

A one-day program, examining developments in Section 337 litigation before the U.S. International Trade Commission (“ITC”). Through a series of in-depth modules, building on an introductory overview to acclimate those unfamiliar with Section 337 investigations, participants in this course will build their understanding of current strategy and tactics, as well as brush up on basic practice points.

Speaker Biographies

Ross Barton is a Partner in Alston & Bird LLP’s Intellectual Property Litigation Group who concentrates his practice in the litigation of complex patent disputes in district courts and at the International Trade Commission. Although Ross has a physics background, his practice encompasses a wide range of technologies including wireless telecommunications, computer networks, semiconductors, financial services, and chemical engineering. Ross has been repeatedly named a “Super Lawyer Rising Star” for IP Litigation in both North Carolina and Virginia, and he previously taught patent litigation courses at the Catholic University of America’s Columbus School of Law and at the University of Virginia’s School of Law. He currently serves as the Hiring Partner for Alston & Bird’s Charlotte office, and is an editor of Alston & Bird’s Federal Circuit Annual Review and a coauthor of “Royalty Rate Trends and Valuation in Patent and Technology Licensing,” published annually by Aspen Law & Business. Ross has Physics and Government degrees from Bowdoin College, and a J.D. from Washington and Lee University’s School of Law.

G. Brian Busey is a Partner at Morrison & Foerster LLP. Mr. Busey’s practice focuses on complex intellectual property matters, especially those before the U.S. International Trade Commission (ITC) and in federal district courts. In addition to litigating more than thirty Section 337 cases, Mr. Busey is highly experienced in cross-border intellectual property disputes in a variety of areas, including patents, trademarks, and trade secrets. Mr. Busey is sought out as a speaker and has written extensively on ITC practice and procedure, both in the U.S. and in Asia. Mr. Busey is a leader in the ITC Bar, and is a past President of the International Trade Commission Trial Lawyers Association (2011). While earning his J.D., Mr. Busey was Editor of the Georgetown Law Journal. He was a law clerk to Judge John H. Pratt of the U.S. District Court for the District of Columbia.

Kris Dawes is a Managing Counsel in the Litigation Group at Broadcom Corporation, where he has managed a variety of patent and commercial litigation matters since 2012. Kristopher has extensive experience as in-house and outside counsel in district court patent litigations and 337 investigations. His responsibilities include managing Broadcom’s discovery in such actions, both as a party and as a third-party. Before joining Broadcom, Kristopher was a litigator at O’Melveny & Myers LLP. He has a B.S. in Electrical Engineering from the University of Washington and a J.D. from Columbia University School of Law.

Michael Esch is a Partner at WilmerHale in Washington, DC. His practice focuses on representing clients in import relief proceedings and providing advice to importers and exporters regarding international trade matters. He has actively participated in more than two dozen Section 337 investigations before the U.S. International Trade Commission, as well as over 30 other administrative trade proceedings, including antidumping and countervailing duty investigations and Section 301 export barrier proceedings. In these proceedings he has represented producers in a broad range of industry sectors, extending from agriculture to steel, and from consumer electronics to semiconductors. Mr. Esch is an honors graduate of Harvard College and Harvard Law School. Following law school, he clerked for former Chief Judge Theodore R. Newman, Jr., of the District of Columbia Court of Appeals.

Hon. Theodore Essex served as an Administrative Law Judge at the Office of Medicare Hearings and Appeals in Cleveland, Ohio, from November 2006 until his United States International Trade Commission (USITC) appointment in October 2007. He previously served as a consultant to the Compensation and Pension Service of the Department of Veterans' Affairs in Washington, DC, from 2005 to 2006. Judge Essex holds a Juris Doctor degree from The Ohio State University, 1980 and a Bachelor of Arts Degree from Miami University in Oxford, Ohio in 1977. He holds an active law license in the state of Louisiana and is a registered solicitor in England and Wales. Judge Essex is also a professorial lecturer in law at The George Washington University Law School.

Sarah Hamblin is a Partner at Adduci, Mastriani & Schaumberg, LLP. She is an intellectual property and international trade attorney focusing on unfair trade investigations before the U.S. International Trade Commission (ITC) under Section 337 of the Tariff Act of 1930, as well as litigation in the federal courts. Sarah has represented both domestic and foreign parties in more than 30 investigations, addressing all phases of Section 337 litigation, including appeals before the Federal Circuit. Sarah is a contributor to the first and second editions of the American Bar Association's book entitled "A Lawyer's Guide to Section 337 Investigations Before the U.S. International Trade Commission." While in law school, Sarah worked at the ITC, where she completed an extended clerkship in the Office of Unfair Import Investigations, followed by an internship in the Office of the Administrative Law Judges with the honorable Sidney Harris.

