



What's Your Next Move: IP in the New Business Reality

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Sharon R. Barner is a partner with Foley & Lardner LLP and chair of the firm's Intellectual Property Department. Ms. Barner is also a member of the firm's Management Committee and was the former chair of the Intellectual Property Litigation Practice. In addition to her membership in the IP Litigation and International Practices, Ms. Barner is a member of the Automotive and Food Industry Teams.

While her technical science background is in biology, she has represented clients in a broad range of technologies from genetically engineered foods, to computers to satellites. She also represents clients in patent, trademark, copyright and unfair competition disputes. In her 23 years of legal experience, she has represented the interests of multinational corporations, manufacturers, service companies, municipalities, and universities in strategic counseling and risk management. Among other matters, she represented Pioneer Hi-Bred International in genetically engineered corn seed litigation and successfully tried a six-week jury trial involving misappropriation of trade secrets, securing a \$2.6 million damage award in *Rockwell Graphics v. Dev, Inc.* She also successfully represented Hughes Aircraft Co. in a 10-month patent infringement trial against the United States involving infringement of satellite stabilizing technology, resulting in an award of \$154 million.

She is a leading attorney in the field of intellectual property and was featured as a top intellectual property lawyer in leading magazines, including *The National Law Journal*, where she was named one of "The 50 Most Influential Minority Lawyers in America" (May 2008), *Black Enterprise Magazine* (November 2003), *Diversity and the Bar* (May/June 2003) and "Patent Plums: Who's Enforcing the Most Important Patents" *IP Law & Business* (August 2001). She was also selected for inclusion in the





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Illinois Super Lawyers® lists for her intellectual property litigation work (2005-2009).* Ms. Barner was named in the top 50 Women *Illinois Super Lawyers* in 2006 and 2007.

Ms. Barner writes and lectures frequently on a variety of intellectual property topics including patent litigation, business counseling and risk management. She has authored numerous articles including "Contending with Patents in Financial Services," *The National Law Journal*, January 2005; "IP Protection is Critical to Combating Counterfeiting in a Global Marketplace (2003); "China Outsourcing: A Technology-Based Strategy for Manufacture and Protection for the Domestic and Global Markets (Barner and Wegner, 2004); "Safeguarding Confidential and Trade Secret Information—Protecting the Company's Crown Jewels" (American Corporate Counsel Association, April 1999).

Ms. Barner received her law degree from the University of Michigan in 1982 and graduated with a Bachelor of Science degree, *cum laude*, from Syracuse University in 1979. She is a member of the Illinois State Bar Association, the National Bar Association, Federal and American Bar Associations and serves on the board of trustees of La Rabida Children's Hospital in Chicago. She is admitted to practice in Ohio, Illinois, and before the Federal, Sixth and Seventh Circuits.

*The Illinois Supreme Court does not recognize certifications of specialties in the practice of law and no award or recognition is a requirement to practice law in Illinois.



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Mark A. Kassel, a partner with Foley & Lardner LLP, is vice chair of the firm's Biotechnology & Pharmaceutical Practice, head of the Madison office Intellectual Property Department and leads both the Madison office Biotechnology and Chemical Practices. He is also a member of the firm's Mechanical & Electromechanical Technologies and Trademark, Copyright & Advertising Practices, as well as the Health Care and Life Sciences Industry Teams. His practice includes a broad spectrum of patent, trademark, copyright and licensing matters. Mr. Kassel's patent practice emphasizes biotechnical and chemical arts.

Mr. Kassel works in many areas of biotechnology, including nanotechnology, pharmaceutical and diagnostic products. He has wide-ranging experience in both organic and inorganic chemical areas involving adhesives, polymers, pharmaceuticals, and alloys. Mr. Kassel has extensive experience in drafting agreements including license agreements, joint venture agreements, consulting agreements and distribution agreements. He also prepares patent validity and non-infringement opinions as well as conducts patent portfolio analysis.

Mr. Kassel provides counseling on all aspects of domestic and international trademark practice including trademark registration and trademark enforcement. He represents the worldwide trademark interests of numerous clients. In addition, he acts as primary copyright counsel for several businesses ranging from book publishers to software manufacturers.

Mr. Kassel represents a broad range of clients, with special focus in advising and counseling start-up companies in all aspects of intellectual property protection as well as legal issues associated with biotechnology asset valuation and management, venture capital and licensing.





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Mr. Kassel has published a broad range of legal and scientific articles, many relating to pharmaceuticals, food and drug law, and the interactions of intellectual property issues with the Internet. He has been a frequent speaker on intellectual property matters at various functions throughout the United States and was selected by his peers for inclusion in the 2007, 2008, 2009 and 2010 editions of *The Best Lawyers in America*® in the areas of intellectual property law, biotechnology law and technology law.

Mr. Kassel was named a Food and Drug Law Institute Scholar by the Food and Drug Law Institute. He received more than two dozen honors and awards during law school, including being named a Duesenburg Endowed Scholar.

Mr. Kassel is a member of the American Intellectual Property Law Association, the Wisconsin Intellectual Property Law Association, the National Association of Patent Practitioners, the Licensing Executives Society, the American Chemical Society, the Society for Microbiology, and the American Association for the Advancement of Science.

Mr. Kassel is a graduate of the University of Wisconsin – Madison (B.S., chemistry, 1987; M.S., bacteriology, 1995); the University of Wisconsin – Milwaukee (M.S., organic chemistry, 1989); and Valparaiso Law School (J.D., *summa cum laude*, 1993), where he was valedictorian of his class.

Mr. Kassel is admitted to practice in Wisconsin, and before the U.S. District Courts for the Eastern and Western Districts of Wisconsin, the U.S. Court of Appeals for the Federal Circuit, and the U.S. Patent and Trademark Office.



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Jeanne M. Gills is a partner in the Chicago office of Foley & Lardner LLP. She is vice chair of Foley's national Intellectual Property Litigation Practice, which is consistently ranked among the top ten for IP litigation and top five for patent litigation. She regularly counsels clients in diverse industries (from electronics to biotechnology) in complex patent, trade secret, trademark, copyright, and unfair competition litigation and appeals. Her trial experience includes such "bet the company" cases as DeKalb v. Pioneer, a patent case concerning genetically engineered corn where over \$500 million was at stake.

She has also focused her practice on counseling clients in all aspects of the procurement, registration, enforcement, advertising, marketing/branding, and protection of intellectual property in the U.S. and abroad. In addition, she is experienced with counseling clients on IP holding companies, including how to maximize value from an IP portfolio when certain assets are likely to be the subject of IP litigation.

Her broad-based intellectual property experience resulted in her being recognized as a leading patent and trade secrets litigator by Legal 500 US (2007), "Top Minority IP Partner" by AIPLA and MCCA (2003), "Illinois SuperLawyer®" (2005, 2006, 2008, 2009), and an "AV" rated attorney through Martindale-Hubbell's peer review process.

She currently serves on Foley's Diversity Committee, formerly chaired its African-American Affinity Group, and formerly served seven years on its Recruiting Committee. She is also a board member of the Evening Associates of the Art Institute of Chicago and a Mentor through Links Unlimited.





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She holds a B.S. Electrical Engineering degree (with honors) from Michigan State University and a J.D. from the University of Chicago Law School. She is also a registered USPTO patent attorney.

Ms. Gills co-authored a chapter on Experts for the Patent Litigation Strategies Handbook (BNA Books), and regularly presents seminars and publishes on a variety of intellectual property topics.



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Ms. Gibbs is currently Chief Counsel for American Eagle Outfitters, Inc., a leading retailer that designs, markets and sells clothing under the AMERICAN EAGLE OUTFITTERS, aerie, MARTIN+OSA and 77kids brands. Prior to her current position at American Eagle Outfitters, Rebecca was Senior Trademark Attorney at Johnson & Johnson where she oversaw all aspects of the global trademark, copyright and domain name portfolios of several leading brands.

At American Eagle Outfitters, Inc., Rebecca oversees all aspects of the company's intellectual property matters, including patent, copyright, trademark prosecution and global IP portfolio management, enforcement and anti-counterfeiting work, Customs enforcement, licensing and litigation. Additionally, Rebecca reviews product and marketing materials for trademark and copyright clearance purposes. She also provides legal support for all matters related to product safety.

Rebecca's education includes Bachelor of Arts degrees in Labor Studies and Speech Communication from The Pennsylvania State University, and a Juris Doctor degree from Georgetown University Law Center.

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Jeffrey H. Greene is a partner with Foley & Lardner LLP where he is chair of the firm's Trademark, Copyright & Advertising Practice and the New York office Intellectual Property Department. Mr. Greene counsels foreign and domestic clients on all aspects of intellectual property including trademarks, copyrights, licensing, enforcement, litigation, advertising, software, technology, e-commerce, the Internet, unfair competition and trade dress. He provides intellectual property counseling on issues relating to mergers, acquisitions, joint ventures, financings and other business transactions, including due diligence, agreement/contract drafting, licensing and negotiation, opinions and transfer issues and regularly provides strategic advice relating to foreign and domestic trademark selection, clearance, prosecution and global portfolio management. He has experience in addressing all of these issues in a variety of industries, including financial services, beverages, consumer products, computer software, pharmaceuticals, media, publishing, medical devices, building materials, telecommunications and clothing.

Prior to joining Foley, Mr. Greene was a partner with Morgan, Lewis & Bockius LLP.

Mr. Greene received his J.D. from Yeshiva University, Benjamin N. Cardozo School of Law, 1996, where he was an articles editor for the *Journal of International and Comparative Law*, and received his B.A. from Cornell University, 1992.

Mr. Greene is an active member of the International Trademark Association, where he currently serves on the U.S. Programs Committee for the 2010 annual meeting and the U.S. Roundtables Project Team. He previously served on the U.S. Programs Committee for INTA's 2008 annual meeting and the Alternative Dispute Resolution Committee, as well as the Trademarks and Unfair





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Competition Committee of the Association of the Bar of the City of New York.

