellectual Property Law Association, Licensing Executives Society, National Association of College and University Attorneys, Association of University Technology Managers and Commonwealth Club. He is registered to practice before the US Patent and Trademark Office. He has been an invited speaker over the past 25 years on many IP-related topics.