

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Leonard Philip Stark

2. **Position**: State the position for which you have been nominated.

United States Circuit Judge for the United States Court of Appeals for the Federal Circuit

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States District Court for the District of Delaware
J. Caleb Boggs Federal Building
844 North King Street, Room 6124
Wilmington, Delaware 19801

4. **Birthplace**: State year and place of birth.

1969; Detroit, Michigan

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1993 – 1996, Yale Law School; J.D., 1996

1991 – 1993, Magdalen College, University of Oxford; D.Phil., 1993

1987 – 1991, University of Delaware; M.A., B.S. & B.A. (*summa cum laude*), 1991

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2007 – present

United States District Court for the District of Delaware

J. Caleb Boggs Federal Building
844 North King Street, Room 6124
Wilmington, Delaware 19801
United States District Judge (2010 – present)
Chief District Judge (2014 – 2021)
United States Magistrate Judge (2007 – 2010)

2016 – present
University of Pennsylvania Carey Law School
3501 Sansom Street
Philadelphia, Pennsylvania 19104
Adjunct Professor of Law

2002 – 2007
United States Attorney's Office for the District of Delaware
1007 North Orange Street
Wilmington, Delaware 19801
Assistant United States Attorney

1996 – 2001
Skadden, Arps, Slate, Meagher & Flom LLP
One Rodney Square
Wilmington, Delaware 19801
Associate (1997 – 2001)
Summer Associate (1996)

1998 – 1999
University of Delaware
Department of Political Science and International Relations
347 Smith Hall
Newark, Delaware 19716
Adjunct Professor

1996 – 1997
United States Court of Appeals for the Third Circuit
J. Caleb Boggs Federal Building
844 North King Street, Room 5323
Wilmington, Delaware 19801
Law Clerk to the Honorable Walter K. Stapleton

1995
Shea & Gardner (now Goodwin Procter LLP)
901 New York Avenue, Northwest
Washington, District of Columbia 20001
Summer Associate

1994
Morris James LLP
500 Delaware Avenue, Suite 1500
Wilmington, Delaware 19801
Summer Associate

1994
Office of Governor Thomas R. Carper
Carvel State Office Building
820 North French Street, 12th Floor
Wilmington, Delaware 19801
Summer Law Clerk to Governor's Legal Counsel

1991
Bryan Cave Leighton Paisner LLP
211 North Broadway, Suite 3600
St. Louis, Missouri 63102
Summer Legal Assistant

1990 – 1991
University of Delaware
Department of Political Science and International Relations
347 Smith Hall
Newark, Delaware 19716
Teaching Assistant

Other affiliations (uncompensated):

2000 – 2010
University of Delaware Alumni Association
Alumni Hall
24 East Main Street
Newark, Delaware 19702
Member, Board of Directors (2000 – 2010)
Immediate Past President, Board of Directors (2007 – 2009)
President, Board of Directors (2006 – 2007)
Vice President, Board of Directors (2005 – 2006)
Chair, Scholarship Committee (2002 – 2003)

2000 – 2002
Brandywine Gateway Neighbors
1300 French Street
Wilmington, Delaware 19801
Member, Board of Directors (2000 – 2002)
Secretary, Board of Directors (2000 – 2002)

2001

Supreme Court of Delaware Board of Bar Examiners
Carvel State Office Building
820 North French Street
Wilmington, Delaware 19801
Associate Member

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I registered for the selective service upon turning 18.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Philadelphia Intellectual Property Law Association, Outstanding Intellectual Property Achievement Award (2018)

Federal Bureau of Investigation, Award for Dedicated Service as an Assistant United States Attorney (2007)

Yale Law School

Yale Law Journal, Senior Editor (1995 – 1996)

Moot Court, Potter Stewart Prize for Best Overall Argument (1995)

Yale Law Journal, Editor (1994 – 1995)

Rhodes Scholarship (1991)

USA Today All-USA Academic First Team (1990)

University of Delaware

Alumni Wall of Fame (2014)

Outstanding Alumni Award (2009)

Presidential Citation for Outstanding Achievement (2004)

Taylor Award for Outstanding Senior Male (1991)

Phi Beta Kappa (1991)

Thomas J. Craven Award for Essay on Democracy (1990)

Hutchinson Award for Excellence in Economics (1990)

Phi Kappa Phi Undergraduate Research Essay Competition Winner (1989)

Dean's Scholar in College of Business and Economics (1989)

Dolan Scholar in Political Science (1989)

President's Award for Best Undergraduate Paper on Women (1988)

Eugene du Pont Memorial Distinguished Scholarship (1987)

National Merit Scholarship (1987)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association

American Judicature Society

Delaware State Bar Association

Federal Bar Association Delaware Chapter

Federal Circuit Bar Association

Judicial Conference of the United States

District Judge Representative for the Third Circuit (2014 – 2017)

Chair, District Judges Representatives Meeting (2016 – 2017)

Member, Committee on Judicial Resources (2018 – present)

Chair, Judicial Statistics Subcommittee (2021 – present)

Member, Working Group on Court Law Clerk Pilot Program (2019 – present)

Supreme Court of Delaware Board of Bar Examiners

Associate Member (2001)

Third Circuit Bar Association

United States Court of Appeals for the Third Circuit

Member, Judicial Council (2014 – 2021)

Member, Budget Committee (2014 – 2021)

Member, Security Committee (2014 – 2021)

Member, Wellness Committee (2014 – 2021)

Member, Committee on Civil Model Jury Instructions (2011 – 2019)

Member, Space and Facilities Committee (2014 – present)

United States District Court for the District of Delaware

Chair, Building Security Committee (2014 – 2021)

Chair, Lawyers Advisory Committee (2014 – 2021)

Member, Re-Opening Committee (2020 – 2021)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Delaware, 1997

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Third Circuit, 1997

United States District Court for the District of Delaware, 1997

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Association of Rhodes Scholars (1993 – present)

American College of Trial Lawyers, Committee on Complex Litigation, Anatomy of a Patent Case (4th ed.) Board of Contributors (2020)

Bellevue Tennis Center (2018 – present)

Brandywine Gateway Neighbors (2000 – 2002)

Member, Board of Directors (2000 – 2002)

Secretary, Board of Directors (2000 – 2002)

Congregation Beth Emeth

Member, Audit Committee (2010 – 2016)

Delaware Advisory Committee to Institute for Women's Policy Research (2000)

Delaware Rhodes Scholarship Selection Committee (1996 – 2004)

Secretary (1997 – 2004)

Engelberg Center on Innovation Law & Policy, New York University School of Law, Advisory Board (2018 – present)

Federal Judges Association (2010 – present)

Federal Magistrate Judges Association (2007 – 2010)

Federal Judicial Center Patent Case Management Guide Judicial Advisory Board
(2015 – present)

Oxford Union Society (1991 – present)

Richard S. Rodney Inn of Court (2007 – 2008)

Siegel Jewish Community Center (approximately 2003 – present)

University of Delaware Alumni Association (1991 – present)

Member, Board of Directors (2000 – 2010)

Immediate Past President, Board of Directors (2007 – 2009)

President, Board of Directors (2006 – 2007)

Vice President, Board of Directors (2005 – 2006)

Chair, Scholarship Committee (2002 – 2003)

Walter Stark Scholarship Selection Committee (2004 – present)

- b. The American Bar Association’s Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

“Introduction,” Annual Report of the United States District Court for the District of Delaware to the Federal Bar Association (2021). I was involved in the preparation of the rest of the report as well. Copy supplied.

“Introduction,” Annual Report of the United States District Court for the District of Delaware to the Federal Bar Association (2019). I was involved in the preparation of the rest of the report as well. Copy supplied.

“Introduction,” Annual Report of the United States District Court for the District of Delaware to the Federal Bar Association (2018). I was involved in the preparation of the rest of the report as well. Copy supplied.

“Welcome,” District of Delaware Bench & Bar Conference (2018). Copy supplied.

“Introduction,” Annual Report of the United States District Court for the District of Delaware to the Federal Bar Association (2017). I was involved in the preparation of the rest of the report as well. Copy supplied.

“The District Court for the District of Delaware,” in *The New Lawyers’ Survival Guide, Young Laws*. Section of Del. State Bar Ass’n (2016). Copy supplied.

“Introduction,” Annual Report of the United States District Court for the District of Delaware to the Federal Bar Association (2016). I was involved in the preparation of the rest of the report as well. Copy supplied.

“Welcome,” District of Delaware Bench & Bar Conference (2016). Copy supplied.

“Introduction,” Annual Report of the United States District Court for the District of Delaware to the Federal Bar Association (2015). I was involved in the preparation of the rest of the report as well. Copy supplied.

“Welcome Message,” District of Delaware Inaugural Bench & Bar Conference (2015). Copy supplied.

With Anne Shea Gaza, “Hon. Mary Pat Thyng: Chief U.S. Magistrate Judge, District of Delaware,” *Fed. Law.* (May/June 2014). Copy supplied.

With Mary Pat Thyng, “Delaware’s Magistrate Judges: 1995 – 2008,” in *The Delaware Bar in the Twentieth Century*, Del. State Bar Ass’n (2d ed. 2011). Copy supplied.

In approximately the summer of 2003, I was asked by the Yale Law School Career Development Office (CDO) to write something about my experience working in a U.S. Attorney’s Office for a CDO publication. I do not have a copy of the publication, but a copy of the page I contributed is supplied.

With William T. Allen & Leo E. Strine, Jr., “Judge ‘The Game by the Rules’: An

Appreciation of the Judicial Philosophy and Method of Walter K. Stapleton,” 6 Del. L. Rev. 223 (2003). Copy supplied.

With Karen L. Valihura, “Fiduciary Duties Derailed? Appropriation of Fiduciary Duties in the Battle for Control of Conrail,” 24 J. Corp. L. 30 (1998). Copy supplied.

“Review: *Mutual Contempt—Lyndon Johnson, Robert Kennedy, and the Feud that Defined a Decade*,” 85 Am. Oxonian 210 (Spring 1998). Copy supplied.

“You Gotta Be On It To Be In It: State Ballot Access Laws and Presidential Primaries,” 5 George Mason L. Rev. 137 (1997). Copy supplied.

“‘There He Goes Again’: The Consistent Style of President, Governor and Candidate Reagan,” in Proceedings of the Ronald Reagan Presidential Conference (1997). Copy supplied.

Note, “The Presidential Primary and Caucus Schedule: A Role for Federal Regulation?,” 15 Yale L. & Pol’y Rev. 327 (1996). Copy supplied.

Choosing A Leader: Party Leadership Contests in Britain from Macmillan to Blair (1996). Copy supplied.

“Letter from Oxford: What We Think About All This,” 80 Am. Oxonian 133 (Spring 1993). Copy supplied.

“Place to Do So Many Things,” Newsday (Feb. 18, 1993). Copy supplied.

“Letter from Oxford: Exclusive? The Social Challenge of Not Only Oxford,” 80 Am. Oxonian 24 (Winter 1993). Copy supplied.

“Letter from Oxford: Speaking of Politics 1992—Off the Record,” 79 Am. Oxonian 267 (Fall 1992). Copy supplied.

“So, why Oxford?,” UHP Report (May 1992). Copy supplied.

“Review: Naomi Wolf’s *The Beauty Myth*,” 79 Am. Oxonian (Spring 1992). Copy supplied.

“Predicting Presidential Performance from Campaign Conduct: A Character Analysis of the 1988 Election,” 22 Pres. Stud. Q. 295 (1992). Copy supplied.

Letter to the Editor, Int’l Herald Trib. (Jan. 28, 1992). Copy supplied.

“President Bush: Good for Four, Not for More,” Zimbabwe Bird (1991). Copy supplied.

“Traditional Gender Role Beliefs and Individual Outcomes: An Exploratory Analysis,” 24 Sex Roles: J. Res. 639 (1991). Copy supplied.

“Character and Experience: Predicting Presidential Performance,” 13 Mich. J. Pol. Sci. 69 (1991). Copy supplied.

“Examining the Effects of Gender Roles,” 10 Enquiry: Res. Univ. Del. 8 (1989). Copy supplied.

“Foreword,” Place-Names in the Town of Huntington: Their Location, Origin, and Meaning (1988). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

Annual Report of the United States District Court for the District of Delaware to the Federal Bar Association (2021). Copy supplied.

Board of Contributors, Anatomy of a Patent Case (4th ed.), Committee on Complex Litigation, American College of Trial Lawyers (2020). As a member of the Board of Contributors, I reviewed a draft of this publication and provided comments in response. Copy supplied.

2019 International IP Court Conference: Court, IP and Fairness, Reference Book. Copies of the portions I contributed to are supplied.

Annual Report of the United States District Court for the District of Delaware to the Federal Bar Association (2019). Copy supplied.

Annual Report of the United States District Court for the District of Delaware to the Federal Bar Association (2018). Copy supplied.

During the time I served on the Committee on Model Civil Jury Instructions Within the Third Circuit (2011 – 2019), the Committee published its 2011, 2015, and 2018 Editions of these instructions. Although I did not draft nor edit the instructions or associated commentary, I, like all members of the Committee, had the opportunity to review, discuss, and approve what was ultimately published. The 2018 Edition of the Third Circuit Model Civil Jury Instructions can be accessed at <https://www.ca3.uscourts.gov/model-jury-instructions>.

I have been a member of the Advisory Board of the Engelberg Center on

Innovation Law & Policy of NYU Law School since November 2018. The Engelberg Center's 2018 and 2019 Annual Reports, which list the members of the Advisory Board, can be accessed at http://www.law.nyu.edu/sites/default/files/upload_documents/FINAL%20Brochure%20Spreads%202018.pdf and https://www.law.nyu.edu/sites/default/files/Engelberg_Center_2019_Brochure.pdf, respectively. I had no role in the research, writing, editing, or preparation of these reports.

Annual Report of the United States District Court for the District of Delaware to the Federal Bar Association (2017). Copy supplied.

Patent Case Management Judicial Guide (3d ed.), Federal Judicial Center (2016). As a member of the Guide's Judicial Advisory Board, I participated in panel discussions and provided materials that may have impacted portions of the Guide, but I did not directly participate in the writing or editing of the publication. Copy supplied.

Annual Report of the United States District Court for the District of Delaware to the Federal Bar Association (2016). Copy supplied.

Annual Report of the United States District Court for the District of Delaware to the Federal Bar Association (2015). Copy supplied.

Ad Hoc Report to the Incoming University President on Accomplishments and Future Goals of the Alumni Association, University of Delaware Alumni Association (Apr. 10, 2007). Copy supplied.

Institute for Women's Policy Research, The Status of Women in Delaware: Politics, Economics, Health, Demographics (2000). As a member of the Institute for Women's Policy Research Delaware Advisory Committee, I reviewed and discussed with other members of the Committee portions of a draft of the report, but I do not believe I participated in the writing or editing of the publication. Copy supplied.

As a member (since 2018) and now chair of the Judicial Statistics Subcommittee of the Committee on Judicial Resources of the Judicial Conference of the United States, I have participated in the preparation of materials supporting recommendations of the Judicial Conference for additional judgeships. It is my understanding those materials are provided to the Senate Judiciary Committee, along with draft legislation, generally on a biennial basis.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

On April 22, 2010, I testified at my confirmation hearing before the Judiciary Committee of the United States Senate to be a United States District Judge for the District of Delaware. I also answered written questions for the record. Video of the hearing is available at <https://www.judiciary.senate.gov/meetings/nominations-2010-04-22> and a copy of my responses to the written questions is supplied.

Democratic National Committee Rules & Bylaws Committee, "Beyond 2000" Hearing on Primary Scheduling for 2004 (Nov. 20, 1999). Testimony supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The following list reflects my best efforts to identify the speeches, talks, and remarks that I have delivered, including the panel discussions in which I have participated. To compile this list, I have searched my files and electronic databases in an effort to identify all events responsive to this question. There may, however, be some events I have been unable to recall or identify.

September 15, 2021: Presiding Judge, Re-entry Court Graduation, United States District Court for the District of Delaware, Wilmington, Delaware (virtual). Recording supplied.

June 29, 2021: Speaker, Passing the Gavel, Annual Meeting, Federal Bar Association Delaware Chapter, Wilmington, Delaware (virtual). Recording supplied.

June 29, 2021: Speaker, State of the Court Address, Annual Meeting, Federal Bar Association Delaware Chapter, Wilmington, Delaware (virtual). Remarks supplied.

June 28, 2021: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting two lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

June 24, 2021: Panelist, Intellectual Property Law and Case Management Webinar Series II: Patent Case Management, Berkeley Center for Law & Technology, Berkeley Judicial Institute, and Federal Judicial Center (virtual). Recording supplied.

June 23, 2021: Panelist, 25th Anniversary of Markman Decision, Federal Circuit Bar Association (virtual). Notes supplied.

June 4, 2021: Panelist, IP Disputes after the Pandemic: View from the Bench, Rocky Mountain Intellectual Property & Technology Law Institute, Denver, Colorado (virtual). Recording supplied.

May 12, 2021: Speaker, “Reflections on 101 Days,” Washington State Bar Association, Seattle, Washington. Slides supplied.

April 26, 2021: Panelist, Spotlight on Delaware: Fireside Chat with Chief Judge Stark and Judge Noreika, 15th Annual Paragraph IV Disputes, American Conference Institute, New York, New York (virtual). Recording supplied.

April 8, 2021: Panelist, “Courts of First Instance,” Global Series, Federal Circuit Bar Association (“FCBA”) (virtual). The panel addressed matters relating to patent litigation and case management in the United States, Canada, and Germany. I have no notes, transcript, or recording. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

March 5, 2021: Panelist, Patent Damages, Texas Intellectual Property Law Journal, University of Texas School of Law, Austin, Texas (virtual). Video available at <https://www.youtube.com/watch?v=INq1fmmh9FE>.

March 4, 2021: Panelist, Donald R. Dunner Judicial Panel, Intellectual Property & Social Justice Conference, Howard Law School, Washington, District of Columbia (virtual). I spoke on a panel about patent litigation and case management. I have no notes, transcript, or recording. The address for Howard Law School is 2900 Van Ness Street, Northwest, Washington, District of Columbia 20008.

February 24, 2021: Panelist, Challenges in Evaluating Scientific Evidence in Court, Emerging Areas of Science, Engineering, and Medicine for the Courts: A Workshop, National Academies of Sciences, Engineering & Medicine and Federal Judicial Center, Washington, District of Columbia (virtual). Video available at <https://vimeo.com/showcase/8214181>.

February 19, 2021: Panelist, Judicial Perspectives on Patent Jurisdiction, Works in Progress in Intellectual Property, American University Washington College of Law, Texas A&M University School of Law, and University of Utah S.J. Quinney College of Law (virtual). I participated in a panel about patent litigation and case

management. I have no notes, transcript, or recording. The address for American University Washington College of Law is 4300 Nebraska Avenue, Northwest, Washington, District of Columbia 20016. The address for Texas A&M University School of Law is 1515 Commerce Street, Fort Worth, Texas 76102. The address for the University of Utah S.J. Quinney College of Law is 383 South University Street East, Salt Lake City, Utah 84112.

February 8, 2021: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware (virtual). I made brief remarks while admitting one lawyer to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

February 4, 2021: Panelist, Case Management in Patent-Rich Districts, 34th Annual Advanced Intellectual Property Law Course, State Bar of Texas, Austin, Texas (virtual). Transcript supplied.

January 8, 2021: Speaker, Commendation Ceremony for United States Marshals Service (“USMS”), United States District Court for the District of Delaware, Wilmington, Delaware. I spoke briefly in conjunction with the Chief Judge of the United States Court of Appeals for the Third Circuit as he presented a commendation to the USMS on behalf of the Circuit and our Judicial Council. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

December 11, 2020: Panelist, “Section 101 Deep Dives,” Berkeley-Stanford Advanced Patent Law Institute, University of California, Berkeley, School of Law and Stanford Law School (virtual). The panel addressed matters relating to patent litigation and case management. I have no notes, transcript, or recording, but press coverage is supplied. The address for the University of California, Berkeley, School of Law is Law Building 7200, Berkeley, California 94720. The address for Stanford Law School is 559 Nathan Abbott Way, Stanford, California 94305.

December 10, 2020: Speaker, Brown Bag Lunch, Federal Bar Association Delaware Chapter (virtual). Notes supplied.

October 29, 2020: Speaker, “Discovery in US Patent Litigation,” Patent Litigation and Evidence Collection During the Pandemic, Ninth Annual Waseda Global Patent Law Conference, Part of the Federal Circuit Bar Association Global Series, Waseda University Law School, Tokyo, Japan. Recording supplied.

October 21, 2020: Judge, The Mock Argument Series: Persuasive Advocacy for the Next Generation, National Mock Argument, Federal Circuit Bar Association (“FCBA”) (virtual). Along with other judges, I presided over mock arguments concerning a patent litigation issue. I have no notes, transcript, or recording. The

address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

October 9, 2020: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware (virtual). I made brief remarks while admitting three lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

October 9, 2020: Welcoming Speaker, “The POWER Act: Pro Bono Representation for Survivors of Domestic Violence,” Federal Bar Association Delaware Chapter, United States District Court for the District of Delaware, and the Family Court of Delaware (virtual). Notes supplied.

October 6, 2020: Panelist, And Now a Word from the District of Delaware: A Conversation with Chief Judge Stark and Chief Magistrate Thyng, 14th Annual Paragraph IV Disputes Conference, American Conference Institute (virtual). Notes supplied.

July 9, 2020: Speaker, “The U.S. District Courts and Appellate Courts—What, Why, and Who,” Law and The Judiciary, Leadership Delaware, Wilmington, Delaware (virtual). Notes supplied.

June 23, 2020: Panelist, Focus Group on the Handbook of Electronic Evidence, Complex Litigation Committee, American College of Trial Lawyers (virtual). A group of judges and members of the College discussed an early draft of the Committee’s forthcoming publication relating to the use of electronic evidence in complex litigation. I have no notes, transcript, or recording. The address for the American College of Trial Lawyers is 1300 Dove Street, Suite 150, Newport Beach, California 92660.

June 18, 2020: Panelist, Reviewed Adjudicators, Complexity and Excellence in the Circuit Community, Federal Circuit Bar Association (“FCBA”) (virtual). The panel discussed issues relating to patent litigation and case management. I have no notes, transcript, or recording. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

May 5, 2020: Speaker, Discussion with Chief Judge Leonard P. Stark, New York Intellectual Property Law Association (virtual). Video available at www.youtube.com/watch?v=0w6GvrpauLw&t=9s.

March 12, 2020: Panelist, Judicial Panel, 15th Annual Advanced Patent Law Institute, George Mason University Antonin Scalia Law School and University of Texas School of Law (virtual). Recording supplied.

February 7, 2020: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting six lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

February 3, 2020: Speaker, Intellectual Property Law Section Dinner, Federal Bar Association Delaware Chapter, Wilmington, Delaware. Notes supplied.

January 16, 2020: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. Remarks supplied.

January 15, 2020: Speaker, Retirement Celebration Honoring Bankruptcy Judges Kevin Gross and Kevin J. Carey, United States Bankruptcy Court for the District of Delaware, Wilmington, Delaware. I have no notes, transcript, or recording. The address for the United States Bankruptcy Court for the District of Delaware is 824 North Market Street, Third Floor, Wilmington, Delaware 19801.

December 13, 2019: Panelist, From Servers to Car Dealerships: Venue and Transfer, 20th Annual Berkeley-Stanford Advanced Patent Law Institute, Berkeley Center for Law & Technology (“BCLT”) and Stanford Program in Law, Science & Technology, Palo Alto, California. The panel discussed evolving caselaw relating to venue for patent cases. I have no notes, transcript, or recording. The address for BCLT is Room 421 Law Building, North Addition, University of California, Berkeley School of Law, Berkeley, California 94720. The address for the Stanford Program in Law, Science & Technology is Crown Quadrangle, 559 Nathan Abbott Way, Stanford, California 94305.

November 20, 2019: Presenter, Award for Outstanding IP Achievement, Annual Judges’ Dinner, Philadelphia Intellectual Property Law Association, Philadelphia, Pennsylvania. Remarks supplied.

November 14, 2019: Speaker, IP Users Committee Meeting, Federal Court of Canada, Toronto, Ontario, Canada. I spoke to a committee of Canadian patent judges and lawyers about effective case management for patent trials, claim construction hearings, and prosecution history estoppel. I have no notes, transcript, or recording, but the committee’s minutes are supplied. The address for the Federal Court of Canada is 180 Queen Street West, Seventh Floor, Toronto, Ontario, Canada.

November 14, 2019: Speaker, Federal Court of Canada, Toronto, Ontario, Canada. I spoke to Canadian judges who handle patent litigation about issues relating to U.S. patent litigation and case management. I have no notes, transcript, or recording, but the court’s minutes are supplied. The address for the Federal

Court of Canada is 180 Queen Street West, Seventh Floor, Toronto, Ontario, Canada.

November 9, 2019: Speaker, TeenSHARP Wilmington, Wilmington, Delaware. I spoke to a group of students about federal courts, federal judges, and my career. I have no notes, transcript, or recording. The address for TeenSHARP is Community Education Building, 1200 North French Street, Wilmington, Delaware 19801.

October 17, 2019: Speaker, International IP Court Conference, Patent Court of Korea, Daejeon, South Korea. I gave short reflections on the day's events at the conference. I have no notes, transcript, or recording. The address for the Patent Court of Korea is 69 Dunsanjung-ro, Seo-gu, Daejeon, Korea.

October 17, 2019: Presiding Judge, Mock Court Session: Patent Claim Construction, International IP Court Conference, Patent Court of Korea, Daejeon, South Korea. Video available at <https://www.youtube.com/watch?v=3rhXMnG5mwo>.

October 17, 2019: Panelist, Assessment of Damages and Lawful Protection of IP Rights, International IP Court Conference, Patent Court of Korea, Daejeon, South Korea. Video available at <https://www.youtube.com/watch?v=5bcdXajzKJM>.

October 16, 2019: Speaker, International IP Court Conference, Patent Court of Korea, Daejeon, South Korea. I gave short reflections on the day's events at the conference. I have no notes, transcript, or recording. The address for the Patent Court of Korea is 69 Dunsanjung-ro, Seo-gu, Daejeon, Korea.

October 16, 2019: Panelist, Legitimate Exercise of Trademark Rights, International IP Court Conference, Patent Court of Korea, Daejeon, South Korea. Video available at <https://www.youtube.com/watch?v=NlODCemAwrc>.

October 16, 2019: Speaker, "Three Keys to a Fair Patent Trial," Keynote Session: What Makes a Good Trial, a Fair Patent Trial, International IP Court Conference, Patent Court of Korea, Daejeon, South Korea. Video available at <https://www.youtube.com/watch?v=v52nJP6pPjY>.

October 14, 2019: Panelist, Innovation in Adjudication Perspectives, Innovation and IP Leadership: Commerce, Trade, Governance, and Adjudication, Global Outreach: 2019 Global Series Hawaii, Federal Circuit Bar Association ("FCBA") and European Patent Lawyers Association ("EPLAW"), Honolulu, Hawaii. The panel discussed issues relating to patent litigation and case management in various courts. I have no notes, transcript, or recording. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006. The address for EPLAW is Avenue Louise 149 / 20, 1050 Bruxelles, Belgium.

