

# Board of Patent Appeals and Interferences First Annual Board Conference

## Speaker Biographies

### W. TODD BAKER

Mr. Baker is a patent attorney in the Oblon Spivak's Reissue/Reexamination, Interference, and Electrical/Mechanical Practice Groups.

As a team leader of the Reissue and Reexamination Practice Group, a significant portion of Mr. Baker's practice involves post grant proceedings handled by the USPTO's Central Reexamination Unit including ex parte and inter partes reexaminations.

Mr. Baker is co-chair of the firm's Interference Practice Group. His practice includes advising clients on patent interference prosecution matters before the USPTO's Board of Patent Appeals and Interferences. Interference practice involves issues of priority, patentability, derivation, and inventorship. Mr. Baker's extensive experience with both reexaminations and interferences makes him particularly well suited to advise clients on alternatives to traditional litigation based validity challenges.

In addition to his post grant practice, Mr. Baker prepares and prosecutes patent applications in diversified electrical and mechanical technologies. He is a former patent examiner with the USPTO, where he specialized in multiplex communications.

Mr. Baker is currently the chair of the USPTO Inter Partes Patent Proceedings Committee (formerly known as the Interference Committee) of the American Intellectual Property Law Association. The Interference Committee was renamed and its mission revised to reflect a broadened scope encompassing interferences as well as inter partes reexamination.

Mr. Baker is also a regular contributor to [www.patentspostgrant.com](http://www.patentspostgrant.com).

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### MURRIEL CRAWFORD

Administrative Judge Murriel Crawford graduated from North Carolina A&T University in 1974 with a Bachelor of Science degree in Engineering Physics. She received a Juris Doctor degree in 1979 from Georgetown University. She practiced law for Legal Service, the Department of Defense and was in private practice before joining the Patent and Trademark office in 1989 as an Associate Solicitor. She became a member of the board in 1996. During her time at the board she has authored opinions in interferences cases and ex parte appeals in the mechanical and electrical arts. She is now on the Mechanical/Business Methods team handling business method appeals. She is a member of the DC bar.

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### MICHAEL R. FLEMING

Mr. Fleming was appointed on May 1, 2005 as the Chief Administrative Patent Judge to the Board of Patent Appeals and Interferences. From May 1, 1994 to May 1, 2005, Mr. Fleming served as an Administrative Patent Judge on the Board. Mr. Fleming's has experience in dealing with ex parte appeals involving the electrical arts and interference proceedings.

Mr. Fleming received a Bachelor of Science in Electrical Engineering from Virginia Polytechnic Institute and State University in 1978. He received a Master of Science in Electrical Engineering from George Washington University with emphasis in computers in 1982. He received a Juris Doctor from George Mason University Law School in 1986. He was admitted to the Virginia State Bar in 1986.

Mr. Fleming worked briefly as an electrical engineer at Naval Facilities Engineering Command and then joined the U. S. Patent and Trademark Office as a patent examiner in 1981. He received an Examiner's Master rating in computer arts in 1984 and became a primary examiner with full signatory authority in 1985. He became a supervisory primary examiner in 1990 for Art Unit 2308 in the complex art area of computer processing using artificial intelligence.

Mr. Fleming received the Norman P. Morgenstern Award and the Department of Commerce's Bronze Medal. Mr. Fleming was awarded the Department of Commerce Gold Medal for his participation in the creation of the Examination Guidelines for Computer Related Inventions which provided major improvement in examining quality and consistency.

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#### **KENNETH W. HAIRSTON**

Administrative Patent Judge Kenneth W. Hairston received a B.S.E.E. in 1973 from North Carolina A & T State University, and a J.D. in 1977 from The American University, Washington College of Law. Judge Hairston worked briefly for the USPTO as an examiner in 1974 before joining IBM's Washington Patent Operations in August 1974. After graduation from law school, Judge Hairston was assigned to IBM's Lexington, Kentucky Patent Operations. He remained there until accepting a patent attorney position with Oblon, Spivak, McClelland & Maier in 1979. In 1980, Judge Hairston accepted a civilian patent attorney position with the U.S. Navy and over the next seven years was assigned to the Naval Air Systems Command and the Joint Cruise Missiles Project Office as a patent attorney and Patent Counsel. In September 1987, Judge Hairston accepted a position with the Board of Patent Appeals and Interferences. During his long tenure at the Board, Judge Hairston has handled cases involving every technical discipline except biotechnology. Judge Hairston is a member of the Kentucky Bar, and is registered to practice before the USPTO.

