

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE CARDIZEM  
ANTITRUST LITIGATION

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**AFFIDAVIT OF MICHAEL F. HEIM IN SUPPORT OF  
JOINT PETITION FOR ATTORNEYS' FEES AND DISBURSEMENTS  
FILED ON BEHALF OF CONLEY, ROSE & TAYON**

STATE OF TEXAS           §  
                                  §  
COUNTY OF HARRIS       §

Michael F. Heim, being first duly sworn, deposes and says:

1. I am a shareholder of the law firm of Conley, Rose & Tayon. I submit this affidavit in support of my firm's application for an award of attorneys' fees in connection with services rendered in this case, as well as the reimbursement of expenses incurred by my firm in connection with this litigation.

2. My firm acted as counsel for Louisiana Wholesale Drug Company and similarly-situated direct purchasers. The tasks undertaken by my firm can be summarized as follows: The law firm of Conley Rose & Tayon specializes in Intellectual Property litigation, and was responsible for investigating the patent issues and patent settlement which gave rise this lawsuit. These issues include the filing of a frivolous patent infringement lawsuit by HMRI and entering into a sham settlement with Andrx to extend the period of exclusivity under the Hatch-Waxman Act and keep other generic companies out of the Cardizem market. Michael Heim's responsibility included identifying patent issues and analyzing the liability or risk of the generic defendant, Andrx, going to market with the generic equivalent of Cardizem in view of HMRI's patents, including analysis of HMRI's infringement claim under the Doctrine of Equivalents. Mr. Heim

also assisted in the identification and selection of expert witnesses. He also assisted in responding to patent positions raised by the antitrust defendants during settlement discussions. Finally, Mr. Heim assisted co-counsel in framing issues on appeal and in preparation for oral argument. Rodney Carroll's responsibility included analyzing the patent pleadings in the underlying lawsuit to understand the patent positions taken by HMRI and Andrx thereby highlighting the frivolous nature of the patent lawsuits. Rodney Carroll's responsibilities further included identifying causation issues arising from the underlying patent suits, and assisting in the preparation of co-counsel for key depositions involving patent issues. Dr. Russell Chorush assisted in analyzing the underlying technology involved in the HMRI patent, and in analyzing the possibility that HMRI might have obtained a preliminary injunction precluding generic entry.

4. Conley, Rose & Tayon participated in meetings with co-counsel regarding strategies, and liability and causation issues in the case. Conley Rose & Tayon has maintained a file with copies of all documents served upon them. Conley Rose & Tayon has also acquired and organized a relatively complete file of pleadings filed in the underlying patent infringement cases.

5. The schedule attached hereto as Exhibit 1 is a summary indicating the amount of time spent by each attorney and paralegal of my firm who was involved in this litigation, and the lodestar calculation is based on my firm's current billing rates. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by my firm, which are available at the request of the Court. Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

6. The hourly rates for the attorneys and paralegals in my firm as set forth in Exhibit 1 are the same as the regular, current rates charged for their services in non-contingent matters and/or which have been accepted and approved in other class action litigation.

7. The total number of hours expended in this litigation by my firm is 167.25. The total amount billed for my firm through October 15, 2002 is \$51,226.25, consisting of \$50,908.75 for attorneys' time, and \$317.50 for paralegals' time. My firm's figures are based upon the firm's billing rates, which do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

8. The Firm's time has been correlated into the categories of (1) pleading preparation; (2) discovery; (3) experts; (4) court appearances; and (5) case management and strategy, as follows:

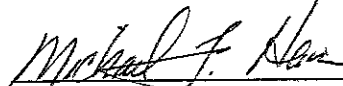
|                                  |             |
|----------------------------------|-------------|
| (1) pleading preparation         | 40.65 hours |
| (2) discovery                    | 30.25 hours |
| (3) experts                      | 2.0 hours   |
| (4) court appearances            | 0.0 hours   |
| (5) case management and strategy | 94.35 hours |

9. As detailed in Exhibit 2, my firm has incurred a total of \$3,403.63 in non-reimbursed expenses in connection with the prosecution of this litigation.

10. The expenses incurred in this action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate recordation of the expenses incurred.

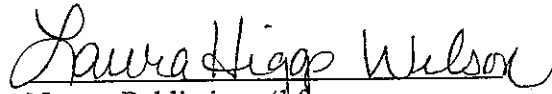
11. The Firm has expended fees and expenses in the amount of \$54,629.88 in this litigation.

12. With respect to the standing of counsel in this case, attached hereto as Exhibit 3 is a brief biography of my firm and attorneys in my firm who were principally involved in this litigation.

  
Michael F. Heim

Sworn to before me this 8<sup>th</sup> day of October, 2002.



  
Notary Public in and for  
The State of Texas

In Re: Cardizem CD Antitrust Litigation  
Conley, Rose & Tayon File No. 2067-00300

Timekeeper Summary

| Timekeeper:         | Initials: | Total Hours: | Rate:  | Amount:   |
|---------------------|-----------|--------------|--------|-----------|
| Anderson, Carrie    | HCJA      | 3.50         | 80.00  | 280.00    |
| Carroll, Rodney B.  | DRBC      | 98.25        | 275.00 | 27,018.75 |
| Chorush, Russell A. | HRAC      | 11.30        | 225.00 | 2,542.50  |
| Ehrlich, Laura H.   | HLHE      | 0.50         | 75.00  | 37.50     |
| Heim, Michael F.    | HMFH      | 53.20        | 400.00 | 21,280.00 |
| Spence, Chris W.    | HCWS      | 0.50         | 135.00 | 67.50     |
|                     |           |              |        |           |
|                     |           |              |        |           |
|                     |           | 167.25       |        | 51,226.25 |



**In Re: Cardizem CD Antitrust Litigation: Conley, Rose & Tayon File 2067-00300**

**Date Description of Charge Amount Vendor Name**

|          |                     |                 |                                                    |  |  |  |  |
|----------|---------------------|-----------------|----------------------------------------------------|--|--|--|--|
| 04/30/02 | Auto Legal Research | 95.65           | WESTLAW                                            |  |  |  |  |
| 06/13/02 | Auto Legal Research | 38.15           | DIALOG CORPORATION searches                        |  |  |  |  |
|          | Total:              | 133.80          |                                                    |  |  |  |  |
| 07/18/01 | Photocopy           | 88.50           | Photocopy - CRT                                    |  |  |  |  |
| 08/01/01 | Photocopy           | 12.00           | Photocopy - CRT                                    |  |  |  |  |
|          | Total:              | 100.50          |                                                    |  |  |  |  |
| 04/30/02 | ComputerPatent Copy | 1.00            | PATENTGOPHER                                       |  |  |  |  |
|          | Total:              | 1.00            |                                                    |  |  |  |  |
| 08/31/01 | Ovenight Delivery   | 24.12           | LONE STAR OVERNIGHT                                |  |  |  |  |
|          | Total:              | 24.12           |                                                    |  |  |  |  |
| 08/03/01 | Facsimile           | 4.00            | Facsimiles - CRT                                   |  |  |  |  |
|          | Total:              | 4.00            |                                                    |  |  |  |  |
| 05/31/02 | Long Distance Phone | 7.30            | QWEST COMMUNICATIONS                               |  |  |  |  |
|          | Total:              | 7.30            |                                                    |  |  |  |  |
| 08/16/01 | Outside Copy Charge | 126.52          | CHOICE PROFESSIONAL OVERNIGHT CS INC               |  |  |  |  |
|          | Total:              | 126.52          |                                                    |  |  |  |  |
| 09/28/01 | Postage             | 0.34            | Postage - CRT                                      |  |  |  |  |
| 10/23/01 | Postage             | 0.34            | Postage - CRT                                      |  |  |  |  |
|          | Total:              | 0.68            |                                                    |  |  |  |  |
| 10/31/01 | Travel Expense      | 2,262.73        | MFH: Travel expense - Philadelphia Oct 3-4, 01     |  |  |  |  |
| 07/31/01 | Travel Expense      | 81.12           | RBC: Travel Expenses - meeting with Mark Armstrong |  |  |  |  |
| 10/31/01 | Travel Expense      | 661.86          | RBC: Travel Expenses - Philadelphia Pa Oct 3-5, 01 |  |  |  |  |
|          | Total:              | 3,005.71        |                                                    |  |  |  |  |
|          | <b>Grand Total</b>  | <b>3,403.63</b> |                                                    |  |  |  |  |

**CONLEY, ROSE & TAYON**  
A Professional Corporation

Austin Office

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Austin, Texas 78701-3102  
(512) 476-1400  
Facsimile (713) 703-1250

Houston Office

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600 Travis Street, Suite 7100  
Houston, Texas 77002-2912  
(713) 238-8000  
Facsimile (713) 238-8008

Dallas Office

Granite Park Two  
5700 Granite Parkway Suite 330  
Plano, Texas 75024  
(972) 731-2288  
Facsimile (972) 731-2289

**INTELLECTUAL PROPERTY LAW  
INCLUDING PATENTS, TRADEMARKS,  
COPYRIGHTS AND UNFAIR COMPETITION**

**RESUME**

**CONLEY, ROSE & TAYON** was formed in Houston, Texas on April 1, 1991, and opened its Austin, Texas office on May 1, 1994 and its Dallas office on July 1, 2000. The Firm currently has over seventy professionals.

**Representative Clients**

The Firm's representation of the following clients is a matter of public record: Advanced Micro Devices, American Society of Composers, ATI Technologies, Authors & Publishers, Compaq Computer Corp, Computer Sciences Corporation, Conoco Inc., Cooper Cameron Corporation, Daniel Industries, E\*TRADE, FMC Corporation, General Electric Co., Halliburton Company, Halliburton Energy Services, Inc., IBM Corporation, The Image Bank, Inc. (Eastman Kodak), LSI Logic Corp., Marubeni Tubulars, Inc., M-I L.L.C., NASA Johnson Space Center, National Instruments Corporation, National-Oilwell, L.P., Oak Technology, Resort Condominiums International, LLC (Cendant Corporation), Rice University, Smith International, Inc., Sprint, Stewart & Stevenson Services, Inc., Sulzer Intermedics, Inc., Sun Microsystems, Inc., Temple-Inland Forest Products Corporation, The University of Texas System, and WebMD.

**The Firm's Practice**

The Firm specializes in intellectual property law, including patents, trademarks, copyrights, trade secrets, unfair competition and covenants not to compete. The practice includes trial and appellate work, technology transfer, prosecution of applications for patents, trademarks and copyrights, franchising and counseling on such matters.

The Firm's trial and appellate practice includes the prosecution and defense of lawsuits in state and federal courts and administrative agencies at both the trial and appellate levels, as well as the representation of clients in arbitration, mediation and other alternative dispute resolution procedures. The Firm has participated in a number of nationally recognized intellectual property lawsuits at both the trial and appellate court level.

Professionals of the Firm are licensed to practice before the United States Patent and Trademark Office. This aspect of the practice involves the preparation and prosecution of applications for patents, trademarks, and copyrights in the United States and foreign countries. The Firm has special expertise in the area of computer and microprocessor architecture, and has for years been recognized for its expertise in the area of oilfield

technology. A group of the Firm's practitioners are also known for their skills in the protection of biomedical innovations, including medical devices and various aspects of biotechnology.

The Firm provides technology transfer services, including the protection and transfer of rights to all types of intellectual property. The practice includes drafting and negotiating agreements relating to the protection of software, trade secrets and other proprietary information, franchises, distributorships, licenses, non-competition agreements, and advertising and entertainment relationships.

Counseling clients concerning intellectual property rights is another part of the Firm's practice. Such counseling includes rendering opinions on patent validity and infringement and on trademark and service mark infringement and registration. The Firm also provides advice on the selection, design and use of trademarks and service marks, and providing recommendations on the protection of inventions, trade secrets and copyrightable subject matter.

## DIRECTORS/SHAREHOLDERS

### KEVIN L. DAFFER

Austin

Kevin L. Daffer specializes in intellectual property matters with an emphasis in patent prosecution in the electrical arts, particularly integrated circuits, microprocessor-based systems, circuits, robotics and computer software.