October 1, 2019: Speaker, Visit with Chief Judge Leonard Stark, Global Fellows Program, Federal Circuit Bar Association (“FCBA”), Washington, District of Columbia. I spoke about patent litigation and case management. I have no notes, transcript, or recording. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

September 27, 2019: Presiding Judge, Investiture Ceremony for Jennifer L. Hall as United States Magistrate Judge for the District of Delaware, United States District Court for the District of Delaware, Wilmington, Delaware. Transcript supplied.

September 23, 2019: Panelist, Looking Down from Above: What Mere Mortals Could Do Better as Seen from on High, Eastern District of Texas Bench Bar Conference 2019, Eastern District of Texas Bar Association, Federal Circuit Bar Association (“FCBA”), and the Center for American and International Law (“CAIL”), Plano, Texas. The panel discussed issues relating to patent litigation and case management. I have no notes, transcript, or recording. The address for the Eastern District of Texas Bar Association is 2800 Texas Boulevard, Texarkana, Texas 75503. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006. The address for CAIL is 5201 Democracy Drive, Plano, Texas 75024.

September 20, 2019: Panelist, Excellence in Persuasion: Advocacy from a Judicial Perspective, Hot Topics in IP 2019, Federal Circuit Bar Association (“FCBA”) and Federal Bar Association (“FBA”) Delaware Chapter, Wilmington, Delaware. The panel discussed effective oral and written advocacy, interactions between trial and appellate courts, patent litigation, and case management. I have no notes, transcript, or recording. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006. The FBA Delaware Chapter does not have a mailing address.

September 20, 2019: Speaker, State of the Court Address, Annual Meeting, Federal Bar Association Delaware Chapter, Wilmington, Delaware. Remarks supplied.

September 16 – 19, 2019: Participant, Master Dialogue on Intellectual Property Adjudication, World Intellectual Property Organization (“WIPO”), Washington, District of Columbia. During this multi-day gathering of judges who handle patent litigation, I participated in discussions about patentability, infringement, standard essential patents, and the intersection of patent and competition law. I have no notes, transcripts, or recordings. The address for WIPO is 34, chemin des Colombettes, CH-1211 Geneva 20, Switzerland.

August 29, 2019: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting two lawyers to the bar of our court. I have no notes,

transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

June 27, 2019: Speaker, Litigation Roundtable with Chief Judge Stark, American Bar Association Section on Litigation, Wilmington, Delaware (virtual). Notes supplied.

June 14, 2019: Panelist, Reviewed Adjudicators, 2019 Bench & Bar Conference, Federal Circuit Bar Association (“FCBA”), Colorado Springs, Colorado. The panel discussed issues relating to patent litigation and case management. I have no notes, transcript, or recording. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

June 7, 2019: Presiding Judge, Investiture Ceremony for Maryellen Noreika as United States District Judge for the District of Delaware, United States District Court for the District of Delaware, Wilmington, Delaware. Transcript supplied.

May 31, 2019: Presiding Judge, Mock Trial, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter. Video available at <https://www.youtube.com/watch?v=7GEi41xkAYU>.

May 21, 2019: Panelist, Cross Examination, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Video available at <https://www.youtube.com/watch?v=kgzHeQJy8SU&t=4273s>.

May 15, 2019: Speaker, Views from the Bench and Patent Litigation: A Conversation with U.S. District Court Judge Leonard Stark, Spring Meeting, American Intellectual Property Law Association, Philadelphia, Pennsylvania. Recording supplied.

May 14, 2019: Panelist, Direct Examination, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Video available at <https://www.youtube.com/watch?v=nTSRWiyUVws&t=2964s>.

April 30, 2019: Panelist, Closing Arguments, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Video available at <https://www.youtube.com/watch?v=UFfyjmPJxFc&t=6516s>.

April 24, 2019: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting two lawyers to the bar of our court. I have no notes,

transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

April 16, 2019: Panelist, Opening Statements, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Video available at <https://www.youtube.com/watch?v=LO-VcSGtst0>.

April 12, 2019: Panelist, District Judge Panel, Symposium: Charting a Path for Federal Judiciary Reform, Berkeley Judicial Institute (“BJI”), Berkeley, California. The panel discussed topics relating to the work of federal trial courts. I have no notes, transcript, or recording, but the Symposium report is supplied. The address for BJI is 788 Simon Hall, University of California, Berkeley, School of Law, Berkeley, California 94720.

April 5, 2019: Presiding Judge, Investiture Ceremony for Colm F. Connolly as United States District Judge for the District of Delaware, United States District Court for the District of Delaware, Wilmington, Delaware. Transcript supplied.

March 18, 2019: Speaker, Advanced Placement Government Class, Cab Calloway School of the Arts (“CCSA”), Wilmington, Delaware. I spoke to students in an Advanced Placement Government class about the federal court system and the duties of federal judges. I have no notes, transcript, or recording. The address for CCSA is 100 North Dupont Road, Wilmington, Delaware 19805.

March 1, 2019: Panelist, Remarks from the Bench, 16th Annual Intellectual Property and Social Justice CLE Seminar, Institute for Intellectual Property & Social Justice, Howard University School of Law, Washington, District of Columbia. Notes supplied.

January 28, 2019: Panelist, PTAB Reviews & Litigation, Winter Meeting, Association of Corporate Patent Counsel (“ACPC”), Naples, Florida. The panel addressed issues relating to proceedings in the Patent Trial and Appeal Board and federal district courts. I have no notes, transcript, or recording. The address for ACPC is 136 Everett Road, Albany, New York 12205.

January 24, 2019: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made remarks while admitting 35 lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

January 19, 2019: Speaker & Panelist, Patent Case Management Summit: A Conference for Federal Judges, United States District Court for the District of Delaware, Federal Judicial Center (“FJC”), Berkeley Center for Law & Technology (“BCLT”), and Berkeley Judicial Institute (“BJI”), Wilmington,

Delaware. During this all-day event, I made opening and closing remarks and participated on panels addressing patentable subject matter, damages, early case management, claim construction, pharmaceutical patent litigation, and trial and post-trial issues in patent cases. I have no notes, transcripts, or recordings. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801. The address for the FJC is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, Northeast, Washington, District of Columbia 20002. The address for BCLT is Room 421 Law Building, North Addition, University of California, Berkeley, School of Law, Berkeley, California 94720. The address for BJI is 788 Simon Hall, University of California, Berkeley, School of Law, Berkeley, California 94720.

January 18, 2019: Welcoming Speaker, Patent Law Primer and Case Management Overview, Judicial Patent Summit: A Conference for Federal Judges, United States District Court for the District of Delaware, Federal Judicial Center (“FJC”), Berkeley Center for Law & Technology (“BCLT”), and Berkeley Judicial Institute (“BJI”), Wilmington, Delaware. I made welcoming remarks at the start of this all-day event for district judges from around the country. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801. The address for the FJC is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, Northeast, Washington, District of Columbia 20002. The address for BCLT is Room 421 Law Building, North Addition, University of California, Berkeley, School of Law, Berkeley, California 94720. The address for BJI is 788 Simon Hall, University of California, Berkeley, School of Law, Berkeley, California 94720.

January 15, 2019: Welcoming Speaker, Intellectual Property Law Section Dinner, Federal Bar Association (“FBA”) Delaware Chapter, Wilmington, Delaware. I made remarks welcoming patent litigators to a dinner and may have spoken briefly about the District of Delaware. I have no notes, transcript, or recording. The FBA Delaware Chapter does not have a mailing address.

January 5, 2019: Panelist, A Dialogue Between Bench and Bar, 36th Annual National CLE Conference: Intellectual Property, Colorado Bar Association and Denver Bar Association, Snowmass Village, Colorado. The panel discussed issues relating to patent litigation and case management. I have no notes, transcript, or recording. The address for the Colorado Bar Association is 1290 Broadway, Suite 1700, Denver, Colorado 80203. The address for the Denver Bar Association is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

December 12, 2018: Presiding Judge, Re-entry Court Graduation, United States District Court for the District of Delaware, Wilmington, Delaware. I made congratulatory remarks at the graduation ceremony for participants in a voluntary federal re-entry program for Delaware residents on supervised release. I have no

notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

November 16, 2018: Panelist, Developments in Case Management, Tenth Annual Conference on the Role of the Courts in Patent Law & Policy, Georgetown Law Institute for Technology Law & Policy (“LITLP”) and Berkeley Center for Law & Technology (“BCLT”), Washington, District of Columbia. The panel discussed patent case management. I have no notes, transcript, or recording. The address for LITLP is 600 New Jersey Avenue, Northwest, Washington, District of Columbia 20001. The address for BCLT is Room 421 Law Building, North Addition, University of California, Berkeley, School of Law, Berkeley, California 94720.

November 2, 2018: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting three lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

November 1, 2018: Speaker, Annual Judges’ Dinner Honoring the Honorable Leonard P. Stark, Philadelphia Intellectual Property Law Association and Federal Bar Association Delaware Chapter, Philadelphia, Pennsylvania. Remarks supplied.

October 19, 2018: Speaker, Best Practices in Pharmaceutical Patent Litigation, Third Circuit Judicial Conference (Judges Only), United States Court of Appeals for the Third Circuit, Wilmington, Delaware. I led a small-group discussion among judges in the Third Circuit who regularly handle pharmaceutical patent cases. I have no notes, transcript, or recording. The address for the United States Court of Appeals for the Third Circuit is 601 Market Street, Philadelphia, Pennsylvania 19106.

October 17, 2018: Welcoming Speaker, Third Circuit Judicial Conference (Judges Only), United States Court of Appeals for the Third Circuit, Wilmington, Delaware. I gave welcoming remarks to judges from around the Third Circuit who gathered in the District of Delaware for the Third Circuit Judicial Conference. I have no notes, transcript, or recording. The address for the United States Court of Appeals for the Third Circuit is 601 Market Street, Philadelphia, Pennsylvania 19106.

October 11, 2018: Panelist, Perspectives of Patent Adjudicators: Fact-Finding Challenges, Innovation and IP Leadership: Commerce, Trade, Governance, and Adjudication, 2018 Global Series Ottawa, Federal Circuit Bar Association (“FCBA”) and European Patent Lawyers Association (“EPLAW”), Ottawa, Canada. The panel discussed issues relating to patent litigation and patent prosecution. I have no notes, transcript, or recording. The address for the FCBA is

1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.
The address for EPLAW is Avenue Louise 149 / 20, 1050 Bruxelles, Belgium.

September 27, 2018: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting five lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

September 14, 2018: Speaker, Retirement Celebration and Portrait Presentation for the Honorable Gregory M. Sleet, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter. Remarks supplied.

August 20, 2018, Panelist, Convocation, Washington University School of Law, St. Louis, Missouri. I participated in a panel of federal and state judges about law school and the practice of law. I have no notes, transcript, or recording. The address for Washington University School of Law is One Brookings Drive, St. Louis, Missouri 63130.

August 20, 2018: Speaker, Convocation, Washington University School of Law, St. Louis, Missouri. I spoke with a group of first-year law students and answered questions about my career, law school, and the practice of law. I have no notes, transcript, or recording. The address for Washington University School of Law is One Brookings Drive, St. Louis, Missouri 63130.

July 13, 2018: Speaker, State of the Court Address, Annual Meeting, Federal Bar Association Delaware Chapter, Wilmington, Delaware. Notes supplied.

June 22, 2018: Panelist, Reviewed Adjudicators: The Challenges, 2018 Bench & Bar Conference, Federal Circuit Bar Association (“FCBA”), Coronado, California. The panel addressed issues relating to patent litigation, case management, and fact-finding. I have no notes, transcript, or recording. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

June 13, 2018: Presiding Judge, Re-entry Court Graduation, United States District Court for the District of Delaware. I made congratulatory remarks at the graduation ceremony for participants in a voluntary federal re-entry program for Delaware residents on supervised release. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

June 13, 2018: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting one lawyer to the bar of our court. I have no notes,

transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

June 1, 2018: Presiding Judge, Investiture Ceremony for David C. Weiss as United States Attorney for the District of Delaware, United States District Court for the District of Delaware, Wilmington, Delaware. Remarks supplied.

May 24, 2018: Panelist, The Elements of a Patent Case, The Federalist Society for Law & Public Policy Studies, Stanford Law School, Stanford, California. The panel discussed how district courts handle various aspects of a typical patent case. I have no notes, transcript, or recording. The address for the Stanford Law School chapter of the Federalist Society is Crown Quadrangle, 559 Nathan Abbott Way, Stanford, California 94305.

May 23, 2018: Panelist, Patent Mediation, Intellectual Property in the New Technological Age, Berkeley Center for Law & Technology (“BCLT”) and Federal Judicial Center (“FJC”), Berkeley, California. The panel discussed alternative dispute resolution in patent cases. I have no notes, transcript, or recording. The address for BCLT is 421 Law Building, North Addition, University of California, Berkeley, School of Law, Berkeley, California 94720. The address for the FJC is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, Northeast, Washington, District of Columbia 20002.

May 23, 2018: Panelist, Patent Remedies and Expert Witnesses, Intellectual Property in the New Technological Age, Berkeley Center for Law & Technology (“BCLT”) and Federal Judicial Center (“FJC”), Berkeley, California. The panel discussed patent litigation and case management. I have no notes, transcript, or recording. The address for BCLT is 421 Law Building, North Addition, University of California, Berkeley, School of Law, Berkeley, California 94720. The address for the FJC is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, Northeast, Washington, District of Columbia 20002.

May 22, 2018: Panelist, Patent Case Management: Mixed Questions of Fact and Law, Patentable Subject Matter, and Non-Obviousness, Intellectual Property in the New Technological Age, Berkeley Center for Law & Technology (“BCLT”) and Federal Judicial Center (“FJC”), Berkeley, California. The panel discussed patent litigation and case management. I have no notes, transcript, or recording. The address for BCLT is 421 Law Building, North Addition, University of California, Berkeley, School of Law, Berkeley, California 94720. The address for the FJC is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, Northeast, Washington, District of Columbia 20002.

May 22, 2018: Panelist, Claim Construction Hearing Discussion, Intellectual Property in the New Technological Age, Berkeley Center for Law & Technology (“BCLT”) and Federal Judicial Center (“FJC”), Berkeley, California. The panel discussed claim construction. I have no notes, transcript, or recording. The

address for BCLT is 421 Law Building, North Addition, University of California, Berkeley, School of Law, Berkeley, California 94720. The address for the FJC is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, Northeast, Washington, District of Columbia 20002.

May 22, 2018: Panelist, Early Case Management: Philosophy, Context, Logic, and Departures, Intellectual Property in the New Technological Age, Berkeley Center for Law & Technology (“BCLT”) and Federal Judicial Center (“FJC”), Berkeley, California. The panel discussed patent litigation and case management. I have no notes, transcript, or recording. The address for BCLT is 421 Law Building, North Addition, University of California, Berkeley, School of Law, Berkeley, California 94720. The address for the FJC is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, Northeast, Washington, District of Columbia 20002.

May 4, 2018: Moderator, A Discussion Among Chief Circuit and District Judges, District of Delaware Bench & Bar Conference, Federal Bar Association Delaware Chapter and Federal Circuit Bar Association, Wilmington, Delaware. Notes supplied.

May 3, 2018: Welcoming Speaker, District of Delaware Bench & Bar Conference, Federal Bar Association (“FBA”) Delaware Chapter and Federal Circuit Bar Association (“FCBA”), Wilmington, Delaware. I welcomed everyone to the dinner at our Bench and Bar Conference. I have no notes, transcript, or recording. The FBA Delaware Chapter does not have a mailing address. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

May 3, 2018: Panelist, *TC Heartland*: The Makings of a Supreme Court Case and a Look at the Future of Venue, District of Delaware Bench & Bar Conference, Federal Bar Association (“FBA”) Delaware Chapter and Federal Circuit Bar Association (“FCBA”), Wilmington, Delaware. The panel discussed the Supreme Court’s decision in *TC Heartland* and its impact on venue determinations for patent cases. I have no notes, transcript, or recording, but press coverage is supplied. The FBA Delaware Chapter does not have a mailing address. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

May 3, 2018: Speaker, Welcoming Remarks, District of Delaware Bench & Bar Conference, Federal Bar Association Delaware Chapter and Federal Circuit Bar Association, Wilmington, Delaware. Notes supplied.

April 27, 2018: Speaker, Visit from Wilmington Friends School (“WFS”), United States District Court for the District of Delaware, Wilmington, Delaware. Along with other judges, I spoke to eighth-grade students about the federal judiciary and presided over a student argument about the constitutionality of hypothetical

legislation. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801. The address for WFS is 101 School Road, Wilmington, Delaware 19803.

April 23, 2018: Panelist, The Federal Judges Speak on Paragraph IV Litigation, 12th Annual Paragraph IV Disputes, American Conference Institute (“ACI”), New York, New York. The panel discussed issues relating to pharmaceutical patent litigation. I have no notes, transcript, or recording. The address for ACI is Two Park Avenue, 20th Floor, New York, New York 10016.

April 19, 2018: Panelist, *TC Heartland* Program, The Giles S. Rich American Inn of Court, Washington, District of Columbia. Notes supplied.

April 4, 2018: Panelist, “We’ve Been Wrong for 30 Years? *TC Heartland* and its Implications for Patent Law and Practice,” University of Pennsylvania Carey Law School (“Penn Law”), Philadelphia, Pennsylvania. Along with a law professor and a lawyer who litigated the *TC Heartland* case, I spoke about venue determinations in patent cases. I have no notes, transcript, or recording. The address for Penn Law is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

March 27, 2018: Speaker, Advanced Placement Government Class, Cab Calloway School of the Arts (“CCSA”), Wilmington, Delaware. I spoke to students in an Advanced Placement Government class about the federal court system and the duties of federal judges. I have no notes, transcript, or recording. The address for CCSA is 100 North Dupont Road, Wilmington, Delaware 19805.

March 23, 2018: Panelist, Developments in the Courts and Congress and the Implications for Patent Policy and Innovation, Day of the Dinner CLE Luncheon, New York Intellectual Property Law Association, New York, New York. Notes supplied.

March 15, 2018: Panelist, Hindsight Bias, Judges’ Day Program, United States Court of Appeals for the Federal Circuit, Washington, District of Columbia. I participated in a panel about hindsight bias in patent litigation. I have no notes, transcript, or recording. The address for the Federal Circuit is 717 Madison Place, Northwest, Washington, District of Columbia 20005.

March 14, 2018: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting four lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

March 5, 2018: Panelist, Damages Issues in My Courtroom and How They Have Been Handled, Inaugural IP Conference on Issues That Make a Difference,

University of Arizona James E. Rogers College of Law, Tucson, Arizona. The panel discussed successful and unsuccessful approaches to damages-related pretrial and trial issues. I have no notes, transcript, or recording. The address for the University of Arizona James E. Rogers College of Law is 1201 East Speedway Boulevard, Tucson, Arizona 85721.

February 22, 2018: Presiding Judge, Investiture Ceremony for David C. Weiss as United States Attorney for the District of Delaware, United States District Court for the District of Delaware, Wilmington, Delaware. Transcript supplied.

February 18 – 20, 2018: Participant, The Naples Roundtable, Leahy Institute of Advanced Patent Studies, Naples, Florida. During this multi-day conference, I participated in several panels about patent validity, patentable subject matter, patent damages, patent venue, willful infringement, and exceptional case findings. I have no notes, transcripts, or recordings. The Naples Roundtable does not have a mailing address.

January 25, 2018: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. Remarks supplied.

December 7, 2017: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Delaware, Newark, Delaware. Notes supplied.

November 17, 2017: Panelist, Judicial Roundtable, 14th Annual eDiscovery Institute, Georgetown University Law Center, Washington, District of Columbia. The panel discussed issues relating to electronic discovery. I have no notes, transcript, or recording. The address for Georgetown University Law Center is 600 New Jersey Avenue, Northwest, Washington, District of Columbia 20001.

November 17, 2017: Speaker & Moderator, From Rule 37 to the Jury Room: Sanctions and Remedial Measures on Trial, 14th Annual eDiscovery Institute, Georgetown University Law Center, Washington, District of Columbia. Notes supplied.

November 15, 2017: Presiding Judge, Re-entry Court Graduation, United States District Court for the District of Delaware. I made congratulatory remarks at the graduation ceremony for participants in a voluntary federal re-entry program for Delaware residents on supervised release. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

November 3, 2017: Panelist, “Developments in Case Management,” Ninth Annual Conference on the Role of Courts in Patent Law & Policy, Georgetown Law Institute for Technology Law & Policy (“LITLP”) and Berkeley Center for Law & Technology (“BCLT”), Washington, District of Columbia. The panel discussed

patent litigation and case management. I have no notes, transcript, or recording. The address for LITLP is 600 New Jersey Avenue, Northwest, Washington, District of Columbia 20001. The address for BCLT is Room 421 Law Building, North Addition, University of California, Berkeley, School of Law, Berkeley, California 94720.

October 21, 2017: Panelist, "Patent Damages and Monetizing Patents," Sixth Annual Global Patent Law Conference, Waseda University, Tokyo, Japan. Slides supplied.

October 20, 2017: Guest Speaker, Waseda Law School, Tokyo, Japan. I spoke to a class of Waseda law students about U.S. intellectual property law. I have no notes, transcript, or recording. The address for Waseda Law School is 1-6-1 Nishiwaseda, Shinjuku-ku, Tokyo, Japan 169-8050.

October 13, 2017: Welcoming Speaker, Federal Public Defender Continuing Legal Education Program, Office of the Federal Public Defender for the District of Delaware, Wilmington, Delaware. I gave welcoming remarks to the federal criminal defense bar at the start of their continuing legal education program. I have no notes, transcript, or recording. The address for the Office of the Federal Public Defender for the District of Delaware is 800 North King Street, Suite 200, Wilmington, Delaware 19801.

October 4, 2017: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting five lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

September 25, 2017: Panelist, "Patent Litigation in the United States," 2017 Global Series, London, Federal Circuit Bar Association ("FCBA") and European Patent Lawyers Association ("EPLAW"), London, England. The panel discussed issues relating to patent litigation and patent prosecution. I have no notes, transcript, or recording. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006. The address for EPLAW is Avenue Louise 149 / 20, 1050 Bruxelles, Belgium.

September 13, 2017: Speaker, Patent Litigation 2017, Federal Bar Association ("FBA") Delaware Chapter and Federal Circuit Bar Association ("FCBA"), Wilmington, Delaware. I spoke about patent litigation and case management. I have no notes, transcript, or recording. The FBA Delaware Chapter does not have a mailing address. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

July 25, 2017: Speaker, Retirement Celebration and Portrait Presentation for the Honorable Sue L. Robinson, United States District Court for the District of Delaware and the Federal Bar Association Delaware Chapter. Remarks supplied.

June 27, 2017: Speaker, State of the Court Address, Annual Meeting, Federal Bar Association Delaware Chapter, Wilmington, Delaware. Remarks supplied.

June 2, 2017: Presiding Judge, Mock Trial, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Video available at https://www.youtube.com/watch?v=8C_pV4b3HVY.

May 23, 2017: Panelist, Cross Examination, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Video available at <https://www.youtube.com/watch?v=nLijT-p5rLA>.

May 16, 2017: Panelist, Direct Examination, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Video available at https://www.youtube.com/watch?v=ECx-nuQ6_QM.

May 9, 2017: Panelist, Closing Arguments, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Videos available at https://www.youtube.com/watch?v=jH0IZ_4haXo; <https://www.youtube.com/watch?v=boC83hhY-jc>; and <https://www.youtube.com/watch?v=H0wcGP4CLXI>.

May 2, 2017: Panelist, Closing Arguments, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Video available at <https://www.youtube.com/watch?v=fjE2WHUUMuk>.

April 21, 2017: Speaker, District Court Breakfast, 73rd Judicial Conference of the United States Court of Appeals for the Third Circuit, Lancaster, Pennsylvania. I made brief remarks and answered questions about the United States District Court for the District of Delaware. I have no notes, transcript, or recording. The address for the United States Court of Appeals for the Third Circuit is 601 Market Street, Philadelphia, Pennsylvania 19106.

April 20, 2017: Panelist, “Pay for Delay Today—the Still-Developing Law on Reverse Payment Settlements in Hatch-Waxman Patent Litigation,” 73rd Judicial Conference of the United States Court of Appeals for the Third Circuit, Lancaster, Pennsylvania. I participated in a panel about competition law and patent law with an emphasis on pharmaceutical-related litigation. I have no notes, transcript, or

recording. The address for the United States Court of Appeals for the Third Circuit is 601 Market Street, Philadelphia, Pennsylvania 19106.

April 18, 2017: Panelist, Opening Statements, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Video available at <https://www.youtube.com/watch?v=0YBZStZCsqw>.

April 7, 2017: Panelist, "Case Management and Abusive Litigation," Patent Litigation: Trial and Appellate Issues and Trends, Baylor Law School and Federal Circuit Bar Association ("FCBA"), Washington, District of Columbia. I participated in a panel about patent litigation and case management. I have no notes, transcript, or recording. The address for Baylor Law School is 1114 South University Parks Drive, Waco, Texas 76706. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

April 5, 2017: Speaker, Visit from Wilmington Friends School ("WFS"), United States District Court for the District of Delaware, Wilmington, Delaware. I spoke to eighth-grade students about the federal judiciary and presided over a student argument about the constitutionality of hypothetical legislation. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware. The address for WFS is 101 School Road, Wilmington, Delaware 19803.

March 30, 2017: Panelist, "Applying Leadership Lessons from Washington to the Role of Chief District Judge," Conference for Chief Judges of the United States District Courts, Federal Judicial Center ("FJC") and George Washington Leadership Institute, Mount Vernon, Virginia. I participated in a panel about the leadership role played by a chief district judge. I have no notes, transcript, or recording. The address for the FJC is One Columbus Circle, Northeast, Washington, District of Columbia 20002. The address for the George Washington Leadership Institute is 3200 Mount Vernon Memorial Highway, Mount Vernon, Virginia 22121.

March 27, 2017: Presiding Judge, Portrait Presentation for the Honorable Joseph J. Farnan, Jr., United States District Court for the District of Delaware and the Federal Bar Association Delaware Chapter. Transcript supplied.

March 24, 2017: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting eight lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

February 28, 2017: Panelist, Clerkships in Patent Law, University of Pennsylvania Carey Law School ("Penn Law"), Philadelphia, Pennsylvania. I

participated on a panel discussing Federal Circuit and district court clerkships. I have no notes, transcript, or recording. The address for Penn Law is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

February 4, 2017: Speaker, Retirement Dinner in Honor of the Honorable Sue L. Robinson, United States District Court for the District of Delaware, Wilmington, Delaware. Remarks supplied.

January 19, 2017: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. Remarks supplied.

January 5, 2017: Speaker, Brown Bag Lunch, Federal Bar Association (“FBA”) Delaware Chapter, Wilmington, Delaware. I spoke to members of the Delaware federal bar about the court and my case management practices. I have no notes, transcript, or recording. The FBA Delaware Chapter does not have a mailing address.

December 1, 2016: Panelist, “Judicial Perspectives from Sitting Judges,” 2016 IP Institute, New York University School of Law Engelberg Center on Innovation Law & Policy and Cravath, Swaine & Moore LLP, New York, New York. Transcript supplied.

November 28, 2016: Welcoming Speaker, Fireside Chat, Federal Bar Association Delaware Chapter, Wilmington, Delaware. Notes supplied.

November 4, 2016: Panelist, “Early Stage Claim Construction: Should It Be Implemented in Canada?”, Fifth Annual University of Toronto Patent Colloquium, Toronto, Ontario, Canada. Notes supplied.