Mr. Greene is admitted to practice in New York.

Presentations and Publications:

- Co-author, "IP Protection Menu for Medical Devices," *Legal News: Medical Devices*, November 2008
- Moderator/Panelist, ALM's 20th Annual General Counsel Conference: IP Defense and Brand Protection, June 2008
- Moderator, International Trademark Association's (INTA) 130th Annual Meeting, Topic: Trademarks, Patents and Copyrights: Understanding the Interplay, May 2008
- Speaker, annual ALI-ABA Conference: Fundamentals of Trademarks, Copyrights & Unfair Competition: Protection and Enforcement in the Digital Age for the General Practitioner and Corporate Counsel, Topic: Selecting Strong and Enforceable Marks, 1999 – present
- Speaker, Eastern Region Meeting of the Association of University Technology Managers, Topic: What's in a Name: A Trademark Law Primer, June 2000
- Co-author, "Is the FTDA Diluting Trademark Law," *New York Law Journal*, May 2001
- Co-author, "Email and Ethics: Safeguarding Client Confidences," *Corporate Business and Banking Law Journal*, Summer 1998



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Michael B. Sapherstein is Vice President, Deputy General Counsel of Marvel Entertainment, Inc.'s Global Digital Media group. In his role, he handles Marvel's diverse range of digital media legal needs, including the Marvel.com and MarvelKids.com websites, Marvel's extensive digital distribution and sales of its movies, animated TV series and original content, casual games, motion and digital comics, mobile, and emerging digital platforms.

Prior to Marvel, Mr. Sapherstein worked for over 7 years at MLB Advanced Media, L.P. (MLBAM), Major League Baseball's interactive media company, having joined the company in its 2001 inaugural season. Before that, he was in-house counsel for Web 1.0 startup Deja.com, and served on the company's executive team responsible for selling the company's newsgroup and comparison shopping assets to Google and eBay's Half.com subsidiary. Mr. Sapherstein began his legal career as an associate at Brown Raysman Millstein Felder & Steiner LLP as in its Information Technology and Intellectual Property groups.

Mr. Sapherstein received his J.D. from Boston College Law School in 1997 and his A.B. from Cornell University in 1992. He was a co-founder of the Boston College Law School Intellectual Property and Technology Forum, an interactive Web-based law journal. He is a member of the New York and New Jersey State Bars.





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Michele M. Simkin is a partner with Foley & Lardner LLP, and is chair of the Biotechnology and Pharmaceutical Practice. Ms. Simkin provides strategic business counseling to life sciences clients relating to all aspects of intellectual property, including patent procurement and portfolio management, licensing agreements, and validity, non-infringement, and freedom to operate analyses. Ms. Simkin has over 19 years of experience in the patent field. She is also a member of the firm's Chemical & Pharmaceutical Practice and Life Sciences and Nanotechnology Industry Teams.

Ms. Simkin is a former patent examiner in the biotechnology group of the U.S. Patent and Trademark Office. Her technical experience encompasses drug delivery systems, including nanotechnology drug delivery systems, pharmaceuticals, biologics, virology, and immunology. Ms. Simkin was selected by her peers for inclusion in the 2008 and 2010 editions of *The Best Lawyers in America*® for her work in biotechnology law.

Ms. Simkin graduated from the University of Wisconsin-Madison (B.S., biochemistry and molecular biology, 1988) and The George Washington University National Law Center (J.D., 1993). She is registered to practice before the U.S. Patent and Trademark Office, and is admitted to practice in the District of Columbia, the U.S. Court of Appeals for the Federal Circuit, and the District Court for the District of Columbia. She is also a member of the American Intellectual Property Law Association and the American Bar Association. Ms. Simkin has lectured on and has authored a number of articles on intellectual property topics, including:

- "How Will Intellectual Property Factors Affect the Commercialization of Stem Cell Therapeutics," BioEurope 2005





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- "Squeak Squeak: Patenting of the Harvard Mouse and Where We Go From Here," *Intellectual Property Today*, Vol. 11, No. 2 (February 2004)
- "US as a Biotech and Pharmaceutical Marketplace: Strategies for European-based Companies to Avoid US Patent Infringement," *BioEurope* 2003
- "Application of Nanotechnology: A Case Study in the Pharmaceutical Arena," Boston, MA (June 2003) (co-chair of the conference)
- "Licensing and Intellectual Property Concerns Relative to Pharmaceutical & Biotechnology Collaborations," New York, NY (May 2003)
- "Structuring Biotech Transactions with U.S. Partners: Practical Tips for Identifying Challenges and Minimizing Risks," presentation in Martinsried, Germany (April 2005)
- "Follow-on Biologics: Forecasting the FDA White Paper," Webinar presentation (September 2005)
- "How Will Patents Affect the Commercialization of Stem Cell Therapeutics?" Poster presentation at ISSCR conference (2006)
- "How Will Patents Impact the Commercialization of Stem Cell Therapeutics," *ISPE Journal of Pharmaceutical Innovation*, by Todd Spalding and Michele Simkin (October 2007)



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Michael Whitehead is the Chief Counsel, Intellectual Property of The Lincoln Electric Company. Mr. Whitehead is responsible for managing Lincoln Electric's global intellectual property and all related aspects thereof including patent and trademark procurement, licensing and enforcement.

Prior to joining Lincoln, Mr. Whitehead was an attorney at the law firms of Sughrue Mion, LLP in Washington, D.C. and Calfee, Halter and Griswold LLP. Mr. Whitehead specialized in the practice of intellectual property law, including patent prosecution and litigation.

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Mr. Whitehead is registered to practice before the US Patent and Trademark Office and the state of Ohio and District of Columbia.





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Mary M. Calkins is senior counsel with Foley & Lardner LLP and a member of the Intellectual Property Litigation, Appellate, and Electronics Practices. Ms. Calkins' practice focuses on complex trial and appellate litigation involving patents, copyrights and related issues. Her areas of patent litigation experience include electronics, electromechanical systems, Internet-based systems, pharmaceuticals and personal care products. She has also worked on appeals in a number of courts, including the U.S. Supreme Court, the Federal Circuit, the D.C. Circuit, and the U.S. Court of Appeals for Veterans Claims.

Before joining Foley, Ms. Calkins served as a judicial law clerk to the Honorable Daniel M. Friedman, U.S. Court of Appeals for the Federal Circuit during 2004-2005. Prior to her clerkship, she was an associate at Hogan & Hartson LLP. Ms. Calkins also worked for over a decade as an electrical and systems engineer for leading suppliers of large defense and commercial systems, developing strong client contact and problem-solving skills in addition to technical expertise. These skills were further enhanced by her past work on consulting teams to area businesses and Her Majesty's Treasury in the United Kingdom.

Ms. Calkins has also researched and published several articles on Internet community, policy and e-business issues. As a hobby, she studies metalworking and sculpture.

Ms. Calkins earned dual Juris Doctorate and Master in Business Administration degrees from Georgetown University Law Center (*cum laude*, 2001), where she was the recipient of a Burton Award for Legal Achievement and other major writing awards. She also holds a Master of Science degree in communications engineering from





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George Washington University, and a Bachelor of Science degree in electrical engineering from Case Western Reserve University.

Publications:

- Mary Calkins, Alexei Nikitkov & Vernon Richardson, "Mineshafts on Treasure Island: A Relief Map of the eBay Fraud Landscape," 8 *U. Pitt. J. Tech. L. & Pol'y* 1 (2008)
- "The Age of E-Discovery," *Foley & Lardner IP Litigation Newsletter* (Aug. 2006)
- "My Reputation Always Had More Fun Than Me: The Failure of eBay's Feedback Model to Effectively Prevent Online Auction Fraud," 7 *RICH. J.L. & TECH.* 33 (2001)
- "They Shoot Trojan Horses, Don't They? An Economic Analysis of Anti-Hacking Regulatory Models," 89 *GEO. L.J.* 171 (2000)

Ms. Calkins is admitted to practice in Virginia, the District of Columbia, Maryland, and before the U.S. Supreme Court, the U.S. Court of Appeals for the Fourth Circuit, the U.S. Court of Appeals for the Federal Circuit and the Eastern District of Virginia. She is a member of the American Bar Association, the American Intellectual Property Law Association, the Giles Rich Inn of Court and the Federal Circuit Bar Association.



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Mr. Arato has a B.A. in Economics from the University of California at Berkeley and a J.D, magna cum laude, from the Benjamin N. Cardozo School of Law, where he was a member of the Law Review.



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Vanessa J. Cooper is the Associate General Counsel – Intellectual Property (IP) and Privacy for Kaplan, Inc. She is responsible for all domestic and international IP and privacy issues affecting all segments of the company, including management of the IP and domain name portfolios, all offensive and defensive IP claims, and all issues involving CAN-SPAM, DNC, and Safe Harbor.

Prior to joining Kaplan, Inc., Ms. Cooper was the Assistant General Counsel – IP for Sears Holdings where she handled all IP issues for both Sears and Kmart. Ms. Cooper began her career in IP at the U.S. Patent and Trademark Office as an Examining Attorney.

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John Gutkoski is a patent trial attorney with Foley & Lardner LLP and the Boston Office Chairman of the firm's Intellectual Property Department. He is a member of the Intellectual Property Litigation Practice, and the Emerging Technologies and Medical Devices Industry Teams. Mr. Gutkoski's patent infringement and technology cases have spanned multiple disciplines, including optics, nanotechnology, pharmaceuticals, laser and tissue interaction, financial services, check processing, computer architecture, medical devices, digital cameras, electronic circuits, sound waves, semiconductors, telecommunications, vibration control, and Internet data.

Mr. Gutkoski recently obtained a rare jury verdict of non-infringement and invalidity in the United States District Court for the Eastern District of Texas. In returning the invalidity verdict in favor of the defendant medical device manufacturer, the jury found the asserted patent claims both anticipated and rendered obvious by four separate combinations of prior art.