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#### **GARY V. HARKCOM**

Gary V. Harkcom is currently serving as Of Counsel at Greenblum & Bernstein, P.L.C., where he is a member of the firm's USPTO Petitions, Appeals, and Special Procedures Practice Group. Prior to joining Greenblum & Bernstein, P.L.C. in 2008, Mr. Harkcom served for over 26 years in the U.S. Patent and Trademark Office. At the USPTO, Mr. Harkcom served for 13 years as the Vice Chief Patent Judge, and 1 year as the Acting Chief Patent Judge, at the Board of Patent Appeals and Interferences. Mr. Harkcom also served as an Administrative Patent Judge, a Supervisory Patent Examiner, and a Primary Patent Examiner in electrical technology. Mr. Harkcom's experience includes 9 years of professional engineering experience while serving as an Officer in the U.S. Air Force.

Mr. Harkcom graduated with a B.S. degree in Electrical Engineering from Grove City College in 1971. Mr. Harkcom is also a distinguished graduate of the Air Force Institute of Technology, where he received an M.S. degree in Management in 1974. In 1986, Mr. Harkcom graduated cum laude with a Juris Doctor degree in law from the American University Washington College of Law. Mr. Harkcom is admitted to the Bar of the Commonwealth of Pennsylvania. He is also registered to practice as a patent attorney before the U.S. Patent and Trademark Office. Additionally, Mr. Harkcom is a Registered Professional Engineer in Pennsylvania.

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#### **LINDA E. HORNER**

Administrative Patent Judge Linda E. Horner was appointed to the Board of Patent Appeals and Interferences in 2006. Judge Horner's primary focus has been dealing with ex parte appeals involving the mechanical arts and business methods. Judge Horner received a Bachelor of Science in mechanical engineering from Cornell University in 1991 and a Juris Doctor from Boston University School of Law in 1994. She is a member of the bar of the District of Columbia.

Prior to joining the Board, Judge Horner was a Director at patent law firm in Washington, D.C. where she worked as a patent attorney for twelve years. In private practice, Judge Horner represented clients before the U.S. Patent and Trademark Office in patent prosecution matters and before U.S. district courts and the U.S. Court of Appeals for the Federal Circuit in patent litigation matters. Her practice also included client counseling and opinions of counsel, and she represented clients in a variety of fields, including medical devices, microfluidics, nanotechnology, pharmaceuticals, and business methods.

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#### **JOHN A. JEFFERY**

John A. Jeffery is an Administrative Patent Judge with the U.S. Patent & Trademark Office (USPTO) Board of Patent Appeals & Interferences, and is currently the Lead Judge of the Board's Computers Section. John received a Bachelor of Science in Electrical Engineering with Honors from the University of Tennessee in 1984. In 2004, he received a J.D. from The Catholic University of America in Washington, D.C., graduating *magna cum laude*. During law school, he was a member of *The Catholic University Law Review* while working full time as a Primary Examiner at the USPTO. Prior to his appointment as a judge in March 2007, John was a Patent Attorney with the Board and worked for judges in electrical technologies. Prior to arriving at the Board, John was a Primary Examiner in Technology Center (TC) 3700 examining patent applications in electrical technologies, and has served as an instructor for the USPTO Patent Academy. John also worked for the TC 3700 Special Programs Unit. In 1999, John received the Department of Commerce Bronze Medal, and in 2002, received the American Intellectual Property Law Association Outstanding Examiner Award. Prior to joining the USPTO, John was a commissioned officer with the U.S. Air Force. John has also worked in the private sector as an electrical engineer for ALCOA, as well as a patent attorney for an IP law firm. John is a member of the Virginia State Bar.