Robert Giles is Senior Legal Counsel at Qualcomm Incorporated where he primarily focuses on managing a portfolio of intellectual property litigations in district court and before the United States International Trade Commission. He joined Qualcomm in 2012 and was previously with the IP litigation group at Morrison & Foerster LLP. He is currently the chair of IPO's U.S. International Trade Commission Committee. He received his J.D. from The George Washington University in 2003 and his B.S.E.E. and B.A. from the University of Illinois Urbana-Champaign in 1998.

Adam Hess is a partner in Venable's Washington, DC-based Intellectual Property Litigation Group. His experience spans many industries and he has served as lead counsel in a variety of domestic and international venues. Mr. Hess has extensive experience as lead counsel in Federal court litigation and Section 337 investigations at the U.S. International Trade Commission (ITC). Mr. Hess has also represented numerous parties in defending against subpoenas issued from ITC investigations and related actions. He works with Customs and Border Protection on issues concerning the enforcement of Exclusion Orders issued by the ITC. In addition, Mr. Hess has served as lead counsel in arbitration before the International Chamber of Commerce in Europe. In addition to litigation, Mr. Hess counsels various U.S., European, and Asian clients on all types of IP matters including portfolio management, licensing, due diligence, opinions, and patent prosecution in a vast range of industries, including: general chemistry, polymers, catalysts, biotechnology, pharmaceuticals, nuclear and alternative energy sources, electrical/computer technologies, automotive parts, office furniture and manufacturing processes. Mr. Hess is also a member of the Intellectual Property Owners Association's ITC Committee.

Hon. Sandra Dee Lord was appointed as an Administrative Law Judge at the U.S. International Trade Commission in September 2013. Before joining the USITC, Judge Lord served as an ALJ at the Social Security Administration's Office of Disability Adjudication and Review in Alexandria, Va., and Raleigh, N.C., and as a Special Master in the United States Court of Federal Claims, Vaccine Injury Compensation Program. From 1997 to 2008, Judge Lord served as a Trial Attorney in the Civil Division of the United States Department of Justice, Frauds Section. Earlier, she was Of Counsel to the firm of Ross, Dixon & Masback, an Associate General Counsel at the Howard Hughes Medical Institute, and an appellate litigation specialist in the Office of the Solicitor, U.S. Department of Labor. Judge Lord received her B.A. from Yale University and J.D. from Georgetown University Law Center. She is licensed in the District of Columbia and Maryland.

Lynn Levine is Senior of Counsel in the Washington, D.C. office of the law firm of Morrison & Foerster, where she specializes in litigation and counseling relating to Section 337 litigation before the United States International Trade Commission (ITC). As the former Director of the ITC's Office of Unfair Import Investigations (OUII), Ms. Levine has extensive experience across all phases of Section 337 litigation, including pre-filing complaint reviews, institution proceedings, and the discovery, trial, review and remedy phases of Section 337 investigations. During her 25-year tenure as Director of OUII, the office participated in more than 500 Section 337 investigations, which frequently focused upon sophisticated patented technologies, particularly in the computer, information technology and telecommunications fields. Before becoming Director of OUII, Ms. Levine worked as a staff and supervisory attorney in that office, and as a staff attorney in the ITC's Office of General Counsel. Prior to joining the staff of the ITC, Ms. Levine was engaged in private practice in Washington, D.C. with the firm of Howrey & Simon, where she concentrated on antitrust litigation and counseling. Ms. Levine received a Presidential Rank Award in 2008 for her work in the intellectual property area. In addition, Ms. Levine was an inaugural inductee into the ChIPs Hall of Fame in 2013 in recognition of her contributions to the practice of intellectual property law and the advancement of women in patent and IP related fields. Ms. Levine holds a B.A. from Hamilton/Kirkland College and J.D. from Cornell Law School.

David Maiorana is a trial lawyer with nearly 20 years of experience in complex intellectual property matters around the country and in the International Trade Commission. He has represented clients as both plaintiffs and defendants in diverse technology areas, including teeth whitening, diapers, fem care products, flash memory, RFID, and dental drills. Dave has been lead counsel in many *inter partes* review proceedings, including several oral arguments before the PTAB. Being a former USPTO examiner, Dave leverages his PTO experience when representing clients before the PTAB. Dave's PTAB experience includes several proceedings where he obtained complete denial of IPR petitions on behalf of the patent owner. Dave publishes and speaks regularly in Asia, Europe, and the United States on a variety of topics involving intellectual property litigation before U.S. courts and the ITC.