Mr. Daffer received his Bachelor of Science degree in Electrical Engineering with distinction in 1979 from the University of Nebraska while working as a student co-op engineer with International Business Machines Corporation in Endicott, New York. After his graduation, Mr. Daffer was an integrated circuit design engineer with Motorola in Austin, Texas for six years. During his employment with Motorola, Mr. Daffer earned a Master of Business Administration degree with honors from St. Edwards University in 1983. Thereafter, Mr. Daffer earned his Doctor of Jurisprudence degree from Southern Methodist University in 1989.

In his professional career, Mr. Daffer has procured patents worldwide and represents many large, Fortune 500 companies such as Advanced Micro Devices, Asahi Chemical Co., Compaq Computer Corp., Cypress Semiconductor Corp, and IBM Corporation.

Mr. Daffer is admitted to practice before the United States Patent and Trademark Office, the United States District Court for the Western District of Texas, and in Texas State Courts. He is a member of the American Intellectual Property Association and the Austin Intellectual Property Law Association.

### DWAYNE K. GOETZEL

Austin

Dwayne Goetzel specializes in intellectual property litigation. His primary emphasis with the firm is in the litigation of copyright and trademark disputes. He has extensive discovery and trial experience in state and federal courts. Mr. Goetzel is resident in the Firm's Austin office.

Mr. Goetzel graduated *summa cum laude* with a B.A. in history, from Angelo State University in 1986. As an undergraduate, he received the Presidential Award, the Modern Languages Award, and was a member of several academic honor societies. Mr. Goetzel also received a Rotary International Graduate Fellowship, and attended German law studies at Philipps-Universitat in Marburg, Germany, from 1986 to 1987.

After legal studies in Germany, Mr. Goetzel attended the University of Texas School of Law, and received his Doctor of Jurisprudence degree in 1990. While in law school, Mr. Goetzel was a National Finalist in the Jessup International Moot Court competition, a member of the Texas International Law Journal, a Finalist in the Susman, Godfrey Moot Court competition, and was inducted into the Order of Barristers in 1990. He also received the Dean's Achievement Award in European Community Law.

Mr. Goetzel is admitted to practice before the State Bar of Texas, and the U.S. District Courts for the Western District of Texas, the Northern District of Texas, the Eastern District of Texas, and the Southern District of Texas. He is also admitted to practice before the U.S. District Court for the Southern District of California and the State Bar of California (inactive status as to California). Mr. Goetzel is an active

member of the American Bar Association, the Travis County Bar Association, and the Austin Young Lawyers' Association. Languages: German.

**MICHAEL F. HEIM**

Houston

Michael F. Heim received his Juris Doctor *with honors* from The George Washington University Law School in 1986. While attending law school, Mr. Heim served three years as a Patent Examiner at the U.S. Patent and Trademark Office, specializing in the electrical communications art and issuing patents in such areas as telemetering, computer software and hardware, displays and telecommunications.

He graduated from the University of Missouri in 1983 with a Bachelor of Science degree in Electrical Engineering. Honors include recognition as a National Merit Scholar, a University Scholar, and a member of Tau Beta Pi and Eta Kappa Nu. Mr. Heim also worked during his undergraduate studies at McDonnell-Douglas Corp. in St. Louis, where he assisted in microelectronics development for the company's Laser Communication Program.

Since receiving his Juris Doctor, Mr. Heim has specialized in intellectual property and technology-related litigation, in high-tech electronics prosecution, and in the licensing of intellectual property on an industry-wide basis. Mr. Heim is admitted to practice before the U.S. Patent and Trademark Office, the United States District Courts for the Northern, Southern and Western Districts of Texas, the U.S. Court of Appeals for the Federal Circuit and the Texas State Courts. He is an active member of the American Bar Association, the American Intellectual Property Law Association, the Texas Intellectual Property Law Section (President, current), the Houston Intellectual Property Law Association (President, 1998-1999), the Federal Circuit Bar Association, and the Houston Bar Association. Mr. Heim is a frequent speaker and writer in intellectual property matters. His publications include "*State Street and Excel: The Federal Circuit Refuses to Cast a Shadow on the Diamond Sum*," 37 S.W.L.F. 15 (1999); "*The Tables Have Turned On the Doctrine of Prosecution History Estoppel*," 13 H.I.P.L.I. A (1997); "*What Has Hilton Davis Done to the Doctrine of Equivalents, and What Can We Expect in the Future?*" 34 S.W.L.F. 2 (1996); "*Hilton Davis v. Warner Jenkinson: Death or Resurrection for the Doctrine of Equivalents*," 10 H.I.P.L.I. J (1994); "*Protective Orders and Rule 76A*," Tex.S.B. M (1993); "*Trade Secrets Crash and Burn in Texas*," 6 Tex. S.B. M (1992); "*From Hughes Aircraft to Malta: The Pendulum Has Swung on the Doctrine of Equivalents*," 8 H.I.P.L.I. O (1992); "*Wilson Sporting Goods: A Flash in the Pan or a Change in the Law*," 5 Tex. S.B. B (1991). Mr. Heim was featured in an article entitled "Who Represents High-Tech Texas?" in the July 31, 2000 edition of *Texas Lawyer*. He has also served as the principal brief writer on *amicus* briefs prepared on behalf of the Houston Intellectual Property Law Association.

Mr. Heim has assisted clients in enforcing and licensing patent portfolios to recognize value for intellectual property assets. Some of this work has been performed on a contingency basis, where the firm recovers a percentage of the monies recovered. He has also defended clients who have been the subject of industry-wide licensing overtures, and has worked with several industry-wide consortiums in response to licensing demands. Mr. Heim has also worked on several class-action antitrust lawsuits that focus on the manner in which companies use their intellectual property to maintain exclusive rights in their products. Mr. Heim has been named as a member of the Executive Committee in such class action antitrust actions brought on behalf of direct purchasers.

## JEFFREY C. HOOD

Austin

Jeffrey C. Hood specializes in patent prosecution in the electrical arts, particularly in the areas of computer system architecture and design, computer peripherals, object-oriented software, and computer-based instrumentation.

Mr. Hood received his Bachelor of Science degree and his Master's degree in Electrical Engineering from Rice University in 1988 and 1989, respectively. He earned his Doctor of Jurisprudence degree, *cum laude*, from the University of Houston Law Center in December 1992. Mr. Hood's Master's program focused in the areas of digital signal processing and computer architecture. Mr. Hood began his career as a patent agent with the firm of Pravel, Gambrell, Hewitt, Kimball & Krieger, where his primary duties were patent preparation and prosecution for Compaq Computer Corporation. Mr. Hood has extensive experience in preparing and prosecuting patent applications in the computer hardware and software arts. His practice also includes counseling clients regarding various aspects of intellectual property protection and licensing the preparation of patentability and validity opinions as well as trial practice in federal and state courts.

In his professional career, Mr. Hood has procured patents for numerous corporations, including Compaq Computer Corporation, Dell Computer Corporation, National Instruments Corporation, and Advanced Micro Devices. Mr. Hood has published numerous articles in the area of computer software, including "Protection for Computer Software in a Changing World," paper presented at the Sixth Annual Computer and Information Technology Institute, Dallas, Texas, September 1992 (co-author); "Copyright Infringement of Computer Software," paper presented at the American Intellectual Property Law Association Spring State Meeting, Austin, Texas, April 1993 (co-author); "The Shrink Wrap License - Is It Really Necessary?," *THE COMPUTER LAWYER*, Vol. 10, No. 8, August 1993 (co-author); and "*Whelan* and *Altai*: Protecting Software By Abusing 'Idea' and 'Expression'," *THE COMPUTER LAWYER*, Vol. 11, No. 7, July 1994 (co-author).

Mr. Hood is admitted to practice before the United States Patent and Trademark Office, the United States District Court for the Western District of Texas, and Texas State Courts.

## B. NOËL KIVLIN

Austin

B. Noel Kivlin specializes in intellectual property with an emphasis in patent prosecution and counseling in the electrical arts, particularly integrated circuits, microprocessor-based systems, and computer software.

Mr. Kivlin received his Bachelor of Science degree in Electrical Engineering with distinction in 1988 from the University of Wisconsin-Madison. Mr. Kivlin also worked with a radio frequency design group of Honeywell, Inc. in Minneapolis, Minnesota. Mr. Kivlin attended Santa Clara University School of Law, where he received his Doctor of Jurisprudence degree in 1992. He began his career in patent law at Honeywell, Inc. in 1988 and practiced as a patent agent and subsequently as a patent attorney with Skjerven, Morrill, MacPherson, Franklin & Friel in San Jose, California and Austin, Texas from 1989 to 1993.

In his professional career, Mr. Kivlin has procured patents for many international companies including Advanced Micro Devices, Inc., Sun Microsystems, Inc., and LSI Logic Corporation.

Mr. Kivlin is admitted to practice before the United States Patent and Trademark Office and in California State Courts.

**ROBERT C. KOWERT**  
Austin

—Robert C. Kowert specializes in intellectual property with an emphasis in patent prosecution and counseling in the electronic arts including computer systems, storage systems, software, microprocessor architecture, digital electronics, network and communication systems, and semiconductor fabrication processes.

Mr. Kowert received his Bachelor of Science degree in Electrical Engineering, *magna cum laude*, from Texas A&M University in 1989 where he received Texas A&M's highest academic honor, the Gathright Award, as the top-ranked student in the entire College of Engineering. Mr. Kowert was also selected to Phi Kappa Phi, Tau Beta Pi, Eta Kappa Nu, and Phi Eta Sigma honor societies. While at Texas A&M, Mr. Kowert received a research grant to develop a photo-assisted electronic probe for semiconducting material. Mr. Kowert received his Master of Science degree from The University of Texas at Austin in 1990 in Electrical and Computer Engineering where he was named a Microelectronics and Computer Development Fellow and performed research in computer architecture, CMOS IC design, and VLSI layout.

Mr. Kowert was employed with Dell Computer Corporation as a design engineer from 1991 to 1993. At Dell, Mr. Kowert designed circuit boards and integrated circuits for high performance server computer systems. From 1993 until joining the firm in 1995, Mr. Kowert was employed as a senior design engineer with National Instruments Corporation where he designed integrated circuits and computer boards. Mr. Kowert passed the United States Patent Bar Exam in 1994 and served as the organizer and chairman of National Instruments' patent committee. Mr. Kowert is the author of technical publications and the inventor on six issued United States Patents. He is also a member of the Institute of Electrical and Electronics Engineers.

Mr. Kowert received his Doctor of Jurisprudence degree with high honors from The University of Texas School of Law in 1997 where he was a member of Chancellors, the Order of the Coif, and the Texas Law Review and received awards for top honors in numerous law courses. Mr. Kowert received the highest score in the state when he took the Texas bar exam.

In his professional career, Mr. Kowert has counseled, prepared non-infringement/invalidity opinions and procured patents worldwide for numerous corporations, including Advanced Micro Devices, Compaq Computer Corp., Sun Microsystems, and National Instruments Corp. Mr. Kowert recently gave a presentation to the Austin Intellectual Property Law Association titled *Impact of Patent Statute and Rule Changes on Prosecution Practice*.

**GREGORY L. MAAG**  
Houston

Gregory L. Maag has specialized in intellectual property litigation and counseling since joining the Firm in 1983. His primary emphasis has been in the litigation of disputes involving patents and trade secrets, as well as trademark infringement matters.

Mr. Maag received a Bachelor of Science degree in Electrical Engineering with honors from the University of Florida in 1978. While an undergraduate, Mr. Maag was selected as a member of two engineering honor societies, Tau Beta Pi and Eta Kappa Nu. Thereafter, he practiced five years as an engineer with Brown & Root, Inc. in Houston, concentrating on the design and installation of electrical distribution and control systems for petro-chemical facilities. Mr. Maag is a Registered Professional Engineer licensed by the State of Texas.

While employed as an engineer, Mr. Maag earned a Doctor of Jurisprudence from the University of Houston Law Center, where he graduated *cum laude* in 1983. Due to academic excellence, Mr. Maag was elected associate editor of the Houston Law Review and was selected as a member of the Order of the Coif and the Order of the Barons.

Due to his previous experience and technical expertise in the area of power systems and controls, Mr. Maag's legal practice has also included drafting and prosecuting to issuance a substantial number of U.S. and foreign patent applications in the electrical arts. He has also prepared and prosecuted numerous patent applications relating to drill bits, oil field tools and systems, as well as materials handling equipment.

