

**FEDERAL TRADE COMMISSION  
BERKELEY CENTER FOR LAW AND TECHNOLOGY  
BERKELEY COMPETITION POLICY CENTER**

**HEARINGS ON THE EVOLVING IP MARKETPLACE  
PANELIST BIOGRAPHIES**

May 4, 2009

**John A. Amster**

John A. Amster is Co-CEO of RPX Corp. Prior to co-founding RPX, Mr. Amster was the General Manager of Strategic Acquisitions and Vice President of Licensing at Intellectual Ventures, responsible for strategic acquisitions of patent portfolios as well as developing the software and e-commerce licensing programs. Prior to joining Intellectual Ventures, Mr. Amster was Managing Director and founded the M&A Advisory practice for Ocean Tomo, completing transactions with an aggregate value of approximately \$40 million, including the sale of Commerce One. Prior to joining Ocean Tomo, Mr. Amster was Vice President and Secretary at InterTrust Technologies, where he worked on intellectual property transactions, merger and acquisition activities, and late-stage financing activities, including the sale of InterTrust to a Philips-Sony joint venture for \$453 million. Mr. Amster started his career as an associate at Weil Gotshal & Manges, where his practice included mergers and acquisitions, equity investments, venture capital financings, intellectual property licensing, and patent litigation. Mr. Amster received his J.D. from Benjamin N. Cardozo School of Law and his B.A. from Middlebury College.

**Earl “Eb” Bright**

Earl Bright is currently the General Counsel and Vice President, Intellectual Property at Exploramed Development, LLC. Exploramed creates and incubates new medical device companies. Mr. Bright also serves on the executive management teams of Acclarent, Neotract, Vibrynt and Moximed. Mr. Bright has over fifteen years of experience as a business advisor and patent attorney.

Prior to working at Exploramed, Mr. Bright was Director of Intellectual Property West Coast Operations at Guidant Corp. where he directed a nine member team involved in litigation and the strategic development of over 1300 patent and trademark applications related to the Vascular Intervention, Cardiac Surgery and Endovascular Solutions divisions as well as handling legal issues for Guidant Japan and the Compass Group, the unit responsible for Guidant’s venture capital and merger and acquisition activities. He began his Guidant career by helping to establish the legal department for a newly formed Cardiac and Vascular Surgery division. Mr. Bright began his career as a design engineer for the F-16, F-22 and A-12 aircraft. After law school, he worked at intellectual property firm Burns, Doane, Swecker & Mathis.

Mr. Bright has been a guest speaker at various intellectual property events, such as the AIPLA's Mid-Winter Institute, Medtech Insight's In3, and Ocean Tomo's Live IP Auction and Conference. Mr. Bright holds M.B.A.s from Columbia University and University of California, Berkeley, and a J.D. and B.S. (in mechanical engineering) from the University of Oklahoma. He has earned the Certified Licensing Professional (CLP) designation from the Licensing Executives Society, USA and Canada.

### **Henry Chesbrough**

Henry Chesbrough is the Executive Director of the Center for Open Innovation at the Haas School of Business at the University of California, Berkeley. Previously, he was an Assistant Professor of Business Administration, and the Class of 1961 Fellow at the Harvard Business School. He holds a Ph.D. in business administration from the University of California, Berkeley, an M.B.A. from Stanford University, and a B.A. from Yale University, *summa cum laude*. He focuses his research on managing technology and innovation. Prior to embarking on an academic career, he spent ten years in various product planning and strategic marketing positions in Silicon Valley companies. He worked for seven of those years at Quantum Corporation, a leading hard disk drive manufacturer and a Fortune 500 company. Previously, he worked at Bain and Company.

### **Tim Crean**

Tim Crean is the Chief IP Officer for SAP AG. Mr. Crean leads a global team of IP professionals handling public policy, procurement, licensing, and litigation of IP matters for SAP. Mr. Crean is a member of Stanford's Law, Science & Technology Advisory Board, as well as the Board of Directors for the Intellectual Property Owner's (IPO) Association.

