

Intellectual Property PERSPECTIVES

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USPTO Releases 2005 Performance and Accountability Report

By Jane Inglese

The United States Patent Office’s performance and accountability report for the 2005 fiscal year reveals some potentially troubling trends, but also some new programs to help address those trends.

As detailed in the report, the number of patent applications filed with the United States Patent Office over the last 20 years has increased dramatically, but the capacity of the Patent Office to examine them in a timely manner has not followed suit. In 1995, applicants filed 125,931 patent applications, but in 2005, applicants filed 409,532 patent applications – over a three-fold increase. During that same period, however, the total number of applications that were pending with the Patent Office increased over four-fold, and the number of applications awaiting examination increased almost seven-fold (Table 1).

**Table 1: Total Patent Applications Filed, Pending, and Awaiting
Examination: 1985 and 2005 Compared**

	Total Applications Filed	Total Applications Pending	Applications Awaiting Action by an Examiner
1985	125,931	215,512	90,648
2005	409,532	885,002	611,114
Fold increase	3.25	4.11	6.74

This increase in filings and delay in examination have led to an increase in the average length of time that patent applications remain pending before the Patent Office. Over the last five years, the average length of time from the filing of a patent application to its issuance or abandonment has increased from 24.7 to 29.1 months (Table 2).

Table 2: Average Pendency Time of Patent Applications:¹ Fiscal Year 2001 to 2005

	2001	2002	2003	2004	2005
Average Pendency Time (months)	24.7	24.0	26.7	27.6	29.1

¹ Average time (in months) between filing and issuance or abandonment of utility, plant, and reissue applications.

The pendency of a patent application varies greatly by technology center, however. During 2005, average pendency varied from 43.5 months for applications in technology center 2100 to 24.9 months in technology center 2800 (Table 3).

Table 3: Pendency Time by Technology Center: Fiscal Year 2005

Tech Center	Average First Action Pendency (months)	Total Average Pendency (months)
1600 (Biotechnology and Organic Chemistry)	23.0	32.3
1700 (Chemical and Materials Engineering)	19.7	29.7
2100 (Computer Architecture, Software & Information Security)	32.7	43.5
2600 (Communications)	30.5	42.3
2800 (Semiconductor, Electrical, Optical Systems & Components)	14.5	24.9
3600 (Transportation, Construction, Agriculture & Electronic Commerce)	18.4	26.9
3700 (Mechanical Engineering, Manufacturing & Products)	18.3	26.3

This increased pendency appears to be due, at least in part, to a lack of patent examiners to handle the increasing number of patent applications. In 2001, there were 177.07 pending patent applications per examiner, but in 2005 there were 211.87 (Table 4).

Table 4: Number of Pending Patent Applications Per Examiner: Fiscal Year 2001 to 2005

	2001	2002	2003	2004	2005
Patent Examiners	3,061	3,538	3,579	3,681	4,177
Total Applications Pending	542,007	636,530	674,691	756,604	885,002
Number of Pending Applications per Examiner	177.07	179.91	188.51	205.54	211.87

High examiner turnover rates appear to be partially responsible for understaffing at the Patent Office. At the beginning of 2005, the Patent Office employed 3,681 examiners. Although it hired 959 new examiners during the year, 463 examiners resigned, leaving 4,177 examiners by the year's end (Table 5).

Table 5: Patent Examiner Hiring and Attrition: Fiscal Year 2005

Examiners at the Beginning of the Year	Examiners Hired	Examiner Attrition	Examiners at the End of the Year
3,681	959	463	4,177

Of potential concern to patent applicants is the fact that, over the last five years, there has been a steady decrease in the percentage of pending patent applications that have been allowed, but the percentage of applications that have been abandoned has remained relatively constant (Table 6). In 2001, the Patent Office allowed 33.84% of pending applications versus 20.5% in 2005, while applicants abandoned 13.66% of pending applications in 2001 and 13.17% in 2005. Although these figures might indicate increasing reluctance on the part of examiners to issue allowances, they more likely reflect the fact that a smaller percentage of the pending applications are actually being examined.