Mr. Maag is admitted to practice before the United States Patent & Trademark Office, the U.S. Court of Appeals for the Federal Circuit, the U. S. District Court for the Southern District of Texas, and in Texas State Courts. He is an active member of the American Bar Association, the Houston and American Intellectual Property Law Associations, the Houston Bar Association, the International Trademark Association and the ABA Forum Committee on Franchising.

#### **JEFF A. McDANIEL**

Austin

Jeff A. McDaniel specializes in intellectual property litigation and counseling. His primary emphasis is in copyright and trademark law, particularly the litigation of copyright infringement actions.

Mr. McDaniel received a Bachelor of Science degree in Communications, *cum laude* and with special honors, from the University of Texas in 1983. While an undergraduate, Mr. McDaniel pursued extensive studies in both computer sciences and computer engineering. He was a member of the Alpha Epsilon Rho academic honorary society. Thereafter, Mr. McDaniel earned a Doctor of Jurisprudence degree from Southern Methodist University in 1986. He was a member of the Phi Delta Phi honor society. While at SMU, Mr. McDaniel authored an extensive work on copyright protection of computer software for which he was awarded first prize in the Nathan Burkan Memorial Copyright Competition at SMU sponsored by the American Society of Composers, Authors and Publishers (ASCAP).

A substantial portion of Mr. McDaniel's practice is devoted to the protection, enforcement and licensing of copyrighted works. Mr. McDaniel currently represents ASCAP and its members in copyright infringement cases in Texas. He has worked extensively in anti-piracy enforcement, and as a consequence, has litigated a large number of copyright and trademark infringement actions. The subject matter of those actions has been quite diverse, including computer software, computer databases, musical compositions, flag and windsock designs, jewelry designs, architectural plans, works of visual and fine art, cartoon characters, and books.

Mr. McDaniel is admitted to practice before the United States District Court for the Western and Southern Districts of Texas, and in Texas State Courts. He is an active member of the American Bar Association, and the Austin and American Intellectual Property Law Associations. A regular speaker and author in the copyright field, Mr. McDaniel's publications include "Selected Copyright Law Developments," 3 Tex. Intellectual Property L. J. 57 (Fall 1994); and "Copyright Law 1991: Two Selected Developments," 2 Tex.

Intellectual Property L. J. 44 (Spring 1992). He also authored from 1990 to 1994 a quarterly column entitled "*Recent Developments in Copyright Law*," which appeared in the Patent, Trademark and Copyright Law Journal published by the American Bar Association.

**ERIC B. MEYERTONS**

Austin

Eric B. Meyertons specializes in intellectual property prosecution, litigation, and counseling. His primary emphasis has been in litigation of disputes involving patents, trademarks, and copyrights. He has also devoted a large portion of his practice to patent prosecution and general intellectual property counseling, including counseling related to intellectual property purchases, noninfringement opinions, and invalidity opinions.

Mr. Meyertons received his Bachelor of Science degree in Chemical Engineering with honors from the University of Texas in 1984. While an undergraduate, Mr. Meyertons was selected as a member of the Tau Beta Pi engineering honor society. Thereafter, he practiced three years as a process and plant engineer with Mobil Oil, Inc. in Midland, Texas, concentrating on the design and installation of distribution and control systems for natural gas and oil processing facilities.

While employed as an engineer, Mr. Meyertons earned a Master of Business Administration degree from the University of Texas at the Permian Basin, where he graduated in 1987. Mr. Meyertons received his Doctor of Jurisprudence degree with honors from the University of Texas School of Law in 1989. Mr. Meyertons served as an intern at the Texas Supreme Court under the direction of Justice Jack Hightower.

Mr. Meyertons is admitted to practice before the United States Patent and Trademark Office, the United States District Courts for the Southern and Western District of Texas, the United States Court of Appeals for the Federal Circuit, and Texas State Courts. He is an active member of the American Bar Association, the American Intellectual Property Law Association, the Texas Intellectual Property Law Section, the Austin Intellectual Property Law Association, and the Travis County Bar Association. Mr. Meyertons co-authored "Assignor Estoppel: Infringement, Inequitable Conduct, and Privity in Light of Diamond Scientific and Shamrock Technologies," 72 J.P.O.S. 723 (August, 1990).

**LOUISE K. MILLER**

Austin

Louise K. Miller practices in the Firm's transaction group, specializing in intellectual property licensing, technology transfers, and e-commerce and Internet related agreements.

Ms. Miller graduated from the University of Texas at Austin in 1984 with a Bachelor of Science in Electrical Engineering. During her undergraduate studies, Ms. Miller participated in the co-operative engineering program, working at Rockwell International in Richardson, Texas. After graduation, Ms. Miller gained four years of engineering experience at Advanced Micro Devices, Inc. and the Defense Systems and Electronics Group of Texas Instruments, concentrating on the testing and development of microcontroller and microprocessor semiconductor devices.

She received her Juris Doctor with honors from the University of Texas at Austin in 1992 where, due to academic excellence, she was selected for membership in the Order of the Coif. Ms. Miller returned to Advanced Micro Devices, Inc. as an in-house attorney, where she became senior attorney to its processor groups. While at Advanced Micro Devices, Inc., Ms. Miller handled a variety of intellectual property

matters, including the management of the processor groups' patent and trademark portfolio, drafting and negotiating intellectual property, software, and technology transactions, and counseling in the areas of advertising and sweepstakes, standards-setting organizations, and other high technology related matters.

Ms. Miller leads the transaction group in the Firm's Austin office. She is admitted to practice before the United States Patent and Trademark Office, and is a member of the American Bar Association, Licensing Executive Society, and Austin Intellectual Property Law Association.

**LESLIE V. PAYNE**

Houston

Leslie V. Payne specializes in intellectual property and technology-related litigation.

Mr. Payne received his Doctor of Jurisprudence from The Vanderbilt University School of Law in 1992. Mr. Payne graduated *magna cum laude* from The University of Tennessee (Knoxville) in 1989 with a Bachelor of Science Degree in Electrical Engineering. As an undergraduate, Mr. Payne worked in the Construction Engineering Department as a summer intern for the Oak Ridge National Laboratory in Oak Ridge, Tennessee. During the years he attended law school, Mr. Payne was a summer associate at Conley, Rose & Tayon and at Pravel, Gambrell, Hewitt, Kimball and Krieger in Houston, Texas.

**DAVID A. ROSE**

Houston

David A. Rose practices in all areas of intellectual property law. His practice emphasizes the transfer of intellectual property, the supervision of the registration of intellectual property, and intellectual property litigation.

Mr. Rose graduated from Purdue University in 1967 with a Bachelor of Science degree in Mechanical Engineering. He received his Juris Doctor *cum laude* from Indiana University in 1970 and was a member of the Indiana Law Review and the Order of the Coif.

Mr. Rose's bar and professional organization activities have included many leadership functions including the American Bar Association (Chairman, Committee 104 Patent Contracts 1990-92; Chairman, Committee 107 Government Contracts 1992-94; Chairman, Committee 410 Trade Secrets and Interference with Contracts 1994-96; Chairman, Division IV Related Legal Issues 1996-98, Co-Chairman, Annual Publications 1998-1999; Council member, Intellectual Property Law Section 1999-2003); American Intellectual Property Law Association (Chairman, Inventor Consultation Service Committee 1980-83; Chairman, Publications Committee 1983-85; Chairman, Public Information Committee 1987-89; Delegate to NCIPLA 1990-91; Treasurer 1991-1994; Board of Directors 1990-94); National Council of Patent Law Associations (1986-1991, 1998-2001); National Inventors Hall of Fame Foundation (Director 1989-2001, Treasurer 1990-91, Vice President 1991-92; President 1992-93; Vice-President for Selection, 1995-99); State Bar of Texas (Chairman, Public Information Committee 1982-83; Chairman, By-Laws Committee 1986-87; Board of Directors, Intellectual Property Law Section 1988-90); Houston Intellectual Property Law Association (President 1980-81; Board of Directors and Delegate to NCIPLA 1986-90, 1998-2001); Licensing Executives Society (Chairman, Houston Chapter 1989-90); U.S. Bar/IPO Liaison Council (1990-92); International Association for the Protection of Intellectual Property; Houston Bar Association (Chairman, Unauthorized Practice Committee 1979-81); and Texas Bar Foundation. *Structuring the Franchise*, State Bar of Texas Intellectual Property Law Institute (1987); *Reissue &*

*Reexam Strengthening or Weakening*, American Bar Association Section of Intellectual Property Law, Summer Conference (1998).

**JEFFREY W. TAYON**  
Houston

—Jeffrey W. Tayon has specialized in the trial of intellectual property and technology-related cases since he entered private practice in 1982. He has had extensive appellate practice experience before the United States Court of Appeals for the Federal Circuit.

After graduation in 1978 from the John Marshall Law School, where he received a Juris Doctor *cum laude* and wrote for the Law Review, he served two years as a Patent Examiner at the United States Patent and Trademark Office, specializing in medical instrumentation patents involving the use of endoscopes, light, fiber optics and lasers. He then served two years as a Technical Advisor and Law Clerk to the Honorable Judge Jack R. Miller, who was an Associate Judge at the United States Court of Customs and Patent Appeals (and later the United States Court of Appeals for the Federal Circuit). Before beginning his legal education, Mr. Tayon graduated from the University of Colorado in 1975, with a Bachelor of Science degree in Architectural Engineering specializing in illumination and electrical systems design.

He is admitted to practice before the U.S. Patent and Trademark Office, Texas State Courts, the U.S. District Court for the Southern District of Texas, the U.S. Courts of Appeals for the Federal Circuit, Fifth Circuit, and Eleventh Circuit and the Supreme Court of the United States. He is a member of the state bars of Texas, Illinois and the District of Columbia, all by examination.

Mr. Tayon is an active member of the Houston Intellectual Property Law Association and has held the positions of President (1993-94), President-Elect (1992-1993), Program Director of the Fall Institute (1991), Secretary (1990-91), and Treasurer (1989-90). Mr. Tayon is also an active member of the Federal Circuit Bar Association, the Association of Former Law Clerks and Technical Advisors to the Court of Customs and Patent Appeals and Court of Appeals for the Federal Circuit, the United States Trademark Association, the American Intellectual Property Law Association, and the Society for Intellectual Property Owners.

Mr. Tayon's publications include "*Patent Appeals: When is the Effective Date of the 1982 Act?*," 66 J. PAT. & TR. OFF. SOC'Y 316 (1984); "*The Federal Transfer Statute: 28 U.S.C. § 1631*," 29 S. TEX. L. REV. 189 (1987); "*Patent Infringement: Officers and Directors Beware of Personal Liability*," 1 FED. CIR. BAR J. 23 (1991); "*What is the Right of Publicity?*," 12 LICENSING L. J. 3 (1992); and "*Covenants Not to Compete in Texas: Shifting Sands from Hill to Light*," 3 TEX. INTELL. PROP. L.J. 143 (1995). Mr. Tayon's paper entitled "*Covenants Not to Compete: New Legislation for Texans*," presented at the 1990 Spring Institute of the Intellectual Property Law Section of the State Bar of Texas was selected by the College of the State Bar as one of twenty outstanding articles of 1990 and given an Award of Special Merit. Mr. Tayon's paper entitled "*Ethics in Intellectual Property Discovery: Contacting Current and Former Employees of an Adversary, and Current and Former Examiners at the Patent Office*" presented at the July 1997 State Bar Advanced Intellectual Property Law Course was republished in December 1997 as one of the first papers available for CLE credit through the State Bar's "Online Classroom" on the State Bar Website.

**MARCELLA D. WATKINS**  
Houston

Ms. Watkins received her Doctor of Jurisprudence degree from the University of Texas Law School in 1991. She graduated from Rice University in 1985 with a Bachelor of Science Degree in Chemical Engineering and

was the recipient of an Oshman Scholarship for Women in Engineering. She worked in the manufacturing division of the Proctor and Gamble Company for two years before attending law school.