### **Dianna DeVore**

Dianna DeVore is a Partner of Virtual Law Partners. Dr. DeVore's practice focuses on representing life sciences and technology companies in intellectual property counseling, with particular expertise in patent portfolio development, freedom to operate analysis, licensing transactions and technology evaluation. She has over twelve years of legal experience in a variety of technology areas, ranging from emerging technologies such as stem cells and genomics to clinical stage and marketed pharmaceuticals. In addition to her intellectual property and transactional expertise, Dr. DeVore has also supported clients in collaboration management, merger and acquisition transitions, conflict of interest management and clinical trials matters.

Dr. DeVore served as Chief Operating Officer (COO), Company Secretary and Vice President of Clinical Cardiac Development for the Australian Stem Cell Centre in Melbourne, Australia. She was a founder of the ASCC, and was responsible for the establishment of all business, legal and operational activities, including management of relationships with multiple governmental departments, universities, research institutes and commercial entities. During her three year tenure as COO, Dr. DeVore was responsible for completion of four funding agreements with government departments, legal agreements with nine Australian research institutions and universities governing intellectual property rights and commercial returns, and negotiation and execution of corporate collaboration agreements with five international companies.

Prior to joining Virtual Law Partners, Dr. DeVore was the Vice President of Intellectual Property and Legal Affairs at Alice Therapeutics, a company developing next generation peptide-based therapeutics. At Alice, Dr. DeVore was responsible for all legal and corporate development activities, including strategic design of the patent portfolio, drafting and implementation of all legal company policies, enforcement of trade secret protection, conducting freedom to operate analysis, negotiation of collaboration agreements and coordination of licensing activities. Dr. DeVore was Vice President at Complete Genomics, Inc. and was the sole U.S. Legal Counsel at Cambridge Antibody Technology, a wholly-owned subsidiary of AstraZeneca.

Dr. DeVore graduated from Stanford Law School in 1998, where she was a founding member of the *Stanford Technology Law Review*. She received her Ph.D. in genetics from Yale University and her B.A. in art history and natural sciences from Johns Hopkins University. Dr. DeVore is a member of the State Bar of California and registered to practice before the U.S. Patent and Trademark Office.

### **Rebecca S. Eisenberg**

Rebecca S. Eisenberg is the Robert and Barbara Luciano Professor of Law at the University of Michigan Law School. Professor Eisenberg is a graduate of Stanford University and Boalt Hall School of Law at the University of California, Berkeley, where she was Articles Editor of the *California Law Review*. Following law school she served as law clerk for Chief Judge Robert F. Peckham on the United States District Court for the Northern District of California and then practiced law as a litigator in San Francisco.

Professor Eisenberg regularly teaches courses in patent law, trademark law, FDA law, and runs workshops on intellectual property and student scholarship. She has previously taught courses on torts, legal regulation of science, and legal issues in biopharmaceutical research. She has written and lectured extensively about the role of intellectual property in biopharmaceutical research, publishing in scientific journals as well as law reviews. She spent the 1999-2000 academic year as a Visiting Professor of Law, Science and Technology at Stanford Law School. She has received grants from the program on Ethical, Legal, and Social Implications of the Human Genome Project from the U.S. Department of Energy Office of Biological and Environmental Research for her work on private appropriation and public dissemination of DNA sequence information.

Professor Eisenberg has played an active role in public policy debates concerning the role of intellectual property in biopharmaceutical research. She is a member of the Advisory Committee to the Director of the National Institutes of Health, the Panel on Science, Technology and Law of the National Academies, and the Board of Directors of the Stem Cell Genomics and Therapeutics Network in Canada.

## **Ron Epstein**

Ron Epstein is CEO of IPotential, LLP. Mr. Epstein has twenty years of experience in developing and optimizing IP asset portfolios. Prior to founding IPotential, Mr. Epstein was Vice President and General Counsel at Brocade Communications Systems, Inc. where he created and executed on Brocade's intellectual property strategy, filing for more than 80 patents over a 24-month period and defending the company in three patent litigations filed during that period. Before joining Brocade, Mr. Epstein served as Director of Licensing at Intel, where he was responsible for the company's IP licensing strategy, including defense against assertions, and the creation of Intel's value licensing program.