October 27, 2016: Panelist, “A View from the Bench,” Intellectual Property Law Conference, Harvard Law School, Cambridge, Massachusetts. I participated in a panel about patent litigation and case management. I have no notes, transcript, or recording. The address for Harvard Law School is 1585 Massachusetts Avenue, Cambridge, Massachusetts 02138.

October 20, 2016: Panelist, “From *Alice* to *Halo*, *Stryker* and Beyond. How Do Reasonable Judges and Businesses Make Reasonable Decisions in an Unsettled Legal Environment?”, 2016 Bench Bar Conference, Eastern District of Texas Bar Association and the Center for American and International Law (“CAIL”), Plano, Texas. I participated in a panel about the impact of recent Supreme Court cases on judicial and business decision-making. I have no notes, transcript, or recording. The address for the Eastern District of Texas Bar Association is 2800 Texas Boulevard, Texarkana, Texas 75503. The address for CAIL is 5201 Democracy Drive, Plano, Texas 75024.

October 20, 2016: Panelist, "From the Patent Pilot Courts to the Federal Circuit, What Are the Advantages and Disadvantages of Patent Cases Congregating in Courts with Special Patent Expertise?", 2016 Bench Bar Conference, Eastern District of Texas Bar Association and the Center for American and International Law ("CAIL"), Plano, Texas. I participated in a panel about the advantages and disadvantages of patent cases congregating in particular courts. I have no notes, transcript, or recording. The address for the Eastern District of Texas Bar Association is 2800 Texas Boulevard, Texarkana, Texas 75503. The address for CAIL is 5201 Democracy Drive, Plano, Texas 75024.

October 19, 2016: Panelist, "It's Back. So Now What? Exploring the Effect of PTAB Proceedings on the Ultimate Resolution of the Case," 2016 Bench Bar Conference, Eastern District of Texas Bar Association and the Center for American and International Law ("CAIL"), Plano, Texas. I participated in a panel about the impact of PTAB proceedings on case resolution. I have no notes, transcript, or recording. The address for the Eastern District of Texas Bar Association is 2800 Texas Boulevard, Texarkana, Texas 75503. The address for CAIL is 5201 Democracy Drive, Plano, Texas 75024.

October 18, 2016: Panelist, Visiting District Judges Session, The Honorable Ronald M. Whyte Symposium, Stanford Law School, Stanford, California. Video available at <https://www.youtube.com/watch?v=IHqkO12Jwcc>.

October 11, 2016: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting two lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

October 6, 2016: Speaker, State of the Court Address, Annual Meeting, Federal Bar Association Delaware Chapter, Wilmington, Delaware. Remarks supplied.

October 4, 2016: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting one lawyer to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

September 30, 2016: Participant, Trial by Jury of Patent Cases, New York University School of Law Engelberg Center on Innovation Law & Policy and New York University School of Law Civil Jury Project, New York, New York. Video available at <https://www.youtube.com/watch?v=H51SNLM-JPY>.

August 5, 2016: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting two lawyers to the bar of our court. I have no notes,

transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

June 25, 2016: Panelist, The Reviewed Adjudicators and Change, 2016 Bench & Bar Conference, Federal Circuit Bar Association (“FCBA”), Nashville, Tennessee. I participated in a panel that discussed patent litigation and case management. I have no notes, transcript, or recording. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

June 2, 2016: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. Notes supplied.

May 20, 2016: Speaker, Closing Remarks, District of Delaware Bench & Bar Conference, Federal Bar Association Delaware Chapter and Federal Circuit Bar Association, Wilmington, Delaware. Notes supplied.

May 20, 2016: Introducer, “Litigating in the Supreme Court and the Courts of Appeals,” District of Delaware Bench & Bar Conference, Federal Bar Association Delaware Chapter and Federal Circuit Bar Association, Wilmington, Delaware. Notes supplied.

May 20, 2016: Panelist, “IP Track: Venue, Forum Selection and Other Hot Topics in IP Litigation,” District of Delaware Bench & Bar Conference, Federal Bar Association (“FBA”) Delaware Chapter and Federal Circuit Bar Association, Wilmington, Delaware. Notes supplied.

May 20, 2016: Introducer, District of Delaware Bench & Bar Conference, Federal Bar Association Delaware Chapter and Federal Circuit Bar Association, Wilmington, Delaware. Remarks supplied.

May 19, 2016: Welcoming Speaker, District of Delaware Bench & Bar Conference, Federal Bar Association Delaware Chapter and Federal Circuit Bar Association, Wilmington, Delaware. Notes supplied.

May 19, 2016: Moderator, “The View from the Appellate Chiefs,” District of Delaware Bench & Bar Conference, Federal Bar Association Delaware Chapter and Federal Circuit Bar Association, Wilmington, Delaware. Notes supplied.

May 19, 2016: Welcoming Speaker, District of Delaware Bench & Bar Conference, Federal Bar Association Delaware Chapter and Federal Circuit Bar Association, Wilmington, Delaware. Remarks supplied.

May 5, 2016: Speaker, Visit from First State Montessori Academy (“FSMA”), United States District Court for the District of Delaware, Wilmington, Delaware. I spoke to elementary school students about the federal judiciary and presided over mock trials in the cases of “Dogs v. Cats” and “Muffins v. Cupcakes.” I have no

notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

April 12, 2016: Panelist, "Current Issues in Patent Litigation," United States Court of Appeals for the Federal Circuit 2016 Judicial Conference, Washington, District of Columbia. I participated in a panel about patent litigation and case management. I have no notes, transcript, or recording. The address for the United States Court of Appeals for the Federal Circuit is 717 Madison Place, Northwest, Washington, District of Columbia 20005.

April 11, 2016: Panelist, Effect of the Recent Civil Rules Amendments on Patent Cases and the Heightened Importance of Active Case Management, Federal Judicial Center-United States Patent and Trademark Office Patent Law Seminar for Judges, Alexandria, Virginia. Notes supplied.

April 7, 2016: Panelist, "Recent Developments in Hatch-Waxman Litigation: A Discussion of Key ANDA Decisions and What to Expect from the Federal Circuit and the Supreme Court," 31st Annual Intellectual Property Law Conference, American Bar Association, Bethesda, Maryland. Notes supplied.

April 1, 2016: Panelist, Changing the Rules of the Road: Recent Amendments to the Federal Rules of Civil Procedure, the Continued Push for Patent Law Reform, and the Impact on Intellectual Property Litigation, Day of the Dinner CLE Luncheon, New York Intellectual Property Law Association, New York, New York. Notes and press coverage supplied.

March 9, 2016: Presiding Judge, United States District Court for the District of Delaware Re-entry Court Graduation, Wilmington, Delaware. I made congratulatory remarks at the graduation ceremony for participants in a voluntary federal re-entry program for Delaware residents on supervised release. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

February 25, 2016: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting five lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

February 20, 2016: Moot Court Judge, William Minor Lile Moot Court Semifinals, University of Virginia School of Law, Charlottesville, Virginia. I have no notes, transcript, or recording. The address for the University of Virginia School of Law is 580 Massie Road, Charlottesville, Virginia 22903.

February 9, 2016: Panelist, “Judicial Perspectives on the New World of Intellectual Property,” 2016 Intellectual Property Institute, University of Southern California Gould School of Law, Santa Monica, California. Recording supplied.

January 21, 2016: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. Notes supplied.

December 2, 2015: Speaker, Visit from Wilmington Friends School (“WFS”), United States District Court for the District of Delaware, Wilmington, Delaware. I spoke to eighth-grade students about federal courts and federal judges. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801. The address for WFS is 101 School Road, Wilmington, Delaware 19803.

November 23, 2015: Panelist, “Bankruptcy Litigation: Emerging Tactics and the Do’s and Don’ts,” 2015 Delaware Views from the Bench and Bar, American Bankruptcy Institute, Wilmington, Delaware. Notes supplied.

November 18, 2015: Presiding Judge, United States District Court for the District of Delaware Re-entry Court Graduation, Wilmington, Delaware. I made congratulatory remarks at the graduation ceremony for participants in a voluntary federal re-entry program for Delaware residents on supervised release. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

November 12, 2015: Welcoming Speaker, United States District Court for the District of Delaware and the Delaware Superior Court, Wilmington, Delaware. The President Judge of the Delaware Superior Court and I each gave welcoming remarks to a combined dinner meeting of the judges of our respective courts. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801. The address for the Delaware Superior Court is 500 North King Street, Wilmington, Delaware 19801.

November 12, 2015: Speaker, “Meeting the Expectations of the Court,” Pre-Admission Conference, Supreme Court of Delaware, Delaware State Bar Association (“DSBA”), and Widener University Delaware Law School (“Widener”), Wilmington, Delaware. As part of an introduction to all Delaware courts for new members of the Delaware Bar, I spoke about practice in the United States District Court for the District of Delaware. I have no notes, transcript, or recording. The address for the Supreme Court of Delaware is 405 North King Street, Suite 509, Wilmington, Delaware 19801. The address for the DSBA is 405 North King Street, Suite 100, Wilmington, Delaware 19801. The address for Widener is 4601 Concord Pike, Wilmington, Delaware 19803.

November 6, 2015: Panelist, The Role of the Courts in Patent Law and Policy, Seventh Annual Patent Law and Policy Conference, Berkeley Center for Law & Technology (“BCLT”) and Georgetown University Law Center, Washington, District of Columbia. The panel discussed developments in patent case management. I have no notes, transcript, or recording. The address for BCLT is Room 421 Law Building, North Addition, University of California Berkeley, School of Law, Berkeley, California 94720. The address for Georgetown University Law Center is 600 New Jersey Avenue, Northwest, Washington, District of Columbia 20001.

October 22, 2015: Panelist, Best Practices in Patent Case Management, Third Circuit Judicial Conference, Bedford, Pennsylvania. Judges discussed issues relating to best practices in patent case management. I have no notes, transcript, or recording. The address for the United States Court of Appeals for the Third Circuit is 601 Market Street, Philadelphia, Pennsylvania 19106.

October 8, 2015: Panelist, New IP Financial Models: Innovation, Wall Street, and Patents, Legal Executive Institute, Thomson Reuters, New York, New York. The panel addressed issues relating to corporate governance for patent risks and rewards, including the risk of shareholder derivative suits for alleged intellectual property mismanagement. I have no notes, transcript, or recording. The address for Thomson Reuters is 610 Opperman Drive, Eagan, Minnesota 55123.

October 6, 2015: Speaker, Discussion with Judges, Global Series, Federal Circuit Bar Association (“FCBA”), Washington, District of Columbia. I answered questions about patent litigation and case management. I have no notes, transcript, or recording. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

September 29, 2015: Speaker, Annual Meeting, Federal Bar Association Delaware Chapter, Wilmington, Delaware. Remarks supplied.

September 29, 2015: Speaker, State of the Court Address, Annual Meeting, Federal Bar Association Delaware Chapter, Wilmington, Delaware. Remarks supplied.

September 3, 2015: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. Remarks supplied.

June 25, 2015: Panelist, 2015 Bench & Bar Conference, Federal Circuit Bar Association (“FCBA”), Dana Point, California. The panel discussed perspectives on how attorneys should balance candor to the court with zealous representation of their clients. I have no notes, transcript, or recording. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

June 16, 2015: Speaker, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association (“FBA”) Delaware Chapter, Wilmington, Delaware. I congratulated the participants and thanked the mentors and other judges who assisted with this multi-week instructional trial practice program for newer lawyers. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801. The FBA Delaware Chapter does not have a mailing address.

June 5, 2015: Presiding Judge, Mock Trial, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association (“FBA”) Delaware Chapter, Wilmington, Delaware. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801. The FBA Delaware Chapter does not have a mailing address.

May 26, 2015: Panelist, Cross Examination, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association (“FBA”) Delaware Chapter, Wilmington, Delaware. Recording supplied.

May 20, 2015: Panelist, Patent Case Management: Selected Issues, Intellectual Property in the New Technological Age, Berkeley Center for Law & Technology (“BCLT”) and Federal Judicial Center (“FJC”), Berkeley, California. The panel addressed matters relating to patent case management. I have no notes, transcript, or recording. The address for BCLT is 421 Law Building, North Addition, University of California, Berkeley, School of Law, Berkeley, California 94720. The address for the FJC is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, Northeast, Washington, District of Columbia 20002.

May 20, 2015: Panelist, Patent Remedies and Expert Witnesses, Intellectual Property in the New Technological Age, Berkeley Center for Law & Technology (“BCLT”) and Federal Judicial Center (“FJC”), Berkeley, California. The panel addressed matters relating to remedies and expert witnesses in patent litigation. I have no notes, transcript, or recording. The address for BCLT is 421 Law Building, North Addition, University of California, Berkeley, School of Law, Berkeley, California 94720. The address for the FJC is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, Northeast, Washington, District of Columbia 20002.

May 19, 2015: Panelist, Patent Local Rules, Pre-Trial Orders, and Early Case Management: Philosophy, Context, Logic, and Departures, Intellectual Property in the New Technological Age, Berkeley Center for Law & Technology (“BCLT”) and Federal Judicial Center (“FJC”), Berkeley, California. The panel addressed matters relating to patent litigation and case management. I have no

notes, transcript, or recording. The address for BCLT is 421 Law Building, North Addition, University of California, Berkeley, School of Law, Berkeley, California 94720. The address for the FJC is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, Northeast, Washington, District of Columbia 20002.

May 15, 2015: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting three lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

May 8, 2015: Panelist, Ethics Luncheon, District of Delaware Inaugural Bench & Bar Conference, Federal Bar Association Delaware Chapter and Federal Circuit Bar Association, Wilmington, Delaware. Notes supplied.

May 8, 2015: Panelist, "IP Track: Hot Topics in ANDA Litigation," District of Delaware Inaugural Bench & Bar Conference, Federal Bar Association Delaware Chapter and Federal Circuit Bar Association, Wilmington, Delaware. Notes supplied.

May 8, 2015: Speaker, Welcoming Remarks, Criminal Track, District of Delaware Inaugural Bench & Bar Conference, Federal Bar Association ("FBA") Delaware Chapter and Federal Circuit Bar Association ("FCBA"), Wilmington, Delaware. I gave welcoming remarks to begin the criminal-law-focused portion of the Bench & Bar Conference. I have no notes, transcript, or recording. The FBA Delaware Chapter does not have a mailing address. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

May 7, 2015: Welcoming Speaker, District of Delaware Inaugural Bench & Bar Conference, Federal Bar Association ("FBA") Delaware Chapter and Federal Circuit Bar Association, Wilmington, Delaware. I welcomed everyone to the dinner at our inaugural Bench and Bar Conference. I have no notes, transcript, or recording. The FBA Delaware Chapter does not have a mailing address. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

May 7, 2015: Moderator, "Improving Litigation Efficiency: Differing Perspectives Across Jurisdictions," District of Delaware Inaugural Bench & Bar Conference, Federal Bar Association ("FBA") Delaware Chapter and Federal Circuit Bar Association ("FCBA"), Wilmington, Delaware. I moderated and participated in a discussion about case management. I have no notes, transcript, or recording. The FBA Delaware Chapter does not have a mailing address. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

May 7, 2015: Welcoming Speaker, District of Delaware Inaugural Bench & Bar Conference, Federal Bar Association Delaware Chapter and Federal Circuit Bar Association, Wilmington, Delaware. Remarks supplied.

May 5, 2015: Panelist, Closing Statements, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association (“FBA”) Delaware Chapter, Wilmington, Delaware. Recording supplied.

April 21, 2015: Panelist, Opening Statements, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association (“FBA”) Delaware Chapter, Wilmington, Delaware. Recording supplied.

April 14, 2015: Panelist, Courtroom Presentation and Demeanor, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association (“FBA”) Delaware Chapter, Wilmington, Delaware. Recording supplied.

April 8, 2015: Presiding Judge, Re-entry Court Graduation, United States District Court for the District of Delaware. I made congratulatory remarks at the graduation ceremony for participants in a voluntary federal re-entry program for Delaware residents on supervised release. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

April 7, 2015: Speaker, Program Orientation Meeting, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association (“FBA”) Delaware Chapter, Wilmington, Delaware. I welcomed the participants, mentors, and other judges to the beginning of a multi-week instructional trial practice program for newer lawyers. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801. The FBA Delaware Chapter does not have a mailing address.

March 27, 2015: Panelist, “The Changing Patent Landscape: Issues Affecting Practice in the District Courts and the Patent Office,” Day of the Dinner CLE Luncheon, 93rd Annual Dinner in Honor of the Federal Judiciary, New York Intellectual Property Law Association (“NYIPLA”), New York, New York. I participated in a panel about issues relating to patent litigation in federal district courts and before the United States Patent and Trademark Office. I have no notes, transcript, or recording. The address for NYIPLA is 229 Seventh Street, Suite 202, Garden City, New York 11530.

February 10, 2015: Presiding Judge, Investiture Ceremony for Laurie S. Silverstein as United States Bankruptcy Judge for the District of Delaware. Remarks supplied.

January 15, 2015: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. Remarks supplied.

December 4, 2014: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Delaware, Newark, Delaware. Remarks supplied.

November 19, 2014: Speaker, Retirement Dinner in Honor of Bankruptcy Judge Peter Walsh, Federal Bar Association Delaware Chapter and Delaware State Bar Association, Wilmington, Delaware. Remarks supplied.

November 19, 2014: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting four lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

November 7, 2014: Panelist, The Role of the Courts in Patent Law and Policy, Sixth Annual Patent Law and Policy Conference, Berkeley Center for Law and Technology (“BCLT”) and Georgetown University Law Center, Washington, District of Columbia. I participated in a panel on patent litigation and case management. I have no notes, recording, or transcript. The address for BCLT is Room 421 Law Building, North Addition, University of California, Berkeley, School of Law, Berkeley, California 94720. The address for Georgetown University Law Center is 600 New Jersey Avenue, Northwest, Washington, District of Columbia 20001.

November 6, 2014: Speaker, “Meeting the Expectations of the Court,” Pre-Admission Conference, Supreme Court of Delaware, Delaware State Bar Association (“DSBA”), and Widener University Delaware Law School (“Widener”), Wilmington, Delaware. As part of an introduction to all Delaware courts for new members of the Delaware Bar, I spoke about practice in the United States District Court for the District of Delaware. I have no notes, transcript, or recording. The address for the Supreme Court of Delaware is 405 North King Street, Suite 509, Wilmington, Delaware 19801. The address for the DSBA is 405 North King Street, Suite 100, Wilmington, Delaware 19801. The address for Widener is 4601 Concord Pike, Wilmington, Delaware 19803.

October 24, 2014: Panelist, “Jurors Gone Wild. Social Media and Online Research by Jurors. Is It Jury Nullification?”, 2014 Bench Bar Conference, Eastern District of Texas Bar Association, Federal Circuit Bar Association (“FCBA”), and the Center for American and International Law (“CAIL”), Plano, Texas. I participated in a panel about social media and online research by jurors. I have no notes, transcript, or recording. The address for the Eastern District of Texas Bar Association is 2800 Texas Boulevard, Texarkana, Texas 75503. The

address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006. The address for CAIL is 5201 Democracy Drive, Plano, Texas 75024.

October 24, 2014: Panelist, "Patent Docket Synergy: Challenges and Best Practices from Delaware to East Texas," 2014 Bench Bar Conference, Eastern District of Texas Bar Association, Federal Circuit Bar Association, and the Center for American and International Law, Plano, Texas. Slides supplied.

October 24, 2014: Panelist, "Hatch Waxman Behind the Pine Curtain," 2014 Bench Bar Conference, Eastern District of Texas Bar Association, Federal Circuit Bar Association ("FCBA"), and the Center for American and International Law ("CAIL"), Plano, Texas. I participated in a panel about pharmaceutical patent litigation. I have no notes, recording, or transcript. The address for the Eastern District of Texas Bar Association is 2800 Texas Boulevard, Texarkana, Texas 75503. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006. The address for CAIL is 5201 Democracy Drive, Plano, Texas 75024.

October 23, 2014: Panelist, "The Knack of Invalidating Patents: What Does It Take to Make It Clear and Convincing?", 2014 Bench Bar Conference, Eastern District of Texas Bar Association, Federal Circuit Bar Association ("FCBA"), and the Center for American and International Law ("CAIL"), Plano, Texas. I participated in a panel about litigating challenges to the validity of patent claims. I have no notes, transcript, or recording. The address for the Eastern District of Texas Bar Association is 2800 Texas Boulevard, Texarkana, Texas 75503. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006. The address for CAIL is 5201 Democracy Drive, Plano, Texas 75024.

October 23, 2014: Panelist, "Cases in Federal Court. What's Gone Right? What's Gone Wrong?", 2014 Bench Bar Conference, Eastern District of Texas Bar Association, Federal Circuit Bar Association ("FCBA"), and the Center for American and International Law ("CAIL"), Plano, Texas. I participated in a panel about federal court litigation. I have no notes, transcript, or recording. The address for the Eastern District of Texas Bar Association is 2800 Texas Boulevard, Texarkana, Texas 75503. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006. The address for CAIL is 5201 Democracy Drive, Plano, Texas 75024.

September 30, 2014: Panelist, 2014 Intellectual Property CLE Seminar, Widener Delaware Law School ("Widener") and DuPont Co., Wilmington, Delaware. I participated in a panel about patent litigation and case management. I have no notes, transcript, or recording. The address for Widener is 4601 Concord Pike, Wilmington, Delaware 19803. The address for DuPont is 1007 North Market Street, Wilmington, Delaware 19801.

June 20, 2014: Panelist, 2014 Bench & Bar Conference, Federal Circuit Bar Association (“FCBA”), Asheville, North Carolina. I participated in a panel about effective and efficient case management. I have no notes, transcript, or recording. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

June 11, 2014: Speaker, Annual Luncheon, Federal Bar Association Delaware Chapter, Wilmington, Delaware. Remarks supplied.

June 10, 2014: Panelist, Summer Associate Judiciary Program, Delaware State Bar Association (“DSBA”) Young Lawyers Section, Wilmington, Delaware. I participated in a panel discussion about the practice of law in Delaware courts. I have no notes, transcript, or recording. The address for the DSBA is 405 North King Street, Suite 100, Wilmington, Delaware 19801.

June 4, 2014: Presiding Judge, Re-entry Court Graduation, United States District Court for the District of Delaware, Wilmington, Delaware. Recording supplied.

May 13, 2014: Panelist, Intellectual Property Section of Federal Bar Association (“FBA”) Delaware Chapter, Wilmington, Delaware. I participated in a panel about patent litigation and case management. I have no notes, transcript, or recording, but press coverage is supplied. The FBA Delaware Chapter does not have a mailing address.

May 13, 2014: Speaker, Patent Study Group, Federal Bar Association Delaware Chapter, Wilmington, Delaware. Slides supplied.

May 9, 2014: Panelist, District of Delaware Breakfast, Third Circuit Judicial Conference, Hershey, Pennsylvania. I made brief remarks and answered questions about the United States District Court for the District of Delaware. I have no notes, transcript, or recording. The address for the United States Court of Appeals for the Third Circuit is 601 Market Street, Philadelphia, Pennsylvania 19106.

March 21, 2014: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting 13 lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

December 5, 2013: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Delaware, Newark, Delaware. Notes supplied. (I believe I used the same remarks I had used for the December 6, 2012 Naturalization Ceremony, making handwritten edits to update and use on December 5, 2013.)

November 25, 2013: Panelist, “Bankruptcy Appellate Litigation,” 2013 Delaware Views from the Bench and Bar, American Bankruptcy Institute and Delaware State Bar Association, Wilmington, Delaware. Notes and presentation supplied.

November 7, 2013: Speaker, “Meeting the Expectations of the Court,” Pre-Admission Conference, Supreme Court of Delaware, Delaware State Bar Association, and Widener University Delaware Law School, Wilmington, Delaware. Notes supplied.

October 8, 2013: Panelist, Global Fellows Program, Federal Circuit Bar Association (“FCBA”), Washington, District of Columbia. I participated on a panel with other judges to discuss patent litigation and case management. I have no notes, transcript, or recording. The address for the FCBA is 1620 I Street, Northwest, Suite 801, Washington, District of Columbia 20006.

September 23, 2013: Panelist, Views from the Bench: Judicial Perspectives on Paragraph IV Litigation, Momentum Event Group LLC, New York, New York. Notes supplied.

August 2, 2013: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting three lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

June 22, 2013: Panelist, Trial Court Perspective, 2013 Bench & Bar Conference, Federal Circuit Bar Association, Colorado Springs, Colorado. Notes supplied.

June 12, 2013: Speaker, Role of Delaware Counsel: A Judge’s Perspective, Federal Bar Association Delaware Chapter, Wilmington, Delaware. Notes and slides supplied.

May 31, 2013: Presiding Judge, Mock Trial, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Recording supplied.

May 10, 2013: Panelist, “Tips and Trends for Litigating Patent Cases in the Federal Courts,” Symposium on Intellectual Property, George Washington University Law School, Pillsbury Winthrop Shaw Pittman, and Mayer Brown LLP, Washington, District of Columbia. I participated on a panel about patent litigation in federal courts. I have no notes, transcript, or recording, but press coverage is supplied. The address for George Washington University Law School is 2000 H Street, Northwest, Washington, District of Columbia 20052. The address for Pillsbury Winthrop Shaw Pittman is 1200 17th Street, Northwest, Washington, District of Columbia 20036. The address for Mayer Brown LLP is 1999 K Street, Northwest, Washington, District of Columbia 20006.

April 30, 2013: Panelist, Closing Statements, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Recording supplied.

April 19, 2013: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting 11 lawyers to the Bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

April 16, 2013: Panelist, Opening Statements, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Recording supplied.

April 9, 2013: Panelist, Courtroom Presentation and Demeanor, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Recording supplied.

January 17, 2013: Speaker, Introduction to Practice in the District Court of Delaware, United States District Court for the District of Delaware, Wilmington, Delaware. Notes supplied.

December 6, 2012: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Delaware, Newark, Delaware. Remarks supplied.

November 1, 2012: Speaker, "Meeting the Expectations of the Court," Pre-Admission Conference, Supreme Court of Delaware, Delaware State Bar Association ("DSBA"), and Widener University Delaware Law School ("Widener"), Wilmington, Delaware. As part of an introduction to all Delaware courts for new members of the Delaware Bar, I spoke about practicing in the United States District Court for the District of Delaware. I have no notes, transcript, or recording. The address for the Supreme Court of Delaware is 405 North King Street, Suite 509, Wilmington, Delaware 19801. The address for the DSBA is 405 North King Street, Suite 100, Wilmington, Delaware 19801. The address for Widener is 4601 Concord Pike, Wilmington, Delaware 19803.

July 18, 2012: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting 11 lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

June 1, 2012: Speaker, iCivics, Claymont Elementary School, Wilmington, Delaware. Along with other judges, I helped run a civics-education program for

fifth grade students at a public elementary school. I have no notes, transcript, or recording. The address for Claymont Elementary School is 3401 Green Street, Claymont, Delaware 19703.

May 17, 2012: Speaker, An Introduction to Federal Practice in the District of Delaware, An Attorney's Interaction with Opposing Counsel and the Litigation Process, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Recording supplied.

May 10, 2012: Speaker, A View from the Bench, Current Topics in Patent Litigation, American Association of Intellectual Property Law, Austin, Texas. Recording supplied.

March 16, 2012: Speaker, Distinguished Scholars Dinner, University of Delaware, Newark, Delaware. Notes supplied.