Ms. Watkins specializes in patent prosecution in the chemical, mechanical and electro-mechanical arts, trademark protection, and licensing and litigation of intellectual property rights. Ms. Watkins is admitted to practice before the U.S. Patent and Trademark Office and the Texas State Courts. She is a member of the American Bar Association and the American Intellectual Property Law Association and is active in the Houston Intellectual Property Law Association. Her publications include "*Recent Developments in Trademark Law*", 3 TEX. INTELL. PROP. L.J. 303 (1995).

## COUNSEL

### RODNEY B. CARROLL

Dallas

—Rodney Carroll practices in all areas of intellectual property, including patent and trade secret litigation, U.S. and foreign patent preparation and prosecution, and business transactions such as technology transfers and licensing, merger and acquisition due diligence, and research & development agreements. His experience spans such diverse arts as petroleum exploration and refining; organic and polymer compositions and processing, including pharmaceuticals and cosmetics; mechanical devices, including medical devices and lasers; telecommunications electronics; and computer software, frameworks and methods, including object technology.

Prior to joining the Firm, Mr. Carroll served as in-house patent counsel for Conoco, Inc. and its former parent company, DuPont as well as Atlantic Richfield Company. Mr. Carroll was also a litigation associate for the firm of Morris, Nichols, Arsht & Tunnell in Wilmington, DE.

Mr. Carroll attended the University of Texas School of Law in Austin. He received his J.D. with honors in 1994 and was a member of the Order of the Coif, a staff member on *The Review of Litigation*, and a legal research and writing instructor. In 1990, Mr. Carroll received his B.S. in chemical engineering, *cum laude*, from the University of Arkansas in Fayetteville.

Mr. Carroll is a member of the Texas and Delaware bars and is admitted to practice before the U.S. Patent and Trademark Office and the U.S. District Court of Delaware. He is a member of the American Intellectual Property Law Association and is a tribal member of the Cherokee Nation of Oklahoma.

### KRISTIN JORDAN HARKINS

Dallas

Kristin Jordan Harkins has substantial experience in patent, trademark and copyright preparation and prosecution, and business transactions, including licensing, technology transfers, merger and acquisition due diligence, uses of intellectual property on the internet, opinion work, and other intellectual property transactional work. Ms. Harkins also has significant experience in patent and trademark infringement litigation, as well as trademark proceedings before the U.S. Patent and Trademark Office. Her expertise is in the mechanical, chemical and electro-mechanical arts.

Ms. Harkins' primary focus is counseling clients in identifying, developing, protecting, and defending their patents, trademarks and copyrights, including maximizing the value of the clients' intellectual property portfolio.

Upon earning her Bachelor of Science degree in Mechanical Engineering with High Honors from the University of Texas at Austin in December 1983, Ms. Harkins worked at Exxon Company, U.S.A. for over five years as a production and reservoir engineer for several oil and gas fields in East Texas and Oklahoma. Her responsibilities included designing new well completions and workovers of existing wells, production equipment design and installation and economic and reservoir evaluation, with a particular emphasis on secondary recovery waterfloods. While at Exxon, Ms. Harkins earned a Masters in Business Administration from the University of Houston in May 1988.

Ms. Harkins attended the University of Texas at Austin School of Law and received her J.D. with Honors in May 1993. She is a member of the State Bar of Texas and is registered to practice before the U.S. Patent and Trademark Office. Ms. Harkins is licensed to practice before the U.S. Courts of Appeals for the Federal Circuit and the Fifth Circuit and the U.S. District Court for the Northern District of Texas. Ms. Harkins is a Registered Professional Engineer in the State of Texas.

**ALBERT C. METRAILER**

Dallas

Al Metrailer retired as chief patent counsel for Atlantic Richfield Company at the completion of its merger with BP Amoco. During his twenty years of work at ARCO, he practiced in all areas of intellectual property. His work involved numerous technologies including oil and gas exploration and logging technologies, photovoltaic solar cell technology, plant cell research and conventional plant breeding technology. He was responsible for a variety of transactional work, including confidentiality agreements, software licenses, consulting agreements, joint research agreements, government contracts, joint ventures in Japan and Germany, and contracts for an interactive training program production and licensing business. Mr. Metrailer handled the IP provisions of a number of acquisitions and divestitures by both stock sale and asset sale, including the FTC consent decree for the BP Amoco merger and the FTC ordered sale of ARCO's Alaska assets to Phillips Petroleum Company.

Mr. Metrailer earned his Bachelor of Science Degree in Electrical Engineering with honors from the University of Notre Dame in 1967. He received a fellowship from Rice University and spent one year in the masters program there. Mr. Metrailer worked as an electronics engineer at Texas Instruments for five years developing microcircuits for night vision systems and for guidance systems for laser and radar guided weapons. He attended Southern Methodist University Law School and received his J.D. degree in 1975. Mr. Metrailer is a member of the state bars of Texas and Oklahoma and is registered to practice before the U.S. Patent and Trademark office.

**MICHAEL W. PIPER**

Dallas

Michael Piper practices in all areas of intellectual property law. Mr. Piper has dealt extensively with the preparation and prosecution of U.S. and foreign patent applications, the preparation of legal opinions, and the litigation of patents, with particular emphasis on litigation and applications relating to chemical processes and products, computer and electronic components, and mechanical technology, among others. Mr. Piper has also had significant experience in trademarks, trade secrets, and copyrights including litigation, registration, prosecution and counseling. A primary focus of Mr. Piper's in-house experience was the evaluation and negotiation of various IP agreements, including software and patent licenses, and key IP provisions in other agreements, including merger and sale agreements both by asset transfer and sale of stock.

Prior to joining the firm Mr. Piper had previously enjoyed working in a variety of Intellectual Property practices, from a small to a large firm in private practice to time spent as an in-house IP counsel with ARCO. Mr. Piper has co-authored several papers including "Contracting with Corporate Inventors & Key Personnel" and has been a lecturer and served as coordinator and moderator for a variety of continuing legal education programs.

Mr. Piper attended Texas A&M University where he received his B.S. in mechanical engineering, with University Honors in 1991. He received his J.D. *with honors* in 1994 from the University of Texas

School of Law. While at the University of Texas, Mr. Piper was one of the founding members of the Texas Intellectual Property Law Journal and served as its Technical Editor. Mr. Piper also served as an intern to Justice Craig Enoch of the Texas Supreme Court during his time in Austin.

Mr. Piper is a member of the Texas bar and is admitted to practice before the U.S. Court of Appeals for the Federal Circuit and U.S. District Court, Northern, Southern and Eastern Districts of Texas and is registered to practice before the U.S. Patent and Trademark Office. Mr. Piper is also a member of the Texas State Bar College.

### **GENE C. VALLOW**

Dallas

Gene C. Vallow practices in all areas of intellectual property law including litigation, prosecution, and business transactions. Mr. Vallow particularly enjoys partnering with clients to maximize the value of their intellectual property through the strategic procurement, enforcement and sharing of intellectual property rights.

Mr. Vallow is a 1989 honors graduate from Georgia Tech with a Bachelor of Science degree in Electrical Engineering. During his undergraduate studies, Mr. Vallow worked with General Motors and Cross Systems, Inc., a subsidiary of American Electronics Laboratories, Inc. Upon graduation from Georgia Tech, Mr. Vallow worked for 2 years with GMFanuc Robotics as a Systems Engineer. In 1994, Mr. Vallow graduated with honors from the University of Texas School of Law. As a result of his writing ability and academic achievements during law school, Mr. Vallow was a member of the Texas Review of Litigation as well as the Updates Editor for the Texas Intellectual Property Law Journal.

Mr. Vallow's legal experience includes significant technology related litigation in products liability, unfair competition, patent and trademark matters. He has also prepared and prosecuted numerous patent and trademark applications in the U.S. and foreign countries. Mr. Vallow's patent prosecution work has included electrical and mechanical technologies including telecommunications systems, hardware and software for micropocessor-based computer systems, thermo conductive apparatus for heat dissipation, power control systems and pneumatic-controlled mechanical systems.

Mr. Vallow is admitted to practice before the United States Patent and Trademark Office, the U.S. Court of Appeals for the Federal Circuit, the U.S. District Courts for the Northern, Eastern, and Southern Districts of Texas, and in Texas State Courts. He is an active member in the Intellectual Property Section of the American Bar Association, the Dallas Bar Association, the Dallas Fort Worth Intellectual Property Law Association and the American Intellectual Property Law Association.

**OF COUNSEL**

**ELIZABETH W. KING**

Houston

Ms. King's practice focuses on all phases of trademark law, including conflicting mark searches, prosecution, oppositions, infringement, and related litigation.

Ms. King received her B.A. from the University of Texas at Austin in 1990 and her Juris Doctorate degree from South Texas College of Law in 1993. Ms. King is admitted to the State Bar of Texas.

Prior to joining Conley, Rose & Tayon, Ms. King served as an Attorney Advisor, and Examining Attorney at the U.S. Patent and Trademark Office in Washington D.C. At the USPTO Ms. King was responsible for substantive statutory examination of trademark applications and determination of federal registerability of proposed marks. She wrote several appeal briefs on behalf of USPTO to the Trademark Trial and Appeal Board and represented USPTO in hearings before the Trademark Trial and Appeal Board. She has been affirmed on all appeals by the TTAB to date and has extensive familiarity with foreign filing requirements, as well as goods and services in technology fields.

## ASSOCIATES

### ALI AKHTAR

Austin

Ali Akhtar practices in the field of intellectual property litigation, primarily in trade secrets, with some experience in patents. He also handles trademark prosecution matters, and has done substantial international copyright law and treaty research.

Mr. Akhtar graduated from the University of Miami with a Bachelor of Science, *cum laude*, in Mathematics, in December of 1995. He was a member of Pi Mu Epsilon and the Golden Key National Honors Society. He then attended the University of Michigan Law School and received his Juris Doctor degree in May of 1999. He was chairperson of the copyright and trademark committee in the Intellectual Property Law Students Association, an Associate Editor of the *University of Michigan Journal of Law Reform*, and a student-attorney for the Child Advocacy Law Clinic.

Prior to joining Conley, Rose & Tayon, he was a summer associate at the law firm of Haynes & Boone, where he worked on projects including semiconductor mapping patents, technology cross-licensing agreements, and copyright, trademark, and unfair competition disputes relating to Internet web site design. Mr. Akhtar is a member of the State Bar of Texas.

### SHANNON W. BATES

Houston

Shannon Bates received a Bachelor of Mechanical Engineering degree with high honors from the Georgia Institute of Technology in 1990. While an undergraduate, she was selected for membership in Omicron Delta Kappa Leadership Honorary, Tau Beta Pi Engineering Honor Society, and Pi Tau Sigma Mechanical Engineering Honor Society.

Thereafter, Ms. Bates worked for eight years as a design, construction and operations engineer for Exxon Pipeline Company where she was responsible for the design and construction of several new and upgraded liquid pipeline systems.

While employed as an engineer, Ms. Bates earned a Doctor of Jurisprudence degree from the University of Houston Law Center, where she graduated *cum laude* in May, 2000. While in law school, Ms. Bates was elected Senior Articles Editor of the Houston Journal of International Law and was selected for membership in the Order of the Coif and the Order of the Barons due to her academic achievements.

Ms. Bates is admitted to practice before the United States Patent and Trademark Office, and in Texas State Courts. She is a member of the Houston Intellectual Property Law Association and the Houston Young Lawyer's Association.

### RYAN BEARD

Austin

Ryan Beard attended Texas Tech University, where he graduated *cum laude* with a Bachelor of Science in Mechanical Engineering in May 1996. While an undergraduate, Mr. Beard was President of Texas Tech's

Tau Beta Pi Chapter, a member of Pi Tau Sigma, and the regional winner of the 1996 ASME Old Guard Oral Technical Presentation.

Mr. Beard attended Texas Tech University School of Law, from which he earned a Doctor of Jurisprudence degree in May 1999. While in law school, Mr. Beard served as an Articles Editor on the Texas Tech University Law Review and authored a comment entitled, "Reciprocity and Comity: Politically Manipulative Tools for Protection of Intellectual Property Rights in the Global Economy," 30 TEXAS TECH L. REV. 155 (1999). Mr. Beard's comment was entered by the Texas Tech School of Law into the Scribes Notes and Comments Competition.