Mr. Epstein built his legal career at Wilson, Sonsini, Goodrich and Rosati as a member of the Technology Licensing Group, where he specialized in helping clients minimize liability under the patent portfolios of leading companies such as IBM, Lucent, and Intel; and negotiate patent cross-license agreements in conjunction with complex patent litigation settlements.

Mr. Epstein holds a B.S. from Duke University and a J.D. from the School of Law, University of California, Berkeley. Mr. Epstein is an active member of the Licensing Executives Society.

## **Horacio E. Gutiérrez**

Horacio Gutiérrez is Corporate Vice President and Deputy General Counsel in charge of the Microsoft Corporation's Worldwide Intellectual Property and Licensing Group. In this capacity, Mr. Gutiérrez leads the group responsible for the development and maintenance of the company's IP portfolio, including all of its patents, copyrights, trademarks, and trade secrets worldwide. This group is also responsible for inbound and outbound patent licensing work, and for the strategy and substance on IP legal and public policy developments.

Prior to his current position, Mr. Gutiérrez was based in Paris, France, where he was Microsoft's Associate General Counsel for Europe, Middle East and Africa, overseeing all legal, regulatory and government affairs matters in that region.

Before joining Microsoft in 1998, Mr. Gutiérrez was a member of the international practice group at the Miami office of Morgan, Lewis & Bockius LLP, where he worked on international intellectual property and competition law matters, commercial law and corporate finance legal matters. Prior to that, he was a Vice President of Corporate Finance for a leading Latin American investment bank.

Mr. Gutiérrez is trained and has practiced law both in civil law and common law jurisdictions. He holds a Master of Laws degree from Harvard Law School, which he attended as a Fulbright Scholar; a Juris Doctor degree *summa cum laude*, from the University Of Miami School Of Law; a Bachelor of Laws degree from Universidad Católica Andrés Bello in Caracas, Venezuela; and a Specialization in Corporate and Commercial Law from the same institution.

Mr. Gutiérrez is a member of the New York, Florida, American, International and Federal District (Venezuela) Bar Associations.

### **Bronwyn Hall**

Bronwyn H. Hall is Professor in the Graduate School at the University of California at Berkeley and Professor of Economics of Technology and Innovation at the University of Maastricht, Netherlands. She is a Research Associate of the National Bureau of Economic Research and the Institute for Fiscal Studies, London. She is also the founder and partner of TSP International, an econometric software firm. She received a B.A. in physics from Wellesley College in 1966 and a Ph.D. in economics from Stanford University in 1988.

Professor Hall has published articles on the economics and econometrics of technical change in journals such as *Econometrica*, the *American Economic Review*, the *Rand Journal of Economics*, and *Research Policy*. Her current research includes comparative analysis of the U.S. and European patent systems, the use of patent citation data for the valuation of intangible (knowledge) assets, comparative firm-level investment and innovation studies (the G-7 economies), measuring the returns to R&D and innovation at the firm level, analysis of technology policies such as R&D subsidies and tax incentives, and recent changes in patenting behavior in the semiconductor and computer industries. She has also made substantial contributions to applied economic research via the creation of software for econometric estimation and of firm-level datasets for the study of innovation, including the widely used NBER dataset for U.S. patents.

### **Richard J. Lutton, Jr.**

Richard (“Chip”) J. Lutton, Jr. is Chief Patent Counsel at Apple Inc. In that position, he oversees a team that manages patent development, licensing and litigation for Apple. He has spoken widely on a variety of topics and has testified before Congress on the patent system. Prior to joining Apple, Mr. Lutton was at Sun Microsystems, Inc., and an attorney at Arnold, White & Durkee (now Howrey Simon Arnold & White) in its Menlo Park, California and Houston, Texas offices. He spent one year as a judicial law clerk to the Honorable Randall R. Rader at the United States Court of Appeals for the Federal Circuit. He earned his J.D. from Columbia University and a bachelor's degree in electrical engineering from Rice University.