Mr. Gutkoski's intellectual property practice has included several first impression issues. In particular, he represented ProCD in obtaining the landmark decision from the U.S. Court of Appeals for the Seventh Circuit in *ProCD v. Zeidenberg*, 86 F.3d 1447, the first case in the country to support the validity and enforceability of "shrink-wrap," "click-on," and "web-wrap" licenses, contracts and warranties for protecting software and electronic data.

Before joining Foley, Mr. Gutkoski was a partner with Day Pitney LLP (formerly Day, Berry & Howard LLP) and headed its Intellectual Property Litigation practice in Boston. He served as a special assistant district attorney for the Commonwealth of Massachusetts, Middlesex





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County in 2000. Previously, he was a partner at Hale and Dorr LLP.

Mr. Gutkoski earned his J.D. at the New York University School of Law, where he was elected to the Order of the Barristers and was a member of the National Moot Court Team, the Moot Court Board and the *Journal of Law and Social Change*. He graduated *magna cum laude*, with distinction, from Boston University (B.A.).

Mr. Gutkoski is admitted to practice in the Commonwealth of Massachusetts and before the U.S. Court of Appeals for the Federal, First, Seventh, and Ninth Circuits, and before multiple U.S. District Courts. He is a member of the American, Massachusetts, and Boston Bar Associations. He is also a member of the Intellectual Property Owners Association, the American Intellectual Property Law Association, and the Boston Patent Law Association.

Representative Patent and Intellectual Property Trials and Litigations:

- Lead counsel currently defending one of the world's largest retailers in multiple cases in the U.S. District Court for the District of Delaware against allegations of infringing nine separate digital camera patents
- Co-lead trial counsel for one of the country's largest banks in defending against multiple computer architecture patents directed to document and check processing pending in the U.S. District Court for the Eastern District of Texas
- Co-trial counsel for Section 337 investigation before the United States International Trade Commission involving seven photolithography and nanotechnology patents together with complex domestic industry trade issues; prevailed on all asserted claims after month-long trial preserving almost \$2 billion in annual sales. Related litigation involving an additional five patents in the U.S. District Court for the Northern District of California then settled favorably



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- Lead trial counsel for arbitration plaintiff in dispute over use and installation of digital scanning technology; recovered both actual and multiple damages for unfair and deceptive trade practices in Boston, Massachusetts
- Co-lead trial counsel in multi-patent litigation in the U.S. District Court for the Eastern District of Texas concerning light and tissue interaction; jury found that none of the defendant's accused products infringed and that the asserted patent claims were both anticipated and obvious
- Trial counsel for computer chip designer and manufacturer suing a former key employee and a competitor for the theft of confidential semiconductor schematics and additional trade secrets. Following an initial trial in North Carolina State Court, an appeal, and extensive discovery, the case settled favorably
- Obtained summary judgments of validity, enforceability, and infringement for a patentee in the U.S. District Court for the Central District of California in a bet-the-company case involving electronic temperature monitors
- Lead counsel representing pharmaceutical research and development company and its manufacturer of a wound treatment product against claims of trade secret misappropriation, breach of contract and related claims in the U.S. District Court for the District of Massachusetts
- Prevailed in a Markman hearing defending a major hand tool manufacturer against patent infringement and trade secret misappropriation claims in the U.S. District Court for the District of Connecticut resulting in dismissal with prejudice of all claims
- Represented major pharmaceutical company in asserting claims against a competitor for the breach of a settlement agreement resolving rights from an ANDA patent litigation and related patent-based antitrust litigation



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- Secured the voluntary dismissal of patent infringement claims concerning power management circuits brought in the U.S. District Court for the Northern District of California; dismissal obtained after extensive discovery, claim construction proceedings and the defeat of plaintiff's summary judgment efforts
- Represented owner of laser eye surgery patents in separate matters leading to a \$17 million plaintiff's jury verdict in one case and the competitor defendant forced into bankruptcy and going out of business in the second
- Prosecuted patent infringement action in the U.S. District Court for the District of Massachusetts involving digital to analog converter circuits
- Defended against patent infringement action in the U.S. District Court for the Eastern District of New York related to semiconductor wafer fabrication processes
- Prosecuted trademark action in the U.S. District Court for the Central District of California for false advertising and grey market sales of discarded materials as functional semiconductor components, securing on the eve of trial a favorable settlement and the seizure of all offending materials
- Represented leading acoustic design company in enforcing its patent rights in the U.S. District Court for District of Massachusetts against a Japanese company competitor, its domestic subsidiary, and its OEM distributor, achieving a favorable settlement

Additional Representative Litigations:

- Co-trial counsel for successful defense of all New England electric utilities in electricity supply contract dispute exceeding \$100 million (10 F. Supp.2d 53 (D. Mass. 1998))
- Defended technology company in suit by stockholders of acquired company; successfully mediated after extensive discovery



- Successful appeal reversing defendant's jury verdict of no medical malpractice and establishing the First Circuit's seminal opinion against trial by ambush (156 F.3d 255 (1st Cir. 1998))

Recent Writings and Presentations:

- "Getting the Most from Your IP Budget: Strategies for IP Portfolio Management and Litigation Avoidance," February 4, 2009, Speaker
- "Texas Eastern District: IP Equipoise?" *IP Law 360*, January 5, 2009
- "Patent verdicts in Eastern Texas no longer a slam dunk," *Mass High Tech*, December 5, 2008
- "Finding Value in the Most Overlooked Elements of the Due Diligence Process," Exploring Under the Surface: Yielding Higher Value from Life Science Transactions, October 2008, Panelist
- "Major Changes for Patent Lawyers and Litigators," MCLE June 2007, Speaker
- "Calling and Challenging Expert Witnesses at Trial," 2006, Speaker
- "Proposals for Reducing the Costs of Intellectual Property Litigation," Intellectual Property Owner's Association (IPO) 2004 Annual Meeting, Presentation and Panel Discussion



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David Kleinfeld is a partner with Foley & Lardner LLP, where he is a member of the firm's General Commercial Litigation and IP Litigation Practices.

Mr. Kleinfeld has significant experience in representing corporations in litigation involving intellectual property, unfair competition and various business and commercial disputes.

Mr. Kleinfeld was a partner with Heller Ehrman LLP before joining Foley in 2008. His successes while at Heller include a complete defense victory by QUALCOMM on patent infringement claims after a three-week jury trial involving position location technology; a plaintiffs' jury trial victory on behalf of QUALCOMM and against Trimble Navigation regarding defective GPS receivers; and a defense victory on behalf of Ernst & Young regarding accounting malpractice and related claims. He defended QUALCOMM in litigation brought by more than 120 plaintiffs, in eight consolidated cases, seeking in excess of \$150 million for claimed damages related to lost stock options. A complete defense victory was achieved in the trial court following the granting of 10 successive summary adjudication motions. Mr. Kleinfeld also defended QUALCOMM in class action litigation brought by former employees seeking damages of over \$500 million. He obtained dismissal of claims by 97 percent of the class and the action was subsequently settled with payment made entirely by third parties. In addition, Mr. Kleinfeld represented QUALCOMM in five consolidated cases including patent and license disputes with Motorola, in which claims for injunctive relief and damages were successfully resisted. Most recently he obtained substantial verdict in an ICC arbitration involving disputed patent royalties.





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Mr. Kleinfeld's additional previous representations include:

- Represented Washington Mutual and Hewlett Packard in class action litigation.
- Represented the City of San Diego in litigation relating to the multibillion dollar underfunding of the San Diego City Employee Retirement System.
- Represented Jostens, Mail Boxes, Etc. and Kaplan in litigation including unfair competition and theft of trade secret claims where he obtained permanent injunctions and other relief.

He has extensive experience in lender liability defense and served as lead counsel for Mitsui Manufacturers Bank in obtaining the first reported appellate decision to establish that banks are not liable for tort damages of breach of standard commercial loan agreements.

Mr. Kleinfeld was part of the trial team that obtained a defense verdict and award of attorneys and accounting fees in excess of \$1 million from the advisory jury in *Grivas v. Security Pacific National Bank*. He was also part of the trial team that obtained a defense verdict and award of \$3.5 million to the bank from the jury in *Bianchi v. Bank of America*.

Mr. Kleinfeld is listed by *San Diego Magazine* as one of San Diego's top commercial and intellectual property litigators and by *California Law Business* as one of California's top rainmakers. He was selected by his peers for inclusion in *The Best Lawyers in America*®, 2008 and 2010 editions, in the areas of commercial and intellectual property litigation and was selected for inclusion in the 2007-2009 *San Diego Super Lawyers*® lists for his intellectual property litigation practice.

Mr. Kleinfeld graduated from the New York University School of Law (J.D., 1980) and received his undergraduate degree in government from the Wesleyan University (B.A., *cum laude*, 1977).



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Mr. Kleinfeld is author of "New Local Rules Pave the Way to Speedier Patent Trials," *San Diego Daily Transcript*, June 12, 2007.

Mr. Kleinfeld is a member of the State Bar of New York; State Bar of California; State Bar Litigation Section Executive Committee; Founding Master J. Clifford Wallace American Inn of Court; and San Diego County Bar Association. He is a member of the Committee of Adoption of Local Patent Rules of the United States District Court Southern District of California; and a member, executive committee and member, and board of directors of the San Diego Opera. He is a former member of the Board of Governors of the San Diego Association of Business Trial Lawyers and American Arbitration Association.

Mr. Kleinfeld is admitted to practice in California and New York. He is admitted to practice before the U.S. District Court for the Central, Northern, Eastern and Southern Districts of California; U.S. District Court for the Southern and Eastern Districts of New York; U.S. Court of Appeals, Ninth Circuit; U.S. Court of Appeals, Second Circuit; U.S. Court of Appeals for the Federal Circuit; and the Supreme Court of the United States.



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Jo Osborn is Vice President and Assistant General Counsel of TreeHouse Foods, Inc. She is responsible for all intellectual property, labeling, advertising, promotion, and food law issues, as well as involved in general corporate matters such as acquisitions, negotiation and drafting of contracts, and advice on general business issues.