Table 6: Percentage of Total Applications Pending That Were Allowed and Abandoned: Fiscal Year 2001 to 2005

	2001	2002	2003	2004	2005
Total Applications Pending	542,007	636,530	674,691	756,604	885,002
Applications Allowed	183,394	189,191	205,879	195,611	182,254
Percentage of Total Pending Applications Allowed	33.84	29.72	30.51	25.85	20.59
Applications Abandoned	74,014	90,092	97,745	109,295	116,564
Percentage of Total Pending Applications Abandoned	13.66	14.15	14.49	14.44	13.17

PTO Initiatives To The Rescue

The Patent Office launched two initiatives in 2005 to help address its inability to keep pace with the annual increases in new application filings. The first was implementing a pilot program in which an applicant can request a pre-appeal conference with the filing of a notice of appeal. This new process is discussed in more detail in another article in this newsletter. When such a request is made, the technology center to which the patent application has been assigned convenes a panel which includes technology center managers having experience with the claimed subject matter, the examiner of record, and a supervisory patent examiner. This panel decides if an issue appropriate for appeal is present, and issues a decision maintaining the appeal, reopening prosecution, allowing the pending claims, or dismissing the pre-appeal conference request as a non-complaint.

During the first several months of the program, pre-appeal conferences resulted in approximately 43% of applications proceeding to appeal, prosecution reopening in about 43% of applications, allowance in roughly 7% of the applications, and dismissal in the remaining 7%. Thus, in half the cases in which there was a request for a pre-appeal confer-

In half the cases in which there was a request for a pre-appeal conference, there was an allowance or a reopening of prosecution

ence, there was an allowance or a reopening of prosecution. Since Patent Office statistics for 2005 indicate that the average pendency for decided patent appeals before the Board of Patent Appeals and Interferences has been reduced to less than six months, it might be to an applicant's benefit to file a notice of appeal and request a pre-appeal conference rather than proceeding with continued prosecution where the applicant believes that the rejections of record are improper and without basis or are clearly based on factual or legal error. The request for a conference could lead to an allowance or the reopening of prosecution, in which case the examiner may be more willing to change his previous position based upon discussions that occurred during the pre-appeal conference. If the application does proceed to appeal, a decision will likely issue more quickly than in the past.

The second Patent Office

initiative was establishing a central reexamination unit (CRU) directed solely to examining reexamination applications. The Patent Office created the CRU in an effort to improve the quality and reduce the pendency of applications undergoing reexamination. Three special programs examiners and eighteen experienced primary examiners were selected to staff the unit, and each received extensive training specifically directed to examining both *inter partes* and *ex parte* reexamination applications. All reexamination proceedings filed after July 2005 were assigned to this unit. Each official action mailed in an application undergoing reexamination in the CRU is signed by a panel comprising the examiner, an examiner conferee, and a special programs examiner.

Although the Patent Office's performance report for fiscal year 2005 indicates that the backlog of applications awaiting examination at the Patent Office continues to grow, the newly-implemented pre-appeal conference program and central reexamination unit may help to streamline prosecution for some patent applicants.

Controversial Proposed Rule Changes

The Patent Office also recently published proposed rule changes aimed at reducing the backlog of unexamined applications. The first set of rule changes limits the number of continuing applications and requests for continued examination that an applicant may file as a matter of right. Under the proposed rules, applicants of a second or subsequent continuation, continuation-in-part, or request for continued

examination must file a petition showing that the amendment, argument, or evidence presented in the new application or request for continued examination could not have been submitted earlier.

In addition, if an applicant files multiple applications with the same filing date, a common inventor, common ownership, and substantial overlapping disclosures, a presumption is created that the applications contain at least one patentably indistinct claim. The applicant must either rebut the presumption or submit appropriate terminal disclaimers and explain why two or more pending applications containing patentably indistinct claims should be maintained. In the absence of good and sufficient reasons for maintaining the multiple applications, the Patent Office may require elimination of the patentably indistinct claims from all but one of the applications.

Under the second set of proposed rule changes, the Patent Office will initially examine a limited number of representative claims in each application, which include all independent claims, if that number does not exceed ten, and dependent claims expressly designated by applicants, up to a total of ten claims. Examination of the remaining claims is held in abeyance until the representative claims are found allowable. If an application contains more than ten independent claims or if the applicant wishes to have more than ten claims examined initially, the applicant must provide an examination support document that includes, *inter alia*, a statement that a preexamination search was conducted and a detailed explanation of how each

claim for which examination is sought is patentable over the prior art.