### **Robert Merges**

Professor Merges is Wilson Sonsini Goodrich & Rosati Professor of Law and Technology at the University of California, Berkeley (Boalt Hall) School of Law. He is also a co-Director of the Berkeley Center for Law and Technology, centerpiece of the intellectual property program at the University of California, Berkeley. He is the co-author of leading casebooks on patent law and intellectual property, and has written numerous articles on the economics of intellectual property, in particular patent law. Professor Merges has worked with government agencies such as the Department of Justice and the Federal Trade Commission on IP-related policy issues. He has also consulted with leading law firms and companies. He received his B.S. from Carnegie-Mellon University, a J.D. from Yale Law School, and an L.L.M. and a J.S.D. from Columbia Law School.

## **Carol Mimura**

Carol Mimura is the Assistant Vice Chancellor for Intellectual Property & Industry Research Alliances (IPIRA) at the University of California, Berkeley. IPIRA is the portal to Berkeley for industry access to Berkeley's preeminent faculty and research capabilities. Chancellor Mimura has a B.S. from Yale University in molecular biophysics & biochemistry and Ph.D. in biology (biochemistry and microbiology concentration) from Boston University. She was an NIH-sponsored postdoctoral fellow and research scientist at University of California, Berkeley in biochemistry and in chemical biodynamics.

Chancellor Mimura serves on the Drug Forum of the National Academies of Sciences Institute of Medicine, has served on the board of directors of the Children's Hospital Research Institute in Oakland, CA and as a board member (the Chancellor's alternate) of BayBio, the regional voice of biotechnology in Northern California. She was formerly Executive Director of the University of California, Berkeley's Office of Technology Licensing. Prior to her positions at the University of California, Berkeley, Carol was an analyst at Technology Forecasters, a consultant to Cor Therapeutics and Genomx, and wrote for the Genetic Engineering News.

## **Marshall Phelps**

As Microsoft's Corporate Vice President for IP Policy and Strategy, Marshall Phelps is responsible for setting the global intellectual property strategies and policies for Microsoft. In addition, Mr. Phelps interfaces with governments, other companies in the technology industry and outside institutions to broaden awareness of intellectual property issues.

Before transitioning to his current position in 2006, Mr. Phelps served as the Deputy General Counsel for Intellectual Property in Microsoft's Legal & Corporate Affairs group, where he supervised Microsoft's intellectual property groups, including those responsible for trademarks, trade secrets, patents, licensing, standards and copyrights. He oversaw the company's management of its intellectual property portfolio, which comprises some 13,000 patents issued and more than 12,000 trademark registrations worldwide. Mr. Phelps joined Microsoft in June 2003 after a 28-year career at IBM Corp., where he served as Vice President for Intellectual Property and Licensing. Mr. Phelps was instrumental in IBM's standards, telecommunications policy, industry relations, patent licensing program and intellectual property portfolio development. Also, Mr. Phelps helped establish IBM's Asia Pacific headquarters in Tokyo and served as the company's Director of Government Relations in Washington, D.C.

Upon retiring from IBM in 2000, he spent two years as chairman and chief executive officer of Spencer Trask Intellectual Capital Company LLC, which specialized in spinoffs from major corporations such as Motorola Inc., Lockheed Martin Corp. and IBM.

Mr. Phelps holds a B.A. from Muskingum College, an M.S. from Stanford Graduate School of Business and a J.D. from Cornell Law School. He is an Executive-in-Residence at the Fuqua School of Business at Duke University, and also serves on the Board of Visitors. He has also recently been asked to advise Japan's Ministry of Economy, Trade and Industry on IP matters. He was elected to the initial class of the Intellectual Property Hall of Fame, in 2006.

### **Suzanne M. Shema**

Suzanne Shema is Senior Vice President, General Counsel and Corporate Compliance Officer for ZymoGenetics, Inc., a publicly traded biopharmaceutical company. She is a member of the company's executive committee. She has practiced intellectual property law for 24 years at ZymoGenetics and other biotechnology and high tech companies and as an associate with an intellectual property law firm in Seattle. Ms. Shema holds a B.S. in chemistry from the University of Texas, an M.S. degree in chemistry and a law degree from the University of Washington. She is a member of the Board of Directors of the Intellectual Property Association and currently serves on IPO's Executive Committee.

### **Alex Sousa**

Alex Sousa is Counsel for Innovalight, Inc. Mr. Sousa's experience is as diverse as his technical knowledge. He has prepared and prosecuted over 100 patent applications in areas as varied as semiconductor plasma etching, networking hardware, solar panel clamping systems, 3G wireless software, and micro-turbine power generation.