During his professional career, Mr. Beard has negotiated and prepared contractual agreements for numerous Internet and technology companies covering such topics as software and content licenses, equipment purchases and leases, website hosting, trademark assignments and licenses, website use terms, clickwraps, co-branding, escrows, and electronic data interchange. Mr. Beard has also participated in various intellectual property and technology related litigation matters. Mr. Beard is a resident in the Firm's Austin office and is an active member of the American Bar Association, the Travis County Bar Association, and the Austin Young Lawyers' Association.

**ADAM A. BERRY**

Austin

Adam A. Berry received his Bachelor of Science Degree in Computer Information Systems from Indiana University at Bloomington in 1995. He graduated from the Southern Methodist University School of Law with a *Juris Doctor* in May of 1998. While attending law school, Mr. Berry was inducted as a member of the Phi Alpha Delta legal fraternity and was sponsored by the J. Cleo Thompson, Will T. Henry, and Nancy L. Benoit scholarships. After law school, he served as a Contract/Program Manager for Andersen Consulting, working within their Technology Services Group. Mr. Berry has been licensed to practice before the Texas State Courts since November of 1998 and is a current member of the Texas Bar Association and American Bar Association. He is resident in the Firm's Austin office.

**BRENNA BROCK**

Austin

Brenna Brock specializes in electronics patent prosecution. Ms. Brock received her Bachelor of Science degree in Electrical Engineering in 1997 from the University of Texas at Austin. While an undergraduate, she specialized in computer engineering and served as an officer in the electrical engineering honor society, Eta Kappa Nu. Ms. Brock was awarded a Doctor of Jurisprudence degree with honors from The University of Texas at Austin School of Law in May 2000. During law school, she was a staff member of The Texas Forum on Civil Liberties and Civil Rights law journal. Ms. Brock is licensed to practice before the Texas State Courts.

**RUSSELL A. CHORUSH**

Houston

Russell A. Chorush received his Bachelor of Science degree in chemistry *with honors* from the University of Texas at Austin, his Masters and Ph.D. in chemistry from Cornell University, and his Doctor of Jurisprudence *summa cum laude* from the University of Houston Law Center. Dr. Chorush specializes primarily in patent prosecution and litigation in the Firm's Houston office.

While an undergraduate, Dr. Chorush received the National Merit Scholarship and Welch Scholarship in Chemistry. As a graduate student at Cornell University, he was awarded fellowships from the United States Department of Education, Eastman Kodak Company, and ICI, Inc. As a law student at the University of Houston Law Center, Dr. Chorush received numerous awards including the national Burton Award for Legal Achievement, the Dean's Scholarship, the Suzanne White Booker Student Scholarship, the Baker Botts Award, the Locke Liddell & Sapp Intellectual Property and Technology Scholarship, the H Hutcheson & Grundy Scholarship, the Joan Garfinkel Glantz Prize, the Griggs & Harrison Award, the John M. O'Quinn Award, and LEX Awards for the top score in his section in Civil Procedure, Torts I, Torts II, Contracts II and Property II. In addition, Dr. Chorush was named an Everyday Hero by the American Red Cross.

Prior to enrolling in law school, Dr. Chorush was employed by Texas Instruments, Inc. and Air Liquide Electronics as a manager in a research and development laboratory. Dr. Chorush is a named inventor on three United States patents, all of which are assigned to Texas Instruments, Inc. In addition, Dr. Chorush is an author of six published articles in peer-reviewed journals including the Journal of the American Chemical Society, Analytical Chemistry and the Journal of Mass Spectrometry.

#### **ROBERT M. GRAY**

Houston

Mr. Gray specializes in patent litigation and patent prosecution for a broad array of technologies. He is admitted to practice before the U.S. Patent and Trademark Office, the United States District Court for the Southern District of Texas, the U.S. Court of Appeals for the Federal Circuit and the Texas State Courts.

Prior to his legal career, Mr. Gray was awarded a Bachelor's degree in Electrical Engineering from the University of Michigan. Mr. Gray thereafter worked as a patent examiner at the U.S. Patent and Trademark Office in the electrical arts and received his law degree from the University of Texas in 1996.

#### **JONATHAN M. HARRIS**

Houston

Jonathan M. Harris specializes in litigation and patent prosecution in the electronic and computer-related arts. He also has extensive experience in trademark law.

Mr. Harris received a Bachelor of Science degree in electrical engineering from the University of Texas in 1986 and Masters degrees in electrical engineering and business administration from the University of Houston. As an undergraduate, Mr. Harris was elected to the electrical engineering honor society, Eta Kappa Nu.

During an extensive engineering career, Mr. Harris attained in depth technical expertise in multiple disciplines including aerospace and biomedical applications. As an engineer with E-Systems, Mr. Harris designed microprocessor-based avionics for the Department of Defense. Subsequently, as a senior engineer for McDonnell Douglas, Mr. Harris developed software and biomedical and exercise equipment for NASA's Space Station program. Further, he developed a coronary care unit bedside computer system to examine heart rate variability as a predictor of cardiac dysfunction for Texas Children's Hospital and the Texas Heart

Institute. Mr. Harris also has made presentations at scientific and technical conferences on motion perception using neural networks and bioimpedance analysis in humans for determining body composition.

While working for the Firm, Mr. Harris earned a Doctor of Jurisprudence degree from the South Texas College of Law. Due to academic excellence, Mr. Harris was elected Note and Comment Editor of the South Texas Law Review.

—Drawing from his high tech technical expertise, Mr. Harris' legal practice has focused on drafting and prosecuting patent applications in the electrical arts. He has prepared and prosecuted a substantial number of patent applications relating to computers, computer related products, audio and video devices, medical equipment, and seismic equipment and processes. He is admitted to practice before the United States Patent and Trademark office, the United States District Courts for the Southern District of Texas, and the United States Court of Appeals for the Federal Circuit and is an active member in numerous intellectual property related organizations.

### **ROBERT P. HOUGH**

Austin

Robert P. Hough graduated *summa cum laude* from Trinity University in 1995 with a Bachelor of Science degree in Computer Science. As an undergraduate, he was elected to Phi Beta Kappa and the computer science honor society Upsilon Pi Epsilon. Mr. Hough graduated with the highest grade point average in his class, was awarded one of ten scholarships granted nationwide by Upsilon Pi Epsilon for excellence in computer science research, and received the 1995 Charles Babbage award from Trinity University's computer science department. During his summers while an undergraduate, Mr. Hough was a computer programmer for the Cardiac Imaging Center at the Arkansas Children's Hospital. He received his Doctor of Jurisprudence degree in 1998 from Washington and Lee School of Law, where he was supported by an Honor Scholarship. Mr. Hough is licensed to practice before the Texas State Courts.

### **ROBERT C. JAHNKE**

Austin

Robert C. Jahnke practices in the Firm's transaction group, specializing in intellectual property licensing and consulting. He is experienced in negotiating and drafting a wide range of technology and business agreements for clients in the high technology and Internet arenas. Mr. Jahnke also counsels clients on the development and protection of intellectual property and advises them in conducting intellectual property audits and due diligence work in connection with technology acquisitions. Mr. Jahnke is resident in the Firm's Austin office.

Mr. Jahnke received a Bachelor of Arts degree in Physics from the University of Illinois at Chicago in 1991 and a Master of Arts degree in Physics from the University of Texas at Austin in 1995. During his graduate studies at the University of Texas, Mr. Jahnke was supported by a U.S. Department of Education fellowship. His graduate work focused on condensed matter physics and quantum chaos. His thesis, entitled "Fractional Wannier-Stark Ladders," described his studies of semiconductor superlattices in AC-DC electric fields. Mr. Jahnke is a member of the Sigma Pi Sigma physics honor society and has published papers in *Physical Review Letters* and *Physics Letters A*.

Mr. Jahnke was conferred the Doctor of Jurisprudence degree with honors from the University of Texas Law School in May 1998. Mr. Jahnke is licensed to practice before the Texas State Courts and is admitted to practice before the United States Patent and Trademark Office.

## JEFFREY L. JOHNSON

Houston

Jeffrey L. Johnson received a Bachelor of Science in Chemistry from East Texas Baptist University in 1991 and a Ph.D. in Organic Chemistry/Mechanical Engineering in 1995 from Texas A&M University.

Dr. Johnson's research focus was in materials science, specifically electrical conducting organic polymers. Dr. Johnson worked three years at Lynntech, Inc, a firm specializing in innovative research. Dr. Johnson's research areas from 1989 to 1996 included: various aspects of organic chemistry, polymer chemistry (synthesis, characterization and testing), electrochemistry, ozone generation, environmental remediation of soil and water using ozone and electrical field technology and various biotechnology areas. Dr. Johnson co-authored numerous published technical reports to the funding agencies including: Department of Defense, NASA, NIH, NSF and EPA.

Dr. Johnson received his Doctor of Jurisprudence from University of Houston, where he graduated *cum laude* in December, 2000. While in law school Dr. Johnson served as the Publications Editor for the *Houston Journal of International Law*. Dr. Johnson was a judicial intern for U.S. District Judge Lynn N. Hughes in the Southern District of Texas.

Dr. Johnson is an associate in the Houston office where he specializes in intellectual property with an emphasis on patent litigation and infringement opinions in the chemical arts. Dr. Johnson also handles chemical and mechanical prosecution, and validity and patentability opinions. Dr. Johnson is a Research Adjunct Professor of Law at the University of Houston Law Center. Dr. Johnson is the Editor in Chief of *patstats.org*, an ongoing issue oriented publication that reviews all of the published patent law decisions from the Federal Circuit and federal district courts. Dr. Johnson is also an active member of the American Bar Association, Houston Bar Association, Houston Intellectual Property Law Association, Houston Young Lawyers Association and the American Intellectual Property Lawyers Association

## MARK LUPKOWSKI

Austin

Mark Lupkowski earned a Bachelor of Science in chemical engineering from Cornell University in 1984. In 1988 he received a Ph.D. in chemical engineering from the University of Massachusetts at Amherst. In his graduate work, Mr. Lupkowski developed theories based on statistical mechanics to study polar molecular fluids. He applied these models to study thermodynamics and phase equilibria.

Mr. Lupkowski obtained a law degree from the University of Texas at Austin in 1999. He also holds an M.B.A. from Our Lady of the Lake University in San Antonio, Texas.

Following his Ph.D., Mr. Lupkowski served as a postdoctoral research associate at the University of Illinois, where he applied molecular dynamics and Monte Carlo simulations to studies of thermodynamics, phase equilibria, and surface science. Mr. Lupkowski then worked at Southwest Research Institute in San Antonio, Texas where his research activities involved application of molecular simulation techniques to several areas including adhesion, nuclear waste disposal, adsorption in zeolites, and biomedical implants. Mr. Lupkowski is resident in the Firm's Austin office.

**IVAN J. MLACHAK**

Houston

Ivan J. Mlachak specializes in technical litigation. He is a Registered Patent Attorney at the Firm's Houston office.

Mr. Mlachak completed his undergraduate education at the University of Notre Dame in 1985 and received both a Bachelor of Science in Chemical Engineering and a Bachelor of Arts in English. He then worked in the chemical industry for Vista Chemical Co. (formerly the chemical division of Conoco) in both their domestic and international marketing departments. Mr. Mlachak is fluent in Spanish. Thereafter Mr. Mlachak received his *Juris Doctor* from the University of Texas at Austin in 1990.

Prior to joining Conley, Rose & Tayon, Mr. Mlachak practiced in the field of technical litigation with the Houston firms of Vinson & Elkins and Feldman & Associates where Mr. Mlachak completed first chair trials in both state and federal courts.

Mr. Mlachak is admitted to practice before the Texas State Courts as well as the United States District Courts for the Southern, Eastern, Northern, and Western Districts of Texas. Mr. Mlachak is also admitted to practice before the Court of Appeals for the Federal Circuit as well as the Fifth Circuit Court of Appeals. Mr. Mlachak is a member of the Houston Intellectual Property Law Association.

**JONATHAN M. PIERCE**

Houston

Jonathan Pierce received his Bachelor of Science degree in Aerospace Engineering from Boston University in 1992 and his Juris Doctorate degree from Louisiana State University in 1996. While at LSU, Mr. Pierce was a member of the National Moot Court Team (1995) and a member of the Appellate Advocacy Board (1995-96).