Many patent owners are up in arms about the proposed rule changes, concerned that they will

limit applicants' options and drive up the cost of prosecuting patent applications. There is little doubt that the rules, if implemented, would reduce patent examiner's workloads but, many think, at the

expense of obtainable patent protection for applicants. The PTO is accepting public comments on the proposed rule changes until May 3, 2006.



Jane Inglese is a senior associate with the firm, and her practice focuses on patent prosecution and counseling in the chemical and biological arts. Jane is registered to practice before the U.S.P.T.O. She received her J.D. degree, cum laude, from Georgetown University, her Ph.D. degree in biochemistry from Duke University, and her B.S. degree, cum laude, in biochemistry from the University of Miami.

The Shifting Sands of Inequitable Conduct Law

By Henrik D. Parker

Just when it seemed that practitioners could get a reasonable grip on understanding the law of inequitable conduct, the Federal Circuit is shaking things up. Three recent decisions indicate that even the Federal Circuit is confused as to how this area should be handled. It is possible that the Federal Circuit has substantially raised the standards of proper conduct before the United States Patent and Trademark Office. Stay tuned.

Purdue Pharma v. Endo Pharmaceuticals

On February 1, 2006, a

Federal Circuit panel on rehearing reversed its own prior decision in *Purdue Pharma L.P. v. Endo Pharmaceuticals*, 410 F.3d 690 (Fed. Cir. 2005) (a decision discussed in Woodcock Washburn's last newsletter), and reached a result that was 180° from the original. The new opinion (2006 U.S. App. Lexis 2887), while largely based on the original, added new discussion supporting the panel's decision to change the outcome. Notably, the court provided no specific explanation as to why the original decision was wrong, apparently simply changing its collective mind upon further

reflection.

This time, the Federal Circuit vacated the lower court's finding that the asserted patents on controlled release oxycodone were unenforceable based upon Purdue's numerous statements during prosecution suggesting that there was clinical data supporting its claims of a "surprising discovery," and remanded so that the district judge could more clearly consider the level of materiality of the accused conduct. The results Purdue discussed had been based on scientific "insight" and not scientific proof, but Purdue never disclosed this to the

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USPTO. Nevertheless, while agreeing that the conduct remained material, the Federal Circuit now stated that the “level of materiality is not especially high” for such omissions when compared to affirmative misrepresentations and, thus, required solid proof of intent rather than relying upon mere inferences. The district court was directed specifically, on remand, to consider this lower level of materiality and also to consider offered evidence of good faith when deciding whether or not appropriate bad intent was present. (Having vacated the inequitable conduct ruling, the Federal Circuit considered and affirmed the lower court’s infringement finding, deciding that the only aspect challenged by Endo on appeal was not a claim limitation and, thus, could not bar the infringement ruling.)

Ferring B.V. v. Barr Laboratories, Inc.

A perhaps more momentous decision issued two weeks later in *Ferring B.V. v. Barr Laboratories, Inc.*, 437 F.3d 1181 (Fed. Cir. 2006). There, a Federal Circuit panel upheld a summary judgment that Ferring’s patent for an anti-diuretic medication is unenforceable for inequitable conduct, although Judge Newman wrote a blistering dissent.

During prosecution, the patent examiner had asked for “non-inventor” declarations to support non-obviousness, and Ferring, without disclosing the past relationships, submitted four declarations in response from scientists who had been employed by, or received research funds from, Ferring. The majority of the

appellate panel decided that such relationships were material if: “(1) the declarant’s views on the underlying issue are material and (2) the past relationship to the applicant was a significant one,” and found each of the relationships “highly material.” The panel went on to state that appropriate wrongful intent can be found on summary judgment if: “(1) the applicant knew of the information; (2) the applicant knew or should have known of the materiality of the information; and (3) the applicant has not provided a credible explanation for the withholding.” Based upon its conclusions that Ferring should have known of the information’s materiality and had failed to offer evidence of a credible explanation, the panel affirmed the summary judgment.

