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G. Peter Albert, Jr. is a partner with Foley & Lardner LLP and chair of the San Diego/Del Mar office Intellectual Property Department. He is also a member of the Electronics; IP Litigation; Private Equity & Venture Capital; and Trademark, Copyright & Advertising Practices, as well as the Emerging Technologies Industry Team.

Mr. Albert's practice encompasses all phases of international patent, trademark, and copyright litigation, prosecution, licensing and intellectual property counseling. He has experience with a variety of technologies, including wireless communications systems, ultra-fast laser applications, multilayer optical elements, digital/analog circuits, fuzzy logic controllers, broadband and embedded antennas, sensors and sensor networks, communications protocols, robot guidance systems, computer hardware/software, and the Internet.

Mr. Albert is a frequent lecturer on intellectual property law. Prior to his legal career, Mr. Albert worked as a design engineer and design team leader for Reuters, Inc., where he was responsible for the design and development of communications and information systems.

Mr. Albert received an undergraduate degree in electrical engineering from Michigan Technological University and a J.D. from the John Marshall School of Law in Chicago. Mr. Albert is a member of the State Bars of California, Michigan, and Illinois. Mr. Albert is also a member of the U.S. District Courts for the Southern, Northern, Eastern and Central Districts of California, as well as the Eastern District of Michigan, the Northern District of Illinois, and the Eastern and Western Districts of Wisconsin. Mr. Albert is admitted to practice in front of the U.S. Court of Appeals for the Federal Circuit and is a Registered Patent Attorney in the U.S. Patent & Trademark Office.





Mr. Albert was selected as a 2009 San Diego County Top Attorney by *The Daily Transcript*.

Publications:

- Contributing author of the legal treatise Legal Issues in Electronic Commerce, published by Captus Press (2002 and 2005)
- Author of the legal treatise Intellectual Property Law in Cyberspace, published by BNA Books (1999) and supplements (2000, 2002, 2003, 2004, 2005, 2006)
- "Robots, Spiders, Spam and Other Trademark Threats in Cyberspace: Recent Developments in Trademark Law of the Internet," *University of San Diego Law Review*, 2002
- "Software Patent Evolution in the U.S. and Europe," Center for International Legal Studies, *Protection of Intellectual Property Rights*, 2002
- "Market Niches, Patents and Copyrights," San Diego State University, *Knowledge Protection and Management*, 2001
- "Representing Startups and Emerging Growth Companies in a Down Market," California Education of the Bar, *Capitalizing & Protecting New Businesses*, 2001
- "Jurisdiction in Internet Litigation," Law Education Institute, *Civil Litigation*, 2001
- "It Started With Domain Names," BNA Professional Information Centers, 2000
- "Trademark Infringement and Dilution in Cyberspace," *Internet Law & Regulation*, 1999
- "Using Copyright Law to Prevent Linking, Framing, and Other Copyright Misuse on the Internet," AIPLA Working Papers, 1998



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- "Eminent Domain Names: The Struggle to Gain Control of the Internet Domain Name System," *John Marshall Computer and Information Law Journal*, 1998
- "Right on the Mark: Finding the Nexus Between Trademarks and Internet Domain Names," *John Marshall Computer and Information Law Journal*, 1996
- "Responding to § 103 Rejections in Electronics/Computer Cases," Patent Resource Group, *Electronics & Computer Patent & Copyright Practices*, 1995

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Kurt M. Kjelland is a partner with Foley & Lardner LLP and a member of the IP Litigation Practice and the Life Sciences Industry Team. Mr. Kjelland's practice focuses on patent litigation and counseling.

He is a registered patent attorney with substantial experience litigating high-stakes patent and trade secret cases in the life sciences and electronics fields. Mr. Kjelland's cases have involved pharmaceutical formulations, injectable wrinkle-fillers, automated prescription delivery instruments, cellular phones, hard disc drives, dental implants, automated DNA sequencing instruments, *E. coli* diagnostics, transgenic plants, femtosecond lasers used in corneal surgery, peptides, data deconvolution algorithms and optical and laser scanners. He also has handled matters involving consumer products, including hockey equipment, sunglasses, animal transport units, and automobiles.

Mr. Kjelland recently obtained a substantial verdict in an ICC arbitration involving disputed patent royalties. He has also successfully obtained a preliminary injunction preventing a client's customer from disclosing or using his client's trade secrets related to an insulation product, and then successfully defended that judgment on appeal. He recently handled a three patent case in the ITC involving methods of manufacturing hard disc drives.

Mr. Kjelland has considerable experience conducting Hatch-Waxman litigation on behalf of generic drug manufacturers. He was a member of the trial team that invalidated a patent covering the antitumor drug cisplatin.