March 2, 2012: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting four lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

March 2, 2012: Speaker, United States District Court for the District of Delaware, Wilmington, Delaware. I spoke to students from a local elementary school about federal courts and federal judges and helped conduct a mock trial. I have no notes, transcript, or recording. The address for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

February 10, 2012: Speaker, Investiture Celebration for the Honorable Richard G. Andrews, United States District Court Judge, United States District Court for the District of Delaware, Wilmington, Delaware. At a dinner celebration after Judge Andrews' investiture ceremony, I made brief remarks about his career and welcomed him to the bench. I have no notes, transcript, or recording. The address for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

December 6, 2011: Speaker, The View from the Bench: A Federal Judge Discusses the Federal Courts, Kendal-Crosslands Community, Kennett Square, Pennsylvania. Recording supplied.

October 27, 2011: Speaker, "Meeting the Expectations of the Court," Pre-Admission Conference, Supreme Court of Delaware, Delaware State Bar Association ("DSBA"), and Widener University Delaware Law School ("Widener"), Wilmington, Delaware. As part of an introduction to all Delaware courts for new members of the Delaware Bar, I spoke about practicing in the

United States District Court for the District of Delaware. I have no notes, transcript, or recording. The address for the Supreme Court of Delaware is 405 North King Street, Suite 509, Wilmington, Delaware 19801. The address for the DSBA is 405 North King Street, Suite 100, Wilmington, Delaware 19801. The address for Widener is 4601 Concord Pike, Wilmington, Delaware 19803.

August 17, 2011: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting nine lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

June 25, 2011: Panelist, Innovation and the Courts, 2011 Bench & Bar Conference, Federal Circuit Bar Association, Key Biscayne, Florida. Notes supplied.

June 17, 2011: Speaker, Dinner in Honor of Retirement of Dr. Karen-Lee N. Brofee as Superintendent of Public Schools, Somerset County, Maryland. Remarks supplied.

June 8, 2011: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Delaware, Newark, Delaware. Remarks supplied.

May 20, 2011: Presiding Judge, Mock Trial, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Recording supplied.

May 10, 2011: Panelist, Cross Examination, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Recording supplied.

May 6, 2011: Panelist, District of Delaware Breakfast, Third Circuit Judicial Conference, Philadelphia, Pennsylvania. I made brief remarks and answered questions about the United States District Court for the District of Delaware. I have no notes, transcript, or recording. The address for the Third Circuit is 601 Market Street, Philadelphia, Pennsylvania, 19106.

May 3, 2011: Panelist, Direct Examination, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Recording supplied.

April 12, 2011: Panelist, Opening Statements, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Recording supplied.

April 8, 2011: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting nine lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

January 19, 2011: Panelist, Selection of Judges for the Federal and State Courts in Delaware, Richard S. Rodney Inn of Court, Wilmington, Delaware. Notes supplied.

December 6, 2010: Guest Speaker, Federal Criminal Law, Widener University Delaware Law School (“Widener”), Wilmington, Delaware. I spoke to law students about criminal proceedings and sentencings in federal court. I have no notes, transcript, or recording. The address for Widener is 4601 Concord Pike, Wilmington, Delaware 19803.

November 4, 2010: Presiding Judge, Attorney Admissions Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. I made brief remarks while admitting three lawyers to the bar of our court. I have no notes, transcript, or recording. The address for the United States District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

October 28, 2010: Speaker, Meeting the Expectations of the Court, Pre-Admission Conference, Supreme Court of Delaware, Delaware State Bar Association, and Widener University Delaware Law School, Wilmington, Delaware. Notes supplied.

October 27, 2010: Speaker, Brown Bag Lunch, Federal Bar Association Delaware Chapter, Wilmington, Delaware. Notes supplied.

October 15, 2010: Speaker, Investiture Ceremony for Leonard P. Stark as United States District Judge for the District of Delaware, United States District Court for the District of Delaware, Wilmington, Delaware. Transcript supplied.

October 7, 2010: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Delaware, Wilmington, Delaware. Notes supplied.

August 16, 2010: Speaker, Investiture Ceremony for Leonard P. Stark as United States District Judge for the District of Delaware, United States District Court for the District of Delaware, Wilmington, Delaware. Transcript supplied.

June 2, 2010: Speaker, A Judicial Visit to Claymont Elementary, Claymont Elementary School, Wilmington, Delaware. Slides supplied.

May 26, 2010: Presiding Judge, Mock Trial, Federal Trial Practice Seminar, United States District Court for the District of Delaware and Federal Bar Association Delaware Chapter, Wilmington, Delaware. Recording supplied.

December 11, 2009: Guest Speaker, Claymont Elementary School, Wilmington, Delaware. Notes supplied.

October 31, 2009: Guest Speaker, Homecoming Reception, University of Delaware, Newark, Delaware. In connection with receiving a University of Delaware Outstanding Alumni Award, I made brief remarks thanking the University's president. I have no notes, transcript, or recording. The address for the University of Delaware is 210 South College Avenue, Newark, Delaware 19716.

July 8, 2009: Panelist, "*Markman* Judges' Panel: A Symposium on the Practice, Procedure and Perspectives of the Judiciary and on Bigger *Markman* Issues," Practising Law Institute, New York, New York. Recording supplied.

June 26, 2009: Speaker, An Overview of the Federal Courts, The Democracy Project Institute for Teachers, University of Delaware, Newark, Delaware. Notes supplied.

June 4, 2009: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Delaware, Newark, Delaware. Remarks supplied.

May 19, 2009: Panelist, "Acts, Character, Prejudices, and Witness Impeachment," Federal Bar Association ("FBA") Delaware Chapter, Wilmington, Delaware. Recording supplied.

March 26, 2009: Panelist, University of Pennsylvania Law School, Philadelphia, Pennsylvania. Recording supplied.

March 11, 2009: Panelist, "Ethical Issues in the Practice of Law," Federal Bar Association ("FBA") Delaware Chapter, Wilmington, Delaware. Recording supplied.

March 9, 2009: Guest Speaker, Judicial Process, University of Delaware, Newark, Delaware. I spoke about the United States District Court for the District of Delaware and the federal judiciary more generally. I have no notes, transcript, or recording. The address for the University of Delaware is 210 South College Avenue, Newark, Delaware 19716.

February 20, 2009: Panelist, "Evidence and Expert Testimony in Federal Court," National Business Institute, Newark, Delaware. Recording supplied.

February 20, 2009: Guest Speaker, Claymont Elementary School, Wilmington, Delaware. I spoke to my child's fourth grade class about being a lawyer. I have no notes, transcript, or recording. The address for Claymont Elementary School is 3401 Green Street, Claymont, Delaware 19703.

January 23, 2009: Speaker, Dinner Honoring the Retirement of United States Attorney for the District of Delaware, United States District Court for the District of Delaware, Wilmington, Delaware. Notes supplied.

September 13, 2008: Panelist, Alumni Career Panel, University of Delaware Alumni Association, Newark, Delaware. I participated in a panel about my experiences at the University of Delaware and my career. I have no notes, transcript, or recording. The address for the University of Delaware is 210 South College Avenue, Newark, Delaware 19716.

June 25, 2008: Speaker, "General Thoughts from the Bench" Annual Meeting, Delaware State Bar Association Intellectual Property Section, Wilmington, Delaware. Notes supplied.

June 17, 2008: Panelist, Summer Associates Program, Delaware State Bar Association ("DSBA") New Lawyers Section, Wilmington, Delaware. I participated in a panel discussion about the practice of law in Delaware courts. I have no notes, transcript, or recording. The address for the DSBA is 405 North King Street, Suite 100, Wilmington, Delaware 19801.

June 12, 2008: Panelist, Judicial Roundtable, Art of Direct and Cross Examination, Federal Bar Association ("FBA") Delaware Chapter, Wilmington, Delaware. Recording supplied.

June 5, 2008: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Delaware, Newark, Delaware. Remarks supplied.

April 30, 2008: Attendee, District of Delaware Breakfast, The 67th Third Circuit Judicial Conference, Cambridge, Maryland. During the Third Circuit Judicial Conference, I likely made some remarks and answered questions at a breakfast for judges and attorneys from the District of Delaware. I have no notes, transcript, or recording. The address for the United States Court of Appeals for the Third Circuit is 601 Market Street, Philadelphia, Pennsylvania 19106.

March 18, 2008: Panelist, Judicial Roundtable, Openings, Closings, and Case Theories, Federal Bar Association ("FBA") Delaware Chapter, Wilmington, Delaware. Recording supplied.

January 11, 2008: Panelist, Federal Bar Association ("FBA") Delaware Chapter, Wilmington, Delaware. I participated in a panel about practice before the

magistrate judges of the District of Delaware. I have no notes, transcript, or recording. The FBA Delaware Chapter does not have a mailing address.

October 25, 2007: Panelist, "Bridging the Gap: Mediation Best Practices," Delaware Supreme Court and Delaware State Bar Association, Wilmington, Delaware. Recording supplied.

September 14, 2007: Speaker, Investiture Ceremony for Leonard P. Stark as a United States Magistrate Judge, United States District Court for the District of Delaware, Wilmington, Delaware. Transcript supplied.

May 26, 2007: Speaker, Welcome from the Alumni Association, Commencement, University of Delaware, Newark, Delaware. Remarks supplied.

May 4, 2007: Speaker, Alumni Wall of Fame Ceremony, University of Delaware, Newark, Delaware. Remarks supplied.

January 6, 2007: Speaker, Welcome from the Alumni Association, Commencement, University of Delaware, Newark, Delaware. Remarks supplied.

January 6, 2007: Speaker, Commencement Address, University of Delaware, Newark, Delaware. Remarks supplied.

September 27, 2005: Speaker, Kendal-Crosslands Community, Kennett Square, Pennsylvania. Notes supplied.

May 2003 (date unknown): Speaker, "Oh The Places You Go: Research and Writing Across Different Worlds," Undergraduate Research Symposium, University of Delaware, Newark, Delaware. Notes supplied.

January 8, 2000: Speaker, Commencement Address, University of Delaware, Newark, Delaware. Remarks supplied.

May 31, 1997: Speaker, Convocation, University of Delaware Women's Studies Department, Newark, Delaware. Remarks supplied.

On at least two occasions in the mid-1990s while I was an associate at Skadden, Arps, Slate, Meagher & Flom LLP, I spoke to high school students about law-related topics as part of the Law Day activities sponsored by the Delaware State Bar Association ("DSBA"). I have no notes, transcripts, or recordings. The address for the DSBA is 405 North King Street, Suite 100, Wilmington, Delaware 19801.

April 23, 1993: Panelist, "The Reagan Administrative Style" Ronald Reagan Presidential Conference, Hofstra University, Hempstead, New York. Recording supplied.

March 19, 1992: Speaker, Democrats Abroad Presidential Caucus, Oxford Union Society, Oxford, England. I made a short speech in support of then-U.S. presidential candidate Bill Clinton. I have no notes, transcript, or recording. The address for the Oxford Union Society is Frewin Court, Oxford, OX1 3JB, United Kingdom.

March 26, 1992: Speaker, Leadership Contests in British Political Parties, Longsands Community College, Huntingdon, England. Notes supplied.

June 23, 1991: Speaker, Commencement, John H. Glenn High School, East Northport, New York. Remarks supplied.

June 1, 1991: Speaker, Convocation, University of Delaware College of Arts & Sciences, University of Delaware, Newark, Delaware. Remarks supplied.

May 13, 1991: Speaker, "University of Delaware Undergraduate Research Symposium, Did We Choose the Right President in 1988?", Newark, Delaware. Remarks supplied.

Sometime during my senior year at the University of Delaware (September 1990 – May 1991), in my role as a Center Fellow of the Center of the Study of the Presidency and Congress ("CSPC"), I believe I moderated a panel at either the CSPC's Leadership Conference in Austin, Texas or at its Student Symposium in Washington, District of Columbia. I have no recollection of either of these events and, thus, do not know what topic the panel discussed. I have no notes, transcript, or recording. The address for the CSPC is 601 13th Street, Northwest, Suite 1050N, Washington, District of Columbia 20005.

April 27, 1989: Speaker, "The Impact of Traditional Gender Roles on Same-Sex Intimacy and Homophobia," Student Research on Women Conference, University of Delaware, Newark, Delaware. I spoke about my research on gender role beliefs, homophobia, and same-sex friendships. I have no notes, transcript, or recording. The address for the University of Delaware is 210 South College Avenue, Newark, Delaware 19716.

From 1987, when I entered the University of Delaware as a freshman, through 2009, I spoke on multiple occasions at the University, including on panels and as a guest speaker in various courses. I typically spoke about my experiences as a student at the University, my undergraduate research, and my career. I have no notes, transcripts, or recordings, nor have I been able to locate records of the particular dates of these events (other than those listed elsewhere in the response to this question). The address for the University of Delaware is 210 South College Avenue, Newark, Delaware 19716.

September 28, 1988: Speaker, "Homophobia and Levels of Intimacy in Same-Sex Friendships," Emphasis on Women Lecture Series, University of Delaware, Newark, Delaware. I spoke about my research on gender role beliefs, attitudes towards gay and lesbian people, and same-sex friendships. I have no notes, transcripts, or recording. The address for the University of Delaware is 210 South College Avenue, Newark, Delaware 19716.

April 28, 1988: Speaker, "Homophobia and Levels of Intimacy in Same-Sex Friendships," Student Research on Women Conference, University of Delaware, Newark, Delaware. I spoke about my research on gender role beliefs, attitudes towards gay and lesbian people, and same-sex friendships. I have no notes, transcript, or recording. The address for the University of Delaware is 210 South College Avenue, Newark, Delaware 19716.

June 1987 (date unknown): Speaker, Commencement, John H. Glenn High School, East Northport, New York. I was one of two student speakers at my high school graduation. I have no notes, transcript, or recording. The address for John H. Glenn High School is 478 Elwood Road, Elwood, New York 11731. (Because this speech is from when I was in high school, it is not responsive to this question but I am including it because it was inadvertently listed in my 2010 Senate Judiciary Questionnaire.)

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

The following list reflects my best efforts to identify the interviews I have given. To compile this list, I have searched my files and electronic databases in an effort to identify all interviews responsive to this question. There may, however, be some interviews I have been unable to recall or identify.

What Is Judicial Impartiality? Judges Explain How They Apply the Law, Admin. Off. of U.S. Courts (Sept. 14, 2021). Video available at <https://www.uscourts.gov/news/2021/09/14/what-judicial-impartiality-judges-explain-how-they-apply-law>.

Patrick Wingrove, *Trials, tech and teaching: what US judges want*, Managing Intellectual Prop. (Feb. 1, 2021). Copy supplied.

Class Letters: 1991, Am. Oxonian (Fall 2020). Copy supplied.

Patrick Wingrove, *From TC Heartland to COVID: an interview with Leonard Stark*, Managing Intellectual Prop. (July 20, 2020). Copy supplied.

Virtual Litigation in a COVID World, Engelberg Ctr. on Innovation L. & Pol'y,

NYU L. Sch. (July 8, 2020). Transcript supplied.

Patrick Wingrove, *Five US judges: counsel help needed to ease COVID backlog*, *Managing Intellectual Prop.* (May 11, 2020). Copy supplied.

Remembering James R. Soles, Univ. of Del. (Jan. 13, 2020). Video available at https://www.youtube.com/watch?v=UYjjj1_shaU.

New Judges Take Oath, as District Court Starts Reassigning Cases, *Del. L. Weekly* (Aug. 10, 2018). Copy supplied.

Judges' Confirmation Vote Met With Relief, Surprise in Delaware, *Del. L. Weekly* (Aug. 3, 2018). Copy supplied.

Sleet Announces Plan to Retire From Del. Federal Bench This Fall, *Del. L. Weekly* (Feb. 8, 2018). Copy supplied.

Hon. Sue Robinson 10th Distinguished IP Professional, Intellectual Prop. Owner Educ. Found. (Dec. 7, 2017). Video available at <https://www.youtube.com/watch?v=TQRzbHANftc>.

Erin Coe, *Delaware Keeps Pace with Crush of Patent Suits, For Now*, *Law360* (Oct. 20, 2017). Copy supplied.

Jeff Mordock, *Delaware court to solve judicial shortage with visiting judges*, *News J.* (May 30, 2017). Copy supplied.

Jeff Mordock, *U.S. Supreme Court ruling could be economic boon for Delaware*, *News J.* (May 26, 2017). Copy supplied.

Tom McParland, *Stark Enlists Visiting Judges Ahead of Expected "TC Heartland"-Caused Wave*, *Del. L. Weekly* (May 26, 2017). Copy supplied.

Tom McParland, *Del. Federal Court Backlog Grows, Despite Efficiency Measures*, *Del. L. Weekly* (May 26, 2017). Copy supplied.

Matt Chiappardi, *Delaware Primed For IP Case Bump Despite Bench Vacancies*, *Law360* (May 22, 2017). Copy supplied.

Matt Chiappardi, *In This Patent Hotspot, Bow Ties Mean Business*, *Law360* (Mar. 24, 2017). Copy supplied.

Class Letters: 1991, *Am. Oxonian* (Fall 2016). Copy supplied.

George Everly, III & Michael L. Shenkman, *District Judges As Investments*, 53 *Harv. J. on Legis.* 59 (2016). Copy supplied.

Class Letters: 1991, Am. Oxonian (Fall 2015). Copy supplied.

Class Letters: 1991, Am. Oxonian (Fall 2014). Copy supplied.

Wall of Fame: Five distinguished UD graduates inducted into Alumni Wall of Fame, Udaily (June 9, 2014). Copy supplied.

Class Letters: 1991, Am. Oxonian (Fall 2013). Copy supplied.

Working Smarter, Not Harder: How Excellent Judges Manage Cases, Am. Coll. of Trial Laws. & Inst. for Advancement of Am. Legal Sys. (Jan. 2014). Copy supplied.

Class Letters: 1991, Am. Oxonian (Fall 2012). Copy supplied.

Class Letters: 1991, Am. Oxonian (Fall 2011). Copy supplied.

Distinguished scholar and political mentor James R. Soles dies, News J. (Oct. 30, 2010). Copy supplied.

Class Letters: 1991, Am. Oxonian (Fall 2010). Copy supplied.

Elizabeth Bennett, *Carper Pushes for Senate Vote On District Judge Nomination*, Del. L. Weekly (Aug. 4, 2010). Copy supplied.

Elizabeth Bennett, *White House Nominates Stark to Be Federal District Judge*, Del. L. Weekly (Mar. 24, 2010). Copy supplied.

Celebrating 30 years of Undergraduate Research, Univ. of Del. (May 2010). Copy supplied.

The Jury Is In: A Tribute to the Honorable Walter K. Stapleton, Fed. Bar Ass'n Del. Ch. (Feb. 2010). Recording supplied.

Class Letters: 1991, Am. Oxonian (Fall 2009). Copy supplied.

Sean O'Sullivan, *After a year on the bench, judge weighs pros and cons*, News J. (Aug. 31, 2008). Copy supplied.

Elizabeth Bennett, *Stock Option Rulings, Workers' Comp Reform, Big Events in 2007*, Del. L. Weekly (Dec. 26, 2007). Copy supplied.

Class Letters: 1991, Am. Oxonian (Fall 2007). Copy supplied.

Sean O'Sullivan, *Prosecutor Stark sworn in as magistrate judge*, News J. (Aug. 7,

2007). Copy supplied.

Elizabeth Bennett, *Leonard Stark to Join Federal District Court as Magistrate Judge*, Del. L. Weekly (Aug. 1, 2007). Copy supplied.

Sean O'Sullivan, *Magistrate Judge position will be filled by deputy to Connolly*, News J. (May 24, 2007). Copy supplied.

What people are saying, News J. (Dec. 2, 2006). Copy supplied.

Class Letters: 1991, Am. Oxonian (Fall 2006). Copy supplied.

Sean O'Sullivan, *Ex-NCCo officials appeal ruling*, News J. (June 23, 2006). Copy supplied.

Class Letters: 1991, Am. Oxonian (Fall 2005). Copy supplied.

Sean O'Sullivan, *Ruling on Gordon, Freebery challenged; Federal prosecutors seek to have charges reinstated*, News J. (Aug. 20, 2005). Copy supplied.

Radio Interview, WDEL (Nov. 2004). As the District Elections Officer for the United States Attorney's Office for the District of Delaware, I was interviewed by a local radio station (WDEL) about the availability of law enforcement on Election Day to take complaints about access to the polls and voting fraud. I am unable to obtain a transcript or recording.

Class Letters: 1991, Am. Oxonian (Fall 2004). Copy supplied.

Brochure, Ceremony Awarding Presidential Citations for Outstanding Achievement, Univ. of Del. (Oct. 1, 2004). Copy supplied.

Mary Allen, *Gordon lawyers won't testify for grand jury*, News J. (June 15, 2004). Copy supplied.

Man gets 5 months in rifle purchase, News J. (Mar. 26, 2003). Copy supplied.

Joseph A. Slobodzian, *Probation officers can use lie detectors*, Phila. Inquirer (Jan. 8, 2003). Copy supplied.

Tom Eldred, *Smyrna man pleads in firearm sting*, Del. State News (Dec. 20, 2002). Copy supplied.

Brian P. Knestout, *Baccalaureate Bargains*, Kiplinger's Personal Fin. (Oct. 2002). Copy supplied.

Leonard P. Stark Spotlight, Alumni Relations Website, Univ. of Del. (2002).

Copy supplied.

Class Letters: 1991, Am. Oxonian (Fall 2001). Copy supplied.

Beth Thomas, *UD's newest Rhodes Scholar combines interests in math, philosophy, linguistics and more*, Univ. Del. Messenger (2001). Copy supplied.

Susan Jacobs, *New Rhodes Scholar Using Studies to Understand the World*, Pittsburgh Post-Gazette (Dec. 20, 2000). Copy supplied.

Chris Emanuelli, *UD Rhodes Scholar to give Winter Commencement Address*, Rev. (Dec. 1999 (approx.)). Copy supplied.

Class Letters: 1991, Am. Oxonian (Fall 1999). Copy supplied.

Class Letters: 1991, Am. Oxonian (Fall 1997). Copy supplied.

Class Letters: 1991, Am. Oxonian (Fall 1996). Copy supplied.

Class Letters: 1991, Am. Oxonian (Fall 1995). Copy supplied.

Marylee Sauder, *Rhodes Scholar continues his quest*, Univ. Del. Messenger (1994). Copy supplied.

In August 1993, I was interviewed by authors Thomas J. Schaeper and Kathleen Schaeper as they were researching their book: *Cowboys into Gentlemen: Rhodes Scholars, Oxford, and the Creation of an American Elite* (1998). I am mentioned in the acknowledgements along with various other interviewees, but to the best of my knowledge, the book contains no material from my interview.

On one or two occasions between 1994 and 2020, I may have submitted up to a paragraph for inclusion in an alumni class letter for the Magdalen College Record. I have no notes and have been unable to find a copy of the publication. The address for Magdalen College is Magdalen College, Oxford OX1 4AU United Kingdom.

Rhodes Scholars Program, C-SPAN (Jan. 9, 1993). Video available at <http://www.c-spanvideo.org/program/49250-1>.

Charles T. Powers, *'Rhodies' Eye Wider Network*, L.A. Times (Dec. 1, 1992). Copy supplied.

I may have participated in other interviews, with American or British press, between Election Day in November 1992 and Inauguration Day in January 1993, as there were many reporters in Oxford asking American Rhodes Scholars for their reaction to the election of a Rhodes Scholar (Bill Clinton) as President.

Skip Cook, *Duo earns special place in Class of '91*, Univ. Del. Messenger (Fall 1991). Copy supplied.

Ed Okonowicz, *A Rhodes wends way from Delaware*, Univ. Del. Messenger (Fall 1991). Copy supplied.

Tom Curley, *Rhodes scholar's academic career just starting*, News J. (June 1, 1991). Copy supplied.

Jen Podos, *Honors Day 1991: Outstanding senior man and woman named*, UpDate (May 16, 1991). Copy supplied.

Taking the High Rhodes to Success, Del. Times (Mar. 1991). Copy supplied.

Faye Duffy, *Taking the High Rhodes to Success*, Coll. Digest (Spring 1991). Copy supplied.

Ed Okonowicz, *After three decades, 'Rhodes' returns to Newark*, UpDate (Feb. 14, 1991). Copy supplied.

Brochure, University of Delaware Honors Program (Spring 1991). Copy supplied.

UD. Student Selected as Rhodes Scholar, EYE Mag. (Feb. 1991). Copy supplied.

Julie Van Dyke, *The long and winding Rhodes*, UHP Rep. (Feb. 1991). Copy supplied.

UD student to study in Oxford as Rhodes Scholar, Newark Post (Dec. 27, 1990). Copy supplied.

Esther Crain, *UD scholar on the road to Oxford, England*, Rev. (Dec. 14, 1990). Copy supplied.

Nan Clements, *UD student a Rhodes scholar*, News J. (Dec. 10, 1990). Copy supplied.

Robert Kelly & Safir Ahmed, *Rhodes Awards To 2 In Area*, St. Louis Post-Dispatch (Dec. 10, 1990). Copy supplied.

Bill Swayze, *Junior honor student makes 'USA Today' team*, UpDate (May 17, 1990). Copy supplied.

Len Stark makes USA TODAY's 1990 All-USA Academic Team, UHP Rep. (Feb. 1990). Copy supplied.

All-USA College Academic Team, USA Today (Jan. 19, 1990). Copy supplied.

Brochure, Eugene du Pont Memorial Distinguished Scholars (1987). Copy supplied.

Brochure, New York State YMCA Youth & Government (1986). Copy supplied. (Because this brochure is from when I was in high school, it is not responsive to this question but I am including it because it was inadvertently listed in my 2010 Senate Judiciary Questionnaire.)

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

On August 6, 2007, I was appointed by the United States District Court for the District of Delaware to an eight-year term as a United States Magistrate Judge. The jurisdiction of a federal magistrate judge is limited to matters that federal district judges may delegate under 28 U.S.C. § 636.

On August 10, 2010, I was appointed as a United States District Judge for the District of Delaware, the position I currently hold. By virtue of seniority, I served as Chief Judge of the District of Delaware from July 1, 2014 through June 30, 2021. A U.S. District Court is an Article III court of general jurisdiction consistent with the Constitution and statutes of the United States.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

As a U.S. magistrate judge, I presided over one civil jury trial and one civil bench trial. As a U.S. district judge, I have presided over 91 trials: 52 jury trials and 39 bench trials. Of my 93 total trials, 63 have been patent trials: 31 patent jury trials and 32 patent bench trials.

As best as I can discern from my review of the dockets and my own recollection, all but six of these 93 trials went to verdict or judgment on all issues. In the six remaining cases, I presided over a full trial, but either (i) the jury was unable to reach a verdict on some or all of the issues presented to it (four trials) or (ii) the parties to a bench trial settled before I issued an opinion (two trials).

- i. Of these cases, approximately what percent were:

jury trials:	57%
bench trials:	43%

- ii. Of these cases, approximately what percent were:

civil proceedings: 87%
criminal proceedings: 13%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

See attached list of opinions.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *H. Lundbeck A/S v. Lupin Ltd.*, C.A. No. 18-88-LPS (D. Del.) (consolidated)

This was an Abbreviated New Drug Application (“ANDA”) case that proceeded to a bench trial. *See* 2021 WL 4944963 (D. Del. Sept. 30, 2021). At least six sets of pharmaceutical manufacturers applied to the U.S. Food and Drug Administration for approval to market generic versions of the plaintiffs’ branded drug, Trintellix®, which is used to treat major depressive disorder. The case involved allegations of infringement and invalidity of multiple claims of eight different patents and required consideration of six different proposed drug products. In January 2021, I held a ten-day remote bench trial. After receiving extensive post-trial briefing, I issued an opinion in September 2021 that found claims of one patent would be infringed by one generic manufacturer’s process for making its proposed product. I concluded, however, that all other claims of infringement, as well as all claims of patent invalidity, were not proven.