In a passionate 21-page dissent, however, Judge Newman asserted that the majority’s analysis was directly inconsistent with the Federal Circuit’s *en banc* decision in *Kingsdown Medical Consultants Ltd. v. Hollister Inc.*, 863 F.2d 867 (Fed. Cir. 1988), that an intent to deceive may *not* be inferred from gross negligence. According to Judge Newman, under the majority’s rule, the burden of proof was

The past relationship of a declarant to the applicant is material if “(1) the declarant’s views on the underlying issue are material and (2) the past relationship was a significant one.”

shifted away from the attacker having to prove bad intent and to

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a situation where the patentee was required to affirmatively prove lack of bad intent. In this world, “the negligent omission of a past affiliation with an applicant will always be inequitable conduct” even through “it is surely not the law that ‘should have known’ establishes deceptive intent.” Judge Newman was just as upset that the case was decided on summary judgment where the accused infringer had offered *no* affirmative evidence of bad intent.

M. Eagles Tool Warehouse Inc. v. Fisher Tooling Co., Inc.

Finally, less than two weeks after the contentious, divided *Ferring* decision, a different Federal Circuit panel reached what appears to be an opposite conclusion in *M. Eagles Tool Warehouse Inc. v. Fisher Tooling Co., Inc.*, 439 F.3d 1335 (Fed. Cir. 2006), reversing a summary judgment of inequitable conduct. The lower court had found that a device that the patentee had been selling for 20 years contained many of the same components present in the patented invention and, thus, would have been material to the patent examiner’s analysis. Moreover, the district

court had also inferred intent to deceive solely from non-disclosure of this prior device. In reversing, the appellate panel concluded “that a failure to disclose a prior art device to the PTO, where the only evidence of intent is a lack of good faith explanation for the non-disclosure, cannot constitute clear and convincing evidence

sufficient to support a determination of culpable intent.” In other words, unlike in *Ferring*, the burden of proving bad intent remained on the accused infringer. Moreover, “the district court’s finding ... essentially amounted to a finding of strict liability for non-disclosure. Such is not the law. Even if there were

evidence of gross negligence in non-disclosure, which was not found, that would not necessarily constitute inequitable conduct.”

The rulings on the Lanham Act, tortious interference, unfair competition, and attorney fees claims, each premised on the inequitable conduct finding, were vacated and remanded.



Rik Parker is a partner in the firm, specializing in patent litigation and counseling. He has litigated cases before a multitude of courts, is registered to practice before the U.S. Patent and Trademark Office, and currently serves as the firm’s General Counsel. Rik has been honored as a Pennsylvania Super Lawyer for three years running. He has a B.S.E. in Chemical Engineering from Princeton University, and a J.D. from the University of Southern California.

Pre-Appeal Brief Conference Program – A Lower Cost Option for Patent Applicants

By Wendy A. Choi and Joseph F. Oriti

In July 2005, the United States Patent and Trademark Office (USPTO) launched its pilot Pre-Appeal Brief Conference program, which is touted to save patent applicants at least \$30 million annually¹ and reduce the time to issuance. The program offers applicants the option to request review of the legal and factual basis of a rejection by a panel of examiners before filing an appeal brief. If the panel determines that an application is not in condition for appeal, the applicant may be spared the time and expense of preparing an appeal brief.

Before this program, an applicant wishing to appeal a rejection to the Board of Patent Appeals and Interferences (BPAI) was required to: (1) file a notice of appeal accompanied by the appropriate fee, (2) prepare and file a complete appeal brief and the required fee within two months of filing the notice of

The program offers applicants the option to request review of the legal and factual basis of a rejection by a panel of examiners before filing an appeal brief.

appeal, and (3) wait.² According to the USPTO, approximately 60% of all appealed cases are not forwarded to the BPAI.³ And, a conservative estimate of costs to

applicants for preparing and filing these appeal briefs is \$30 million.⁴ To counter this unnecessary effort, the USPTO has implemented this pilot program.

Any applicant whose claims have been twice rejected may file a request for a pre-appeal brief conference. The request must be filed with the notice of appeal and requisite fee, and before filing an appeal brief.⁵ If a notice of appeal has been filed without a request, the notice of appeal cannot be withdrawn and subsequently submitted with the request.⁶ No extensions of time are available for filing the request. A sample request form, PTO/SB/33, is available at <http://www.uspto.gov/web/forms/index.html#startforms>.