Mr. Kjelland routinely counsels start-up companies on a variety of IP issues, including strategic patent portfolio development, trade secrets, financing transactions, patentability and infringement analyses, and litigation avoidance strategies.





Prior to his legal career, Mr. Kjelland worked as a chemical engineer for the Dow Chemical Company. Before joining Foley, he was a shareholder at Heller Ehrman LLP.

Mr. Kjelland has written and lectured for the Practising Law Institute's Patent Litigation program. He co-authored "Not The Same As It Ever Was - Proving Infringement After the Supreme Court's Festo Decision" (PLI 2002). He lectured before the American Chemical Society on written description issues for biotech inventions (ACS 2003). He has written and lectured on methods for protecting and accounting for intellectual property assets, including a *San Diego Business Journal* article entitled "Intellectual Property Finds Increasing Importance In New Accounting and SEC Regulations" (2002) and a seminar entitled "Owning Markets: Proven Strategies for Intellectual Property Success" (2002).

Mr. Kjelland earned his law degree from Notre Dame Law School (J.D., 1994). He is a graduate of the University of California, Los Angeles (B.S., chemical engineering, 1988).

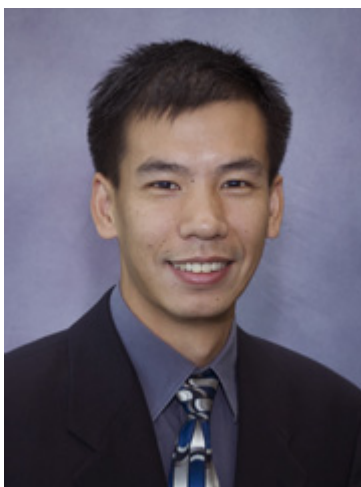
Mr. Kjelland is admitted to practice in California and Arizona and before the Court of Appeals for the Federal Circuit; the U.S. Patent and Trademark Office; and several U.S. District Courts, including the Southern, Northern, Eastern and Central Districts of California.

He is a member of the California, Arizona and American Bar Associations as well as the American Intellectual Property Law Association; the San Diego Intellectual Property Law Association; and the San Diego Bar Association.





## ALEX Y. NIE



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Alex Y. Nie, an associate with Foley & Lardner LLP, is a member of the firm's Biotechnology & Pharmaceutical Practice and the Life Sciences Industry Team.

Dr. Nie's practice entails the procurement of patents and related counseling in matters in the biological and chemical arts, particularly in the areas of personalized medicine, computational biology and chemistry, *in vitro* diagnostics and stem cell technology in addition to conventional biotechnology and pharmaceuticals.

Dr. Nie is also a member of the firm's China initiative. He published articles relating to China's Third Amendment of Patent Law and spoke about China's patent enforcement at the 2009 U.S.-China Legal Exchange, hosted by the U.S. Department of Commerce and China's State Council Legislative Affairs Office, in Los Angeles.

Prior to his legal career, Dr. Nie was a senior scientist with Johnson & Johnson Pharmaceutical R&D, L.L.C. During his seven year-tenure at the company, Dr. Nie developed new biomarkers for drug safety evaluation. He was a Johnson & Johnson representative to the Critical Path Institute, an industry-wide collaborative effort to improve the drug approval process and he participated in the company's China initiative.

Dr. Nie earned his J.D. degree from Rutgers School of Law – Newark. He is a graduate of Rutgers – New Brunswick (Ph.D. in biochemistry and M.S. in computer science). Dr. Nie received an M.S. degree in molecular biology from the University of Science & Technology of China and a B.S. degree in biochemistry from Wuhan University.

Dr. Nie has published 24 peer-reviewed scientific articles and two book chapters. He received an NIH grant and has served as a committee member for various scientific





organizations, including the International Life Science Institute/Health and Environment Sciences Institute (ILSI-HESI), the Critical Path Institute, and FDA's HL7/CDISC/I3C Pharmacogenomics Data Standards Committee. He was a session chairman and invited speaker at the Drug Information Association's 2006 annual conference in Paris.

Dr. Nie is a member of the State Bar of California, and is registered to practice before the United States Patent and Trademark Office.