Charles McMahon counsels clients and litigates on their behalf in the areas of patent, trademark, copyright and unfair competition law. He has represented domestic and multinational clients in federal courts and before the U.S. Patent and Trademark Office, the International Trade Commission, the United States Court of Appeals for the Federal Circuit, and the Supreme Court of the United States. He also assists clients in the negotiation and preparation of licensing agreements. In the District of Delaware, Mr. McMahon recently succeeded in leading a trial team to a jury verdict of non-infringement. He has also helped his clients avoid exclusion orders in three recent ITC investigations. His work has involved a variety of technical areas, including wireless communications, solid-state electronics, lithium batteries, vehicular transmission systems, encryption systems, digital imaging systems, electronic measurement devices, software applications and online business-to-business exchange systems. He received his B.S. in Electrical Engineering from the University of Notre Dame in 1996 and his J.D. from The George Washington University Law School in 1999.

Katy Motiey was most recently the Corporate SVP, General Counsel & Secretary at Spansion (which closed its merger with Cypress Semiconductor in mid-March 2015). As General Counsel, Katy was responsible for managing a significant piece of patent litigation, filed in 4 ITC courts, 3 U.S. district courts and 2 courts in Germany. Prior to Spansion she was the VP, General Counsel & Secretary at Invensense, a leading provider of motion sensing devices, and before that she was Senior Vice President, General Counsel & Secretary at Magellan Navigation, a company focused on GPS technology. In addition to her industry experience, after law school she served as a judicial law clerk to the then Chief Judge Manuel L. Real of the Central District of California in Los Angeles, and worked at Skadden, Arps for her law firm training. She is a graduate of Georgetown University and the Georgetown University Law Center.

Elizabeth Niemeyer is a partner in the D.C. office of Finnegan Henderson, specializing in patent litigation before the International Trade Commission and district courts. Ms. Niemeyer has been involved in dozens of ITC investigations, enjoys the unique challenges presented by the forum, and works with clients to keep abreast of developments that affect holders of intellectual property rights.

Robert Rogers is senior counsel in Steptoe's Century City office, and brings firm clients a deep knowledge and understanding of litigation, particularly in the area of intellectual property. Prior to joining Steptoe, Mr. Rogers served as an Administrative Law Judge (ALJ) in various federal agencies and commissions across the US for nearly two decades. From 2008-2013 he served as an ALJ at the US International Trade Commission (ITC), where he was the presiding judge in more than 55 proceedings involving patents and trade secrets under Section 337 of the Tariff Act of 1930. In his five years at the ITC, Mr. Rogers regulated the course of 20 hearings and issued 17 initial determinations, one summary determination terminating an investigation based upon a lack of importation, and two temporary exclusion order initial determinations. Approximately 95 percent of his investigations focused on patent rights. The technologies most often at issue included computer and telecommunications devices, chemical compositions and processes, and medical and industrial equipment. Prior to his ITC appointment, Mr. Rogers served as a Supervisory ALJ at the Office of Medicare Hearings and Appeals in Irvine, California. He also served as an ALJ at the Federal Energy Regulatory Commission in Washington, DC and the Social Security Administration's Office of Hearings and Appeals in Sacramento, California.

Hon. David Shaw was appointed as an Administrative Law Judge at the U.S. International Trade Commission in October 2011. Prior to his USITC appointment, Judge Shaw served as an ALJ at the Social Security Administration's Office of Disability Adjudication and Review (National Hearing Center) in Baltimore, MD. Previously, he was an ALJ with the Social Security Administration's Office of Disability Adjudication and Review in Fayetteville, NC. From 1987 to 2010, he served as an Attorney-Advisor in the USITC's Office of the Administrative Law Judges. He holds a bachelor's degree from George Mason University and earned his juris doctor degree from the Washington College of Law at The American University. He is a member of the Bar of the District of Columbia.

Dax Terrill is a Senior Attorney-Advisor with U.S. Customs and Border Protection in the Intellectual Property Rights Branch, Regulations and Rulings, Office of International Trade. His primary responsibility is the administration and enforcement of exclusion orders issued by the U.S. International Trade Commission and in this capacity oversees determinations, including administrative rulings under 19 C.F.R. 177 and protest decisions under 19 C.F.R. 174, related to exclusion orders. In addition to these and other legal determinations, he works on rulemaking and legislative initiatives concerning various aspects of CBP's border enforcement of intellectual property and provides assistance to the U.S. Department of Justice with intellectual property-based cases involving challenges to CBP administrative actions brought in U.S. District Courts, Courts of Appeals, and the Court of International Trade. Prior to his time at CBP, Mr. Terrill worked at a Washington D.C. law firm and within the Office of the Administrative Law Judges at the ITC. He received a B.A. from Mary Washington College and a J.D. from George Mason University School of Law, with a concentration on intellectual property law.