Counsel for Plaintiffs:

Jack B. Blumenfeld
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street, 16th Floor
Wilmington, DE 19801
(302) 351-9291

George F. Pappas
Covington & Burling LLP
850 Tenth Street, Northwest
Washington, DC 20001
(202) 662-5594

Counsel for Defendants:

John C. Phillips, Jr.
Phillips, McLaughlin & Hall, P.A.
1200 North Broom Street

Wilmington, DE 19806
(302) 655-4200

Marc R. Wezowski
Husch Blackwell LLP
120 South Riverside Plaza, Suite 2200
Chicago, IL 60606
(312) 526-1571

Kelly E. Farnan
Richards, Layton & Finger P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7705

Bradley C. Graveline
Sheppard Mullin Richter & Hampton LLP
70 West Madison Street, 48th Floor
Chicago, IL 60602
(312) 499-6316

Dominick T. Gattuso
Heyman Enerio Gattuso & Hirzel LLC
300 Delaware Avenue, Suite 200
Wilmington, DE 19801
(302) 472-7311

Laura A. Lydigsen
Crowell & Moring
455 North Cityfront Plaza Drive, Suite 3600
Chicago, IL 60611
(312) 321-4894

James M. Lennon
Devlin Law Firm LLC
1526 Gilpin Avenue
Wilmington, DE 19806
(302) 449-9010

Deepro R. Murkerjee
Katten Muchin Rosenman LLP
575 Madison Avenue
New York, NY 10022
(212) 940-8552

Christopher J. Sorenson
Merchant & Gould PC
150 South Fifth Street, Suite 2200
Minneapolis, MN 55402
(612) 336-4645

David B. Abramowitz
Locke Lord LLP
111 South Wacker Drive, Suite 4100
Chicago, IL 60606
(312) 443-0591

2. *United States v. Sabre Corp.*, C.A. No. 19-1548-LPS (D. Del.)

The United States Department of Justice filed this antitrust action seeking to permanently enjoin a proposed acquisition by Sabre of Farelogix, contending the joinder of these travel-related companies would harm competition in the airline travel industry. I presided over an eight-day bench trial in January and February 2020. Both the trial and the issuance of my post-trial bench ruling were expedited, for reasons including that the Competition and Markets Authority (“CMA”)—a competition regulator in the United Kingdom (“UK”)—was concurrently assessing the lawfulness of the acquisition. I concluded that the United States failed to prove the merger would be anticompetitive, because (among other things) the government had failed to identify a proper relevant market. *See* 452 F. Supp. 3d 97 (D. Del. 2020), *vacated*, No. 20-1767, 2020 WL 4915824 (3d Cir. July 20, 2020). My decision was also based on a recent ruling of the United States Supreme Court, *Ohio v. American Express Co.*, 138 S. Ct. 2274 (2018). While my judgment was on appeal, the CMA—applying UK law and not bound by the United States Supreme Court opinion—concluded that the acquisition would reduce competition in the UK, and soon thereafter Sabre terminated the proposed transaction. The U.S. Court of Appeals for the Third Circuit vacated my decision, concluding that the termination of the acquisition had mooted the parties’ dispute and taking no position on the merits of that dispute or the persuasiveness of my decision.

Counsel for Plaintiff:

Laura D. Hatcher
United States Attorney’s Office for the District of Delaware
Hercules Building
1313 North Market Street
Wilmington, DE 19801
(302) 573-6277

Julie S. Elmer
Freshfields Bruckhaus Deringer
700 13th Street, Northwest

Washington, DC 20005
(202) 420-1788

Counsel for Defendants:

Joseph O. Larkin
Skadden, Arps, Slate, Meagher & Flom LLP
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-3124

Steven C. Sunshine
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue, Northwest
Washington, DC 20005
(202) 371-7860

Daniel A. Mason
Paul, Weiss, Rifkind, Wharton & Garrison LLP
500 Delaware Avenue, Suite 200
Wilmington, DE 19899
(302) 655-4425

Kenneth A. Gallo
Paul, Weiss, Rifkind, Wharton & Garrison LLP
2001 K Street, Northwest
Washington, DC 20006
(202) 223-7356

3. *Idenix Pharms. LLC v. Gilead Scis. Inc.*, C.A. No. 14-846-LPS (D. Del.)

This patent infringement suit was originally filed by Idenix against Gilead in the U.S. District Court for the District of Massachusetts and was transferred to me in July 2014. Idenix and Gilead were both developing drugs for the treatment of the hepatitis C virus (“HCV”), a leading cause of chronic liver disease. Idenix alleged that the imminent launch of Gilead’s HCV treatment, with the active ingredient sofosbuvir, would infringe its patent. After years of pre-trial litigation, I conducted a ten-day jury trial in December 2016. Gilead stipulated to infringement but denied its infringement was willful; Gilead also contested damages and challenged the validity of Idenix’s patent. The jury rendered a verdict for Idenix, finding Gilead’s infringement had been willful, upholding the validity of the patent, and awarding \$2.54 billion in damages—reportedly the largest damages verdict ever in a patent jury trial. On post-trial motions, I denied Idenix’s requests for enhanced damages due to willfulness and to recover its attorneys’ fees. *See* 271 F. Supp. 3d 694 (D. Del. 2017). I later vacated the jury verdict based on my conclusion that the challenged patent claims were invalid due

to lack of enablement. *See* 2018 WL 922125 (D. Del. Feb. 16, 2018). On appeal, the U.S. Court of Appeals for the Federal Circuit affirmed my ruling that the patent was invalid for lack of enablement and ruled that the patent was invalid for lack of written description as well. *See* 941 F.3d 1149 (Fed. Cir. 2019). Idenix petitioned for a writ of certiorari, which the U.S. Supreme Court denied. *See* 141 S. Ct. 1234 (2021).

Counsel for Plaintiffs:

Andrew C. Mayo
Ashby & Geddes, P.A.
500 Delaware Avenue, Eighth Floor
Wilmington, DE 19801
(302) 504-3735

Calvin P. Griffith
Jones Day
901 Lakeside Avenue
Cleveland, OH 44114
(216) 586-7050

Stephanie E. Parker
Jones Day
1221 Peachtree Street, Northeast, Suite 400
Atlanta, GA 30361
(404) 581-8552

Counsel for Defendant:

Martina Tyreus Hufnal
Fish & Richardson P.C.
222 Delaware Avenue, 17th Floor
Wilmington, DE 19801
(302) 778-8471

Frank E. Scherkenbach
Fish & Richardson P.C.
One Marina Park Drive
Boston, MA 02210
(617) 521-7883

4. *Kraft Foods Grp. Brands LLC v. TC Heartland, LLC*, C.A. No. 14-28-LPS (D. Del.)

Kraft sued TC Heartland for infringement of patents related to water flavoring and beverage containers. TC Heartland moved to dismiss for lack of personal jurisdiction or, in the alternative, to transfer the case to the Southern District of Indiana. I referred the motions to a magistrate judge, who wrote an opinion

recommending I deny the motions, which I did. *See* 2015 WL 5613160 (D. Del. Sept. 24, 2015), *adopting* 2015 WL 4778828 (D. Del. Aug. 13, 2015). TC Heartland filed a petition for a writ of mandamus in the U.S. Court of Appeals for the Federal Circuit, which was eventually fully briefed and argued. In a unanimous opinion, the Federal Circuit denied the petition, holding that I faithfully applied its decision in *VE Holding Corp. v. Johnson Gas Appliance Co.*, 917 F.2d 1574 (Fed. Cir. 1990), interpreting the patent venue statute, 28 U.S.C. § 1400. *See In re TC Heartland LLC*, 821 F.3d 1338 (Fed. Cir. 2016). The Supreme Court then granted TC Heartland’s petition for a writ of certiorari and reversed the Federal Circuit, abrogating *VE Holding* and reiterating its own holding in *Fourco Glass Co. v. Transmirra Products Corp.*, 353 U.S. 226 (1957), that a corporate defendant in a patent case “resides” only in its state of incorporation. *See TC Heartland v. Kraft Foods Grp. Brands LLC*, 137 S. Ct. 1514 (2017). Thereafter, the Third Circuit vacated its denial of mandamus. *See In re TC Heartland LLC*, No. 2016-105, ECF No. 66 (Fed. Cir. July 26, 2017). TC Heartland then filed a renewed motion to transfer venue, which Kraft opposed—on the ground that TC Heartland LLC is not a corporation—and while that motion was pending before me the case settled.

As the venue issue moved through the Court of Appeals and the Supreme Court, proceedings before me continued. For example, I conducted a *Markman* hearing and construed six patent claim terms. *See* 2016 WL 873435 (D. Del. Mar. 7, 2016). I also resolved various motions for summary judgment, *see* 2017 WL 134705 (D. Del. Jan. 12, 2017); 2017 WL 123457 (D. Del. Jan. 12, 2017); for exclusion of expert testimony, *see* 232 F. Supp. 3d 632 (D. Del. 2017); and for a stay of the case, *see* 232 F. Supp. 3d 628 (D. Del. 2017).

Counsel for Plaintiff:

Frederick L. Cottrell, III
Richards, Layton & Finger, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7509

Eric K. Combs
Dinsmore & Shohl LLP
255 East Fifth Street, Suite 1900
Cincinnati, OH 45202
(513) 977-8677

Counsel for Defendants:

Mary B. Graham
Anthony D. Raucci
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street, 16th Floor

Wilmington, DE 19899
(302) 351-9392

James W. Dabney
Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, NY 10004
(212) 837-6803

5. *Reach Acad. for Boys & Girls, Inc. v. Del. Dep't of Educ.*, C.A. No. 13-1974-LPS (D. Del.)

At the end of 2013, Delaware's Department of Education decided not to renew the charter for the Reach Academy for Girls, which was the only all-girls public charter school in Delaware. One all-boys charter school in Delaware would remain in operation, and Delaware law prohibited applications for any new single-sex charter schools.

Reach sued for violations of equal protection, due process, Title IX of the Education Act, 20 U.S.C. § 1681(a), and two provisions of Delaware's Charter School Act. The complaint also asserted claims on behalf of individual students attending Reach.

The plaintiffs moved for a preliminary injunction, seeking an order that the Department of Education renew Reach's charter for one year, while the defendants moved to dismiss. I expedited my consideration of the motions because Delaware's deadline for parents to file applications to send their children to charter schools during the next school year was only weeks away. After receiving full briefing and holding a lengthy oral argument, I issued an order, ahead of the school choice deadline. *See* 8 F. Supp. 3d 574 (D. Del. 2014). I concluded that the school lacked standing to pursue any of its claims, because Delaware law prohibits public schools (including charter schools) from suing the state, and I also determined that the individual plaintiffs lacked standing to pursue claims involving due process and the two Delaware provisions. At the same time, however, I held that the individual plaintiffs had standing to pursue their equal protection and Title IX claims, and that they were likely to succeed on the merits of those claims, because the defendants' actions would result in Delaware's girls no longer having access to single-sex charter school education while Delaware boys would have such an opportunity. I further concluded that the individual plaintiffs would be irreparably harmed if their school were forced to shut down, this harm outweighed Delaware's interests in holding charter schools accountable and enforcing rigorous academic standards, and upholding constitutional rights would be in the public interest.

Months later, I wrote a longer opinion elaborating on my reasoning. *See* 46 F. Supp. 3d 455 (D. Del. 2014). In the meantime, the parties settled.

In a follow-on case the next year, I denied a motion for a preliminary injunction sought by Reach students after Delaware again decided to revoke the school's charter. My decision was largely based on an intervening amendment to Delaware law permitting applications for new single-sex charter schools. *See S.M. v. Del. Dep't of Educ.*, 77 F. Supp. 3d 414 (D. Del. 2015).

Counsel for Plaintiffs:

Duane D. Werb
Werb & Sullivan
Legal Arts Building
1225 North King Street, Suite 600
Wilmington, DE 19801
(302) 652-1100

Charles J. Brown III
Gellert Scali Busenkell & Brown, LLC
1201 North Orange Street, Suite 300
Wilmington, DE 19801
(302) 425-5813

Counsel for Defendants:

Joseph C. Handlon
Delaware Department of Justice
Carvel State Building
820 North French Street
Wilmington, DE 19801
(302) 577-8862

6. *Greatbatch Ltd. v. AVX Corp.*, C.A. No. 13-723-LPS (D. Del.)

This patent infringement case involved six patents for filtered feedthrough assemblies ("FFT's"), which are electronic components that may be used to prevent implantable medical devices from malfunctioning. At the end of 2015, I resolved over 50 summary judgment and *Daubert* motions. *See* 2015 WL 9171042 (D. Del. Dec. 11, 2015). I also imposed sanctions on AVX for its dilatory conduct. *See* 2016 U.S. Dist. LEXIS 4915 (D. Del. Jan. 5, 2016).

In January 2016, I presided over a two-week jury trial. The jury found infringement of two patents, no invalidity of any of the patents, and that Greatbatch was entitled to an award of over \$37 million in damages. I subsequently reconsidered my decision to impose sanctions on AVX. *See* 179 F. Supp. 3d 370 (D. Del. 2016). In light of that ruling, I conducted a second jury trial, in August 2017, consisting of two phases. In the first phase, the jury found infringement of some claims of one patent by certain AVX products and no

infringement of the claims of another patent. In the second phase, the jury failed to reach a unanimous verdict on whether AVX's infringement was willful.

A few months later, in October 2017, I held a bench trial on AVX's affirmative defense of equitable estoppel. *See* 2018 WL 1568873 (D. Del. Mar. 30, 2018). Then, because the verdict in the 2017 jury trial undermined the damages award from the 2016 jury trial, I vacated the damages award and conducted a third jury trial, just on the issue of damages, in January 2019. That trial resulted in a damages verdict for Greatbatch of over \$22 million.

By the time the case moved into its appellate phase, I estimated that the parties had presented at least 1,000 disputes for me to decide over six years. *See* D.I. 1295 at 88 (D. Del. May 30, 2019). After I entered final judgment, both sides appealed multiple issues to the U.S. Court of Appeals for the Federal Circuit. The Federal Circuit affirmed without writing an opinion. *See* 813 F. App'x 609 (Fed. Cir. 2020) (per curiam).

Counsel for Plaintiff:

Brian E. Farnan
Farnan LLP
919 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 777-0336

James R. Muldoon
Harris Beach PLLC
333 West Washington Street, Suite 200
Syracuse, NY 13202
(315) 214-2021

Counsel for Defendants:

Robert W. Whetzel
Richards, Layton & Finger, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7700

Heather B. Repicky
Barnes & Thornburg LLP
One Marina Park Drive, Suite 1530
Boston, MA 02210
(617) 316-5317

7. *In re L.A. Dodgers LLC*, C.A. No. 11-1235-LPS (D. Del.)

This case related to the bankruptcy and sale of the Los Angeles Dodgers baseball team. The Bankruptcy Court granted a motion brought by the team's operator, Los Angeles Dodgers LLC ("LAD"), to approve marketing procedures for the licensing of future telecast rights for team games. These procedures would have rendered unenforceable two provisions in a contract between LAD and Fox Sports Net West 2, LLC ("Fox"), which granted Fox the exclusive right to produce, record, and telecast 100 of the team's games. Fox filed an emergency motion to stay pending appeal of the Bankruptcy Court's order. I granted the stay, determining, among other things, Fox had demonstrated that the Bankruptcy Court likely erred in concluding that a "no shop" provision in the LAD-Fox contract is unenforceable in bankruptcy. *See* 465 B.R. 18 (D. Del. 2011). Shortly thereafter, the parties agreed to a stipulation providing for the vacatur of the Bankruptcy Court's order, and I dismissed the appeal as moot.

Counsel for Appellant:

Robert J. Dehney
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street, 16th Floor
Wilmington, DE 19801
(302) 351-9353

Richard L. Stone
Jenner & Block LLP
515 South Flower Street, Suite 3300
Los Angeles, CA 90071
(213) 239-2203

Counsel for Appellees:

Robert S. Brady
Young Conaway Stargatt & Taylor, LLP
1000 North King Street
Wilmington, DE 19801
(302) 571-6690

Bruce Bennett
Jones Day
555 South Flower Street, 50th Floor
Los Angeles, CA 90071
(213) 243-2382

Counsel for Official Committee of Unsecured Creditors:

Joanne P. Pinckney
Pinckney, Weidinger, Urban & Joyce LLC
Two Mill Road, Suite 204
Wilmington, DE 19806
(302) 504-1497

Brett H. Miller
Willkie Farr & Gallagher LLP
787 Seventh Avenue
New York, NY 10019
(212) 728-8268

8. *United States v. Costa*, Crim. No. 10-47-LPS (D. Del.)

The defendant in this case was a licensed pharmacist indicted for unlawfully selling large quantities of oxycodone through his pharmacy. In November and December 2011, I presided over a seven-day jury trial that resulted in a verdict of guilty on three counts of unlawfully distributing oxycodone and one count of maintaining and using a drug-involved premises. In 2012, I sentenced the defendant to 20 years in prison. On appeal, the U.S. Court of Appeals for the Third Circuit affirmed the defendant's conviction and sentence. 553 F. App'x 227 (3d Cir. 2014). I also issued several post-sentencing rulings, including: 2013 WL 2295342 (D. Del. May 24, 2013) (dismissing motion to alter judgment or reconsider sentence); 2016 WL 3766122 (D. Del. July 1, 2016) (denying motion to compel *Brady* material in relation to resentencing); 2016 WL 3959080 (D. Del. July 18, 2016) (denying motion to correct sentence).

Counsel for Plaintiff:

Shawn Weede
United States Attorney's Office for the District of Delaware
1313 North Market Street
Wilmington, DE 19801
(302) 573-6277

Counsel for Defendant:

Edmund D. Lyons, Jr.
564 Eagle Creek Drive
Naples, FL 34113
(302) 421-9345

Peter Goldberger
50 Rittenhouse Place
Ardmore, PA 19003
(610) 649-8200

9. *Masimo Corp. v. Philips Elec. N. Am. Corp.*, C.A. Nos. 09-80-LPS & 11-742-LPS (D. Del.)

Masimo and Philips are manufacturers of competing products in the field of pulse oximetry, a technology that allows for non-invasive measurement of the oxygen levels in a person's hemoglobin. Masimo alleged that Philips infringed several of

its pulse oximetry-related patents. In September 2014, the case proceeded to a ten-day jury trial, after which the jury rendered a verdict for Masimo in excess of \$466 million. On post-trial motions, I denied Philips' request for a new trial. *See* 2015 WL 2379485 (D. Del. May 18, 2015). After a bench trial, I found that Philips failed to prove the patents were unenforceable due to inequitable conduct. *See* 2015 WL 2406061 (D. Del. May 18, 2015). The case settled before any appeal was completed.

Counsel for Plaintiff:

Julia Heaney
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
c/o Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313
(573) 272-9797

Joseph R. Re
Knobbe Martens Olson & Bear LLP
2040 Main Street, 14th Floor
Irvine, CA 92614
(949) 760-0404

Counsel for Defendants:

David E. Moore
Potter Anderson & Corroon LLP
Hercules Plaza
1313 North Market Street, Sixth Floor
Wilmington, DE 19801
(302) 984-6147

Brian A. Rosenthal
Gibson, Dunn & Crutcher LLP
200 Park Avenue
New York, NY 10166
(212) 351-2339

10. *Power Integrations, Inc. v. Fairchild Semiconductor Int'l Inc.*, C.A. No. 04-1371-LPS (D. Del.); *Power Integrations, Inc. v. Fairchild Semiconductors Int'l Inc.*, C.A. No. 08-309-LPS (D. Del.); *Fairchild Semiconductor Corp. v. Power Integrations, Inc.*, C.A. No. 12-540-LPS (D. Del.)

These related patent infringement actions involved competitors in the power supply controller chip market. Ultimately, I presided over four jury trials and one bench trial in the cases.

In the first suit brought by Power Integrations (C.A. No. 04-1371-LPS), a predecessor judge held two jury trials and two bench trials. Eventually, that judge entered judgment in favor of Power Integrations, finding Fairchild had willfully infringed Power Integrations' patents and awarding damages. After the case was reassigned to me in 2010, I denied Fairchild's motion to amend the predecessor judge's findings of fact with respect to willful infringement, denied Power Integrations' motion to declare the case exceptional, and awarded Power Integrations enhanced damages (200 percent of its actual damages, not the 300 percent Power Integrations requested). *See* 762 F. Supp. 2d 710 (D. Del. 2011). Both sides appealed issues decided by the predecessor judge and by me. The Federal Circuit vacated the predecessor judge's finding of willful patent infringement, which then required it to vacate my decisions with respect to enhanced damages for willfulness. *See* 711 F.3d 1348 (Fed. Cir. 2013).

On remand, and after further proceedings, I reinstated the finding that Fairchild had willfully infringed Power Integrations' patents. *See* 2017 WL 6206382 (D. Del. Dec. 8, 2017). I also handled numerous disputes relating to damages, including one that I certified for interlocutory review by the Federal Circuit. *See* 2018 WL 4804685 (D. Del. Oct. 4, 2018). After the Federal Circuit accepted the interlocutory appeal (*see* No. 2019-102 (Fed. Cir. Dec. 3, 2018)), the parties settled, and the appeal was dismissed.

Meanwhile, proceeding before me in tandem was the second suit brought by Power Integrations (C.A. No. 08-309-LPS). In that action, as a magistrate judge, I made recommendations to the district judge on motions to strike and dismiss, and on constructions for disputed claim terms. As a district judge, I ruled on additional motions to strike, as well as motions for summary judgment and to preclude expert testimony. I also construed additional claim terms. I presided over a ten-day jury trial in April 2012. The jury found certain Fairchild products infringed claims of two Power Integrations patents and Fairchild induced infringement of these same patents; it further found these claims were not invalid. The jury also found Fairchild did not infringe two other Power Integrations patents and those patents were not invalid. With respect to one of Fairchild's two asserted patents, the jury found Power Integrations directly infringed claims of one patent under the doctrine of equivalents (but not literally), Power Integrations did not induce infringement of those claims, and those claims were not invalid. As to the second of Fairchild's asserted patents, the jury found no infringement by Power Integrations and those claims were not invalid.

Thereafter, in June 2012, the parties filed 13 post-trial motions for judgment as a matter of law ("JMOL") or a new trial, presenting 26 requests for relief. In March 2013, I denied all of the motions except one, granting Power Integrations JMOL that Fairchild directly infringed claims of another of the patents-in-suit. *See* 935 F. Supp. 2d 747 (D. Del. 2013). Both parties then moved for a permanent injunction, which I granted to Power Integrations and denied to Fairchild. *See* 2014 WL 2960035 (D. Del. June 30, 2014).

Both parties appealed to the U.S. Court of Appeals for the Federal Circuit. In its December 2016 opinion, the Federal Circuit explained that the parties' appeals presented 12 issues, which could be organized into six categories. *See* 843 F.3d 1315 (Fed. Cir. 2016). The Federal Circuit affirmed in part, reversed in part, vacated in part, and remanded. Specifically, the Court: (i) vacated the judgment that Fairchild had induced infringement of claims of two of Power Integrations' patents and remanded that part of the case for a new trial using a different jury instruction on inducement; (ii) affirmed the judgment that claims of one of Power Integrations' patents was not invalid but reversed the judgment of no invalidity of claims of another Power Integrations patent; (iii) affirmed the construction of certain claim terms in one of Fairchild's patents; (iv) affirmed the judgment that the asserted claims of one of Fairchild's patents were not invalid as obvious; (v) reversed the judgment that Power Integrations infringed claims of one of Fairchild's patents under the doctrine of equivalents; and (vii) vacated the entry of a permanent injunction for Power Integrations.

On remand, after resolving numerous pretrial motions, I presided over a five-day jury trial in November 2018. This was a retrial of Power Integrations' contentions that Fairchild induced infringement of two patents; the jury also considered whether Fairchild's alleged infringement was willful and what damages should be awarded. The jury found infringement, that the infringement was willful, and that Fairchild should pay Power Integrations damages in excess of \$24 million. After trial, I denied Fairchild's motions for JMOL or a new trial on induced infringement, its motion for JMOL as to willfulness, and its motion for a new trial on damages or remittitur of the damages award. I also denied Power Integrations' motions for enhanced damages and attorneys' fees but granted its motion for prejudgment interest. *See* 2019 WL 3290369 (D. Del. July 22, 2019).

Again, both parties appealed, but in October 2019 they reached a settlement. The Federal Circuit dismissed the appeals.

In the meantime, in the suit filed by Fairchild (C.A. No. 12-540-LPS), I ruled on motions to dismiss, sever, and strike, as well as *Daubert* motions, motions for judgment on the pleadings, and motions for summary judgment. Then, in May 2015, I presided over an eight-day jury trial, which involved claims for infringement and invalidity of one Fairchild patent and two Power Integrations patents. The jury returned a verdict of induced infringement by Power Integrations of the Fairchild patent, resulting in a \$2.4 million award to Fairchild. On Power Integrations' patents, the jury found direct, induced, and contributory infringement of one patent and no invalidity of that patent, as well as no infringement of the other patent; the jury awarded Power Integrations damages of \$100,000. Both parties filed motions for JMOL and a new trial, all of which I denied. *See* 2016 WL 1179244 (D. Del. Mar. 24, 2016).

After the Federal Circuit handed down its December 2016 opinion in the appeal from C.A. No. 08-309 (discussed above), the parties agreed that a new trial was necessary in C.A. No. 12-540, because I had used the same jury instruction on inducement which the Federal Circuit had subsequently found to be erroneous. In November 2018, I presided over a three-day jury trial, which resulted in a verdict that Fairchild induced infringement of claims of the same Power Integrations patent it had been found to induce infringement of in the 2015 trial. The jury awarded damages of approximately \$720,000. Again, both parties filed post-trial motions, which I denied. *See* 2019 WL 3290986 (D. Del. July 22, 2019).

Both parties then appealed, but in October 2019 they reached a settlement. The Federal Circuit dismissed the appeals.