Dr. Nie's selected publications include:

- Wright Bonnilla, Brinckerhoff, Konski and Nie, "Patent Eligibility of Personalized Medicine Method Claims Confirmed by Federal Circuit in *Prometheus Labs., Inc. v. Mayo*," published in *Foley & Lardner LLP Legal News Alert: Biotechnology & Pharmaceutical* (September 2009)
- Konski, Brinckenhoff and Nie, "Genes Under the Microscope – Novel or Not?" published in *Intellectual Property Today* (July 2009)
- Nie, "Introduction to the U.S. Patent Reform Act of 2009," published in *Foley & Lardner LLP Summer 2009 Eye on China Newsletter* (August 2009)
- Zhao, Nie and Tang, "PRC Supreme People's Court Patent Infringement Enforcement Guidance: The "Draft" Published for Comments by the Patent Community," published in *Foley & Lardner LLP Legal News Alert: China* (July 2009)
- Fielden and Nie *et al.*, "Interlaboratory evaluation of genomic signatures for predicting carcinogenicity in the rat," published in *Toxicological Sciences* (vol 103, pages 28-34, 2008)
- Nie *et al.*, "Predictive Toxicogenomics Approaches Reveal Underlying Molecular Mechanisms of Nongenotoxic Carcinogenicity," published in *Molecular Carcinogenesis* (vol 45, pages 914-933, 2006)

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- Nie, McMillian and Lord, "Toxicogenomics in Drug Safety Evaluation: Bridging Drug Discovery and Development," published in Carmen and Hardiman eds. *Biochips as Pathways to Drug Discovery*. Florida: Taylor & Francis Group (pages 69-96, 2006)

Speeches and Presentations:

- "U.S. Perspective of Patent Enforcement in China," 2009 U.S.-China Legal Exchange, Los Angeles, California (October 12, 2009)
- "An Analysis of the Characteristics of Licensed Clean Tech Patents from Publicly Announced Commercialization Deals," the 5th International Congress of Nano-Bio Clean Tech 2008 conference, San Francisco, California (October 27-30, 2008)
- "Preparing the Critical Path to Acceptance of Toxicogenomic Data in Drug Safety Evaluation," the 2007 Joint Statistics Meeting, Salt Lake City, Utah (July 26 – August 2, 2007)
- "Bioinformatics Lighting a New Path to Better Drug Development," the Drug Information Association 18th Annual EuroMeeting, Paris, France (March 6-8, 2006)



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## XU WEN



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Xu Wen is one of the pioneers of intellectual property in the Chinese mainland with 25 years of related experience. He now works as chairman of Beijing Scihead Intellectual Property Agent Co., Ltd., chairman and general manager for Guangzhou Scihead Patent Agent Co., Ltd., lawyer and chief partner of Scihead & Partners, professor of the Intellectual Property College of Jinan University, and also as a guest research fellow of the Institute for International Intellectual Property of Peking University.

Professor Wen once held the position as vice-director of the All-China Lawyer Society IP Committee for three terms and is now the vice chief-syndic of China University IP Research Institute, director of Guangdong Lawyers Society IP Committee, arbitrator of Guangzhou Arbitration Commission, executive syndic of IP Research Institute of Guangdong Province, and chairman of Association for IP Promotion.

Professor Wen has studied in famous universities, such as Sun Yat-sen Medical College, Sun Yat-sen University, Renmin University of China, South China Normal University. Professor Wen obtained his IP master degree of international economic law from Peking University in 1991, the first person to obtain an IP master in China. In 1999, Professor Wen also studied at the Law School of University of Washington at Seattle for one year.

Professor Wen is a well-known IP lawyer in China who has even worked as an agent in famous cases, including:

- trade secret dispute for Foshan ceramic sticks
- design patent infringement dispute for action from Guangdong Canbo against more than 20 companies



- series disputes for *TCL vs. Wu and Jiang* about the ownership of patent right, the exploitation fee, and patent infringement
- series patent infringement disputes for action from *Zhuhai Jingyi Co. vs. Guangzhou Baiyun Airport, Shenzhen Baoan Airport and Xi-an Airport*
- patent dispute for *Guangdong Bubugao v. Sony.Co. JP*
- series disputes of trademark infringement and unfair competition for *Sichuan Jiangkouchun Co. v. Qiannian Co.*
- unregistered famous trademark infringement dispute for *Hongkong Wing Wah Cake Shop Ltd. v. Zhongshan Chaowei, Zhongshan Jinming, and person Su*
- series disputes in trademark, trade name and unfair competition for action from *Guangzhou XingQun Pharmaceutical Co. vs. Guangdong Xingqun Foods & Beverage Co., Ltd.*

Professor Wen was awarded the *Young and Middle-aged Professor with Outstanding Contribution* by State Council, and received honors such as *Outstanding Young in Guangdong Province, Top10 Lawyers Satisfied by Guangzhou Citizens*, etc.

Professor Wen has published more than 10 works such as *Defend Intelligence-battlefield without Gunpowder, Strategies and Skills in Intellectual Property Protection* and near 100 papers. *Defend Intelligence-battlefield without Gunpowder* was awarded one of top 10 IP works by the IP Committee of All China Lawyers Association in 2009.