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## STEPHEN G. KUNIN

Stephen G. Kunin is the former Deputy Commissioner for Patent Examination Policy with the U.S. Patent and Trademark Office. He has more than 39 years of expertise in intellectual property rights protection and 24 years of organizational management and leadership experience. He was appointed to his former position in March 2000 and has served in a similar capacity since November 1994, under the position's prior title, "Deputy Assistant Commissioner for Patent Policy and Projects." Previously, beginning in July 1989, Mr. Kunin served as Deputy Assistant Commissioner for Patents. He participated in the establishment of patent policy for the various Patent Organizations under the Commissioner for Patents, including changes in patent practice, revision of rules of practice and procedures, establishment of examining priorities and classification of technological arts, and oversaw the operations of the Office of Patent Legal Administration, Patent Cooperation Treaty Legal Administration, and the Office of Petitions. Additionally, in January 1993, Mr. Kunin was designated by the Secretary of Commerce to perform the functions of the Assistant Commissioner for Patents on an acting basis until a new Assistant Commissioner for Patents was appointed in 1994.

Mr. Kunin joined the Patent and Trademark Office (PTO) as a patent examiner in June of 1970. In March of 1977, he became a Senior Examiner in a technology of master's level complexity. He became Director of the Manufacturing Group in May of 1983. When a new Electrical Communications examining group (Group 260) was formed in April of 1984, he became its first Group Director.

Mr. Kunin, as a Partner, serves as a patent consultant who advises clients on patent prosecution and policy matters and prepares infringement and non-infringement opinions. He also serves as an expert witness on patent law, policy, practice and procedure. Beginning January 2009, he was named Chair of the Obalon Reissue/Reexamination Practice Group.

Mr. Kunin also now serves as the Intellectual Property Program Director at the George Mason School of Law where he is an adjunct professor who teaches patent law and intellectual property law classes.

Mr. Kunin graduated with honors from Washington University in May of 1970 with a B.S. degree in Electrical Engineering. He attended the National Law Center of the George Washington University, receiving his Juris Doctor degree in law with honors in May of 1975. He is a graduate of the Harvard University Kennedy School of Government SMG Program.

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## SALLY GARDNER LANE

Sally Gardner Lane has been an Administrative Patent Judge at the Board of Patent Appeals and Interferences since July of 2000. Since joining the Board, Judge Lane has served as a member of the Interference Section of the Board's Trial Division and is now the Lead Judge for the Trial Division. Prior to coming to the Board, Judge Lane was a primary examiner in Technology Center 1600. Judge Lane is a graduate of North Carolina State University and Campbell Law School. She holds an M.S. degree in Biotechnology from Johns Hopkins University. Judge Lane is a member of the North Carolina Bar.

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## ALLEN R. MACDONALD

Vice Chief Administrative Patent Judge Allen R. MacDonald received a B.A. in Mathematics in 1978 from the University of Maine, a B.S. in Electrical Engineering from the University of Maine in 1983, and a J.D. from The National Law Center at George Washington in 1988. In 1983, Judge MacDonald joined the Patent and Trademark Office as a patent Examiner. He rose through the ranks to Patent Examining Group Director of Group 2100 in July 2000. In 2004, Judge MacDonald joined the Board of Patent Appeals and Interferences. Judge MacDonald served as the Board's acting Vice Chief Judge from June to November 2008, and has been acting as the Board's second Vice Chief Judge since April 2009. Judge MacDonald is a member of the Pennsylvania Bar.

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#### **MICHAEL MESSINGER**

Michael Messinger is a director at Sterne, Kessler, Goldstein & Fox and active in the electronics and clean tech practice areas. He works with company officers and engineers to identify patentable inventions and build strategic patent portfolios for their company's products and services. Mike also helps knock out invalid patents of competitors through reexamination.

Mike was a patent examiner for over six years in Group 2500 (Radiant Energy) at the United States Patent and Trademark Office. He examined a range of inventions on photoelectric devices and systems. He taught for several years at the Patent and Trademark Office University and Northern Virginia Community College in the areas of patent law, intellectual property law, and business organization. Mike is now an adjunct professor at George Mason University School of Law teaching patent prosecution.

Mr. Messinger holds a J.D. from Georgetown University and a B.S. in Physics from Duke University. ([www.skgf.com/michaelmessinger](http://www.skgf.com/michaelmessinger))

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#### **JAMES T. MOORE**

Vice Chief Administrative Patent Judge James T. Moore received a B.A. in Natural Sciences in 1987 from The Johns Hopkins University, and a J.D. in 1990 from The College of William and Mary. From 1990-1992 he clerked for the Honorable James R. Cavanaugh of the Superior Court of Pennsylvania. From 1992-1995 he was an associate attorney at Connolly, Bove, Lodge & Hutz in Wilmington, Delaware, and from 1995-2000 he was Patent Counsel for Philip Morris, Inc. In 2001, Judge Moore joined the Board of Patent Appeals and Interferences. Judge Moore became a member of the Interference Trial Section in 2003, became Lead Judge of the Trial Division in 2005, and has been Vice Chief Judge since 2008. Judge Moore is a member of the Pennsylvania, Delaware, and Virginia Bars as well as registered to practice before the USPTO. Judge Moore is a past president of the Greater Richmond Intellectual Property Law Association and the first recipient of its Auzville Jackson Jr. Award in 1994.