Mr. Pierce specializes in patent and trademark law. His patent practice focuses on infringement litigation, mechanical patent prosecution (both domestic and foreign), infringement opinions, and patentability opinions, while his trademark practice focuses on selection and use counseling, registrability opinions, domestic and foreign prosecution, *inter partes* proceedings, and infringement litigation.

Mr. Pierce is admitted to practice before the United States Patent and Trademark Office. Mr. Pierce is a member of the Texas State Bar and the Louisiana State Bar.

**DAVID W. QUIMBY**

Austin

David Quimby received a Bachelor of Science Degree in Chemical Engineering from the University of Texas in 1986. He earned his Doctor of Jurisprudence degree, with honors, from Texas Tech School of Law in December 1994. Mr. Quimby is admitted to the State Bar of Texas and is registered to practice before the United States Patent and Trademark Office.

## **RORY RANKIN**

Austin

Rory D. Rankin received his Bachelor of Science degree in Computer Science, with Honors, from the University of Texas at El Paso in 1989. As an undergraduate, Mr. Rankin served as president of Upsilon Pi Epsilon Computer Science Honor Society and Vice President of the Student Chapter of the Association for Computing Machinery. In addition, Mr. Rankin was a member of a number of honor societies, including Phi Kappa Phi, Alpha Chi, and the Mortar Board Leadership/Scholarship Honor Society.

Mr. Rankin received his Doctor of Jurisprudence degree from The University of Texas School of Law in 1992. In 1996, Mr. Rankin earned his Master of Science degree in Electrical and Computer Engineering from the University of Texas at Austin.

In 1994, Mr. Rankin was employed by IBM where he worked in the Personal Systems Division. From 1996 to 1999, he worked at the Somerset Design Center for Motorola in Austin, Texas, where he worked on chip set and integrated processor development. Mr. Rankin is admitted to practice before the Texas State Courts.

## **COLLIN A. ROSE**

Houston

Collin A. Rose graduated from Purdue University in 1996 with a Bachelor of Science degree in Mechanical Engineering. He received his Juris Doctor from the University of Houston Law Center 1999. Mr. Rose is admitted to the State Bar of Texas and the Southern District of Texas. Mr. Rose is also registered to practice before the United States Patent and Trademark Office.

Mr. Rose's experience includes patent, trademark, trade secret, and other intellectual property litigation. Mr. Rose counsels clients regarding both patents and trademarks, as well as other intellectual property matters. Mr. Rose also handles various patent and trademark prosecution and counseling matters in a wide range of technologies including oilfield-related equipment, downhole tools, and ultrasonic transducer technology.

Mr. Rose is an active member of the Houston Young Lawyers Association, Houston Intellectual Property Lawyers Association, and the American Intellectual Property Lawyers Association.

## **MARK E. SCOTT**

Houston

Mark E. Scott graduated *summa cum laude* from Texas Tech University School of Law with his Doctor of Jurisprudence degree in 1999 (*Order of the Coif, Phi Delta Phi, Phi Kappa Phi*). Mr. Scott was a registered Patent Agent prior to obtaining his law degree, and worked in that capacity during law school. Mr. Scott received his Bachelor of Science in Electrical Engineering from Texas Tech University in 1991 while working full time for Texas Instruments' Metal Oxide Semiconductor division, gaining extensive experience with plasma etching equipment. Mr. Scott is admitted to practice before the United States Patent and Trademark office, the United States District Courts for the Southern District of Texas, and all Texas State Courts.

Mr. Scott specializes in complex patent prosecution and related litigation. In particular, Mr. Scott has significant experience in the electronic and computer-related arts, including computer software, computer

hardware, and microprocessor design and operation. Mr. Scott also assists the firm's oil field service company clients in litigation matters and prosecution of United States and foreign patents for downhole technologies such as mud pulse telemetry, acoustic logging tools, hydraulic permeability testers and electromagnetic resistivity tools. Further, Mr. Scott counsels clients in all aspects of intellectual property law including trademarks, copyrights, trade secrets and foreign patent matters.

**DOUGLAS M. SHAMAH**

Austin

Douglas M. Shamah received a Bachelor of Science degree in Mechanical Engineering from the University of Arizona in 1994. After graduation, Mr. Shamah worked for Quasar Engineering in Phoenix, Arizona for two years. There, he designed heating, ventilation, and air conditioning systems for advanced technology facilities, including those of Intel and Motorola.

In 1999, Mr. Shamah earned his Doctor of Jurisprudence from Arizona State University College of Law. While attending law school he was a Pedrick Scholar and was an intern for the United States Attorney's Office for the District of Arizona.

Mr. Shamah is a member of the State Bar of Texas and State Bar of Arizona. He is admitted to practice before the United States Patent and Trademark Office.

**THERESA TAKEUCHI**

Austin

Theresa Takeuchi received her Bachelor of Science in Biochemistry in 1996 from the University of Texas. As an undergraduate, she was a research assistant for the Medicinal Chemistry Division of the College of Pharmacy at the University of Texas. Among other scholarships, she received the American Chemical Society Student Affiliate Scholarship, Shell Scholarship, and DuPont Endowment Scholarship.

Ms. Takeuchi earned her Doctor of Jurisprudence degree from the University of Texas School of Law in May of 1999. While attending law school, she received the Dean's Achievement Award in Patents and Trade Secrets for earning the highest grade in that class. She was a legal intern for Conley, Rose & Tayon for a year prior to joining the firm. Also, she was the recipient of the R. Kinnan Golemon Endowed Presidential Scholarship and the Ralph W. Yaborough Endowed Presidential Scholarship.

Theresa Takeuchi received her Bachelor of Science in Biochemistry in 1996 from the University of Texas. As an undergraduate, she was a research assistant for the Medicinal Chemistry Division of the College of Pharmacy at the University of Texas. Among other scholarships, she received the American Chemical Society Student Affiliate Scholarship, Shell Scholarship, and DuPont Endowment Scholarship.

Ms. Takeuchi earned her Doctor of Jurisprudence degree from the University of Texas School of Law in May of 1999. While attending law school, she received the Dean's Achievement Award in Patents and Trade Secrets for earning the highest grade in that class. She was a legal intern for Conley, Rose & Tayon for a year prior to joining the firm. Also, she was the recipient of the R. Kinnan Golemon Endowed Presidential Scholarship and the Ralph W. Yaborough Endowed Presidential Scholarship.

Ms. Takeuchi is admitted to the State Bar of Texas and is registered to practice before the United States Patent and Trademark Office

## CHARLES A. THOMASIAN

Houston

Charles A. Thomasian graduated *summa cum laude* from the University of Houston in 1988 with a Bachelor of Science degree in Computer Science. Thereafter, Mr. Thomasian worked for Exxon Company, U.S.A in Houston as a software engineer for seven years specializing in object-oriented systems design and development, mainframe network connectivity, and project leadership. While employed as a Senior Software Engineer for Exxon, Mr. Thomasian earned his Doctor of Jurisprudence degree from University of Houston Law Center in 1996.

Mr. Thomasian was Editor-in-Chief of the Intellectual Property Law Review Article Digest (Volume 28, 1996). Mr. Thomasian was elected President of the Intellectual Property Student Organization and in 1997 the Intellectual Property Law Institute awarded Mr. Thomasian the 1997 Carothers Prize award in recognition of his contributions as a graduating student who has done the most to advance the study of intellectual property. Mr. Thomasian was captain of the law school negotiation team, member of the mock trial team for national and regional competitions, and in 1996 won first place in the Judge Frank G. Evans national mediation competition championship. Mr. Thomasian also served as Honor Court Justice for two years.

While an undergraduate, Mr. Thomasian was recognized for his academic excellence and awarded the Jesse H. Jones and Red Rose Scholar awards. Mr. Thomasian received the Student Government Outstanding Leadership Award in 1986 for his active role as a student leader in numerous capacities such as President of the Graduating Senior Class Council, Treasurer of the Student Government Association, and student body representative on the Academic Honesty and Policy Committees.

## CHRIS D. THOMPSON

Austin

Chris D. Thompson specializes in the areas of licensing and intellectual property counseling.

Mr. Thompson received a Bachelor of Science in Mechanical Engineering from the University of Nebraska at Lincoln in 1986. While an undergraduate, he was selected for membership in Tau Beta Pi Engineering Honor Society and Pi Tau Sigma Mechanical Engineering Honorary Fraternity. After graduation, Mr. Thompson worked for six years as a design engineer for The Boeing Company and Astro International Corporation.

Mr. Thompson received a Doctor of Jurisprudence degree from the University of Texas School of Law in 1996. While in law school, Mr. Thompson served as Articles Editor of the Texas Intellectual Property Law Journal. Prior to joining the firm, Mr. Thompson served as in-house counsel for Cooperative Computing, Inc., specializing in software licensing and trademark counseling.

Mr. Thompson is admitted to the State Bar of Texas and is registered to practice before the United States Patent and Trademark Office.

**JEREMY P. WELCH**  
Houston

Jeremy P. Welch received a Bachelor of Arts in Chemical Engineering with a double major in Economics from Rice University in 1996. He received his Doctor of Jurisprudence from the University of Houston Law Center in May 2000, *cum laude*, and was selected for membership in the Order of the Barons honor society.

Mr. Welch received several scholarships as an undergraduate, including the Dow Chemical Outstanding Technical Student Scholarship. He was in the top twenty percent of his law school class and the recipient of a Dean's Scholarship.

Mr. Welch specializes in litigation and patent prosecution in the chemical, chemical engineering, and mechanical arts.

**TIMOTHY S. WESTBY**  
Houston

Timothy S. Westby specializes in patent prosecution and litigation, particularly in the chemical arts.

Dr. Westby received his Bachelor of Science degree in Chemical Engineering from the Massachusetts Institute of Technology and his Ph.D. in Chemical Engineering from the University of Texas. While an undergraduate he worked as a researcher at M.I.T. Energy Laboratory. Dr. Westby has worked as a research engineer at the Shell Development Company. Dr. Westby obtained his Doctor of Jurisprudence degree from the University of Houston Law Center in June 1994.

Dr. Westby's research areas included: gas-solid reactions, process economic modeling, environmental risk analyses, and high-temperature inorganic melt chemistry. While at Shell Development Co., Dr. Westby published more than 50 peer-reviewed technical reports and is a co-inventor on U.S. Patent Nos. 4,793,656 and 5,364,421, and co-authored a paper in *J. Inst. Fuel* (1990). Another of Dr. Westby's inventions is the subject of a pending United States patent application.

Dr. Westby is admitted to practice before the United States District Court for the Southern District of Texas and the Texas State Courts. Dr. Westby continues to maintain numerous engineering professional society affiliations and is a member of the American Bar Association (Intellectual Property Division), the Houston Bar Association and the Houston Intellectual Property Law Association.

## PATENT AGENTS AND TECHNICAL ADVISORS

### ANDREW ARANDA

Houston

Andrew Aranda specializes in electronics, digital signal processing, and computer-related technology. He also possesses a breadth of mechanical design and optics experience. He serves as a Technical Advisor in the Firm's Houston office.

Mr. Aranda earned his Bachelor of Science degree in Mechanical Engineering from The University of Texas in 1992. After earning his Baccalaureate degree, Mr. Aranda accepted a position with Texas Instruments and worked as a mechanical design engineer in the company's Electronic Systems Group (later acquired by Raytheon). While working for Raytheon, Mr. Aranda successfully completed his Master of Science degree in Electrical Engineering from Southern Methodist University in 1998.

Prior to joining the Firm, Mr. Aranda worked in the design and development of infrared imaging and laser designation systems. Mr. Aranda also worked as a systems engineer developing signal processing algorithms for missile guidance systems.

Mr. Aranda is currently pursuing a Doctor of Jurisprudence degree from the University of Houston and is certified as an Engineer In Training by the Texas State Board of Registration for Professional Engineers.

### SARAH S. BITTNER

Houston

Sarah Bittner specializes in the chemical and materials arts. She serves as a Registered Patent Agent in the Firm's Houston office.