Previously, Ms. Osborn served as Corporate Counsel with Kellogg Company and Keebler Company, with similar responsibilities. Her prior experience also includes positions with Brach Candy Company, Alberto-Culver Company, and Sunbeam Corporation.

Ms. Osborn is a graduate of Northern Illinois College of Law (JD), and the University of Tennessee (BA).



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J. Bruce Schelkopf is the Chief Counsel, Global Intellectual Property Law, for Cummins Inc., a \$14B world leader in the manufacture and distribution of diesel engines, filtration systems, electric power-generation systems, turbochargers and power-related products. Mr. Schelkopf is also CEO of Cummins Intellectual Properties, Inc., the intellectual property company of Cummins Inc. Mr. Schelkopf is responsible for the global development, strategy, counsel, management and implementation of all aspects of the company's intellectual property assets, brand matters, counterfeit issues, and IP/Tech business pursuits, including the preparation, filing, prosecution, maintenance, licensing and litigation of all worldwide intellectual property assets and matters. Mr. Schelkopf also has oversight responsibility for legal matters extending beyond IP, both throughout the Asia operations of the business and also with research, developments and innovations in the varied Technology Organizations.

Mr. Schelkopf frequently writes on and speaks at various international, national and localized forums about subjects involving Global Piracy, Developing IP Asia Enforcement/Anti-Counterfeit Programs, Complex IP Litigation Issues, Corporate/International Best Legal & Leadership Practices, Technology Transfer Matters, and ITAR/Export issues. Mr. Schelkopf is also a Visiting Professor at the Indiana University – Purdue University Law School, and has served as a Visiting Professor with various other universities in Pennsylvania and North Carolina, instructing numerous graduate-level courses in the associated engineering, law, and business schools.

Mr. Schelkopf has considerable experience with Fortune 200 companies (such as IBM, GE and Lockheed Martin) and private firms/companies, where he has had successes in various leadership roles across engineering, business, general management, and legal functions.





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Prior to joining Cummins, Mr. Schelkopf was Senior IP Counsel with International Business Machines (IBM) for their personal computer, printer, and retail services divisions.

Mr. Schelkopf is a graduate of the Stanford Business School's Senior Executive Program (SEP) and holds a B.S. degree in Engineering Science (Elect/Mech), a B.S. degree in Chemical Engineering, and a M.S. degree in Systems Engineering (Computer Engr.), all from Pennsylvania State University. He also holds a J.D. degree from Rutgers University. Mr. Schelkopf also attended the University of Manchester (UMIST and Owens) in England, and is also a graduate of the GE Crotonville curriculum as well as various Fortune company Leadership Programs including GE's Edison Engineering Program, Marketing Management Program, Technical Sales Program, and the Lockheed Program Managers Program.

Mr. Schelkopf is a member of ACPC as well as other intellectual property associations, and is admitted before the Pennsylvania and New Jersey, the United States Patent Office, Canadian Intellectual Property Office, United States Court of International Trade, as well as various federal and circuit courts.



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Gina A. Bibby is an associate with Foley & Lardner LLP and is a member of the Intellectual Property Litigation Practice.

Ms. Bibby handles patent litigation and patent prosecution matters. Her litigation and prosecution experience includes software, semiconductor processing, laser, telecommunication, electrical, electro-optical and electro-mechanical technology.

Prior to her legal career, Ms. Bibby worked for ten years as a computer software engineer designing and developing data collection and network communications software and user interface software for *Fortune* 100 technology companies.

Ms. Bibby was selected for inclusion in the 2009 *Northern California Super Lawyers–Rising Stars®* list for her intellectual property litigation work.

Ms. Bibby received her bachelor's degree from the University of Colorado in computer science and mathematics in 1987. She received her law degree from the George Washington University Law School in 2001.

Ms. Bibby recently presented at the University of California, Berkeley on "*Egyptian Goddess v. Swisa - Design Patent Infringement*" (April, 2008).

Ms. Bibby is a member of the State Bars of California and Colorado. She is also a member of the U.S. District Court for the Northern District of California and a registered patent attorney in the U.S. Patent and Trademark Office.





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Mr. Bender is the Head of Intellectual Asset Strategy & Management for Visa Inc. His responsibilities include managing the global patent portfolio, aligning business strategy with IP strategy, providing M&A IP due diligence, licensing and IP litigation resolution.

Prior to joining Visa, Mr. Bender was the Leader of Ernst & Young's Intellectual Property Services Practice. His practice focused on providing a full range of intellectual asset management and intellectual property services to startups and Fortune 500 companies. Areas of focus specialty included performing enterprise-wide IP risk assessments, building IP protection programs, dispute related IP damages analysis and expert support, assessing and developing IP strategies, patent portfolio analysis, competitive intelligence, M&A related IP due diligence, developing and executing IP commercialization strategies, and IP valuation.

Mr. Bender received a dual bachelor's degree in Economics and Environmental Science from the University of California, Santa Barbara.

Mr. Bender is a member of Licensing Executives Society (LES), and Intellectual Property Owners Association (IAOP).

A frequent author, below are recent publications by Mr. Bender:

"Building the Next eBay for IP Trade," [The Legal Times](#) - April 2000

"Now What Do We Do With It?," [The Legal Times](#) - April 2000

Intellectual Property Due Diligence in Corporate Transactions, IP Valuation Chapter edits and update, published June 2006 by Thomson West.





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“Wake up and Smell the IP,” IP Law and Business –
January 2007

Below are recent presentations delivered by Mr. Bender:

“Managing Your Intellectual Property Portfolio – Tools
and Techniques,” Conference Board Conference, Chicago,
June 30, 2000

“Portfolio Mining – Actively Managing Your Intellectual
Property,” Licensing Executives Society, Utah Chapter
Meeting, June 14, 2001

Haas School of Business, University of California at
Berkeley - Guest lecturer for Advanced Intellectual
Property Management– patent portfolio mining, IP
assessment techniques and approaches, March 2002

“Integrating IAM in Your Organization,” Licensing
Executives Society, Winter Meeting, Salt Lake City,
February 2003

“Getting the Data for a Defensible Damages Study
through Discovery and 30(b)(6) Depositions,” Law
Seminars International Seminar in Seattle, WA,
November 2003

“Getting the Data for a Defensible Damages Study
Through Discovery and 30(b)(6) Depositions,” Law
Seminars International Seminar in San Francisco, CA,
June 2004

“Effective IP Management in the Sarbanes-Oxley
Environment,” Silicon Valley chapter of the Institute of
Internal Auditors (IIA), April 29, 2005

“Effective IP Management in the Sarbanes-Oxley
Environment: Ethics and Investor Communications,” IP
Law & Business Seminar in San Francisco, CA, May 2005

“Techniques for Assessing the Value of Your IP Portfolio,”
The Wall Street Transcript Intellectual Property
Conference, San Francisco, CA, July 2005



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“The Impact of SOX on IP Management” Law Seminars
International Intellectual Property Conference in Atlanta,
GA, December 2005

“Maximizing Shareholder Value – The Impact of
Sarbanes-Oxley on IP Management” The Wall Street
Transcript Intellectual Property Conference in New York
City, January 2006

“SOX and Intellectual Property” Law Seminars
International Intellectual Property Conference in Seattle,
WA, February 2006

“The Impact of SOX on IP Management” The Licensing
Executives Society Silicon Valley Chapter in Palo Alto, CA,
February 2006

“SOX and Your Company’s Intellectual Property” Inside
Counsel SuperConference in Chicago, IL, April 2006

“The Impact of SOX on IP Management” Licensing
Executives Society, Washington DC Chapter in
Washington, D.C., June 2006

“The Impact of SOX on IP Management” Law Seminars
International Intellectual Property Conference in Atlanta,
GA, October 2006

“ROI on IP Assets, the Impact of IFRS 3 and IAS 38” Pan
European Intellectual Property Summit in Brussels,
Belgium, December 2006



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Mitchell Bompey is an Executive Director in the Technology, IP and E-Commerce legal group at Morgan Stanley. His practice focuses on trademark, copyright and domain name management, software and technology licensing, information security and privacy, and marketing issues.

Prior to joining Morgan Stanley, Mr. Bompey was an associate at Weil, Gotshal & Manges and the former Fish & Neave firms.

Mr. Bompey is a 1994 graduate of the University of Virginia School of Law and a 1989 graduate of Tufts University.





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Jon Dudas is a partner with Foley & Lardner LLP, where he works with the IP Litigation and Government & Public Policy Practices.

Mr. Dudas joined Foley as former Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office. In this role, Mr. Dudas advised the president of the United States, the secretary of commerce, and the administration about intellectual property matters and administered the laws of granting patents and trademarks and led the \$2 billion agency and its more than 9,000 employees. As head of the world's leading intellectual property (IP) office, Mr. Dudas also developed and articulated administration positions on patent, copyright, and trademark issues, both domestic and foreign.

As the nation's top IP official, Mr. Dudas personally spearheaded an unprecedented number of patent cooperation and development missions with Brazil, China, Europe, India, Japan, Korea, Mexico and several other countries to improve IP systems globally and help innovators establish and enforce IP rights throughout the world.

Mr. Dudas was nominated by President George W. Bush in March 2004 and confirmed by the U.S. Senate in July 2004. He previously served as acting under secretary and director, and deputy under secretary and deputy director from 2002 to 2004.

Mr. Dudas also served six years as counsel to the U.S. House Judiciary Subcommittee on Courts and Intellectual Property, and staff director and deputy general counsel for the House Judiciary Committee. He guided enactment of major patent, trademark, and copyright policy, including the 1999 American Inventors Protection Act





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and the Digital Millennium Copyright Act. In addition, he was instrumental in the passage of the 1996 Trademark Anti-Counterfeiting Consumer Protection Act, a law making it more difficult for seized counterfeit merchandise to re-enter the consumer marketplace.

Before his employment with the House of Representatives, Mr. Dudas practiced law in Chicago, focusing his practice on litigation with an emphasis on copyright and trademark issues.