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#### **GREG MORSE**

Greg Morse is the Director of the Central Reexamination Unit at the United States Patent and Trademark Office. Mr. Morse has a Mechanical Engineering degree from the University of Virginia and Computer Science and Law degrees from George Mason University. During his time at the USPTO, he has examined and supervised examiners in art areas as varied as material handling, business methods, compilers and software development, and computer security and cryptography. He served on a one-year assignment to the group developing the Electronic Filing System software and a recently completed a three-year assignment to the Office of the Commissioner for Patents. For the past year, he has been the Director of the Central Reexamination Unit, a group of 59 examiners and five supervisors dedicated to handling ex parte and inter partes reexaminations.

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#### **BRAD PEDERSEN**

Brad Pedersen is a partner with Patterson, Thuent, Skaar & Christensen. He concentrates his practice in the areas of high-technology, computer, software and medical device patent prosecution strategy, licensing and litigation. Serving both as litigation counsel and an expert witness, Brad has extensive trial experience, in addition to significant experience representing companies in interference proceedings at the United States Patent & Trademark Office.

Based on his wide range of experiences, Brad provides clients with practical and pragmatic advice on the development, management and enforcement of IP portfolios. He has more than 25 years of experience in IP law and is a named inventor on six issued U.S. patents and a dozen pending applications on technologies ranging from medical devices to unmanned aircraft. As an inventor, entrepreneur and former in-house counsel, he has a real-world foundation from which to create effective IP portfolios and strategies. Brad is one of the more knowledgeable IP attorneys in the U.S. when it comes to the recent patent reform movement. He actively follows developments occurring at the agency, legislative and judicial levels, and educates clients and colleagues by writing and presenting on the imminent changes and strategies for dealing with the reforms.

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## **TERESA STANEK REA**

Teresa Stanek Rea is partner in the Washington, D.C. office of Crowell & Moring, LLP and is a member of the Intellectual Property Section.

Terry is recognized throughout the professional community for the depth and breadth of her knowledge in the area of intellectual property. In a career spanning more than 25 years, she often has been on the leading edge of emerging trends and developments. In recognition, she was named to the Best Lawyers in America® for Biotechnology Law.

Terry focuses on patent litigation, reexamination, interferences, as well as patent procurement and portfolio management. She has significant experience in drafting infringement and validity opinions and licensing matters.

She represents emerging companies, corporations and universities. Terry is a registered pharmacist in the State of Michigan and she has worked as a hospital pharmacist. She was also a corporate patent attorney.

She speaks annually on Hatch-Waxman issues for the Food and Drug Law Institute and she is a regular speaker with the American Conference Institute. She is also on the Advisory Board of BNA's Pharmaceutical Law and Industry Report as well as the Life Sciences Law and Industry Report.

She is Immediate Past President of American Intellectual Property Law Association. She was President of the National Inventors Hall of Fame Board and she was Chair of the Patent, Trademark and Copyright Section of the Bar Association of the District of Columbia.

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## **CHARLES E. VAN HORN**

Charlie Van Horn chairs Finnegan's patent prosecution section and has a strong working knowledge of the specialized areas of patent reexamination, patent term extension, and procedures under the Patent Cooperation Treaty.

Mr. Van Horn joined the firm after a 31-year career at the U.S. Patent and Trademark Office. During his tenure, he served in a variety of leadership positions relating to patent policy and practice. He served as the director of the patent examining group responsible for inventions in organic chemistry and biotechnology. While deputy solicitor, Mr. Van Horn argued cases in the federal courts. In his position as deputy assistant commissioner, he established the policy and practice for examining patent applications. Just prior to joining the firm, Mr. Van Horn assisted in developing the legislation and implementing the regulations and procedures for the patent-related changes mandated by the GATT-TRIPS agreement.