Prior to becoming an attorney, Mr. Sousa was a Program Manager at Repeater Technologies, and both a Middleware Marketing Manager and a Microprocessor Program Manager at Hewlett-Packard. Mr. Sousa received a J.D. from Santa Clara University School of Law. He also received an M.B.A. from the University of Michigan Business School where he was Managing Editor of the *Monroe Street Journal*, and a B.S.M.E. from the United States Military Academy, West Point. Mr. Sousa is registered to practice before the U.S. Patent and Trademark Office and is a member of the California Bar.

### **E. Earle Thompson**

E. Earle Thompson is the Vice President and Chief Intellectual Property Counsel for SanDisk Corporation in Milpitas, CA, the world's largest supplier of flash memory data storage card products. He is responsible for overseeing the acquisition and protection of SanDisk's intellectual property including licensing and litigation. He also is responsible for royalty income in the multiple hundreds of millions of dollars per year (\$450 million in 2008).

Prior to joining SanDisk, Mr. Thompson retired from Texas Instruments Incorporated (TI) where he spent 25 years. His last position with TI was as the Intellectual Asset Manager. During his time at TI, he was actively involved in the licensing and litigation of patents for personal computers and semiconductors, managed the legal aspects of TI's involvement in standards organizations, and served as the primary counsel for multiple business units including DLP. As the inventor for 26 U.S. patents himself, he also understands the intellectual property business from the inventor's side.

Mr. Thompson graduated with a B.S. in Computer Science from the University of South Carolina where he also did his graduate work in computer software development. He obtained his J.D. from Southern Methodist University and became a member of the State Bar of Texas in the same year. He is also a Registered In-House Counsel in the state of California.

### **Lee Van Pelt**

Lee Van Pelt is a partner at Van Pelt, Yi & James LLP. Mr. Van Pelt has evaluated patent strategies for investors and developed strategies and prepared patents for emerging companies in Silicon Valley for over fifteen years. He also prepares patent opinions and provides litigation analysis.

Mr. Van Pelt received a B.S. in physics, *summa cum laude*, from the University of Missouri-Rolla, and a J.D., Order of the Coif, from the University of California, Berkeley, Boalt Hall School of Law. He currently teaches a patent law class at Boalt. Mr. Van Pelt has been named on the *Daily Journal's* list of top 25 patent prosecutors in California.

### **Stuart L. Watt**

Stuart Watt is Vice President of Law and Intellectual Property Officer of Amgen Inc. and leads a group of 45 patent attorneys responsible for patent strategy, filing and prosecution of patent applications in the U.S. and foreign countries, patent litigation, and patent licensing. Mr. Watt has actively represented Amgen in patent litigation in the U.S. and various countries around the world. He joined Amgen in 1992. Prior to that time, he was associated with the patent law firm of Richards, Medlock & Andrews (now Sidley & Austin) in Dallas, Texas. Mr. Watt is a graduate of Brigham Young University (B.S.Ch.E.) and the University of Washington School of Law (J.D.).

### **Rosemarie Ziedonis**

Rosemarie Ziedonis is an Assistant Professor of Strategy at the University of Michigan's Stephen M. Ross School of Business and Co-Director of the Program in Law, Economics, and Technology at the University of Michigan Law School. She earned her Ph.D. in business and public policy from the University of California, Berkeley's Haas School of Business. Before joining the University of Michigan, Professor Ziedonis was an Assistant Professor at the University of Pennsylvania's Wharton School, where she taught corporate strategy and intellectual property strategy to M.B.A. students.

Professor Ziedonis' research examines the value and strategic use of intellectual property, as well as broader aspects of technology and innovation management. Her studies on patent holdup have been published in a variety of outlets, including *Management Science* and the *Rand Journal of Economics*. Her recent work includes studies on the reputation effects of intellectual property enforcement in markets for skilled labor, sources of infringement risk in the semiconductor industry, the effects of patenting on the terms of entrepreneurial-firm financing, and the role of corporate venture capitalists as acquirers of technology startups. She currently serves on the editorial boards of the *Academy of Management Journal* and the *Strategic Management Journal*.