Mr. Dudas obtained his Bachelor of Science in finance, *summa cum laude*, from the University of Illinois and his law degree from the University of Chicago, with honors. He is a member of the Illinois State Bar and the Bar of the United States District Court for the Northern District of Illinois.

Mr. Dudas is admitted in Illinois only. His practice is limited to matters before federal courts and agencies.



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Stanley Pierre-Louis is Vice President and Associate General Counsel for Intellectual Property and Content Protection at Viacom Inc. He is responsible for managing major intellectual property litigation, developing strategies for protecting digital content, and leading other IP-related legal initiatives for Viacom and its brands, which include MTV Networks (MTV, VH1, Nickelodeon, Nick at Nite, Comedy Central, Country Music Television, Spike TV, TV Land, Logo and more than 130 networks around the world), MTV Games, BET Networks, and Paramount Pictures.

Prior to joining Viacom, Mr. Pierre-Louis served as Co-Chair of the Entertainment and Media Law Group at Kaye Scholer LLP (New York, NY), concentrating on intellectual property counseling and litigation. Mr. Pierre-Louis previously served as Senior Vice President for Legal Affairs at the Recording Industry Association of America (Washington, DC), where he led several important strategic copyright litigations, including the entertainment industry's litigations against MP3.com, Napster and Aimster as well as the landmark U.S. Supreme Court case *MGM Studios v. Grokster*, which resulted in a unanimous decision in favor of the film and music industries. Before joining the RIAA, Mr. Pierre-Louis clerked for Judge David A. Nelson of the U.S. Court of Appeals for the Sixth Circuit, and was an associate at Shea & Gardener (Washington, DC).

Mr. Pierre-Louis is a Phi Beta Kappa graduate of Clark University (Worcester, MA) and earned his J.D. from the University of Chicago Law School (Chicago, IL), where he served on the Board of Editors of the University of Chicago Law Review. He currently serves on the Alumni Board of Governors for the University of Chicago and on the board of the Lincoln Center Institute for the Arts in Education.





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Thea Winarsky is an Associate General Counsel at Coach, a preeminent designer and distributor of luxury goods including handbags and accessories. Since joining the company in 2006, Ms. Winarsky's responsibilities have included corporate, employment and litigation matters; more recently her role has been expanded to manage the company's global anti-counterfeiting program.

Prior to joining Coach in 2006, Ms. Winarsky served as General Counsel to The Columbia House Company, a direct marketing retailer of video and music products, and to YouthStream Media Networks, Inc., an advertising and event marketing company targeting the young adult market. Ms. Winarsky has also served as General Counsel to sixdegrees, inc., one of the world's first social networking websites, and helped to consummate the company's sale to YouthStream.

Ms. Winarsky began her career as a litigation associate at Fried, Frank, Harris, Shriver & Jacobson in New York, specializing in securities, M&A, and general commercial matters.

Ms. Winarsky is a graduate of New York University School of Law and the University of Pennsylvania.





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Nicole Gage is senior counsel with Foley & Lardner LLP and is a member of the firm's IP Litigation and Trademark, Copyright & Advertising Practices. Ms. Gage has litigation and counseling experience in all aspects of intellectual property. Her experience includes:

- Plaintiff and defendant side patent and trademark litigation for *Fortune* 100 companies as well as family-owned businesses in over a dozen federal district courts and the Court of Appeals for the Federal Circuit. Patented technologies include acoustics, medical devices, mechanical devices and processes, consumer products, and chemicals;
- Trademark use, protection and enforcement advice, trademark licensing, and management of international trademark portfolios;
- Prosecution and defense of actions before the U.S. Trademark Trial and Appeal Board;
- Advising regarding use and misuse of trademarks and copyrighted materials on the Internet, including cybersquatting and Internet-related infringement; and
- Intellectual property due diligence review.

Before joining Foley, Ms. Gage was a principal at Fish & Richardson P.C. Her practice focused on intellectual property litigation and counseling. Prior to her legal career, she worked as a process engineer with Mobil Oil Corporation on the improvement of refinery processes.

Ms. Gage graduated from the University of Colorado at Boulder (B.S., chemical engineering, 1990). She received her J.D. from the University of Pennsylvania Law School (1996), where she was a recipient of the G. Newton Greene Memorial Prize.





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Ms. Gage is a member of the International Trademark Association and has served on its ADR Committee. She is also a member of the Boston Patent Law Association, Federal Bar Association, and Women's Bar Association.

Ms. Gage is admitted to practice in the Commonwealth of Massachusetts and before the United States District Court for the District of Massachusetts and the Court of Appeals for the Federal Circuit.

Ms. Gage presented "Maximize Your Branding Dollar to Get the Most From Your Trademarks," at the Foley Executive Briefing Series in Boston, MA (March 25, 2009).



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Matthew B. Lowrie is a partner with Foley & Lardner LLP and a member of the firm's Intellectual Property Litigation Practice.

Prior to joining Foley, Mr. Lowrie was a founding member of Lowrie, Lando & Anastasi, LLP, where his practice focused on patent litigation, counseling, the patent acquisition process, licensing and corporate transactions. He is experienced in computer architecture, algorithms and software, analog and digital circuits, semiconductor design, telecommunications, consumer products and medical devices. He has a national litigation practice, with cases pending in Massachusetts, Delaware, Florida, Texas, Illinois, Missouri, Georgia, Pennsylvania and Wisconsin and has also litigated in California, New Hampshire, Washington, Washington D.C., Oregon, Louisiana and Mississippi.

In addition to his experience as a litigator and counselor, Mr. Lowrie draws on his experience as a law clerk in the United States District Court of Massachusetts (for the Honorable Robert E. Keeton), as a corporate attorney experienced in licensing as well as corporate transactions, and as someone with a deep technical background, having published and presented his research in books, journals and at international conferences. He also draws on his experience as a shareholder, and as the first chairperson of the Litigation Practice Group at Wolf, Greenfield & Sacks – a position he held for more than four years.

Mr. Lowrie was selected for inclusion in the Massachusetts *Super Lawyers*® list for 2005 to 2008 in the areas of intellectual property and intellectual property litigation.





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Mr. Lowrie chairs the Intellectual Property Law Committee of the Boston Bar Association and has chaired the Patent Litigation Committee of the Boston Patent Law Association and its Patent Law Committee. He also chaired the Boston Bar Association's Intellectual Property Litigation Committee.

Mr. Lowrie earned his J.D. from Harvard Law School (*magna cum laude*). He attended the University of Illinois, where he completed the course work for a Ph.D in electrical engineering and received an M.S. in electrical engineering, and a B.S. in computer engineering (highest honors). During graduate school, he studied: electrical circuits, solid state design, computer circuits, computer architecture and software. He also wrote (i) a book chapter and an invited journal paper on computer software and hardware architecture for artificial intelligence, (ii) a peer-reviewed paper on Supercomputers for Artificial Intelligence, (iii) a peer-reviewed paper on Machine Learning, and (iv) a peer-reviewed journal article, and paper presented at an international conference, on fault tolerant computer architecture.

Mr. Lowrie spent two years teaching software patent prosecution at the Franklin Pierce Law Center. Currently, he is an adjunct professor at Suffolk University Law School, where he teaches patent law and contributes to his community, serving as a director of the Belmont Foundation for Education, an elected Town Meeting member and is chair of the Belmont Board of Library Trustees.

Mr. Lowrie has published a variety of articles and been frequently quoted in, for example, *The Boston Business Journal*, *Mass. High Tech. Weekly*, *Bureau of National Affairs*, *Pharmaceutical Policy & Report*, and *Credit Card Management Magazine*.



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Recent Presentations and Publications:

- "Operational concerns in starting and running a law firm," presented with Kathy Jo Cook, Suffolk University Law School Program on Starting and Succeeding in Your Own Law Firm, January 29, 2009.
- "Mission statements: finding purpose," Suffolk University Law School Program on Starting and Succeeding in Your Own Law Firm, January 22, 2009.
- "*In re Bilski* (Fed. Cir. October 30, 2008) (en banc) – A New World For Prosecution and Litigation of Software and Business Method Patents, or Not?," Boston Bar Association, December 12, 2008.
- "Networked for the Knowledge Economy: Creativity, Innovation and Intellectual Property Rights," presented to, with transcript published by, the Royal Society for Arts Commerce and Manufacture, 2008.
- "Successful Strategies for Jury Trials," as presented by Matthew B. Lowrie (and other faculty members) as part of The 4th Thomas F. Lambert, Jr. Conference at Suffolk University Law School, Boston, MA, October 24, 2008.
- "U.S. Prosecution Overview and Comparative Discussion with Canadian Prosecution," presented with Andrew Hicks (Hicks & Penman Ltd.), presented as part of the 2008 Summer Courses in Intellectual Property offered by the Intellectual Property Institute of Canada and McGill University, Montreal, Quebec, Canada, July 29, 2008.
- "The importance of reputation and value in attracting blue-chip clients," book chapter in *Inside the Minds: Attracting and Retaining Clients*, Aspatore Publishing.



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Debra Nye is a partner in the San Diego office of Foley & Lardner LLP. She is a member of the firm's Intellectual Property Litigation; Biotechnology & Pharmaceutical; and Privacy, Security & Information Management Practices, as well its Life Sciences Industry Team. She focuses her practice on all aspects of intellectual property counseling and litigation. Ms. Nye has broad experience in intellectual property litigation including trademark, copyright, trade secret and unfair competition disputes, with a focus on patent disputes. Ms. Nye has successfully prevailed in patent cases at jury trials and in summary judgment rulings. Ms. Nye's patent litigation experience includes disputes involving many different technologies such as medical devices, pharmaceuticals, chemical manufacture, genetics, computer software, and electronics. Ms. Nye also advises clients on issues of intellectual property protection and management.