Applicants may submit their own forms, but the USPTO recommends that any forms be clearly marked as “Pre-Appeal Brief Request for Review.”

The arguments that accompany the request cannot exceed five pages and the USPTO discourages lengthy, detailed explanations. Arguments should be succinct, concise, and focused, identifying clear errors for which the appellate review is being requested. No supplemental request or arguments will be accepted. No amendments may accompany the request.

Applicants continue to have available to them the normal practice and procedures in effect under 37 C.F.R. § 41, *et seq.* The pilot program is not an alternative to filing an appeal. Issues lacking

factual basis, including interpretations of the prior art teachings or claim scope as contrasted with clear error in facts, are more appropriate for the traditional appeal process.

Upon receipt of a properly filed request, a panel of examiners will be designated to review the arguments and rejections identified in the request, the application, and, to the extent necessary, evidence on the record in support of the rejections. The panel typically will include the examiner of record, the supervisor of the examiner of record, and an examiner experienced in the technological field. The applicant is not permitted to attend the review. No interview will be granted before issuance of the panel’s decision. The panel’s decision is expected to be mailed within 45 days of receipt of a properly filed request.⁷

The decision will summarize the status of the pending claims, but will not contain any additional grounds of rejection or restatement of previously made rejections. The decision also will indicate one of the following:

- The application remains under appeal because there is at least one actual issue for appeal.
- Prosecution on the merits is reopened and an appropriate communication will follow in due course. In appropriate circumstances, a proposed amendment may accompany the panel’s decision proposing changes that, if accepted,

may result in an indication of allowability for the contested claims.

- The application is allowed on the existing claims and prosecution remains closed.
- The request fails to comply with the submission requirements and is dismissed.

If a request is properly filed, the time period for filing an appeal brief is reset to one month from the mailing of the decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. The time for filing the appeal brief is extendible under 37 C.F.R. §1.136. If the panel's decision indicates that the claims are allowable or that prosecution is reopened, the period for filing the

appeal brief ends on the mailing date of the decision.

The pilot program was extended indefinitely in January 2006. If the USPTO deems the program successful, it plans to provide a notice of proposed rule-making to continue the program.

Based on our experience, we recommend that applicants consider requesting a pre-appeal brief conference to expedite prosecution and reduce the overall cost of prosecution in matters in which all or some of the rejections of record are improper and without basis, or are clearly based on factual or legal error. Not only should a request be considered when contemplating filing a notice of appeal, but also after claims have been twice rejected (as an

alternative to filing an office action response or an RCE). The pre-appeal brief conference presents little downside for the applicant. If the panel agrees with the applicant, the claims are allowed, or the application is subjected to further prosecution. If the panel does not agree with the applicant, the applicant can proceed with the appeal process with only a short delay in prosecution but perhaps a clearer picture of the issues. Furthermore, the pre-appeal brief conference can be seen as a quasi-arbitration bringing in a fresh set of eyes to review issues where the applicant and examiner simply do not see eye-to-eye.



Wendy Choi is a partner in the firm's Atlanta Office. Her practice focuses on complex patent prosecution and counseling in the chemical and biological arts. She received her J.D. cum laude from Temple

University School of Law and her B.S. summa cum laude in chemistry from Chestnut Hill College. She is registered to practice before the U.S.P.T.O.



Joe Oriti is an associate with the firm whose practice focuses on patent prosecution and counseling in the electrical and computer science arts. He received his J.D. degree from Widener University and his B.S.

and M.S. degrees in electrical engineering from Drexel University. He is registered to practice before the U.S.P.T.O.

¹ USPTO Press Release March 3, 2005.

² According to the USPTO, in a best case scenario, the time between filing a notice of appeal and receiving a decision from the BPAI is about 14 months. Typically, however, the time period is at least about 22 months.

³ Anton Fetting, Legal Advisor, Office of Patent Legal Administration, indicated that the two most common reasons for appealed cases not being forwarded to the BPAI are (1) there was a clear error in the examiner's rejections, and (2) the examiner omitted one or more essential elements needed to establish a *prima facie* rejection.