Counsel for Plaintiff:

Douglas E. McCann
Fish & Richardson P.C.
222 Delaware Avenue, 17th Floor
Wilmington, DE 19801
(302) 778-8437

Frank E. Scherkenbach
Fish & Richardson P.C.
One Marina Park Drive
Boston, MA 02210
(617) 521-7883

Counsel for Defendants:

John G. Day
Ashby & Geddes, P.A.
500 Delaware Avenue
Wilmington, DE 19801
(302) 654-1888

Blair M. Jacobs
McKool Smith
1100 15th Street, Northwest
Washington, DC 20005
(703) 731-9978

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Galderma Labs., L.P. v. Sun Pharm. Indus. Ltd.*, 411 F. Supp. 3d 271 (D. Del. 2019), *appeal dismissed*, No. 2020-1152, 2020 WL 6702136 (Fed. Cir. July 17, 2020)

Counsel for Plaintiffs:

Jack B. Blumenfeld
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street, 16th Floor
Wilmington, DE 19801
(302) 298-0842

Gerald J. Flattman, Jr.
King & Spalding LLP
1185 Avenue of the Americas, 34th Floor
New York, NY 10036
(212) 556-2157

Counsel for Defendants:

Kelly E. Farnan
Richards, Layton & Finger, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7705

Huiya Wu
Goodwin Procter LLP
New York Times Building
620 Eighth Avenue
New York, NY 10018
(212) 459-7270

Nicholas K. Mitrokostas
Goodwin Procter LLP
100 Northern Avenue
Boston, MA 02210
(617) 570-1913

2. *Cipla Ltd. v. Amgen Inc.*, C.A. No. 19-44-LPS, 386 F. Supp. 3d 386 (D. Del. 2019), *aff'd*, 778 F. App'x 135 (3d Cir. 2019)

Counsel for Plaintiffs:

Sue L. Robinson
Farnan LLP
919 North Market Street, 12th Floor

Wilmington, DE 19801
(302) 777-0331

James W. Dabney
Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, NY 10004
(212) 837-6803

Counsel for Defendants:

Jack B. Blumenfeld
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street, 16th Floor
Wilmington, DE 19801
(302) 351-9291

M. Sean Royall
Kirkland & Ellis LLP
1601 Elm Street
Dallas, TX 75201
(214) 972-1759

Eric J. Stock
Gibson, Dunn & Crutcher LLP
200 Park Avenue
New York, NY 10166
(212) 351-2301

3. *Idenix Pharms. LLC v. Gilead Scis. Inc.*, C.A. No. 14-846-LPS, 2018 WL 922125 (D. Del. Feb. 16, 2018), *aff'd in part, rev'd in part*, 941 F.3d 1149 (Fed. Cir. 2019), *cert. denied*, 141 S. Ct. 1234 (2021)

Counsel for Plaintiffs:

Andrew C. Mayo
Ashby & Geddes, P.A.
500 Delaware Avenue, Eighth Floor
Wilmington, DE 19801
(302) 504-3735

Calvin P. Griffith
Jones Day
901 Lakeside Avenue
Cleveland, OH 44114
(216) 586-7050

Stephanie E. Parker

Jones Day
1221 Peachtree Street, Northeast, Suite 400
Atlanta, GA 30361
(404) 581-8552

Counsel for Defendant:
Douglas E. McCann
Fish & Richardson P.C.
222 Delaware Avenue, 17th Floor
Wilmington, DE 19801
(302) 778-8437

Frank E. Scherkenbach
Fish & Richardson P.C.
One Marina Park Drive
Boston, MA 02210
(617) 521-7883

Jonathan E. Singer
Fish & Richardson P.C.
12860 El Camino Real, Suite 400
San Diego, CA 92130
(858) 678-5634

4. *In re Processed Egg Prods. Antitrust Litig.*, 881 F.3d 262 (3d Cir. 2018)

Counsel for Appellants:
Michael T. Brody
Jenner & Block LLP
353 North Clark Street
Chicago, IL 60654
(312) 923-2711

Counsel for Appellees:
Carrie C. Mahan
Weil, Gotshal & Manges LLP
2001 M Street, Northwest, Suite 600
Washington, DC 20036
(202) 682-7231

5. *In re Nortel Networks Inc.*, C.A. No. 15-624-LPS, 2016 WL 2899225 (D. Del. May 17, 2016), *appeal granted*, No. 16-3446 (3d Cir. Aug. 9, 2016), *appeal dismissed*, No. 16-3446 (3d Cir. May 24, 2017)

Counsel for Appellants/Cross-Appellees:
Derek C. Abbott

Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street, 16th Floor
Wilmington, DE 19801
(302) 351-9357

Steven D. Pohl
Brown Rudnick LLP
One Financial Center
Boston, MA 02111
(617) 856-8594

Counsel for Appellees/Cross-Appellants:

Christopher M. Samis
Potter Anderson & Corroon LLP
Hercules Plaza
1313 North Market Street, Sixth Floor
Wilmington, DE 19801
(302) 984-6050

Laura Davis Jones
Pachulski Stang Ziehl & Jones LLP
919 North Market Street, 17th Floor
Wilmington, DE 19801
(302) 778-6401

Michael R. Lastowski
Duane Morris LLP
1201 North Market Street, Suite 501
Wilmington, DE 19801
(302) 657-4942

Stephen M. Miller
Morris James LLP
500 Delaware Avenue, Suite 1500
Wilmington, DE 19801
(302) 888-6853

Mary F. Caloway
Pachulski Stang Ziehl & Jones, LLP
919 North Market Street, 17th Floor
Wilmington, DE 19801
(302) 652-4100

William E. Chipman, Jr.
Robert A. Weber
Chipman Brown Cicero & Cole, LLP

1313 North Market Street, Suite 5400
Wilmington, DE 19801
(302) 295-0191

Hon. John T. Dorsey
United States Bankruptcy Court for the District of Delaware
824 North Market Street, Fifth Floor, Courtroom 5
Wilmington, DE 19801
(302) 533-3169

Justin R. Alberto
Cole Schotz P.C.
500 Delaware Avenue, Suite 1410
Wilmington, DE 19801
(302) 651-2006

Jeffrey M. Schlerf
GrayRobinson, P.A.
1007 North Orange Street, Fourth Floor, Suite 127
Wilmington, DE 19801
(302) 509-4634

Mark S. Kenney
Office of the United States Trustee
844 King Street, Room 2207
Wilmington, DE 19801
(302) 573-6491

Garth D. Wilson
Pension Benefit Guaranty Corporation
1200 K Street, Northwest
Washington, DC 20005
(202) 326-4020

6. *Mortg. Grader, Inc. v. First Choice Loan Servs. Inc.*, 811 F.3d 1314 (Fed. Cir. 2016)

Counsel for Appellant:

Craig R. Kaufman
TechKnowledge Law Group LLP
100 Marine Parkway, Suite 200
Redwood Shores, CA 94065
(650) 517-5200

Counsel for Appellee:

Rebecca J. Stempien Coyle

U.S. Patent & Trademark Office
Trademark Trial and Appeal Board
600 Dulany Street
Alexandria, VA 22314
(571) 272-8500

Paul Grandinetti
NSIP Law
1120 Connecticut Avenue, Northwest, Suite 304
Washington, DC 20036
(202) 429-0020

7. *Leonard v. Stemtech Health Scis., Inc.*, C.A. No. 08-67-LPS, 2015 WL 4778827 (D. Del. Aug. 13, 2015), *aff'd sub nom. Leonard v. Stemtech Int'l Inc.*, 834 F.3d 376 (3d Cir. 2016)

Counsel for Plaintiff:

R. Karl Hill
Seitz, Van Ogtrop & Green, P.A.
222 Delaware Avenue, Suite 1500
Wilmington, DE 19801
(302) 888-7604

Jan I. Berlage
Gohn Hankey & Berlage LLP
201 North Charles Street, Suite 2101
Baltimore, MD 21201
(410) 752-1261

Counsel for Defendants:

Thomas P. Leff
Casarino Christman Shalk Ransom & Doss, P.A.
1007 Orange Street, Suite 1100
Wilmington, DE 19801
(302) 594-4500

Kathleen M. Kushi Carter
Messner Reeves LLP
650 Town Center Drive, Suite 700
Costa Mesa, CA 92626
(949) 335-7895

8. *Acorda Therapeutics, Inc. v. Mylan Pharms. Inc.*, C.A. No. 14-935-LPS, 78 F. Supp. 3d 572 (D. Del. 2015), *aff'd*, 817 F. 3d 755 (Fed. Cir. 2016), *cert. denied*, 137 S. Ct. 625 (2017)

Counsel for Plaintiffs:

Jack B. Blumenfeld
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street, 16th Floor
Wilmington, DE 19801
(302) 351-9291

Aaron Stiefel
Arnold & Porter Kaye Scholer LLP
250 West 55th Street
New York, NY 10019
(212) 836-8442

Counsel for Defendants:

Mary B. Matterer
Morris James LLP
500 Delaware Avenue, Suite 1500
Wilmington, DE 19801
(302) 888-6800

Timothy H. Kratz
Kratz & Barry LLP
1050 Crown Pointe Parkway, Suite 500
Atlanta, GA 30338
(404) 341-6600

9. *Grynberg v. Total Compagnie Française des Pétroles*, C.A. No. 10-1088-LPS, 891 F. Supp. 2d 663 (D. Del. 2012), *vacated in part on reargument*, C.A. No. 10-1088-LPS, 2013 WL 5459913 (D. Del. Sept. 30, 2013)

Counsel for Plaintiffs:

Richard A. Barkasy
Schnader Harrison Segal & Lewis LLP
824 North Market Street, Suite 800
Wilmington, DE 19801
(302) 888-4553

David Smith
Schnader Harrison Segal & Lewis LLP
1600 Market Street, Suite 3600
Philadelphia, PA 19103
(215) 751-2190

Counsel for Defendants

Kevin J. Mangan
Womble Bond Dickinson (US) LLP

1313 North Market Street, Suite 1200
Wilmington, DE 19801
(302) 252-4361

John P. Bowman
King & Spalding LLP
1100 Louisiana Street, Suite 4100
Houston, TX 77002
(713) 751-3200

Hon. Collins J. Seitz, Jr.
Delaware Supreme Court
405 North King Street, Suite 509
Wilmington, DE 19801
(302) 739-4155

Graham Kerin Blair
Baker & McKenzie LLP
700 Louisiana Street, Suite 3000
Houston, TX 77002
(713) 427-5000

Phillip B. Dye
Vinson & Elkins LLP
1001 Fannin Street, Suite 2500
Houston, TX 77002
(713) 758-2048

Counsel for Non-Party:

Andre G. Bouchard
Paul Weiss
500 Delaware Avenue, Suite 200
Wilmington, Delaware 19801
(302) 397-2774

Joel Friedlander
Friedlander & Gorris, P.A.
1201 North Market Street, Suite 2200
Wilmington, DE 19801
(302) 573-3502

10. *Intell. Ventures I LLC v. Altera Corp.*, C.A. No. 10-1065-LPS, 842 F. Supp. 2d 744 (D. Del. 2012), *mandamus denied sub nom. In re Altera Corp.*, 494 F. App'x 52 (Fed. Cir. 2012)

Counsel for Plaintiffs:

Brian E. Farnan
Farnan LLP
919 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 777-0336

John M. Desmarais
Desmarais LLP
230 Park Avenue
New York, NY 10169
(212) 351-3420

Counsel for Defendants:

Steven J. Balick
Ashby & Geddes, P.A.
500 Delaware Avenue, Eighth Floor
Wilmington, DE 19801
(302) 504-3700

Alan Blankenheimer
Covington & Burling LLP
1999 Avenue of the Stars
Los Angeles, CA 90067
(424) 332-4771

Jack B. Blumenfeld
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street, 16th Floor
Wilmington, DE 19801
(302) 351-9291

William F. Lee
Wilmer Cutler Pickering Hale & Dorr LLP
60 State Street
Boston, MA 02109
(617) 526-6556

Frederick L. Cottrell III
Richards, Layton & Finger, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7509

Mark A. Samuels
O'Melveny & Myers LLP

400 South Hope Street, 18th Floor
Los Angeles, CA 90071
(213) 430-6340

Karen Jacobs
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street, 16th Floor
Wilmington, DE 19801
(302) 351-9227

- e. Provide a list of all cases in which certiorari was requested or granted.

Certiorari was granted in the following cases:

United States v. Nasir, Crim. No. 16-15-LPS, 2017 WL 995206 (D. Del. Mar. 15, 2017), 2018 WL 2247217 (D. Del. May 16, 2018), *aff'd*, 982 F.3d 144 (3d Cir. 2020), *cert. granted, judgment vacated, and remanded*, 2021 WL 4507560 (U.S. Oct. 4, 2021)

Click-To-Call Techs., LP v. Ingenio, Inc., YellowPages.com, LLC, 899 F.3d 1321 (Fed. Cir. 2018), *cert. granted in part*, 139 S. Ct. 2742 (2019), *vacated and remanded sub nom. Thryv, Inc v. Click-To-Call Techs., LP*, 140 S. Ct. 1367 (2020)

Kraft Foods Grp. Brands LLC v. TC Heartland, LLC, C.A. No. 14-28-LPS, 2015 WL 5613160 (D. Del. Sept. 24, 2015), *mandamus denied sub nom. In re TC Heartland LLC*, 821 F.3d 1338 (Fed. Cir. 2016), *cert. granted, judgment rev'd, and remanded sub nom. TC Heartland LLC v. Kraft Foods Grp. Brands LLC*, 137 S. Ct. 1514 (2017)

Click-To-Call Techs., LP v. Oracle Corp., 622 F. App'x 907 (Fed. Cir. 2015), *cert. granted, judgment vacated*, 136 S. Ct. 2508 (2016)

Barkes v. First Corr. Med., Inc., Crim. No. 06-104-LPS, 2012 WL 2914915 (D. Del. July 17, 2012), *aff'd*, 766 F.3d 307 (3d Cir. 2014), *cert. granted, judgment rev'd sub nom. Taylor v. Barkes*, 575 U.S. 822 (2015)

Certiorari was requested, but denied or dismissed, in the following cases:

Cunningham v. JP Morgan Chase Bank Nat'l Ass'n, C.A. No. 18-596-LPS, 2020 WL 1154784 (D. Del. Mar. 10, 2020), *aff'd*, 815 F. App'x 686 (3d Cir. 2020), *cert. denied*, 2021 WL 4508708 (U.S. Oct. 4, 2021)

Weber v. Quinlan, C.A. No. 18-637-LPS, 2018 WL 2944478 (D. Del. June 12, 2018), *reconsideration denied*, 2018 WL 3377153 (D. Del. July 11, 2018), *aff'd*, 792 F. App'x 214 (3d Cir. 2019), *cert. denied*, 141 S. Ct. 1748 (2021)

Idenix Pharms. LLC v. Gilead Scis., Inc., C.A. No. 14-846-LPS, 2018 WL 1313973 (D. Del. Mar. 14, 2018), *aff'd in part, rev'd in part*, 941 F.3d 1149 (Fed. Cir. 2019), *cert. denied*, 141 S. Ct. 1234 (2021)

United States v. Small, Crim. No. 17-27-LPS, 2018 WL 2049821 (D. Del. May 2, 2018), *aff'd*, 797 F. App'x 675 (3d Cir.), *cert. denied*, 141 S. Ct. 311 (2020)

In re Millennium Lab Holdings II, LLC, 591 B.R. 559 (D. Del. 2018), *aff'd*, 945 F.3d 126 (3d Cir. 2019), *cert. denied*, 140 S. Ct. 2805 (2020)

Crystallex Int'l Corp. v. Bolivarian Republic of Venezuela, 333 F. Supp. 3d 380 (D. Del. 2018), *aff'd and remanded*, 932 F.3d 126 (3d Cir. 2019), *cert. denied*, 140 S. Ct. 2762 (2020)

Enzo Life Scis., Inc. v. Gen-Probe Inc., C.A. No. 12-104-LPS, 2017 WL 2829625 (D. Del. June 28, 2017), and *Enzo Life Scis., Inc. v. Abbott Labs.*, C.A. No. 12-274-LPS, 2017 WL 3585618 (D. Del. Aug. 15, 2017), *aff'd sub nom. Enzo Life Scis., Inc. v. Roche Molecular Sys., Inc.*, 928 F.3d 1340 (Fed. Cir. 2019), *cert. denied*, 140 S. Ct. 2634 (2020)

Princeton Digital Image Corp. v. Off. Depot Inc., C.A. No. 13-239-LPS, 2017 WL 10765194 (D. Del. Aug. 1, 2017), and 2017 WL 3670557 (D. Del. Aug. 25, 2017), *appeal dismissed*, 913 F.3d 1342 (Fed. Cir.), *cert. denied*, 140 S. Ct. 479 (2019)

Acorda Therapeutics, Inc. v. Roxane Labs., Inc., C.A. No. 14-882-LPS, 2017 WL 1199767 (D. Del. Mar. 31, 2017), *aff'd in part, dismissed in part*, 903 F.3d 1310 (Fed. Cir. 2018), *cert. denied*, 140 S. Ct. 111 (2019)

3G Licensing, S.A. v. HTC Corp., C.A. No. 17-83-LPS, 2017 WL 6442101 (D. Del. Dec. 18, 2017), *mandamus denied sub nom. In re HTC Corp.*, 889 F.3d 1349 (Fed. Cir. 2018), *cert. denied*, 139 S. Ct. 1271 (2019)

UCB, Inc. v. Accord Healthcare, Inc., 201 F. Supp. 3d 491 (D. Del. 2016), *aff'd*, 890 F.3d 1313 (Fed. Cir. 2018), *cert. denied*, 139 S. Ct. 574 (2018), and 139 S. Ct. 1172 (2019)

Leonard v. Stemtech Health Scis., Inc., C.A. No. 08-67-LPS, 2014 WL 3367092 (D. Del. July 8, 2014), *vacated and remanded sub nom. Leonard v. Stemtech Int'l Inc.*, 834 F.3d 376 (3d Cir. 2016), and 2015 WL 4778827 (D. Del. Aug. 13, 2015), *aff'd sub nom. Leonard v. Stemtech Int'l Inc.*, 834 F.3d 376 (3d Cir. 2016), *cert. denied*, 138 S. Ct. 975 (2018)

United States v. Penn, 870 F.3d 164 (3d Cir. 2017), *cert. denied*, 138 S. Ct. 700 (2018)

United States v. Vanderbeck, 702 F. App'x 54 (3d Cir.), *cert. denied*, 138 S. Ct. 490 (2017)

NOVA Chems. Corp. v. Dow Chem. Co., C.A. No. 13-1601-LPS, 2015 WL 5766257 (D. Del. Sept. 30, 2015), *aff'd sub nom. Nova Chems. Corp. (Can.) v. Dow Chem. Co.*, 856 F.3d 1012 (Fed. Cir.), *cert. denied*, 138 S. Ct. 485 (2017)

In re Culp, 545 B.R. 827 (D. Del. 2016), *aff'd*, 681 F. App'x 140 (3d Cir.), *cert. denied*, 138 S. Ct. 170 (2017)

Acorda Therapeutics, Inc. v. Mylan Pharms. Inc., 78 F. Supp. 3d 572 (D. Del. 2015), *aff'd*, 817 F.3d 755 (Fed. Cir. 2016), *cert. denied*, 137 S. Ct. 625 (2017)

Purdue Pharma L.P. v. Epic Pharma, LLC, 811 F.3d 1345 (Fed. Cir.), *cert. denied*, 137 S. Ct. 475 (U.S. Nov. 14, 2016), and 137 S. Ct. 476 (2016)

United States v. Scalia, Crim. No. 09-101-LPS-1 (D. Del. Aug. 4, 2015), *aff'd*, 654 F. App'x 73 (3d Cir.), *cert. denied*, 137 S. Ct. 406 (2016)

Genetic Techs. Ltd. v. Bristol-Myers Squibb Co., 72 F. Supp. 3d 521 (D. Del. 2014), *aff'd sub nom. Genetic Techs. Ltd. v. Merial L.L.C.*, 818 F.3d 1369 (Fed. Cir.), *cert. denied*, 137 S. Ct. 242 (2016)

United States v. Tann, Crim. No. 07-55-LPS (D. Del. Nov. 12, 2014), and Crim. No. 13-100-LPS-1 (D. Del. Nov. 12, 2014), *aff'd*, 643 F. App'x 86 (3d Cir.), *cert. denied*, 137 S. Ct. 108 (2016)

Dow Chem. Co. v. Nova Chems. Corp. (Can.), 2014 WL 1285508 (D. Del. Mar. 28, 2014), *rev'd in part, appeal dismissed in part*, 803 F.3d 620 (Fed. Cir. 2015), *cert. denied*, 136 S. Ct. 2452 (2016)

United States v. Speight, 554 F. App'x 119 (3d Cir. 2014), *cert. denied*, 573 U.S. 912 (2014), and 574 U.S. 1180 (2015)

Trinity Wall St. v. Wal-Mart Stores, Inc., 75 F. Supp. 3d 617 (D. Del. 2014), *rev'd*, 2015 WL 1905766 (3d Cir. Apr. 14, 2015), *opinion issued*, 792 F.3d 323 (3d Cir.), *cert. dismissed*, 577 U.S. 982 (2015)

In re Winstar Commc'ns, Inc., C.A. No. 10-839-LPS, 2013 WL 6053838 (D. Del. Nov. 15, 2013), *aff'd*, 591 F. App'x 58 (3d Cir.), *cert. denied*, 577 U.S. 954 (2015)

In re Caribbean Petroleum Corp., C.A. No. 13-466-LPS (D. Del. Nov. 8, 2013), and C.A. No. 13-717-LPS (D. Del. May 7, 2013), *aff'd*, 580 F. App'x 82 (3d Cir. 2014), *cert. denied*, 574 U.S. 1137 (2015)

United States v. Johnson, Crim. No. 06-74-LPS-1 (D. Del. Dec. 4, 2007), *aff'd*, 580 F. App'x 129 (3d Cir. 2014), *cert. denied*, 574 U.S. 1001 (2014)

Brooks-McCollum v. Emerald Ridge Serv. Corp., C.A. No. 12-998-LPS (D. Del. Nov. 20, 2013), *aff'd*, 563 F. App'x 144 (3d Cir.), *cert. denied*, 574 U.S. 824 (2014)

Galderma Labs., L.P. v. Tolmar, Inc., 891 F. Supp. 2d 588 (D. Del. 2012), *rev'd in part*, 737 F.3d 731 (Fed. Cir. 2013), *cert. denied*, 573 U.S. 907 (2014)

Scott v. Del. Dep't of Fam. Servs., C.A. No. 12-195-LPS, 2012 WL 2126933 (D. Del. June 8, 2012), *aff'd*, 530 F. App'x 129 (3d Cir. 2013), *cert. denied*, 574 U.S. 888 (2014)

Drake v. Filko, 724 F.3d 426 (3d Cir. 2013), *cert. denied*, 572 U.S. 1100 (2014)

Chetty Holdings Inc. v. NorthMarq Cap., LLC, 556 F. App'x 118 (3d Cir.), *cert. denied*, 574 U.S. 822 (2014)

Power Integrations, Inc. v. Fairchild Semiconductor Int'l, Inc., C.A. No. 08-309-LPS, 2012 WL 938926 (D. Del. Mar. 13, 2012), *aff'd in part, rev'd in part, vacated in part, and remanded*, 711 F.3d 1348 (Fed. Cir. 2013), *cert. denied*, 571 U.S. 1125 (2014)

Rader v. ING Bank, C.A. 09-340-SLR-LPS, 2010 WL 1403962 (D. Del. Apr. 7, 2010), *report and recommendation adopted sub nom. Rader v. ING Bank fsb*, C.A. No. 09-340-SLR-LPS, 2010 WL 2403058 (D. Del. June 10, 2010), *aff'd sub nom. Rader v. ING Groep NV*, 497 F. App'x 171 (3d Cir. 2012), *cert. denied*, 568 U.S. 1158 (2013)

Leader Techs., Inc. v. Facebook, Inc., 770 F. Supp. 2d 686 (D. Del. 2011), *aff'd*, 678 F.3d 1300 (Fed. Cir. 2012), *cert. denied*, 568 U.S. 1090 (2013)

Woods v. Diguglielmo, 514 F. App'x 225 (3d Cir.), *cert. denied*, 571 U.S. 1077 (2013)

United States v. James, 513 F. App'x 232 (3d Cir.), *cert. denied*, 571 U.S. 944 (2013)

In re Nortel Networks Inc., C.A. No. 10-230-LPS, 2011 WL 1154225 (D. Del. Mar. 29, 2011), *aff'd*, 669 F.3d 128 (3d Cir. 2011), *cert. denied*, 567 U.S. 936 (2012)

United States v. Donovan, C.A. No. 96-484-LPS, 2010 WL 3614647 (D. Del. Sept. 10, 2010), *aff'd*, 661 F.3d 174 (3d Cir. 2011), *cert. denied*, 566 U.S. 990 (2012)

Hornbuckle v. United States, Crim. No. 09-50-LPS-1, 2015 WL 4999970 (D. Del. Aug. 21, 2015), *aff'd*, 427 F. App'x 172 (3d Cir.), *cert. denied*, 565 U.S. 924 (2011)

Eames v. Nationwide Mut. Ins. Co., C.A. No. 04-1324-JJF-LPS (D. Del. Mar. 31, 2008), *report and recommendation adopted*, 2008 WL 4455743 (D. Del. Sept. 30, 2008), *aff'd*, 346 F. App'x 859 (3d Cir. 2009), *cert. denied*, 559 U.S. 1006 (2010)

A petition for certiorari is pending in the following cases:

Infinity Computer Prods., Inc. v. Oki Data Ams., Inc., C.A. No. 18-463-LPS, 2019 WL 2422597 (D. Del. June 10, 2019), *reconsideration denied*, 2019 WL 5213250 (D. Del. Oct. 16, 2019), *and aff'd*, 987 F.3d 1053 (Fed. Cir. 2021), *petition for cert. filed*, No. 21-413 (U.S. Sept. 15, 2021)

Am. Axle & Mfg., Inc. v. Neapco Holdings LLC, 309 F. Supp. 3d 218 (D. Del. 2018), *aff'd*, 939 F.3d 1355 (Fed. Cir. 2019), *reh'g granted, opinion withdrawn*, 966 F.3d 1294 (Fed. Cir. 2020), *opinion modified and superseded on reh'g*, 967 F.3d 1285 (Fed. Cir. 2020), *and aff'd in part, vacated in part, remanded*, 967 F.3d 1285 (Fed. Cir. 2020), *petition for cert. filed*, No. 20-891 (U.S. Dec. 28, 2020)

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

Including the cases in which the parties consented to my jurisdiction as a magistrate judge (2007 – 2010) and those I have handled as a district judge (2010 – present), through November 3, 2021, I have presided over at least 5,700 civil cases (including at least 2,400 patent cases); 400 criminal cases (involving 500 defendants); and 230 miscellaneous matters. (These numbers include the six multi-district litigations created and assigned to me by the Joint Panel on Multidistrict Litigation, in which all pretrial matters were consolidated in front of me.) In resolving these matters, I have written in excess of 2,100 opinions, memorandum orders, and reports and recommendation. Many of my opinions and decisions have been appealed to the Courts of Appeals for the Federal Circuit and for the Third Circuit.

The following of my opinions and decisions, which constitute approximately two percent of all opinions and decisions I have written, have been reversed by a reviewing court or affirmed with significant criticism on at least one issue:

GlaxoSmithKline LLC v. Teva Pharms. USA, Inc., 313 F. Supp. 3d 582 (D. Del. 2018), *aff'd in part, vacated in part, and remanded*, 7 F.4th 1320 (Fed. Cir. 2021). After a jury returned a verdict in favor of the plaintiffs, I granted the defendant's motion for judgment as a matter of law in part, concluding that substantial evidence did not support a finding of induced patent infringement. On appeal, a 2-1 panel of the Federal Circuit vacated my grant of judgment as a matter of law. Thereafter, the panel granted rehearing and, after further briefing and a second oral argument, again issued a 2-1 decision vacating my grant of judgment as a matter of law, holding that substantial evidence supported the jury's verdict. The Federal Circuit opinion explained that the case will be remanded for further post-trial proceedings. Another motion for rehearing is now pending in the Federal Circuit.