Before joining Foley, Ms. Nye was an associate at the intellectual property firm of Senniger, Powers, Leavitt & Roedel in St. Louis, Missouri. Her practice included patent preparation and prosecution, intellectual property litigation and dispute resolution, and patent and intellectual property counseling. Prior to beginning her legal career, Ms. Nye was a senior nuclear medicine technologist with The Johns Hopkins Hospital in Baltimore, Maryland.

Ms. Nye graduated, *magna cum laude*, from Medical College of Georgia in 1990 with a B.S. in nuclear medicine technology. She earned her J.D. from Washington University School of Law in St. Louis in 1998, where she received the Clifford W. Gaylord Foundation Scholar in Law Award. Ms. Nye is admitted to practice in California, Missouri, Illinois, and before the U.S. Patent and Trademark Office. Ms. Nye is also admitted to practice before numerous United States District Courts





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David Schuler is Intellectual Property Counsel for Bose Corporation, Noise Reduction Technology Group.

Before joining Bose, Mr. Schuler was an attorney at the Boston office of Fish & Richardson.

Mr. Schuler is a graduate of the Schools of Law and the Engineering at the University of Connecticut. Prior to his legal career, Mr. Schuler was an engineer in the energy industry.

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Michael Springs is a patent attorney and serves as intellectual property counsel with Bank of America Corporation. Mr. Springs is responsible for establishing strategies, policies and procedures to protect Bank of America's intellectual property assets. His experience includes procurement, protection and enforcement of domestic and international patents, as well as litigation, negotiating intellectual property agreements and conducting intellectual property due diligence. He also handles trade secret, trademark and copyright issues.

Prior to joining Bank of America in February 2000, Mr. Springs worked with the law firm of Burns, Doane, Swecker & Mathis as a patent attorney. He also worked with the law firm of Olive & Olive, P.A., as a patent attorney in 1997 and as a patent agent in 1996. Prior to that, Mr. Springs worked as a manager and electrical engineer with Hughes Aircraft Company from 1989-1994.

Mr. Springs received his J.D., *cum laude*, from North Carolina Central University School of Law in 1997, his MBA from University of South Carolina Graduate School of Business in 1994 and his B.S. degree in electrical engineering, *cum laude*, from South Carolina State University in 1989. He is a member of the North Carolina Bar, North Carolina Bar Association, North Carolina Association of Black Lawyers and is the immediate past Chair of the Intellectual Property Law Section of the National Bar Association.





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James D. Smith is Associate General Counsel and Chief IP Counsel of Baxter International Inc.

Prior to joining Baxter in 2007, Mr. Smith served as Global Director of Intellectual Property Rights in the Licensing area for Nokia, Inc., where he oversaw and directed the patent licensing function, including managing strategic licensing relationships with companies around the world and advising on all major IP litigation. In the mid-1990's, Mr. Smith was Chief Counsel, Intellectual Property Law at Lexmark International, Inc., where he was responsible for all global patent matters involving the areas of licensing, litigation, and patent filing and prosecution. He was also responsible for the trademark, copyright and trade secret areas.

In addition, Mr. Smith has spent many years in private practice, primarily as a patent litigator representing companies on matters in various technology areas, including electronics and computers, semiconductors, telecommunications and medical devices. Immediately prior to joining Nokia, Mr. Smith was a partner at Dewey Ballantine, and its Office Managing Partner in Austin, Texas. Mr. Smith also served as a Judicial Clerk for (now Chief) Judge Paul R. Michel at the U.S. Court of Appeals for the Federal Circuit, an Assistant Dean at Emory University School of Law, where he also taught IP and appellate advocacy courses, and as a Patent Examiner in the U.S. Patent and Trademark Office.

Mr. Smith received his Juris Doctor from the Duke University School of Law and his bachelor's degree in electrical engineering from the University of Maryland.





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Mr. Kaspar focuses his practice on intellectual property litigation. Among his experiences are representing major banks in a multidistrict patent litigation relating to telephone IVR systems; defeating motions to dismiss and transfer venue in patent litigation brought against nearly a dozen competitors in the computer security industry; fighting for TRO in action by employer against former employee seeking to abscond with proprietary information; and brokering favorable settlement in patent litigation against major competitor in the unified communications industry. Mr. Kaspar also has litigated several trademark cases.

As a registered patent attorney, Mr. Kaspar has broad intellectual property counseling experience. He is knowledgeable in a variety of technical areas, including lighted footwear and apparel; telephony systems; vehicle wash systems; financial business methods; hydroforming processes; rotary engines; hydrostatic transmissions; food processing systems; consumer appliances; and farm implements.

Mr. Kaspar is dedicated to *pro bono* work and has assisted legal services such as the Chicago Volunteer Legal Services and the Lawyers for the Creative Arts. Additionally, Mr. Kaspar has written or contributed to articles on timely intellectual property topics, including advisories on topics such as patent exhaustion and the *Bilski* decision.

Mr. Kaspar received his Juris Doctorate degree from Drake University Law School in 2003, where he was a member of the *Drake Law Review* and the Delta Theta Phi





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Law Fraternity. During law school, he was a senior research assistant for Professor James A. Albert. Mr. Kaspar received his undergraduate degree in mechanical engineering from the University of Illinois at Champaign-Urbana in 1998. Prior to law school, Mr. Kaspar worked as a mechanical engineer in the valve industry.

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Mr. Kaspar is a member of the American Society of Mechanical Engineers, the American Bar Association, American Intellectual Property Law Association, Illinois State Bar Association, the Iowa State Bar Association, the Chicago Bar Association and the Intellectual Property Law Association of Chicago.



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Prior to joining NBC Universal, Ms. Cheng Joe was Counsel, Business and Legal Affairs at Fox Family Worldwide and then Counsel at The Walt Disney Company handling a wide variety of intellectual property issues, including copyright infringement, trademark prosecution, script clearance, rights management and licensing matters.





KEITH HUNT



Keith Hunt is Associate General Counsel for Labatt Breweries of Canada, a subsidiary of Anheuser Busch InBev of Belgium. Mr. Hunt's practice focuses on Intellectual Property, Information Technology and Litigation.

Before coming to InBev in 2006, Mr. Hunt was Associate General Counsel for one of Canada's largest software development companies, and prior to that he did M&A/Corporate Finance in private practice at Canada's largest law firm.

Mr. Hunt has a BA with Honours in Political Philosophy and an LL.B from the University of Western Ontario. He is married with three children.

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Mialeeka “Mia” Williams has over fourteen years of technical and legal experience. She has extensive experience in the procurement, protection, enforcement and commercialization of U.S. and foreign patents in a diverse range of technical fields, including chemical, biotech, mechanical, electrical, computer hardware and business methods. Her experience encompasses all phases of patent portfolio management, including prosecution, patentability opinions, technology transfer, development, licensing, infringement/validity assessment and dispute resolution. In addition to providing legal counsel on all areas of intellectual property, including utility and design patents, trademark, copyright and trade secret, Ms. Williams has expertise in general business law, including anti-trust, unfair competition, employment and commercial transactions.

Ms. Williams currently serves as Patent Counsel for The Coca-Cola Company, where she is responsible for managing a substantial global patent portfolio, including packaging and dairy products. In addition, she provides counsel on global intellectual property transactions, patent strategy and breakthrough technology initiatives. Most recently, Ms. Williams has launched the *Society of Black Patent Professionals* group on LinkedIn.com.

Prior to joining The Coca-Cola Company, Ms. Williams worked as in-house counsel for Rhodia Inc. (previously Rhone-Poulenc), a world leader in the development and production of specialty chemicals. While there, she worked on various international commercial and intellectual property transactions. She also managed multi-national trademark litigation and technology licensing. Ms. Williams has also practiced law as an associate at Dickstein, Shapiro, Morin, & Oshinsky LLP and Shanks & Herbert (since acquired by Reed Smith LLP). Prior to becoming an attorney, she served as a





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Patent Examiner at the U.S. Patent and Trademark Office; Process Development Engineer for the Proctor & Gamble Cosmetics Company; and Technical Sales Engineer for Nalco Chemical Company.

Ms. Williams is a graduate of the George Washington University School of Law and has a B.S. in Chemical Engineering, *cum laude*, from Howard University. She is admitted to the Supreme Court of the United States, Virginia State Bar, Maryland State Bar and District of Columbia Bar. She is also a registered Patent Attorney.

Ms. Williams is a board member of the GAWL Foundation. She is also a member of numerous other organizations including, Association of Corporate Counsel (ACC), Georgia Association of Women Lawyers (GAWL), Georgia Association of Black Women Attorneys (GABWA), Corporate Counsel Women of Color (CCWC), Association of Intellectual Property Attorneys (AIPLA), The Coca-Cola Company Pro-bono Committee, The Coca-Cola Company Women's Forum, Howard University Alumni Association and George Washington University Law Alumni Association. *Ms. Williams resides in Atlanta, GA, is a native of Southern California and has strong ties to New York City and Washington, DC.*



JONATHAN MOSS



Jonathan Moss currently serves as Vice President and North and South American Director of Legal and Real Estate for Gucci and its other retail fashion brands, which include Yves Saint Laurent, Bottega Veneta, Balenciaga, Alexander McQueen, and Stella McCartney. His responsibilities include trademark enforcement in this region and maintaining the intellectual property portfolio of trademarks and patents.

Prior to Gucci, Mr. Moss worked at Mckesson HBOC and PricewaterhouseCoopers.

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Before joining the firm, Mr. Rawlins served as a patent examiner at the United States Patent and Trademark Office. Since joining the firm, Mr. Rawlins has conducted patent litigations, including trials and arguments before various trial courts and the United States Court of Appeals for the Federal Circuit. He also has maintained a practice involving the management of patent portfolios and strategic counseling on patent issues, including a focus on design patents.

Mr. Rawlins has particular experience with medical devices, and he is the chair of the firm's Medical Device Initiative and a member of the Life Sciences Industry Team. He also represents a major automotive supplier and has further experience with optics and products for certain commercial and institutional markets.

Mr. Rawlins was selected as a finalist for *Washington Business Journal's* 2008 Top Washington Lawyers awards program.