⁴ Anton Fetting, Presentation at the USPTO Rules Partnership Meeting (November 9, 2005); Statement of The Honorable Jon W. Dudas, Under Secretary Of Commerce For Intellectual Property And Director Of The United States Patent And Trademark Office before the Subcomm. on Intellectual Property Comm. On the judiciary, United States Senate, *The Patent System: Today and Tomorrow*, April 21, 2005.

⁵ See 37 CFR §41.37(a). Note, this pilot program is not applicable to reexamination proceedings.

⁶ The USPTO is considering permitting applicants to file the request within two months of the receipt of the notice of appeal for a fee.

⁷ Anton Fetter indicated that the 45 day period was being met, on average, with a large variance.

Woodcock Partners “Rising Stars”

Woodcock Washburn is pleased to announce that partners Paul Milcetic and Mike Bonella have been designated Pennsylvania “Rising Stars” by Law and Politics Magazine, an honor bestowed on just 2.5% of Pennsylvania lawyers. The list identifies outstanding lawyers who are under age 40 or who have been practicing for less than 10 years.



Elderkin Appointed to AAA Panel

Partner Dianne Elderkin has been appointed to the American Arbitration Association’s panel of neutrals for intellectual property disputes.

Woodcock Washburn Successfully Defends Microsoft File System Patents

In a significant victory for client Microsoft Corporation, Woodcock Washburn successfully fended off attempts to invalidate two of Microsoft's patents (U.S. 5,579,517 and 5,758,352). The Microsoft patents are directed to an invention that allows an operating system to permit the use of long filenames for a file while remaining backwards compatible with older operating systems that do not support long filenames. The patentability of the invention had been called into question by two parties during reexamination proceedings before the U.S. Patent Office, but on January 3, 2006, the Patent Office agreed with Microsoft's arguments that the inventions are patentable. Steven Samuels and Christos Ioannidi of the firm, together with Microsoft's Michael Allen, represented Microsoft in the reexamination proceedings. Woodcock Washburn has been honored to be named one of Microsoft's "Premier" legal service providers.

Woodcock Washburn and Johnson & Johnson Co-sponsor Nanotechnology Track Session at BIO 2006

Woodcock Washburn partner, John Caldwell, and associate Jeffrey H. Rosedale, Ph.D., teamed up with Dr. Youseph Yazdi, Ph.D., Director, Corporate Science and Technology, Johnson & Johnson Company, to organize the day-long nanotechnology track session at the Biotechnology Industry Organization's international conference in Chicago in April. The session comprised four panels concerning nanotechnology applications in: Drug Discovery and Development, Drug Delivery (Chaired by Dr. Yazdi), Cancer Detection and Treatment, and Medical Imaging and Diagnostics (Chaired by Dr. Rosedale).

Woodcock Washburn Announces New Partners



David Wolfsohn

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David Wolfsohn has joined Woodcock Washburn's Philadelphia office as a litigation partner. David, a former shareholder at litigation boutique Hangley Aronchick Segal & Pudlin, litigates all types of intellectual property and related disputes, including matters involving patents, trademarks, copyrights, trade secrets, licensing of IP rights, and matters involving departure of employees (for example, covenants not to compete and nondisclosure agreements).

A former concert pianist, David received his B.A. degree from Beloit College, his Masters degree from Villa Schifanoia

Graduate School of Fine Arts, Florence, and his Doctoral of Music Arts from Manhattan School of Music. After graduating *cum laude* from University of Chicago School of Law, David served as a law clerk to the Honorable Walter K. Stapleton of the United States Court of Appeals for the Third Circuit.

David was lead counsel (pro bono) in the landmark case *Nixon v. Commonwealth*, in which the Pennsylvania Supreme Court struck down as unconstitutional a Pennsylvania statute barring persons convicted of minor crimes decades ago from all jobs in health care related fields. For this representation, David received the Equal Justice Award in 2003 from Community Legal Services.



John E. McGlynn

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John specializes in patent litigation and patent procurement and has worked with varied technologies including computer software, Internet and Web applications, financial services systems, optical communication devices, and telecommunication systems. John earned

his B.S. in Systems Engineering from the University of Pennsylvania and received his J.D., *cum laude*, from Temple University School of Law, where he served as the Executive Editor of the *Temple Environmental Law & Technology Journal*. He is admitted to practice in Pennsylvania, New Jersey, various federal jurisdictions and before the United States Patent and Trademark Office.