United States v. Nasir, Crim. No. 16-15-LPS, 2017 WL 995206 (D. Del. Mar. 15, 2017), and 2018 WL 2247217 (D. Del. May 16, 2018), *aff'd in part, vacated in part, and remanded*, 982 F.3d 144 (3d Cir. 2020) (*en banc*), *cert. granted, judgment vacated, and remanded*, 2021 WL 4507560 (U.S. Oct. 4, 2021). In 2017, the defendant was convicted at trial of drug offenses and of being a felon in possession of a firearm. Based on then-binding precedent, I denied his motion to set aside the verdict and for a new trial and sentenced him as a career offender. On appeal, the Third Circuit, sitting *en banc*, affirmed Mr. Nasir's drug convictions, rejecting Mr. Nasir's contentions that there was insufficient evidence, that I should have suppressed evidence, and that I allowed a partial juror to be seated. But the Third Circuit held that Mr. Nasir's conviction for being a felon in possession of a firearm had to be vacated because a subsequent Supreme Court decision, *Rehaif v. United States*, 139 S. Ct. 2191 (2019), required proof that he knew he was a felon at the time he possessed the firearm, which altered "the then-widely shared understanding of the elements" of the offense. The Third Circuit further held that Mr. Nasir did not qualify for the career offender enhancement because one of his prior offenses (attempt to possess with intent to distribute cocaine) did not qualify as a predicate offense, because it was an inchoate offense. The Supreme Court vacated the Third Circuit's judgment and remanded the case for further consideration in light of *Greer v. United States*, 141 S. Ct. 2090 (2021).

Am. Axle & Mfg., Inc. v. Neapco Holdings LLC, 309 F. Supp. 3d 218 (D. Del. 2018), *aff'd in part, vacated in part, and remanded*, 967 F.3d 1285 (Fed. Cir. 2020). On the parties' cross-motions for summary judgment as to the eligibility of the asserted patent claims under 35 U.S.C. § 101, I granted the defendant's motion, holding that the two representative claims were directed to patent-ineligible subject matter. On appeal, the Federal Circuit affirmed my judgment. Thereafter, the Federal Circuit split 6-6 on whether to grant rehearing *en banc*. At the same time, the panel granted rehearing, modified its opinion, and, in a 2-1 decision, affirmed my judgment as to one representative claim, but vacated my judgment as to the other representative claim, remanding for me to consider an

alternative theory of eligibility. A petition for a writ of certiorari is pending in the U.S. Supreme Court, which has called for the views of the Solicitor General. I have stayed the remand proceedings pending further developments in the Supreme Court.

Norman v. Elkin, 338 F. Supp. 3d 361 (D. Del. 2018), *aff'd in part, rev'd in part, and remanded*, 961 F.3d 275 (3d Cir. 2020). Following a second jury trial and an appeal to the Third Circuit in this now 15-year-old matter, on remand I entered judgment in Mr. Norman's favor on two parts of his breach of contract claim and entered judgment in Mr. Elkin's favor on all other claims. Both parties appealed again. The Third Circuit affirmed in all respects except for one: it concluded that an additional part of Mr. Norman's breach of contract claim was not untimely. The Third Circuit remanded for the limited purpose of entering a revised final judgment.

Galderma Labs., L.P. v. Amneal Pharms. LLC, 337 F. Supp. 3d 371 (D. Del. 2018), *aff'd in part and rev'd in part*, 806 F. App'x 1007 (Fed. Cir. 2020). Following a bench trial, I found that the defendant's proposed generic drug product would infringe the three "Chang Patents" and would also infringe two "Ashley II Patents." (I also concluded that Amneal did not infringe a fourth "Chang Patent," Galderma was collaterally estopped from asserting infringement of two other "Ashley Patents," and none of the 15 claims challenged by Amneal on five different theories were invalid. None of these decisions was appealed.) I entered judgment prohibiting final FDA approval of the defendant's product until after expiration of the last-to-expire of these five patents. On appeal, the Federal Circuit affirmed my judgment that the defendant's product would infringe the "Chang Patents" and affirmed my order delaying final FDA approval of defendant's product until those patents expire. The Federal Circuit also concluded, however, that Galderma had failed to present the requisite particularized testimony to prove infringement of the "Ashley II" patents under the doctrine of equivalents.

Cruz v. Jurden, C.A. No. 18-370-LPS, 2019 WL 1150562 (D. Del. Mar. 13, 2019), *aff'd in part, vacated in part, and remanded*, 789 F. App'x 943 (3d Cir. 2020) (*per curiam*). In this prisoner civil rights case, I dismissed the complaint. On appeal, the Third Circuit agreed that certain of Mr. Cruz's claims were properly dismissed as either time-barred or barred by the doctrine of judicial immunity. The Third Circuit also held, however, that I lacked jurisdiction over other of Mr. Cruz's claims because they sought reversal of state court decisions and other claims should be dismissed without prejudice because they implied the invalidity of Mr. Cruz's confinement. The case was remanded with instructions to dismiss some claims for lack of jurisdiction and to dismiss others without prejudice.

Intell. Ventures I LLC v. Trend Micro Inc., C.A. No. 12-1581-LPS D.I. 263 (D. Del. Sept. 1, 2017) (copies supplied), *vacated and remanded*, 944 F.3d 1380 (Fed.

Cir. 2019). I granted the defendant's motion to declare this patent case "exceptional" within the meaning of 35 U.S.C. § 285 and awarded the defendant's requested attorneys' fees incurred in connection with responding to the plaintiff's expert's change of his opinion at and after trial in a related matter. I explained that while the case as a whole was not "exceptional," the circumstances surrounding the expert's changed opinion—and the plaintiff's denial that the expert had changed his opinion—were "exceptional" and granted the defendant's request to recover the fees incurred in connection with those circumstances. On appeal, the Federal Circuit made clear that § 285 requires a singular determination that a patent case as a whole is "exceptional" before attorneys' fees may be awarded. The Federal Circuit thus vacated my judgment and remanded for further proceedings.

3G Licensing, S.A. v. Blackberry, Ltd., 302 F. Supp. 3d 640 (D. Del. 2018), *rev'd sub nom. Koninklijke KPN N.V. v. Gemalto M2M GmbH*, 942 F.3d 1143 (Fed. Cir. 2019). I granted the defendants' motion for judgment on the pleadings, concluding that the four asserted patent claims reciting methods for error checking in data transmissions were directed to patent-ineligible subject matter. The patentee appealed with respect to three of the four claims. On *de novo* review, the Federal Circuit reversed, holding that the three claims were not directed to a patent-ineligible abstract idea; instead, they were directed to an improved check data generating device that enables a data transmission error detection system to detect a specific type of error that prior art systems could not.

United States v. Shabazz, Crim. No. 15-20-LPS, 2017 WL 4684180 (D. Del. Oct. 18, 2017), *vacated and remanded*, 793 F. App'x 69 (3d Cir. 2019). After a jury convicted Mr. Shabazz of firearms offenses, I determined, based on then-controlling Third Circuit precedent, that the defendant was not an armed career criminal within the meaning of 18 U.S.C. § 924(e). I sentenced Mr. Shabazz to 47 months of imprisonment. During the government's appeal from my sentencing decision, the Supreme Court issued its opinion in *United States v. Stitt*, 136 S. Ct. 2243 (2018), which (as the Third Circuit stated) "clarified that the generic definition" of burglary includes "vehicles designed or adapted for overnight use." *Stitt*'s clarification, according to the Third Circuit, "cast[] doubt on the District Court's reasoning." Thus, the Third Circuit vacated Mr. Shabazz's sentence and remanded for resentencing.

Idenix Pharms. LLC v. Gilead Scis. Inc., C.A. No. 14-846-LPS, 2018 WL 922125 (D. Del. Feb. 16, 2018), and 2018 WL 1313973 (D. Del. Mar. 14, 2018), *aff'd in part and rev'd in part*, 941 F.3d 1149 (Fed. Cir. 2019). Following a jury verdict of willful infringement of Idenix's patent claims, a \$2.54 billion damages award, and no invalidity, I granted Gilead's motion for judgment as a matter of law that the asserted patent claims were invalid due to lack of enablement. I denied Gilead's motion to the extent it also sought judgment that the asserted claims were invalid due to lack of adequate written description. On appeal, the Federal Circuit agreed

with me that the patent claims were invalid due to lack of enablement, but also held the same claims were invalid due to lack of adequate written description.

GN Netcom, Inc. v. Plantronics, Inc., C.A. No. 12-1318-LPS, 2016 WL 3792833 (D. Del. July 12, 2016), and 2018 WL 273649 (D. Del. Jan. 3, 2018), *aff'd in part, rev'd in part, and remanded*, 930 F.3d 76 (3d Cir. 2019). In this antitrust case, after extensive pretrial litigation, including an evidentiary hearing and the issuance of a lengthy opinion, I sanctioned the defendant for spoliation by its senior vice president of sales—imposing a \$3 million fine, making the defendant reimburse certain of the plaintiff's legal fees, and instructing the jury that it may draw an adverse inference that the destroyed documents would have been favorable to the plaintiff. I crafted detailed “stipulated facts” that I read to the jury to provide the background needed to determine whether to draw an adverse inference against the defendant. I denied the plaintiff's request to permit its forensic expert to testify at trial about the spoliation. After the jury found the defendant had not committed antitrust violations, the plaintiff appealed. The Third Circuit unanimously affirmed all aspects of my resolution of the spoliation issue, but a 2-1 majority also held I had abused my discretion by not permitting the plaintiff's expert to testify at trial about the scope of the destruction of evidence. The Third Circuit remanded for a new trial.

United Access Techs., LLC v. AT&T Corp., 265 F. Supp. 3d 446 (D. Del. 2017), *aff'd in part, rev'd in part, and remanded*, 757 F. App'x 960 (Fed. Cir. 2019). I granted the defendant's motion for summary judgment of non-infringement, concluding that the plaintiff could not prove infringement of the accused “central-office embodiments” or the “remote-terminal embodiments.” I also determined that the asserted claims were not invalid as indefinite. On appeal, the Federal Circuit affirmed my grant of summary judgment of noninfringement as to the central-office embodiments and affirmed my conclusion that the claims were not indefinite. Based on disagreement with one of my claim constructions, however, the Federal Circuit reversed my grant of summary judgment of non-infringement as to the remote-terminal embodiments and remanded for further proceedings.

Data Engine Techs. LLC v. Google Inc., 211 F. Supp. 3d 669 (D. Del. 2016), *aff'd in part, rev'd in part, and remanded sub nom. Data Engine Techs. LLC v. Google LLC*, 906 F.3d 999 (Fed. Cir. 2018). The patentee in this case asserted 35 claims in four patents: three patents referred to as the “Tab Patents” and the fourth known as the '146 Patent. I granted the defendant's motion for judgment on the pleadings based on my conclusion that all of the asserted claims of all four patents claimed patent-ineligible subject matter under 35 U.S.C. § 101. On appeal, the Federal Circuit affirmed my judgment with respect to the '146 Patent and one claim of the Tab Patents, but reversed with respect to the other claims of the Tab Patents.

Intell. Ventures I LLC v. AT&T Mobility LLC, C.A. Nos. 13-1668-LPS, 13-1669-LPS, 13-1670-LPS, 13-1671-LPS, 13-1672-LPS, 14-1229-LPS, 14-1230-LPS,

14-1231-LPS, 14-1232-LPS, 14-1233-LPS, 2016 WL 4363485 (D. Del. Aug. 12, 2016), and *Intell. Ventures I LLC v. Nextel Operations, Inc.*, C.A. Nos. 13-1670-LPS, 13-1671-LPS, 13-1672-LPS, 2017 WL 2304006 (D. Del. May 19, 2017), *aff'd in part, vacated in part, and remanded sub nom. Intell. Ventures I LLC v. T-Mobile USA, Inc.*, 902 F.3d 1372 (Fed. Cir. 2018). Based on my construction of two patent claim terms, I held one claim indefinite and granted the defendant's motion for summary judgment of non-infringement as to all four asserted claims. On *de novo* review, the Federal Circuit agreed with my construction of one term, and affirmed my conclusion of indefiniteness, but disagreed with the construction of the other term. Therefore, the Federal Circuit vacated the grant of summary judgment of non-infringement and remanded for further proceedings.

Office Depot, Inc. v. Cook, 238 F. Supp. 3d 616 (D. Del. 2017), *vacated and remanded*, 710 F. App'x 59 (3d Cir. 2018). I granted the defendants' motion to dismiss with prejudice, concluding that the plaintiffs' preemption claim was ripe, but that the plaintiffs had failed to state a plausible preemption claim. After I issued my decision, the Third Circuit issued its opinion in *Marathon Petroleum Corp. v. Secretary of Finance*, 876 F.3d 481 (3d Cir. 2017), a case the Third Circuit described as "identical" to this one in "all material respects" and which, accordingly, "compels the same result." The Third Circuit agreed with me that the actions taken by the defendants to date were not preempted. But the Third Circuit concluded that the plaintiffs might develop a meritorious preemption claim depending on what the defendants did subsequently. Thus, the Third Circuit vacated my judgment and remanded with instructions to dismiss the plaintiffs' preemption claim without prejudice.

Crystallex Int'l Corp. v. Petróleos de Venezuela, S.A., 213 F. Supp. 3d 683 (D. Del. 2016), *rev'd and remanded*, 879 F.3d 79 (3d Cir. 2018). A creditor brought fraudulent transfer and civil conspiracy claims against a Venezuelan company's wholly-owned subsidiaries, alleging they participated in an orchestrated scheme to monetize assets and pull the proceeds out of the United States. I determined on a motion to dismiss that, given the unique circumstances of the case, one of the subsidiaries—despite being a non-debtor transferor of debtor property—was an appropriate defendant for the plaintiff's claim under the Delaware Uniform Fraudulent Transfer Act (DUFTA). I then granted a motion to certify an interlocutory appeal. In that appeal, a 2-1 Third Circuit panel reversed, concluding that transfer by a non-debtor was not a "fraudulent transfer" under DUFTA.

Marathon Petroleum Corp. v. Cook, 208 F. Supp. 3d 576 (D. Del. 2016), *vacated and remanded*, 876 F.3d 481 (3d Cir. 2017). I granted the defendants' motion to dismiss, finding that the plaintiffs' claim of preemption was ripe for review and that Delaware's escheat audit of gift cards was not preempted by federal common law. On appeal, the Third Circuit—after observing that I "treated this case with due care and admirable skill" and that it "agree[d] with the District Court's determination to dismiss the preemption claim"—vacated and remanded so I could "clarify that [the plaintiffs'] claim is dismissed without prejudice," since

Delaware's demands for information might later make it evident that the result of the audit process will lead to conflict preemption.

Norman v. Elkin, C.A. No. 06-5-LPS, 2015 WL 4886049 (D. Del. Aug. 14, 2015), *aff'd in part, vacated in part, and remanded*, 860 F.3d 111 (3d Cir. 2017).

Following what was the second jury trial between these parties (the first of which had been presided over by a predecessor judge), I granted the defendant's motion for judgment as a matter of law on the plaintiff's breach of contract claim, concluding that the plaintiff failed to establish damages and, separately, that the claim was time-barred. In reaching the latter conclusion, I cited the predecessor judge's interpretation of Delaware law on the novel question of whether a stockholder's prosecution of a claim seeking to inspect a corporation's books and records may toll the statute of limitations on claims for which the plaintiff already has inquiry notice. Both sides appealed issues decided by the predecessor judge and by me. Disagreeing with the predecessor judge's interpretation of Delaware law and with my conclusion regarding damages, the Third Circuit vacated the judgment in favor of the defendant and remanded, instructing me to reinstate an award of at least nominal damages and to determine if any of the remaining claims were timely.

Nova Chems. Corp. (Can.) v. Dow Chem. Co., C.A. No. 13-1601-LPS, 2015 WL 5766257 (D. Del. Sept. 30, 2015), *aff'd*, 856 F.3d 1012 (Fed. Cir. 2017). Nova instituted an independent action in equity to set aside a prior judgment that it had infringed Dow's patents. I dismissed Nova's claims and granted Dow's motion to declare the case "exceptional," within the meaning of 35 U.S.C. § 285, and awarded Dow recovery of its attorneys' fees. On appeal, the Federal Circuit affirmed my finding that the case was "exceptional" and affirmed the award of attorneys' fees to Dow. The Court observed, however, that "the district court erred to the extent it based its exceptional-case determination on Nova's filing of the equity action itself," while adding that the "district court did not base its analysis solely, or even primarily, on the fact that Nova filed an equity action."

Intell. Ventures I LLC v. Symantec Corp., 100 F. Supp. 3d 371 (D. Del. 2015), *aff'd in part and rev'd in part*, 838 F.3d 1307 (Fed. Cir. 2016). After a jury trial in which the defendant was found to have infringed two of three asserted patents, I granted the defendant's post-trial motion for judgment that two of the three asserted patents (including one of the two patents which the defendant had been found to infringe) were directed to patent-ineligible subject matter. On appeal, the Federal Circuit, conducting *de novo* review, concluded that all three patents-in-suit were directed to patent-ineligible subject matter, thereby affirming me with respect to two patents and reversing me on the third. One member of the three-judge panel dissented from the portion of the majority opinion that disagreed with me; she would have affirmed my judgment that the asserted claim of one of the three patents was patent eligible.

Power Integrations, Inc. v. Fairchild Semiconductor Int'l, Inc., 935 F. Supp. 2d 747 (D. Del. 2013) and 2014 WL 2960035 (D. Del. June 30, 2014), *aff'd in part, rev'd in part, vacated in part, and remanded*, 843 F.3d 1315 (Fed. Cir. 2016). I presided over a jury trial of the parties' claims of infringement and invalidity of four Power Integrations patents and two Fairchild patents; the trial involved numerous accused products, allegations of direct and indirect infringement, and multiple theories of invalidity. After trial, I decided eight post-judgment motions. Both parties appealed a subset of my decisions, together raising a total of 12 issues. The Federal Circuit organized the appellate issues into six categories and made eight holdings, as follows: (i) the judgment that the asserted claims of Power Integrations' '876 patent were not anticipated by either of two prior art references was affirmed; (ii) the judgment that Fairchild induced infringement of the asserted claims of Power Integrations' '876 and '851 patents was vacated, as my jury instruction on induced infringement was not correct; (iii) the judgment that the asserted claims of Power Integrations' '605 patent were not anticipated by a prior art reference was reversed; (iv) my construction of a claim term in Fairchild's '972 patent was affirmed; (v) the judgment that the asserted claims of Fairchild's '972 patent were not invalid as obvious was affirmed; (vi) the judgment that Power Integrations infringed the asserted claims of Fairchild's '972 patent under the doctrine of equivalents was reversed; (vii) my grant of a permanent injunction to Power Integrations was vacated in view of the other holdings; and (viii) Fairchild's appeal of my denial of its motion for a permanent injunction was moot in view of the other holdings.

Leonard v. Stemtech Health Scis., Inc., C.A. No. 08-67-LPS-CJB, 2014 WL 3367092 (D. Del. July 8, 2014) and 2015 WL 4778827 (D. Del. Aug. 13, 2015), *aff'd in part, vacated in part, and remanded sub nom. Leonard v. Stemtech Int'l Inc.*, 834 F.3d 376 (3d Cir. 2016). After a jury returned a \$1.6 million verdict in the plaintiff's favor in this copyright infringement action, I ruled on multiple issues in the parties' post-trial motions. Both parties appealed, raising issues (among others) relating to Stemtech's request for a new trial on contributory and vicarious infringement, its contention that the damages award was unconstitutionally and grossly excessive, complaints about Leonard's counsel's conduct during trial, and certain evidentiary and discovery rulings I had made. The Third Circuit rejected all of both parties' contentions with one exception, stating it was "affirm[ing] the District Court's pretrial, trial, and post-trial rulings, except the order denying prejudgment interest to Leonard."

E & R Enter. LLC v. City of Rehoboth Beach, C.A. No. 14-1452-LPS, 2015 WL 4608138 (D. Del. July 31, 2015), *vacated and remanded*, 650 F. App'x 811 (3d Cir. 2016). E & R's complaint against the City of Rehoboth Beach alleged six substantive counts (plus claims for a declaratory judgment, injunctive relief, and attorneys' fees). I granted the City's motion to dismiss E & R's federal procedural due process, state due process, federal equal protection, federal substantive due process, and state vested rights claims; denied E & R's motion for leave to amend its complaint; and denied the City's motion to dismiss E & R's equitable estoppel

claim. On appeal, the Third Circuit stated “the District Court correctly determined that most of E & R’s federal claims lack ripeness.” The Third Circuit went on to conclude that “all of E & R’s federal claims fail on this ground”—and, consequently, there was no federal jurisdiction and the case needed to be remanded to state court. The Third Circuit also found no abuse of discretion in my denial of E & R’s motion to amend. The Court vacated my judgment and remanded with instructions to remand the case to the Delaware Court of Chancery.

Kraft Foods Grp. Brands LLC v. TC Heartland, LLC, C.A. No. 14-28-LPS, 2015 WL 5613160 (D. Del. Sept. 24, 2015), *mandamus denied sub nom. In re TC Heartland LLC*, 821 F.3d 1338 (Fed. Cir. 2016), *rev’d and remanded sub nom. TC Heartland v. Kraft Foods Grp. Brands LLC*, 137 S. Ct. 1514 (2017). In this patent case, I overruled objections to the magistrate judge’s report and recommendation, concluding that I had jurisdiction and that venue was proper. The Federal Circuit denied a petition for a writ of mandamus, concluding that I faithfully applied its precedent in deciding the jurisdictional and venue issues. The Supreme Court granted TC Heartland’s petition for a writ of certiorari and then reversed the Federal Circuit’s interpretation of the patent venue statute, an interpretation I had been following.

Honeywell Int’l Inc. v. Nokia Corp., C.A. No. 04-1337-LPS, 2014 WL 2568041 (D. Del. May 30, 2014), *vacated and remanded*, 615 F. App’x 688 (Fed. Cir. 2015). I denied two defendants’ requests for attorneys’ fees and subsequently granted in part and denied in part their motions for costs. Although I had applied precedent that was binding at the time, the Federal Circuit vacated my denial of attorneys’ fees because the Supreme Court had recently set aside that precedent. The Federal Circuit remanded the case for me to reconsider the attorneys’ fees issue in light of the intervening Supreme Court decision.

Dow Chem. Co. v. NOVA Chems. Corp. (Can.), C.A. No. 05-737-LPS, 2014 WL 1285508 (D. Del. Mar. 28, 2014), *rev’d*, 803 F.3d 620 (Fed. Cir. 2015). After a jury trial, I entered judgment that certain patents were infringed and not invalid, and the Federal Circuit affirmed, holding (among other things) that the asserted claims were not indefinite. Thereafter, I conducted a bench trial and concluded that the plaintiff was entitled to lost profits and reasonable royalties for a certain damages period. On appeal, the Federal Circuit explained that an intervening Supreme Court decision had “alter[ed] the standard for indefiniteness.” Applying the new standard, the Federal Circuit found the patent claims invalid due to indefiniteness. Therefore, it reversed the damages award to Dow.

Shahin v. PNC Bank, N.A., C.A. No. 13-1404-LPS, 2014 WL 5106094 (D. Del. Oct. 9, 2014), *reargument denied*, 2015 WL 167180 (D. Del. Jan. 13, 2015), *aff’d in part, vacated in part, and remanded*, 625 F. App’x 68 (3d Cir. 2015). I granted the defendants’ motion to dismiss, concluding that a statutory provision did not provide a private cause of action, another claim was barred by the statute of

limitations, and the plaintiffs' allegations for two discrimination claims were deficient. The Third Circuit affirmed my dismissal of the plaintiffs' claims but vacated my order and remanded solely for the purpose of considering whether the plaintiffs should have an opportunity to amend their complaint or whether amendment would be futile.

Barkes v. First Corr. Med., Inc., C.A. No. 06-104-LPS, 2012 WL 2914915 (D. Del. July 17, 2012), *aff'd*, 766 F.3d 307 (3d Cir. 2014), *rev'd sub nom. Taylor v. Barkes*, 575 U.S. 822 (2015) (per curiam). I denied the motion for summary judgment filed by the defendants, who worked for the correctional institution at which the plaintiff's deceased husband had been detained, finding that qualified immunity did not preclude the plaintiff from prevailing on her claim that the defendants had violated the Eighth Amendment by failing to prevent her husband's suicide. The Third Circuit affirmed my holding. The Supreme Court granted the defendant's petition for a writ of certiorari and reversed the Third Circuit, concluding that any right of an incarcerated person to proper implementation of suicide prevention protocols was not clearly established, so the defendants were immune from liability for the plaintiff's claim.

Trinity Wall St. v. Wal-Mart Stores, Inc., 75 F. Supp. 3d 617 (D. Del. 2014), *rev'd in part and vacated in part*, No. 14-4764, 2015 WL 1905766 (3d Cir. Apr. 14, 2015), *opinion issued*, 792 F.3d 323 (3d Cir. 2015). I concluded I had jurisdiction over one of the plaintiff's claims, but not over the other claim because it was not yet ripe. For the surviving claim, I granted summary judgment to the plaintiff and entered an injunction. The Third Circuit disagreed, with different panel members offering different reasoning, and vacated the injunction.

S. Track & Pump, Inc. v. Terex Corp., C.A. No. 08-543-LPS, 2013 WL 5461615 (D. Del. Sept. 30, 2013), *rev'd and remanded*, 618 F. App'x 99 (3d Cir. 2015), *adopting* 117 A.3d 537 (Del. 2015). I denied the defendant's motion to preclude what it characterized as the "unconstitutional application" of Delaware's Equipment Dealer Contract Statute, 6 Del. C. § 2720 *et seq.* The Third Circuit explained that the defendant's appeal "raised an important and unsettled issue concerning the interpretation" of Delaware's statute. Accordingly, the Third Circuit certified a question of law to the Delaware Supreme Court, which the Delaware Supreme Court answered in a comprehensive opinion, reaching a different conclusion than I had. The Third Circuit followed the Delaware Supreme Court's interpretation of the statute and reversed my decision.

United Access Techs., LLC v. CenturyTel Broadband Servs. LLC, 6 F. Supp. 3d 537 (D. Del. 2013), *rev'd and remanded*, 778 F.3d 1327 (Fed. Cir. 2015). I granted the defendants' motion for judgment on the pleadings based on the collateral estoppel effect of an earlier jury verdict. The plaintiff, United, appealed and the Federal Circuit reversed, concluding I had misapplied the principles of collateral estoppel. In reaching this conclusion, the Federal Circuit observed: "To be sure, United's argument in the district court was not nearly as focused as it is

in this court. In fact, before the district court United directed its argument in large measure to irrelevant matters and barely alluded to the argument that it now vigorously presses on appeal.” The Court added: “the lack of focus in United’s argument before the district court no doubt goes a long way toward explaining why the district court erred in its application of collateral estoppel in this case.”

Shahin v. Del. Fed. Credit Union, C.A. No. 10-475-LPS, 2014 WL 988996 (D. Del. Mar. 7, 2014), *aff’d in part and remanded in part*, 602 F. App’x 50 (3d Cir. 2015) (per curiam). On cross-motions for summary judgment, I granted the plaintiff partial summary judgment and ordered the defendant to credit the plaintiff’s bank account for the overdraft fees the defendant had charged her. The defendant then twice offered the plaintiff judgment in the amount of \$1,000, the maximum for which it could be liable. I dismissed the complaint as moot and entered judgment in favor of the plaintiff for \$1,000. On the plaintiff’s appeal, the Third Circuit largely affirmed but remanded for me to determine whether the plaintiff had accrued any recoverable costs in the period before the defendant had made its offer of judgment. The Third Circuit further held that I had properly denied the plaintiff’s motion for relief on her breach of fiduciary duty claim.