Dr. Bittner received her Ph.D. in Chemistry from the University of Chicago in 1990. She graduated from the University of California, Berkeley in 1985 with a B.S. in Chemistry. While an undergraduate, she performed research on biochemical engineering processes, as well in biophysical chemistry. As a Ph.D. candidate, she was honored with a National Science Foundation Graduate Fellowship. Her thesis research concentrated on solving nonlinear partial differential equations used to model dendritic crystal growth of metals from the melt. She followed this with postdoctoral research at the University of Illinois, Urbana-Champaign and the University of Texas, Austin on the subject of molecular quantum vibrational energy transport and its influence on chemical reaction rates. She then joined Solliday Engineering Corporation (SECORP) as Chief Scientist. Among other duties, she was responsible for developing the technology of introducing new materials into test fixturing used by AMD for testing processors in development. Upon moving to Houston in 1996, Dr. Bittner continued with SECORP as a consultant, as well as other high technology design firms, specializing in physical modeling, for example, of radio frequency connectors. Dr. Bittner joined Conley, Rose, and Tayon in 1999.

## **MARK BRIGHTWELL**

Austin

Mark Brightwell is a Technical Advisor in the Firm's Austin office and specializes in digital signal processing, and neural networks.

Mr. Brightwell received his Bachelor of Science in Engineering Science from Trinity University in San Antonio, Texas in 1984. While an undergraduate, Mr. Brightwell was supported by a President's Scholarship in recognition for academic excellence. In 1986, Mr. Brightwell completed his Master of Science degree in Electrical Engineering from the University of Texas at Austin, concentrating in neural network theory. Mr. Brightwell was employed with Raytheon E-Systems as an engineering/research analyst, where he developed signal processing algorithms and performed software simulations for system evaluation from 1986 through 1990. Prior to joining the firm, Mr. Brightwell pursued graduate study in mathematics at the University of Texas at Austin. His principal areas of research were in dynamical systems and partial differential equations.

## **JOSH BUCKNER**

Austin

Josh Buckner serves as a Technical Advisor in the Firm's Austin office. Mr. Buckner received his Bachelor of Science degree in Computer Science/Mathematics, *cum laude*, with honors in Computer Science, from Trinity University in San Antonio, Texas in 1998.

After receiving his degree, Mr. Buckner studied graduate level Computer Science for two years at Ohio State University. His studies included Cognitive Science and Mathematical Logic.

Mr. Buckner interned at the Center for Nuclear Waste Regulatory Analyses, where he maintained the 3DStress software application, a geophysical visualization tool used in the oil and gas industry. 3DStress won the R&D 100 award from *R&D Magazine* in 1998. This award designates 1998's 100 most significant technical accomplishments.

Before joining the firm, Mr. Buckner worked as an Engineering Services Consultant for VI Technology, Inc. VI Technology is an Austin-based complete engineering services provider and a National Instruments Alliance member.

## **JASON L. BURGESS**

Austin

Jason L. Burgess is a Technical advisor in the Firm's Austin office and specializes in computer systems, particularly in computer software.

Mr. Burgess received his Bachelor of Science degree in Computer Science/Mathematics with University Honors from Carnegie Mellon University in 1992. He attended Carnegie Mellon on various scholarships and grants. Mr. Burgess served on the Student Advisory Committee for the School of Computer Science. As a senior, he wrote an Undergraduate Thesis on the subject of a return-receipt electronic messaging system utilizing a cryptographic protocol and zero-knowledge proofs.

Mr. Burgess worked as a software engineer at National Instruments from 1992 to 1997 in the LabWindows/CVI integrated development environment group. He also worked for an internet startup company developing web applications for the health industry.

Since moving to Austin, Mr. Burgess has continued his education by taking courses at the University of Texas in the field of molecular biology.

**JAMES W. COOK**  
Austin

James W. Cook serves as a Technical Advisor in the Firm's Austin office.

Mr. Cook received his Bachelor of Arts degree in Physics/Math from Carleton College in Northfield, Minnesota in 1964. He attended Carleton on various scholarships and grants. He pursued graduate studies in Physics/Applied Math at Iowa State University in Ames, Iowa. His principal areas of research were in nuclear physics and gamma ray spectroscopy. In 1988, Mr. Cook received a Master of Business Administration degree from Washington University in St. Louis, Missouri. He is a member of the American Physical Society.

Mr. Cook worked as a research scientist in arc physics and high power circuit interruption and as a manager of new product development at Square D Company in Cedar Rapids, Iowa. He received five patents for circuit protection inventions, was instrumental in creating current limiting circuit breakers, and discovered the phenomena of arc immobility.

Mr. Cook directed a research group for Cooper Industries in St. Louis, Missouri, that received 30 patents for circuit protection inventions and built a high power test laboratory capable of test currents up to 300,000 amperes with peak power of 360 mega-watts. While at Cooper Industries, Mr. Cook adapted hybrid-microelectronic technologies to manufacture a new family of micro-fuse products. He also worked with Micron Guard in St. Louis as a consultant on new product design, manufacturing, testing, and marketing.

Mr. Cook has also served as an expert witness in a trial of a trademark infringement suit and testified on issues of functionality involving the materials, design, testing, and manufacturing of circuit protection devices.

**STEPHEN J. CURRAN**  
Austin

Stephen J. Curran is a Technical Advisor in the Firm's Austin office and specializes in electronics, particularly embedded system test and design for testability.

Mr. Curran received his Bachelor of Science degree in Electrical Engineering from the University of Texas at Austin in 1993. He attended the university on a College of Engineering transfer scholarship. Upon graduation, Mr. Curran served as an applications engineer at Crystal Semiconductor, where he developed board-level test hardware.

Prior to joining the firm, Mr. Curran worked as both a design-for-test (DFT) engineer and a product / test engineer at Motorola. He was responsible for incorporating testability features in advanced microcontroller products. He was responsible for implementing all phases of production testing of

microcontroller products. Mr. Curran also served twelve years in the United States Air Force as an Avionics Systems Technician; eight of those years were with the Air Force Reserves.

The Texas Board of Professional Engineers licenses Mr. Curran to practice as a Professional Engineer in the State of Texas.

#### **ELAINE CUSTODIO**

Austin

Elaine Custodio serves as a Technical Advisor in the Firm's Austin office.

Ms. Custodio received her Bachelor of Science degree in Chemical Engineering from the University of Missouri in Columbia, Missouri. Prior to completing her degree, Ms. Custodio interned at McDonnell Douglas' Microelectronics Center in St. Louis, Missouri.

After receiving her degree, Ms. Custodio worked as a Process/Manufacturing Engineer of Front-End processes in semiconductor manufacturing, including diffusion, LPCVD, and ion implant processes, at AT&T's semiconductor manufacturing facility in Kansas City, Missouri, Motorola's Ed Bluestein and Oak Hill facilities in Austin, Texas, and at AMD in Austin, Texas. Her employment with Motorola included a three-year assignment at SEMATECH in Austin, Texas. Her employment at AMD included two years as an Operations Facilitator over diffusion and CMP operations.

Prior to joining the firm, Ms. Custodio worked as a Senior Process Development Engineer of Front-End processes at SEMATECH.

#### **MARK DELUCA**

Austin

Mark DeLuca is a Registered Patent Agent in the Firm's Austin office and specializes in organic chemistry and chemical processes.

Dr. DeLuca received his Bachelor of Science in Chemistry, from Rensselaer Polytechnic Institute in 1986. While an undergraduate, Dr. DeLuca performed research studying the synthesis and properties of charge separated heterocyclic compounds. Dr. DeLuca received the award for best undergraduate thesis in chemistry for this work.

Dr. DeLuca received his Ph.D. in Chemistry, with a specialization in Organic Chemistry, from the University of Texas at Austin in 1991. His Ph.D. research was involved with the synthesis of complex natural products. During this research Dr. DeLuca was involved in the completion of the total synthesis of the natural products: koumine, strychnine, and UK-1. After completion of his Ph.D., Dr. DeLuca worked as a Research Associate in the Department of Medicinal Chemistry at the University of Texas at Austin. In this position, Dr. DeLuca's research involved the synthesis and analysis of novel heterocyclic compounds for use in the treatment of cancer and osteoporosis. Dr. DeLuca is the author and co-author of eleven publications which have appeared in various chemical journals. Dr. DeLuca is a member of the American Chemical Society.

**DEREK V. FORINASH**  
Houston

Derek V. Forinash specializes in mechanical systems, particularly in oilfield applications including downhole tools and pressure control equipment. Mr. Forinash is a Technical Advisor in the Firm's Houston Office.

→Mr. Forinash earned his Bachelor of Science degree in Mechanical Engineering from Louisiana State University in 1995.

Mr. Forinash has extensive technical expertise related to the manufacture of downhole tools, such as packers and flow control equipment, and in the design of blowout preventer stacks, drilling risers, and other drilling equipment.

Mr. Forinash is currently pursuing his Doctor of Jurisprudence at the University of Houston Law Center where he is a member of the Houston Journal of International Law. Mr. Forinash is registered to practice before the United States Patent and Trademark Office.

**MOLLIE HAMEL**  
Austin

Mollie Hamel is a Technical Advisor for the Firm's Austin office and specializes in chemical and manufacturing processes, particularly in the semiconductor industry.

Ms. Hamel earned a Bachelor of Science degree in Chemical Engineering from Iowa State University in 1995. While completing her degree, she worked for 3M Company in a student co-operative program for a total of 14 months. She worked in a variety of arenas including software programming, medical product manufacturing, and surgical product development.

After receiving her degree, Ms. Hamel worked as an Advanced Process Engineer for 3M Company and Imation Corporation at their Photolithographic Printing Plate manufacturing facility in eastern West Virginia. Prior to joining the Firm, she worked for Square D Company at their Circuit Breaker manufacturing facility in Columbia, MO as a Plating and Environmental Engineer. Her experience has given her exposure to industrial environmental compliance and several chemical manufacturing processes; including metal etching, photolithography and electroplating.

**ERIK A. HETER**  
Austin

Erik A. Heter is a Technical Advisor in the Firm's Austin office and specializes in electronics and computer systems.

Mr. Heter completed his studies at the University of North Carolina at Charlotte (UNCC) in December 1995, receiving a Bachelor of Science degree in Electrical Engineering. Mr. Heter also worked as an electronic technician at International Business Machines Corporation while pursuing his degree.

Prior to joining the Firm, Mr. Heter worked as a test engineer at Xetel Corporation, developing and supporting in-circuit and functional tests for circuit boards contained in a wide variety of electronic systems. These systems included mobile computers, cellular modems, optical-to-electrical transceivers

for gigabit Ethernet applications, global positioning systems, and mobile phone systems. Mr. Heter has also served six years in the United States Navy, as a sonar technician aboard the nuclear-powered submarine USS Olympia.

**DAN KRUEGER**

Houston

Dan Krueger is a Registered Patent Agent in the Firm's Houston office and specializes in digital communications, magnetic recording, coding, and information theory.

Dr. Krueger received his Bachelor of Science degree in Electrical Engineering, *cum laude*, from the University of Tulsa in 1989. While an undergraduate, Dr. Krueger was supported by a Flint Engineering Fellowship, and his scholastic performance and involvement earned him membership in both the Electrical Engineering honor society Eta Kappa Nu and the Physics honor society Sigma Pi Sigma. Dr. Krueger attended the University of Oklahoma on an Amoco Fellowship working in the Solid State Laboratory and co-authoring two publications in the superconductor-semiconductor device design area prior to receiving his Master of Science in 1991. After receiving a prestigious Centennial Fellowship Award, Dr. Krueger then began work in the Communications and Signal Processing Laboratory at the University of Oklahoma and authored numerous publications in the combined equalization and coding for magnetic recording area before receiving his Doctorate in 1995. While a graduate student Dr. Krueger received several awards for involvement and leadership, and represented the university regularly at the annual International Conference on Communications and International Magnetics Conference. Dr. Krueger concluded his association with the University of Oklahoma with a Hitachi Post-Doctoral Research Fellowship. Dr. Krueger has received two patents related to his work at the University of Oklahoma.

Prior to joining the Firm, Dr. Krueger worked as a contractor for Texas Instruments writing software for the Multi-Serve Fax Toolkit project which provided for multiple simultaneous fax transmissions or receptions on a single DSP chip. Dr. Krueger designed and authored the software tasks which provided real-time conversion between encoded fax data formats during transmission and reception.