Chad E. Ziegler

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Chad practices in patent litigation and procurement. He concentrates his focus on the biotechnology, pharmaceutical, biomedical, mechanical and chemical fields. Chad earned his B.S. in Biology from Albright College and his J.D., with

High Distinction, from Ohio Northern University Claude Petit School of Law where he was a member of the *Law Review*. He is admitted to practice in Pennsylvania, various federal jurisdictions and before the United States Patent and Trademark Office.

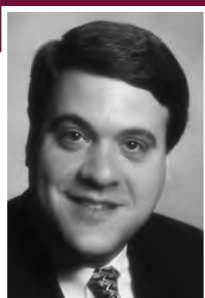


David N. Farsiou

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David specializes in patent litigation and prosecution with a specific emphasis in chemical patent law. He earned his B.S. in Chemistry, *magna cum laude*, from Clemson University, where he also received the Annual Chemistry Scholarship and American Institute of

Chemists Award. David received his J.D. from the Dickinson School of Law of the Pennsylvania State University, where he was a Comments Editor of the *Dickinson Law Review* and a member of the Woolsack Honor Society. He is admitted to practice in Pennsylvania, various federal jurisdictions and before the United States Patent and Trademark Office.

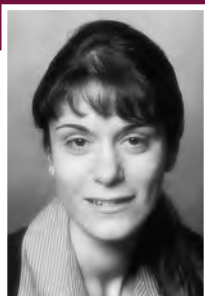


Joseph R. Condo

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Joe's practice focus is on patent prosecution with expertise in complex electronic and electromechanical and control devices and systems in addition to medical devices and software inventions. Joe also gained first hand understanding of business during his 12

years as a lead engineer at Lockheed Martin Communications Systems. He earned his B.A. in Physics from Rutgers University and his M.S. in Physics from Drexel University. Joe received his J.D., with Honors, from Rutgers University School of Law. He is admitted to practice in Pennsylvania, New Jersey, various federal jurisdictions and before the United States Patent and Trademark Office.



Denise I. Mroz

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Denise focuses her practice in trademark and copyright matters with particular expertise in licensing and Internet agreements, domain name issues, and anti-piracy initiatives. Prior to joining Woodcock Washburn, she served as Vice President and anti-piracy counsel of the

Recording Industry Association of America. Denise received a B.A., *magna cum laude*, in Communications Arts and Sociology from Salisbury State University. Denise received her J.D., *magna cum laude*, from The Catholic University of America Columbus School of Law. She is licensed to practice in Pennsylvania and New York.

**S. Maurice Valla****svalla@woodcock.com**

Maurice joined Woodcock Washburn with an expertise in biotechnology, medical devices and pharmaceuticals. Prior to law school, Maurice was an Equine Veterinarian, practicing exclusively on thoroughbred racehorses. Maurice received his B.S., with Highest

Honors, in Zoology and his D.V.M., with Honors, from the University of California, Davis. He earned his J.D. from the University of North Carolina Law School where he was awarded the Nancy Rhoden Law Scholarship. Maurice is licensed to practice in Pennsylvania and before the United States Patent and Trademark Office.

**David L. Marcus****dmarcus@woodcock.com**

David's practice focuses on patent litigation, but also includes securing and licensing intellectual property rights in electrical, telecommunications, and software related inventions. Prior to attending law school, David served in the U.S. Navy as a Submarine Warfare

Officer on board the USS Helena (SSN-725) and graduated

from Naval Nuclear Engineer's School. David received his B.S., *summa cum laude*, from Moravian College where he majored in Mathematics and minored in Physics. He received his J.D., *magna cum laude*, from Temple University School of Law. David is admitted to practice in Pennsylvania, New Jersey, various federal jurisdictions and before the United States Patent and Trademark Office.

Woodcock Washburn Announces New Associate

**Aleksander J. Goranin****goranin@woodcock.com**

Alex concentrates his practice in intellectual property litigation, including patent, copyright, trademark, and trade secrets. He has a background as a commercial litigator and has experience in securities fraud, contract fiduciary duty, and antitrust cases. Alex graduated

summa cum laude, with a B.A. in Economics and Government and Politics from the University of Maryland. He was a

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