Mr. Rawlins received his engineering degree from The Pennsylvania State University, where his academic credentials permitted his election to Alpha Pi Mu, the national industrial engineering honor society. His Juris Doctor was earned *magna cum laude* from the Washington College of Law of the American University.

Mr. Rawlins is admitted to practice in the District of Columbia, as well as Virginia, and is registered to practice before the United States Patent and Trademark





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Office. He also is admitted to practice before the United States Court of Appeals for the Federal Circuit, the United States Court of Appeals for the Fourth Circuit, and the United States District Court for the Eastern District of Virginia. He is a member of the American Intellectual Property Law Association and the American Bar Association.



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Yan Zhao is senior counsel with Foley & Lardner LLP and a member of the Electronics Practice and Automotive and International Business Industry Teams. He has a wide range of experience, including prosecuting IP rights in various jurisdictions, litigating and enforcing IP rights, IP transactions, and portfolio management.

Prior to joining Foley, Mr. Zhao was a senior lawyer at a leading international firm in Shanghai. He also worked as an in-house counsel for a leading computer company. During this time, he drafted and prosecuted patent applications in various jurisdictions, including the U.S., advised on patent validity and infringement matters, managed the IP portfolios, and handled IPR related transaction work.

In addition, Mr. Zhao previously worked with the largest IP firm in Hong Kong, where he was involved in IPR litigations and enforcement in China. Some of his experience includes:

- Representing a textile company in a patent infringement and invalidation proceedings
- Representing a semiconductor company in a series of patent enforcement activities
- Representing a test equipment company in software copyright infringement case
- Representing a wireless communication technology company in a series of trademark enforcement activities
- Advising a pharmaceutical company on the IPR issues in its outsourcing and research and development activities





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Mr. Zhao earned his bachelor of science degree (1995) and his bachelor of law degree (1996) from Peking University in Beijing (1996). He graduated from the George Washington University Law School (LL.M., 1999), with a concentration in intellectual property law.

Mr. Zhao is fluent in Mandarin Chinese, Cantonese, and English. He is admitted to the China Bar and the New York Bar. He is also qualified as a China Patent Agent and registered as a Patent Agent in Singapore.



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Heidi L. Belongia is senior counsel with Foley & Lardner LLP and is a member of the firm's Intellectual Property Litigation and Trademark, Copyright & Advertising Practices. She is the chair of the firm's national Associates Committee.

Ms. Belongia has significant experience in patent, copyright, trademark, and trade dress infringement, trademark dilution, and cases involving unfair competition, false and deceptive advertising, misappropriation of trade secrets, and other complex civil litigation.

Ms. Belongia's patent experience includes litigating and managing infringement actions relating to methods of obtaining cash for ATM patrons in connection with the gaming industry, adjustable mounts for flat panel televisions, data transmission over a high speed digital telecommunications network, radio frequency identification technology used in an inventory control system, non-hierarchical computer filing systems, a method and system for simulating a musical concert experience, digital camera technology, and video editing equipment.

Ms. Belongia has also litigated and managed trademark, trade dress, and copyright cases relating to footwear, water toys, computer software used in the healthcare industry, moving and shipping materials, musical works, counterfeit goods, and various other consumer products.

In addition, Ms. Belongia prosecutes copyright and trademark applications for clients in a variety of industries, and counsels clients on the procurement, registration, protection, and enforcement of their trademark, copyright, design, and domain name rights. Ms. Belongia's practice also includes product reviews for





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various consumer products companies, with particular focus on trade dress and design patent issues, including effective ways to protect and enforce design rights while avoiding any third party claims.

Ms. Belongia frequently writes or contributes to articles and seminars on a variety of intellectual property topics, including a white paper on "Surfing Trademark Issues on the Internet" and a panel relating to design patent and trade dress issues.

Ms. Belongia has demonstrated her commitment to *pro bono* work and community service. She regularly donates her time and legal services to arts organizations such as the Lawyers for the Creative Arts and HotHouse/Center for International Performance and Exhibition.

Ms. Belongia received a J.D. (*summa cum laude*) from DePaul University College of Law (2002) and a B.A. (*magna cum laude*) from Marquette University (1999).

Ms. Belongia is admitted to practice before the United States District Court in the Northern District of Illinois and the Illinois Supreme Court.



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Christine M. Castellano is Associate General International Counsel for Corn Products International, Inc., a position she has held since 2004. In this capacity, Ms. Castellano is responsible for the management of legal affairs throughout the Company's operations in Asia, Africa and South America. She provides advice and counsel to the Company's officers and local management, and directs activities of internal and outside legal counsel in these regions. Specific responsibilities include mergers and acquisitions; regulatory, environmental and sustainability; contract negotiations; license agreements; global intellectual property; antitrust and fair competition; compliance and ethics policies; and management of litigation and claims. Ms. Castellano travels frequently to South America, and in Asia, to countries such as China, South Korea and Thailand.

Ms. Castellano joined the Corn Products Division of CPC International, Inc. (the predecessor company of Corn Products International) in 1996 as Attorney, and has held positions of increasing responsibility, including Counsel, US and Canada. Prior to joining Corn Products International, Ms. Castellano was an income partner in the litigation department of the law firm McDermott, Will & Emery in Chicago.

Ms. Castellano holds a Bachelor of Science degree in Political Science from the University of Colorado and a Juris Doctor degree from the University of Michigan School of Law. She was admitted to the Colorado bar in 1990 and the Illinois bar in 1991.

Corn Products International, Inc. is one of the world's largest corn refiners and a major supplier of high-quality food ingredients and industrial products derived from the wet milling and processing of corn and other starch-based materials. The Company is the number-one





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worldwide producer of dextrose and a leading regional producer of starch, high fructose corn syrup and glucose. In 2004, the Company recorded net sales of \$2.3 billion with operations in 16 countries at 34 plants, including wholly owned businesses, affiliates and alliances. Headquartered in Westchester, Ill., it was founded in 1906. The Company is listed on the New York Stock Exchange under the symbol CPO. Additional information can be found on the World Wide Web at www.cornproducts.com.



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KEVIN CRANMAN



Kevin Cranman is General Counsel for TANDBERG Television, Inc. (the Americas region), which is part of the Ericsson Group.

He handles commercial transactions regarding telecommunications and broadcasting technologies, IP development and protection, litigation and dispute management, HR issues, and whatever else darkens the door step.

Previously, Mr. Cranman served as in-house counsel and handled IP issues at Panasonic Mobile Communications, the Georgia Institute of Technology, and other technology ventures - and in a business role at BellSouth Intellectual Property.

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Barbara Kolsun is General Counsel of Stuart Weitzman, LLC, the luxury shoe design, manufacturing and retail company based in New York, where she started the company's first in-house legal department where she manages all legal matters, including intellectual property. Prior to Stuart Weitzman, Barbara served as Senior Vice President and General Counsel of Seven For All Mankind LLC, a leading luxury denim and apparel company, where she instituted the company's first in-house legal department which managed all intellectual property matters (2005-2007). Such work included the drafting and negotiating of all domestic and international consulting, licensing, and distribution agreements; the registering of trademarks and copyrights; and an extensive anticounterfeiting program.

She has devoted significant time and effort to the cause of enforcement of intellectual property, serving as Chairman of the Board of the International Anticounterfeiting Coalition (IACC) and as a member of its Board for many years. She has also spoken and published widely on the topic of counterfeiting and trademark infringement in the United States, Asia, and Europe, and has been herself the subject of numerous publications (ranging from *The New York Times* to *Women's Wear Daily*) for her pioneering work—and passionate stance on the importance of anticounterfeiting efforts—in the field. She has noted that her experience as a professional singer and actress (1970-1979) has served as additional motivation in her fierce drive to protect artists' and designers' intellectual property rights.

Ms. Kolsun was also Senior Vice President and General Counsel of Kate Spade LLC, the luxury handbag and lifestyle design house, where she was instrumental in





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setting up an in-house legal department for the growing company (2002-2005). Before Kate Spade, she served as Assistant General Counsel at WestPoint Stevens Inc., the home textile company (1998-2002); and Assistant General Counsel of Calvin Klein Jeanswear Co (1996-1998). Prior to her time working in-house, she practiced in the area of litigation for 12 years (1989-1996), representing numerous intellectual property owners throughout the United States.

Ms. Kolsun enjoys the distinction of having clerked for the U.S. Court of Appeals, Second Circuit (1982-1984), after she received her J.D. from Benjamin N. Cardozo School of Law in 1982. She rounds out a practice-based legal career with time spent in the legal teaching field, serving as Adjunct Associate Professor at Fordham Law School from 1986-1988, not to mention numerous visiting lectureships at law schools around the country, as well as speaking engagements to legal professionals at the International Trademark Association, American Bar Association and other conferences. However, her interest in education extends beyond current and future lawyers; she is equally proud of her work in educating consumers and even children in the significance of intellectual property protection. Her dedication to learning can also be seen in her service as a Trustee of Sarah Lawrence College, from where she graduated in 1971, and as a member of the Board of the First Step Program, a Coalition for the Homeless job training program.



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Gail A. Lione joined Harley-Davidson, Inc. in 1997 as Vice President, General Counsel and Secretary and in 2007 was promoted to Executive Vice President. From February 1999 to November 2000, she also served as the Vice President of Human Resources. Additionally, she is a member of the Executive Leadership Team, and is the Chief Compliance Officer for the Company. She also serves as the President of the Harley-Davidson Foundation and is a member of the boards of Harley-Davidson Financial Services, H-D Michigan, Inc. and MV Agusta.

For the seven years prior to joining Harley-Davidson, Ms. Lione was General Counsel and Secretary of U.S. News & World Report and its affiliates, The Atlantic Monthly Company, Applied Graphics Technologies, Inc. and Applied Printing Technologies. Her first General Counsel position from 1986-1989 was with Sun Life Group of America in Atlanta, Georgia, where she managed the legal affairs and all regulatory activities of five insurance companies licensed in 50 states. Ms. Lione started her career as an attorney with Morgan, Lewis & Bockius in Philadelphia, Pennsylvania.