**HEIDI E. LUNASIN**

Austin

Heidi Lunasin specializes in chemical and environmental processing. She serves as a Technical Advisor in the Firm's Austin office.

Ms. Lunasin earned a Bachelors in Chemical Engineering with honors from Rutgers University in 1994. While completing her degree, Ms. Lunasin worked on diffusion of TCE/TCA through unsaturated soils. She earned her Masters in Environmental Health from the School of Public Health at the University of North Carolina in Chapel Hill in 1999.

After completion of her undergraduate degree, Ms. Lunasin worked in the plastics industry assessing material requirements for applications in a diverse range of industries. Prior to joining the firm, she was employed with the U.S. Army Corps of Engineers working on environmental health, risk assessment, and environmental engineering projects.

**LARRY J. MERKEL**

Austin

Larry J. Merkel is a Registered Patent Agent in the Firm's Austin office and specializes in computer systems, particularly microprocessor architecture and integrated circuits.

Mr. Merkel received his Bachelor of Science degree in Electrical Engineering with high honors from the University of Texas at Austin in 1990. While an undergraduate, Mr. Merkel was selected as a member of Tau Beta Pi.

Prior to joining the Firm, Mr. Merkel was employed with International Business Machines Corporation where he worked in the superscalar microprocessor design area of the Advanced Workstations and Systems division. Mr. Merkel participated in several successful microprocessor designs, including the PowerPC line of processors. He performed logic design, circuit design, and verification work during his employment. Mr. Merkel is a co-inventor on three issued patents.

**ANN MARIE MEWHERTER**

Austin

Ann Marie Mewherter is a Technical Advisor in the Firm's Austin office and specializes in chemical and semiconductor processing.

Ms. Mewherter received her Bachelor of Science degree in Chemical Engineering degree with University Honors from Carnegie Mellon University in 1997. As an undergraduate, she interned with the Aristech Chemical Company, working in the area of acrylic polymerization research. Ms. Mewherter also received the Geoffrey D. Parfitt Award for Excellence in Research for her undergraduate thesis, "Polymerization and Characterization of Polyethylacrylate." Ms. Mewherter is admitted to the Sigma Xi and Tau Beta Pi Honor Societies.

Prior to joining the firm, Ms. Mewherter worked as a Development Engineer for the Microelectronics Division of the IBM Corporation in East Fishkill, New York. She was specifically involved in the development of photoresists for next-generation memory and logic technologies, lithographic and etch process engineering, and photoresist manufacturing. Ms. Mewherter is also a co-inventor on several pending patent applications.

**CAROL MINTZ**

Houston

Carol Mintz serves as a Registered Patent Agent in the Firm's Houston office specializing in patent research and preparation and prosecution of patent applications relating to pharmaceutical products and therapeutic methods and devices in the fields of biochemistry, biotechnology and medicine. Registered to practice before the U.S. Patent and Trademark Office as a Patent Agent in 1995, Ms. Mintz previously obtained a BS in chemistry from the University of Houston in 1969, and a MS in biomedical sciences from the University of Texas Health Science Center, Graduate School of Biomedical Sciences, Houston, Texas in 1979. Ms. Mintz has several years experience in biochemistry research as a predoctoral fellow and research assistant in cancer research, focusing on the areas of enzymology of DNA biosynthesis, protein purification, and liposomes as *in vivo* carriers. She has co-authored articles in *Nature New Biology*, *Analytical Biochemistry*, *FEBS Letters*, and *Texas Reports on Biology and Medicine*.

## **JASON MOORE**

Austin

Jason Moore serves as a Technical Advisor for the Firm's Austin office. Mr. Moore earned a Bachelor of Science degree in Chemical Engineering from the University of Texas at Austin in 1995. Prior to completing his degree, Mr. Moore served with the U.S. Air Force in Misawa, Japan as an Avionics Technician specializing in Flight Controls. While completing his degree, he worked at Motorola's Advanced Products Research and Development Lab as an engineering intern.

After receiving his degree, Mr. Moore worked as an Environmental Engineer at Motorola's Ed Bluestein facility in Austin, Texas. Mr. Moore was the site's lead Air Quality engineer, and Chair of Motorola's Semiconductor Products Sector's Air Technical Council. Mr. Moore also supervised a team of engineers dedicated to Emergency Preparedness and Response. In this role Mr. Moore was responsible for leading the site's Hazardous Materials Emergency Response Team. While at Motorola, Mr. Moore received the Motorola Silver Quill Award for his co-authorship of the SEMATECH paper "Evaluation of ETC's DryScrub For Abating Perfluorocompounds (PFC)".

The Texas Board of Professional Engineers licenses Mr. Moore to practice as a Professional Engineer in the State of Texas.

## **ADELE C. NOON**

Houston

Adele Noon specializes in the chemical and materials arts. She serves as a Technical Advisor in the Firm's Houston office.

Ms. Noon earned her Bachelor of Science degree in Materials Science and Engineering from the Massachusetts Institute of Technology in 1999. As a senior materials engineering student, Ms. Noon participated in an undergraduate industrial internship program with Bodycote IMT resulting in thesis and presentation on the subject of Hot Isostatic Pressing of Ceramics to Metals. During her undergraduate career, Ms. Noon also served internships with NutraSweet Kelco at their Algin plant and Polaroid in their holography laboratory.

Prior to joining the Firm, Ms. Boone worked as a materials engineer for Tepha Inc., a biomedical device start-up. While at Tepha, she designed and tested prototypes for various biomedical applications including heart valves, internal fixation devices, articular cartilage and meniscus regeneration devices, bone graft substitutes and sutures.

## **NEAL PERSKY**

Austin

Neal Persky specializes in organic chemistry and chemical processes. He serves as a Technical Advisor in the Firm's Austin office.

Dr. Persky received his Bachelor of Arts in Chemistry, *cum laude*, from Austin College in 1993. While an undergraduate, Dr. Persky prepared deuterated cyclic compounds to determine the mechanism of solvolysis and subsequent methyl migration. Dr. Persky received his Ph.D. in Chemistry, with a specialization in Organic Chemistry, from the University of Utah at Salt Lake City in 1998. His Ph.D.

research involved the study of the self-assembly and the self-recognition of model compounds to gain insight into biological systems.

After completion of his Ph.D., Dr. Persky worked as an Alexander von Humboldt Research Fellow in the Max-Planck Institute for Polymer Research at Mainz, Germany. In this position, Dr. Persky's research involved the synthesis of novel NIR (Near-Infrared) fluorescent organic dyes for possible application as biological markers. Dr. Persky is the author and co-author of three publications that have appeared in various chemical journals. Dr. Persky is a member of the American Chemical Society.

### **STEVE ROSSER**

Austin

Steve Rosser is a Technical Advisor in the Firm's Austin office.

Mr. Rosser received his Bachelor of Arts degree in Computer Information Systems, *cum laude*, from The University of Houston-Clear Lake in 1988.

Before joining the Firm, Mr. Rosser worked as a programmer/analyst with Martin-Marietta at NASA's Johnson Space Center. While there he was the lead developer on the MIRAGE project, a data acquisition and analysis system used in support of Spacelab human physiology experiments. Mr. Rosser received several awards for the MIRAGE project, including a NASA Public Service Group Achievement award in 1991 and a Space Act Award presented by the NASA Inventions and Contributions Board in 1996. In 1992, he co-wrote and presented a paper on MIRAGE at the Technology 2002 Conference in Baltimore, Maryland. After working at NASA, Mr. Rosser worked as a research engineer for Perceptive Scientific Instruments in League City, Texas, where he developed hardware and software systems in support of numerous federally funded research projects in the area of digital imaging and applications in molecular biology and genetics. After PSI, Mr. Rosser worked as a software engineer at TEAM Development in Austin, Texas, where he worked on a variety of projects on several computer platforms.

### **GARETH SAMPSON**

Austin

Gareth Sampson specializes in chemical, semiconductor, and materials processing. He serves as a Technical Advisor in the Firm's Austin office.

Dr. Sampson graduated with High Honor from the Georgia Institute of Technology with a Bachelors in Chemical Engineering in 1992, receiving an Honorable Mention Award for a National Science Foundation Graduate Fellowship.

Dr. Sampson received his Ph.D. in Chemical Engineering from the University of Texas at Austin in 1998. During this time he designed and constructed a high vacuum reaction and analysis chamber to study atom and ion reactions with silicon surfaces. His doctoral research focused on hydrogen atom and argon ion reactions for the removal of carbon-based adsorbates on silicon surfaces. Dr. Sampson authored two publications that have appeared in scientific journals. Dr. Sampson is a member of the Golden Key National Honor Society and the American Chemical Society.

**MARY F. SLADEWSKI**  
Austin

Mary F. Sladewski is a Technical Advisor in the Firm's Austin office and specializes in computer systems, particularly in computer software.

Ms. Sladewski received her Bachelor of Arts degree in Computer Science from the College of Mount Saint Vincent in January 1985, and her Master of Science degree in Mechanical Engineering, with a concentration in Operations Research from the University of Texas at Austin in August 1994.

Prior to joining the Firm, Ms. Sladewski was employed as a computer programmer at International Business Machines Corporation, Andersen Consulting, and Evolutionary Technologies International.

**STEVE VRBA**  
Dallas

Steve Vrba is a Technical Advisor in the Firm's Dallas office experienced in computer systems, computer software, digital electronics as well as the mechanical, chemical, and electro-mechanical arts.

Mr. Vrba earned a Bachelor of Science degree in Physics with a concentration in digital electronics from the University of Texas at Dallas in 1988.

Before joining the firm, Mr. Vrba worked as a test engineer at Sprint. Mr. Vrba also has several years of experience in the field of occupational and environmental health. He received the designation Certified Industrial Hygienist from the American Board of Industrial Hygiene and served as the corporate industrial hygienist for the nation's largest producer of lead. Mr. Vrba has also served as an independent consultant to numerous major chemical processing and manufacturing companies, providing guidance in the prevention and control of employee exposure to hazardous chemicals and other occupational health hazards.

**WILLIS WEIGAND**  
Austin

Willis Weigand specializes in the chemical and material arts. He serves as a Technical Advisor in the Firm's Austin office.

Dr. Weigand received his Ph.D. in Inorganic Chemistry from the University of Arkansas in 1982. During that time, he received the Phillips Petroleum Fellowship based on his research in synthesizing cyclic inorganic compounds. He graduated from Southwestern Oklahoma State University in 1977 with a B.S. in Chemistry.

After completion of his Ph.D., Dr. Weigand's industrial research centered around the chemistry of cement, concrete, and related additives to those materials. His experience also includes environmental consulting, especially with regard to recycle and reuse issues. He has numerous publications related to cement and concrete and holds U.S. and foreign patents for select additives to those systems. He has worked for Halliburton Services, W. R. Grace and Company, and Radian International.

Most recently, Dr. Weigand was an Assistant Professor for The Pennsylvania State University, Altoona College, where he taught chemistry and conducted research on synthesis of novel organometallic compounds. Dr. Weigand is a member of the American Chemical Society.

**MARK S. WILLIAMS**

Austin

Mark S. Williams is a Technical Advisor in the Firm's Austin office and specializes in computer software, particularly in simulation applications.

Mr. Williams received his Bachelor of Science degree in Physics with University Honors from Texas A&M University in 1983, as a National Merit Scholar and Lechner Fellowship recipient.

Prior to joining the firm, Mr. Williams developed software for FundsXpress, an Internet financial services company. He has done previous professional work in the fields of 3D physical simulation and nuclear blast effects.

**MARTIN WOJCIK**

Austin

Martin Wojcik specializes in computer and embedded systems, hardware design, network architecture, and graphic sub-systems. Martin Wojcik serves as a Technical Advisor in the Firm's Austin office.

Mr. Wojcik received a Bachelor of Science degree in Computer Engineering from the University of Texas in Austin in 1997. Mr. Wojcik is also working part-time toward his Master of Science degree in Computer Engineering from the University of Texas in Austin.

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**LISA HEUGATTER**

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—Lisa Heugatter serves as a Legal Specialist in the Firm's Austin office. She concentrates on domestic and international trademark and copyright matters, including prosecution, licensing and litigation.

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