Ms. Lione is a member of the Board of Directors of Sargento Foods Inc., a privately held Wisconsin corporation, and is a member of its Audit Committee. She currently serves on the Board of Directors of the Bradley Center Sports & Entertainment Corp. and the Board of Trustees of the University of Rochester and is a member of both of their audit and personnel committees. Since 2000, she has been a member of the Board of the National Association of Manufacturers and was a Trustee of its Manufacturing Institute for five years.





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Ms. Lione's other professional associations include being a member of The Fellows of the American Bar Foundation, and a former member of the ABA Commission for the Center for Racial and Ethnic Diversity and the Board of Trustees of the Lawyers' Committee for Civil Rights under Law. She was a former Chair of the ABA Standing Committee on Association Communications; member of the Task Force on the Judiciary of the Litigation Section of the ABA; and a Trustee of the Copyright Society of the U.S.A. She currently serves on the Board of Managers of the University of Pennsylvania Law School.

Ms. Lione has been very active in the communities in which she has lived. She currently serves as a member of the Boards of the Milwaukee Art Museum and the YMCA of Milwaukee and is a member of the Greater Milwaukee Committee. Until the end of 2007, she served on the Board of the United Way of Milwaukee and co-chaired of the United Way Campaign for Metro Milwaukee in 2004 which raised \$37 million.

Ms. Lione graduated Magna Cum Laude/Phi Beta Kappa from the University of Rochester with a B.A. in Political Science, and she received her J.D. degree from the University of Pennsylvania Law School. Ms. Lione is married to Barry Grossman, a partner at Foley & Lardner, and has a daughter, Margo, who attends college at the University of Pennsylvania. She and her family reside in Fox Point, Wisconsin.



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Mr. Prairie was an aerospace engineer who worked on the redesign of the Space Shuttle solid rocket motors after the Challenger disaster. After law school, in 1996, he was responsible for regulatory compliance for the Cray Research division of Silicon Graphics. Then, in 1998, he worked for National Presto Industries, Inc., a New York Stock Exchange traded manufacturer of defense and consumer products, where he became General Counsel. In April 2007, he became and continues to be General Counsel and Secretary of Nitto Americas, Inc., a holding company with subsidiaries in diverse fields of sales and manufacturing, including transdermal patches, automotive components, industrial tapes, and electronic components.





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Marya M. Rose is Vice-President, General Counsel and Corporate Secretary of Cummins Inc. She has been with the Company since 1997 and was named General Counsel in 2001. A graduate of Williams College, she received her J.D. from the Indiana University School of Law – Indianapolis. Prior to joining Cummins, Ms. Rose was an attorney with the firm of Bose McKinney & Evans in Indianapolis, assistant general counsel with the State's largest agency (FSSA), and a senior aide to two Indiana Governors -- Evan Bayh and Frank O'Bannon.

At Cummins, Ms. Rose works with a legal team of 50 lawyers, paralegals and administrative personnel located in the U.S., U.K., India, China, Brazil, Mexico and Australia. Ms. Rose is also on the Company's five member senior Executive Committee, including the CEO, President, CFO and Chief Risk Officer. In addition to her legal duties, Ms. Rose serves as the Company's Secretary and oversees the aviation function.

Cummins Inc., a global power leader, is a corporation of complementary business units that design, manufacture, distribute and service engines and related technologies, including fuel systems, controls, air handling, filtration, emission solutions and electrical power generation systems. Headquartered in Columbus, Indiana, (USA) Cummins serves customers in more than 160 countries through its network of 550 distributor facilities and more than 5,000 dealer locations.





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Mr. Gary P. Schmidt is Senior Vice President, General Counsel and Secretary of Alberto-Culver Company, a \$1.5 billion global manufacturer and marketer of hair and skin beauty care products (*NEXXUS*, *Alberto*, *VO5*, *St. Ives* and *TRESemmè*). Mr. Schmidt was born in Youngstown, Ohio and received a BA in Economics and Business Administration in 1973 from Miami University and his Juris Doctorate in 1976 from the University of Akron.

Mr. Schmidt moved to Chicago in 1977 to first join Alberto-Culver Company as Senior Attorney. In 1980 he left Alberto to join Dean Foods Company (a \$1.9 billion Fortune 200 NYSE food manufacturer, franchisor and trucking company) as Chief Legal Counsel and was responsible for all legal affairs with broad responsibilities including mergers, acquisitions and divestitures. In 1987 he joined Lyphomed, Inc. (a \$300 million high technology, international manufacturer of OTC pharmaceuticals) as Vice President, General Counsel and Secretary. In 1990 Fujisawa Pharmaceutical Company Ltd. of Osaka Japan (a \$2.7 billion prescription drug manufacturer of pharmaceutical and specialty chemicals) acquired Lyphomed.

In June 1997, Mr. Schmidt returned to Alberto-Culver Company as Vice President and General Counsel. In October 2003, Mr. Schmidt was elected Senior Vice President and General Counsel, and in January 2005, he was elected Secretary of Alberto-Culver Company.





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Jeffrey A. Simmons is a partner in the Intellectual Property Litigation; Trademark, Copyright & Advertising; and General Commercial Litigation Practices of Foley & Lardner LLP. Mr. Simmons' practice is focused on patent, trademark, copyright, and trade secret disputes.

Mr. Simmons has represented clients in numerous patent infringement cases involving a wide variety of technology, including ultrasound devices, medical braces, fluorescent lighting, chemical compounds, chemically-treated fabric, and hand tools. Mr. Simmons is particularly experienced in litigating patent infringement cases in the "rocket docket" of the Western District of Wisconsin.

Mr. Simmons' copyright litigation experience includes representing recording companies in dozens of copyright infringement suits involving unauthorized downloading of music recordings, litigating software licensing disputes, defending a book publisher against infringement allegations, and representing a comic book author to enforce his copyright ownership rights.

Mr. Simmons has litigated several cases to favorable jury and court verdicts. His trial experience includes *Neil Gaiman, et al. v. Todd McFarlane, et al.*, 360 F.3d 644 (7th Cir. 2004), in which Foley's trial team won verdicts in the plaintiffs' favor on copyright ownership, Lanham Act, and breach of contract claims.

Mr. Simmons has authored several articles on intellectual property issues, including:

- "Congress and the Courts Rein In Patent Lawsuits," *In Business* (to be published Dec. 2007)
- "New Patent Infringement Rules Established In Seagate Decision," Wisconsin Technology Network (Nov. 2007) (co-author)





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- "Do Pay-For-Placement Search Engines Engage In Trademark 'Use'?" *IP LAW360* (Dec. 19, 2006) (co-author)
- "Copyright and Trademark Damages: Are Larger Awards on the Horizon?" *Insights*, Willamette Management Assocs. (Summer 2006) (co-author)

Mr. Simmons was named to the 2006 and 2007 lists of Wisconsin Super Lawyers – Rising Stars by *Law & Politics Media, Inc.* for his business litigation work.

Mr. Simmons earned a bachelor's degree in political science, with distinction, from the University of Wisconsin – Madison in 1989. He graduated, *cum laude*, from the University of Wisconsin Law School (J.D., 1998), where he was senior note and comment editor of the *Wisconsin Law Review*, a member of the Moot Court team, and elected to Order of the Coif.

Prior to joining Foley, Mr. Simmons served as a law clerk to the Hon. John W. Reynolds, U.S. District Court for the Eastern District of Wisconsin.



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Kadie M. Jelenchick is an associate with Foley & Lardner LLP and a member of the firm's Intellectual Property Litigation Practice. She is also involved with Foley's Medical Device Initiative.

Ms. Jelenchick received her law degree, *cum laude*, from the University of Houston Law Center in 2005. During law school, she was a senior articles editor for the *Houston Journal of International Law*. She received her bachelor's degree, with distinction, in biomedical engineering from the University of Rochester in 2002.

Prior to joining Foley, Ms. Jelenchick was a judicial intern for the Honorable Sim Lake of the U.S. District Court for the Southern District of Texas, and for the Honorable Arthur J. Gajarsa of the United States Court of Appeals for the Federal Circuit.

Ms. Jelenchick is a former adjunct professor at Marquette University Law School, where she co-taught an intellectual property litigation course. She has also lectured on various discovery topics, including e-discovery.

Ms. Jelenchick is committed to pro bono work as well as community service. She regularly donates her time and legal services to Centro Legal and Legal Action of Wisconsin.

Ms. Jelenchick is a member of the Wisconsin Biotechnology and Medical Device Association, the Wisconsin Intellectual Property Law Association, and the Women in IP Law Committee of the American Intellectual Property Law Association.





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Ms. Jelenchick is admitted to practice in Wisconsin and before the U.S. District Courts for the Eastern and Western Districts of Wisconsin as well as the U.S. Court of Appeals for the Federal Circuit.

Ms. Jelenchick's publications include, "The Landscape Post-Lundgren," *Legal News: IP Litigation*, December 2005, and "Clash of industry giants over use of music in computer games," *World Copyright Law Report*, July 2004.



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Mr. Shatzer has over 20 years of experience in litigating complex intellectual property matters. Mr. Shatzer's litigation experience includes both jury and non-jury trials as well as arguments before the U.S. Courts of Appeal for the Federal and Fourth Circuits. He has substantial experience in Section 337 investigations before the U.S. International Trade Commission having been substantively involved in over 25 such investigations. Mr. Shatzer has worked on cases involving all areas of technology including biotechnology (e.g., transdermal patch technology for estrogen delivery, phage display of antibodies); chemical (e.g., production of artificial sweeteners), electrical (e.g., fabrication technology for semiconductors, global positioning systems, telecommunications systems, lighting systems, semiconductor packaging), and mechanical (e.g., manufacture of airbags, paintball gun loaders).

Mr. Shatzer served as president of the International Trade Commission Trial Lawyers Association (ITCTLA) in 2002. He has served on the Executive Committee since 1995.

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