Vehicle IP, LLC v. AT & T Mobility LLC, C.A. No. 09-1007-LPS, 2011 WL 6176205 (D. Del. Dec. 12, 2011), *rev’d in part, vacated in part, and remanded*, 594 F. App’x 636 (Fed. Cir. 2014). I construed three disputed terms from one patent, plus a fourth term on which the parties agreed. In light of those constructions, I granted the defendant’s motion for summary judgment of noninfringement. On *de novo* review, the Federal Circuit reversed my constructions for two of the four claim terms: “expected time of arrival” and “way point(s)” (a dissenting judge agreed with my construction of “way point(s)”). Consequently, the Federal Circuit vacated my grant of summary judgment and remanded the case for me to evaluate infringement under the proper claim constructions.

Flintkote Co. v. Indem. Marine Assurance Co., C.A. Nos. 13-935-LPS & 13-103-LPS, 2013 WL 5461850 (D. Del. Sept. 30, 2013), *rev’d in part, vacated in part, and remanded sub nom. Flintkote Co. v. Aviva PLC*, 769 F.3d 215 (3d Cir. 2014). In two related insurance dispute actions, I granted the insured’s motions to compel arbitration on a theory of equitable estoppel. I also denied one insurer’s motion to dismiss or transfer as moot. The Third Circuit reversed, holding that the insurer was not equitably bound to arbitrate the case. The Third Circuit further vacated my order with respect to the motion to dismiss or transfer and remanded for me to consider the venue issues.

Doe v. Wilmington Hous. Auth., 880 F. Supp. 2d 513 (D. Del. 2012), *rev’d and remanded*, 568 F. App’x 128 (3d Cir. 2014), *adopting* 88 A.3d 654 (Del. 2014). The plaintiffs challenged a government policy under the U.S. and Delaware Constitutions. I held that the policy did not violate either pertinent constitutional provision. The plaintiffs did not appeal my rulings with respect to the U.S.

Constitution, but did challenge my interpretation of the Delaware Constitution. The Third Circuit concluded that the plaintiffs' appeal "raised unresolved questions of Delaware constitutional law" and certified questions to the Delaware Supreme Court, which accepted the certification and issued an opinion disagreeing with my decision. Adopting the Delaware Supreme Court's opinion, the Third Circuit reversed and remanded for entry of judgment for the plaintiffs.

Galderma Labs., L.P. v. Tolmar, Inc., 891 F. Supp. 2d 588 (D. Del. 2012), *rev'd in part*, 737 F.3d 731 (Fed. Cir. 2013). Following a bench trial, I ruled in favor of Galderma, finding that the seven asserted claims of the four pharmaceutical patents-in-suit were not invalid and that Tolmar's proposed generic drug would infringe. A split panel of the Federal Circuit reversed my holding that the asserted claims were not invalid for obviousness. The dissenting opinion stated "[w]ithout doubt, the question of obviousness here presented is a close call," adding that my opinion "appl[ie]d the law with thoughtful explanation and reasoning."

In re SemCrude, L.P., C.A. No. 09-994-LPS, 2012 WL 1836353 (D. Del. May 21, 2012), *rev'd and remanded*, 728 F.3d 314 (3d Cir. 2013). The Third Circuit reversed my ruling that four oil and gas producers were precluded from pressing their bankruptcy appeal due to equitable mootness. The Court remanded the case for me to reach the merits of the bankruptcy appeal.

Rsch. Found. of State Univ. of N.Y. v. Mylan Pharms. Inc., 809 F. Supp. 2d 296 (D. Del. 2011), *aff'd in part, vacated in part, and remanded*, 531 F. App'x 1008 (Fed. Cir. 2013) (per curiam). The plaintiffs alleged the defendants' proposed generic drug product would infringe 16 claims of the two "Ashley Patents," 12 claims of the two "Amin Patents," and two claims of the "Chang Patent." After a bench trial, I found the plaintiffs had failed to prove infringement of the "Ashley Patents" or "Amin Patents" but did prove direct and indirect infringement of the claims of the "Chang Patent." I further found Mylan had failed to prove that any of the claims of the "Ashley Patents" or the "Chang Patent" were invalid. Both parties appealed. The Federal Circuit affirmed me "in every respect, except with regard to three dependent claims of the Amin Patents," and further found "only that issue to warrant discussion, given the extensive analysis of the district court." As to these dependent claims, the Federal Circuit concluded I "erroneously (though understandably) applied [my] finding of anticipation of the independent claims of the Amin Patents without addressing the additional claim elements of the three specified dependent claims," vacating (but not, as the plaintiffs requested, reversing) my judgment of invalidity and remanding for further proceedings on these three dependent claims. The Federal Circuit further stated of its remand: "We do so despite readily understanding how the district court likely came to overlook the additional elements of these dependent claims," as the plaintiffs had devoted "scant attention to the distinction between these dependent claims and their independent claims."

Ateliers de la Haute-Garonne v. Broetje Automation USA Inc., 817 F. Supp. 2d 394 (D. Del. 2011), *motion to dismiss denied*, 819 F. Supp. 2d 389 (D. Del. 2011), *aff'd in part, rev'd in part, and remanded*, 717 F.3d 1351 (Fed. Cir. 2013). On motions for summary judgment, I concluded that the asserted claims of the patents-in-suit were invalid for failure to disclose the best mode of carrying out the invention and also that the patentee had not abandoned the patent by failing to pay the issue fee. Both parties appealed. The Federal Circuit unanimously affirmed my ruling of non-abandonment. A 2-1 majority, however, reversed the judgment of invalidity. The dissenting judge did “not see any error of law in the district court’s opinion” and agreed with my conclusions on the relevant factual issues.

Power Integrations, Inc. v. Fairchild Semiconductor Int’l, Inc., 762 F. Supp. 2d 710 (D. Del. 2011), *vacated and remanded*, 711 F.3d 1348 (Fed. Cir. 2013). Following two jury trials and two bench trials presided over by a predecessor judge, I denied Fairchild’s motion to amend that judge’s findings of fact with respect to willful infringement, denied Power Integrations’ motion to declare the case exceptional, and awarded Power Integrations enhanced damages (200 percent of its actual damages, not the 300 percent Power Integrations requested). Both sides appealed issues decided by the predecessor judge and by me. The Federal Circuit vacated the predecessor judge’s finding of willful patent infringement, which then required it to vacate my decisions relating to willfulness and enhanced damages. The case was remanded for a new trial on damages and for a reassessment of willfulness.

Dougherty v. Blize, C.A. No. 07-674-SLR-LPS, 2008 WL 7278920 (D. Del. Oct. 7, 2008), *adopting in part* my Report and Recommendation, 2008 WL 2543430 (D. Del. June 25, 2008). As a magistrate judge, I recommended that: (i) the plaintiff’s Consolidated Omnibus Budget Reconciliation Act (“COBRA”) claim be granted in part, (ii) the plaintiff’s motion for leave to amend its Fair Labor Standards Act (“FLSA”) claim be denied, and (iii) the defendants be granted judgment on the pleadings as to that claim. The district court adopted my recommendation as to the COBRA claim, but determined that the FLSA claim was plausible and plaintiff should be permitted to amend it. Accordingly, the district court denied the defendants’ motion for judgment on the pleadings.

Sea Star Line, LLC v. Emerald Equip. Leasing, Inc., C.A. No. 05-245-JJF-LPS, 2008 WL 5272745 (D. Del. Dec. 17, 2008), *vacating* my order imposing sanctions, 2008 WL 4107582 (D. Del. Aug. 27, 2008) & 2009 WL 3200657 (D. Del. Oct. 6, 2009), *vacating* my order regarding sanctions, 2009 WL 1491401 (D. Del. May 26, 2009). The district judge vacated my sanctions order against an attorney for discovery violations “in order to erase any ambiguity” as to whether the attorney had adequate notice he was subject to sanctions personally. On remand, I reimposed sanctions to be paid by either the party or its attorney; the district judge vacated these new sanctions on the basis of an intervening Third Circuit opinion.

Symbol Techs., Inc. v. Janam Techs. LLC, 605 F. Supp. 2d 618 (D. Del. 2009), *adopting in part* my Report and Recommendation, 2008 WL 5070462 (D. Del. Dec. 1, 2008). In this patent infringement action, I recommended constructions of four disputed claim terms, and the defendant objected to three. On *de novo* review, the district judge agreed with me on two of the constructions and disagreed on one.

Collins & Aikman Corp. v. Stockman, C.A. No. 07-265-SLR-LPS, 2009 WL 3153633 (D. Del. Sept. 30, 2009), *adopting in part* my Report and Recommendation, 2009 WL 1530120 (D. Del. May 20, 2009). In this securities fraud action involving nine causes of action against multiple defendants, I made recommendations as to the appropriate resolution of 13 motions to dismiss. No objections were lodged with respect to many of them. On the motions for which there were objections, the district judge accepted all recommendations except for my recommendation that she dismiss the plaintiff's professional negligence/malpractice and breach of contract claims against certain defendants. The district judge did not agree with me that the allegations supporting these claims were conclusory. She returned the matter to me to consider other arguments raised by the defendants.

Forest Labs. Inc. v. Cobalt Labs. Inc., C.A. No. 08-21-GMS-LPS (consolidated), 2009 WL 3010837 (D. Del. Sept. 21, 2009), *adopting in part* my Report and Recommendation, 2009 WL 1916935 (D. Del. July 2, 2009). In this patent infringement action, I recommended constructions of 11 disputed claim terms; four sets of defendants objected to five of those constructions. On *de novo* review, the district judge adopted my recommendations on all of the claim terms except one.

McKesson Automation, Inc. v. Swisslog Italia, C.A. No. 06-28-SLR-LPS, 2008 WL 4820506 (D. Del. Nov. 5, 2008), *declining to adopt* my Report and Recommendation, 2008 WL 4057306 (D. Del. Aug. 28, 2008). After I recommended dismissal of this patent infringement action because the plaintiff lacked standing, the plaintiff moved for reconsideration and made a fuller record, which appeared to demonstrate that the plaintiff did own 100% of the rights to the patents-in-suit. For this reason, I granted the plaintiff's motion for reconsideration and now recommended that the district judge deny the defendants' motion to dismiss. When the defendants objected, the district judge found "sufficient competing evidence" as to whether the plaintiff owned all rights to the patents-in-suit such that it was in "the interests of fairness and judicial economy" to stay the action for six months or until the plaintiff could resolve the issue of ownership.

Brookins v. Red Clay Consol. Sch. Dist., C.A. No. 08-11-GMS-LPS, 2009 WL 4730726 (D. Del. Dec. 11, 2009), *declining to adopt* my Report and Recommendation, 2009 WL 2160566 (D. Del. July 17, 2009). I recommended granting a motion to dismiss the plaintiff's employment discrimination claims as

time-barred. On *de novo* review, the district judge found the statute of limitations was subject to equitable tolling and overruled my recommendation.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

All my opinions, memoranda, and orders as a United States District Judge and as a United States Magistrate Judge are publicly docketed on the United States District Court for the District of Delaware's Electronic Case Filing System (ECF). Most of my decisions are also posted to the website of the United States District Court for the District of Delaware (see <http://www.ded.uscourts.gov/LPSmain.htm>).

A search of the District of Delaware's database conducted November 3, 2021 lists 1,857 opinions. Westlaw, Lexis, and publishers of reporters make decisions independent of me as to whether any opinions are to be published or made available in a database. A search of Westlaw conducted on November 3, 2021 lists 2,184 opinions, 269 (approximately 12 percent) of which are reported. A search of Lexis conducted on November 3, 2021 lists 2,325 opinions, 325 (approximately 14 percent) of which are reported.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

Knights of Columbus Star of Sea Council 7297 v. City of Rehoboth Beach, 506 F. Supp. 3d 229 (D. Del. 2020)

Winter v. Richman, C.A. No. 17-1322-LPS, 2020 WL 6940760 (D. Del. Nov. 25, 2020)

Cirba Inc. v. VMware, Inc., C.A. No. 19-742-LPS, 2020 WL 2992348 (D. Del. June 3, 2020), *reargument denied*, 2020 WL 7489765 (D. Del. Dec. 21, 2020), *mandamus denied sub nom. In re Cirba Inc.*, --- F. App'x ---, 2021 WL 4302979 (Fed. Cir. 2021)

Parkell v. Senato, C.A. No. 14-446-LPS, 2019 WL 1435883 (D. Del. Mar. 31, 2019)

In re Millennium Lab Holdings II, LLC, 591 B.R. 559 (D. Del. 2018), *aff'd*, 945 F.3d 126 (3d Cir. 2019), *cert. denied*, 140 S. Ct. 2805 (2020)

United States v. Yung, Crim. No. 17-14-LPS, 2018 WL 619585 (D. Del. Jan. 30, 2018)

Marathon Petroleum Corp. v. Cook, 208 F. Supp. 3d 576 (D. Del. 2016), *vacated and remanded*, 876 F.3d 481 (3d Cir. 2017)

Fed. Election Comm'n v. O'Donnell, 209 F. Supp. 3d 727 (D. Del. 2016)

E & R Enter. LLC v. City of Rehoboth Beach, C.A. No. 14-1452-LPS, 2015 WL 4608138 (D. Del. July 31, 2015), *vacated and remanded*, 650 F. App'x 811 (3d Cir. 2016)

Acorda Therapeutics, Inc. v. Mylan Pharms. Inc., 78 F. Supp. 3d 572 (D. Del. 2015), *aff'd*, 817 F.3d 755 (Fed. Cir. 2016), *cert. denied*, 137 S. Ct. 625 (2017)

S.M. v. Del. Dep't of Educ., 77 F. Supp. 3d 414 (D. Del. 2015)

Graphics Props. Holdings, Inc. v. ASUS Comput. Int'l, 70 F. Supp. 3d 654 (D. Del. 2014)

Fruchtman v. Town of Dewey Beach, 60 F. Supp. 3d 556 (D. Del. 2014), *appeal dismissed*, No. 14-3677, Document 003112051699 (3d Cir. Aug. 20, 2015)

Reach Acad. for Boys & Girls, Inc. v. Del. Dep't of Educ., 8 F. Supp. 3d 574 (D. Del. 2014), *opinion issued*, 46 F. Supp. 3d 455 (D. Del. 2014)

S. Track & Pump, Inc. v. Terex Corp., C.A. No. 08-543-LPS, 2013 WL 5461615 (D. Del. Sept. 30, 2013), *rev'd and remanded*, 618 F. App'x 99 (3d Cir. 2015), *adopting* 117 A.3d 537 (Del. 2015)

Doe v. Wilmington Hous. Auth., 880 F. Supp. 2d 513 (D. Del. 2012), *rev'd and remanded*, 568 F. App'x 128 (3d Cir. 2014), *adopting* 88 A.3d 654 (Del. 2014)

Barkes v. First Corr. Med., Inc., C.A. No. 06-104-LPS, 2012 WL 2914915 (D. Del. July 17, 2012), *aff'd*, 766 F.3d 307 (3d Cir. 2014), *rev'd sub nom. Taylor v. Barkes*, 575 U.S. 822 (2015)

Mullin v. Sussex County, 861 F. Supp. 2d 411 (D. Del. 2012)

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I sat by designation on the U.S. Court of Appeals for the Federal Circuit in November 2015 and helped decide 11 appeals. One of these cases was reargued in May 2018, and I sat by designation on the reargument as well. I sat by designation on the U.S. Court of Appeals for the Third Circuit in February 2013, January 2014, and July 2017 and helped decide a total of 43 appeals.

I authored the unanimous opinions in the following cases:

In re Processed Egg Prods. Antitrust Litig., 881 F.3d 262 (3d Cir. 2018)

The district court granted summary judgment to the defendants, who were accused of price-fixing in the market for processed egg products. On appeal, the panel reversed, concluding that the plaintiffs-purchasers' claim—that the defendants conspired to reduce the supply of eggs, and in turn reduce the supply of egg products—was not an indirect purchaser claim barred by the Supreme Court's decision in *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977). Nor was it fatal to the plaintiffs' claim that the egg products they purchased contained a mix of eggs supplied by members of the alleged price-fixing conspiracy along with eggs supplied by non-conspirators.

United States v. Vanderbeck, 702 F. App'x 54 (3d Cir. 2017), *cert. denied*, 138 S. Ct. 490 (2017)

The defendant was convicted at trial of child pornography offenses. On appeal, the panel affirmed the district court's decisions to: (i) deny the defendant's motion to suppress a statement he had given to law enforcement, as he had been advised of his rights and had waived them; (ii) deny his motion to dismiss the indictment, as there was probable cause to support the warrant granted to search his residence for evidence of child pornography; and (iii) deny his motion for a mistrial, as it was not an abuse of discretion to permit the trial to continue after one of the defendant's victims testified that she had spoken with a suicide hotline about the defendant.

United States v. Battle, 701 F. App'x 97 (3d Cir. 2017)

The defendant pled guilty to being a felon in possession of a firearm and appealed his sentence. The panel affirmed the sentence imposed by the district court, finding no error in its consideration of defendant's pending homicide-related state charges, and adding that any error could not have risen to the level of plain error.

Mortg. Grader, Inc. v. First Choice Loan Servs. Inc., 811 F.3d 1314 (Fed. Cir. 2016)

In this patent litigation, the district court denied the patentee's motion to strike the defendants' invalidity defense under 35 U.S.C. § 101 and then granted the defendants' motion for summary judgment that the claims of the patents-in-suit, which related to a method for assisting a borrower in obtaining a loan, were not patent-eligible. The panel found no abuse of discretion in denying the motion to strike, as the Supreme Court's then-recent decision in *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 573 U.S. 208 (2014), represented a significant development warranting permitting the accused infringers to amend their invalidity contentions. The panel then undertook *de novo* review of the § 101 issue and agreed with the district

court that the asserted patent claims were not patent-eligible as they were directed to an abstract idea and did not include an inventive concept.

United States v. Yard, 558 F. App'x 231 (3d Cir. 2014)

The defendant pled guilty to child pornography offenses. The panel rejected his contention that his rights under the Double Jeopardy Clause of the Fifth Amendment were violated, as distribution of an image of child pornography in 2010 and possession of that same image in 2011 are separate crimes involving separate harms. The panel also held that the defendant's sentence of 100 months incarceration was not unreasonable.

United States v. White, 748 F.3d 507 (3d Cir. 2014)

The district court denied the defendant's motion to suppress evidence of his unlawful possession of two firearms. The panel vacated, concluding that a warrantless search of the defendant's home was not a search "incident to arrest" when the defendant was arrested 20 feet outside of his home. The panel remanded for the district court to evaluate whether the search could be justified based on exigent circumstances or reasonable suspicion.

Senthinathan v. Att'y Gen. of U.S., 514 F. App'x 237 (3d Cir. 2013)

The Board of Immigration Appeals ("BIA") affirmed an immigration judge's decision denying the petitioner's motion to reconsider or reopen a final order of removal. The panel affirmed the BIA, concluding that the immigration judge was not collaterally estopped from addressing whether the petitioner had provided material support to a terrorist organization, and that the judge's decision on the motion was supported by substantial evidence.

Baer v. United States, 722 F.3d 168 (3d Cir. 2013)

The district court dismissed for lack of jurisdiction over the plaintiffs' Federal Tort Claims Act (FTCA) claims, which sought to recover damages for injuries resulting from the failure of the Securities and Exchange Commission to timely uncover and terminate a hedge fund Ponzi scheme. The panel affirmed, agreeing with the district court that the claims were barred by the discretionary function exception to the FTCA's waiver of governmental immunity.

United States v. Battles, 514 F. App'x 242 (3d Cir. 2013)

The defendant was convicted at trial of bank fraud and conspiracy to commit bank fraud and sentenced to 120 months of imprisonment. The panel affirmed, holding that: (i) the jury was properly instructed on the defendant's lies to law enforcement, (ii) the government did not constructively amend the conspiracy count during trial, (iii) alleged hearsay evidence was properly admitted, and (iv)

the government's failure to disclose interview videos did not violate *Brady*, *Giglio*, the Jencks Act, Rule 26.2, or the Confrontation Clause of the Sixth Amendment to the U.S. Constitution. With respect to sentencing, the panel found no error in the district court's application of the Sentencing Guidelines, including its consideration of relevant conduct and the defendant's obstruction of justice.

White v. New Jersey, 514 F. App'x 258 (3d Cir. 2013)

The plaintiff brought claims based on injuries he suffered while incarcerated, and the district court granted the defendants' motion for summary judgment. The panel affirmed, agreeing with the district court that there was insufficient evidence to support a finding that a state investigator acted, or failed to act, with deliberate indifference to the plaintiff's safety prior to an attack on him by other inmates. The panel further concluded that the record could not support a finding that two corrections officers had knowledge of a risk of harm to the defendant prior to the attack, nor could it support a finding that permitting an inmate to open an emergency exit door created an obvious risk of substantial harm.

GF Princeton, L.L.C. v. Herring Land Grp., L.L.C., 518 F. App'x 108 (3d Cir. 2013)

Both parties to a ground lease agreement brought claims against one another. The district court held a bench trial and dismissed both parties' claims. The panel affirmed, agreeing with the district court that the lessor was not entitled to specific performance of certain rent payments, as the methodology to be used to set the amount of rent owed was uncertain, and the district court did not abuse its discretion in denying equitable relief. As to the lessee, the panel concluded that the district court properly dismissed a breach of contract claim, which alleged the lessor missed a deadline, as there was no clear error in the district court's finding that the deadline had been tolled. The opinion also found no abuse of discretion in the district court's denial of the lessee's motion for leave to file an amended complaint.

I authored a dissenting opinion in the following case:

Ruckus Wireless, Inc. v. Innovative Wireless Sols., LLC, 824 F.3d 999 (Fed. Cir. 2016)

The majority affirmed the district court's judgment of non-infringement of certain patents based on its agreement with the district court's construction of a claim term. I dissented and would have remanded for further proceedings to determine the proper construction of the claim term. I believed the absence in the district court record of evidence as to whether a person of ordinary skill in the art would have understood the claimed invention to include wireless embodiments was due to the parties' agreement that the plain and ordinary meaning of the claim term did, indeed, include wireless embodiments. I also disagreed with the majority's

conclusion that the intrinsic evidence warranted affirming the district court's construction.

I joined the majority opinion in the following cases:

Click-To-Call Techs., LP v. Ingenio, Inc., YellowPages.com, LLC, 899 F.3d 1321 (Fed. Cir. 2018), *cert. granted in part*, 139 S. Ct. 2742 (2019), *vacated and remanded sub nom. Thryv, Inc v. Click-To-Call Techs., LP*, 140 S. Ct. 1367 (2020)

Finkelman v. Nat'l Football League, 749 F. App'x 119 (3d Cir. 2019)

United States v. Penn, 870 F.3d 164 (3d Cir. 2017), *cert. denied*, 138 S. Ct. 700 (2018)

Nunez-Baquedano v. Att'y Gen. of U.S., 701 F. App'x 184 (3d Cir. 2017)

Faherty v. Sec'y United States Dep't of Homeland Sec., 705 F. App'x 118 (3d Cir. 2017)

Parker v. Montgomery Cty. Corr. Facility/Bus. Off. Manager, 870 F.3d 144 (3d Cir. 2017)

Kelly v. Univ. of Pa. Health Sys., 708 F. App'x 60 (3d Cir. 2017)

Ahsaki Gordon v. Allstate Prop. & Cas. Ins. Co., 704 F. App'x 149 (3d Cir. 2017)

In re Aqua Prods., Inc., 823 F.3d 1369 (Fed. Cir. 2016), *reh'g en banc granted, opinion vacated*, 833 F.3d 1335 (Fed. Cir. 2016), *and on reh'g en banc sub nom. Aqua Prods., Inc. v. Matal*, 872 F.3d 1290 (Fed. Cir. 2017)

Purdue Pharma L.P. v. Epic Pharma, LLC, 811 F.3d 1345 (Fed. Cir.), *cert. denied*, 137 S. Ct. 475 (2016), and 137 S. Ct. 476 (2016)

Tug Hill Const., Inc. v. McHugh, 622 F. App'x 914 (Fed. Cir. 2015)

Yufa v. Hach Ultra Analytics, Inc., 629 F. App'x 983 (Fed. Cir. 2015)

Ho Keung Tse v. Apple Inc., 635 F. App'x 864 (Fed. Cir. 2015)

CP Kelco US, Inc. v. United States, 623 F. App'x 1012 (Fed. Cir. 2015)

Click-To-Call Techs., LP v. Oracle Corp., 622 F. App'x 907 (Fed. Cir. 2015), *cert. granted, judgment vacated*, 136 S. Ct. 2508 (2016)

In re Taylor, 621 F. App'x 667 (Fed. Cir. 2015)

Wimper v. Merit Sys. Prot. Bd., 635 F. App'x 867 (Fed. Cir. 2015)

Del. Cty., Pa. v. Fed. Hous. Fin. Agency, 747 F.3d 215 (3d Cir. 2014)

Bryan v. Erie Cty. Off. of Child. & Youth, 752 F.3d 316 (3d Cir. 2014)

United States v. Speight, 554 F. App'x 119 (3d Cir. 2014), *cert. denied*, 573 U.S. 912 (2014) and 574 U.S. 1180 (2015)

United States v. Hucks, 557 F. App'x 183 (3d Cir. 2014)

CardioNet, Inc. v. Cigna Health Corp., 751 F.3d 165 (3d Cir. 2014)

United States v. Mallory, 765 F.3d 373 (3d Cir. 2014)

Chetty Holdings Inc. v. NorthMarq Cap., LLC, 556 F. App'x 118 (3d Cir.), *cert. denied*, 574 U.S. 822 (2014)

Adams v. Cty. of Erie, Pa., 558 F. App'x 199 (3d Cir. 2014)

Drake v. Filko, 724 F.3d 426 (3d Cir. 2013), *cert. denied*, 572 U.S. 1100 (2014)

Rung v. Pittsburgh Assocs., LP, 515 F. App'x 136 (3d Cir. 2013)

Woods v. Diguglielmo, 514 F. App'x 225 (3d Cir.), *cert. denied*, 571 U.S. 1077 (2013)

Kasper v. Cty. of Bucks, 514 F. App'x 210 (3d Cir. 2013)

Guerrero v. Att'y Gen. of U.S., 515 F. App'x 146 (3d Cir. 2013)

Hunter v. Filip, 514 F. App'x 206 (3d Cir. 2013)

Lupera-Espinoza v. Att'y Gen. of U.S., 716 F.3d 781 (3d Cir. 2013)

Knoll v. City of Allentown, 707 F.3d 406 (3d Cir. 2013)

Morris v. Kesselring, 514 F. App'x 233 (3d Cir. 2013)

United States v. James, 513 F. App'x 232 (3d Cir.), *cert. denied*, 571 U.S. 944 (2013)

Evergreen Cmty. Power LLC v. Riggs Distler & Co., 513 F. App'x 236 (3d Cir. 2013)

Akers Nat'l Roll Co. v. United Steel, Paper & Forestry, Rubber, Mfg., Energy, Allied Indus. & Serv. Workers Int'l Union, 712 F.3d 155 (3d Cir. 2013)

Transamerica Occidental Life Ins. Co. v. Total Sys. Inc., 513 F. App'x 246 (3d Cir. 2013)

Litgo N.J. Inc. v. Comm'r N.J. Dep't of Env't Prot., 725 F.3d 369 (3d Cir. 2013)

United States v. Jones, 514 F. App'x 229 (3d Cir. 2013)

Vaticano v. Twp. of Edison, 514 F. App'x 218 (3d Cir. 2013)

W. Run Student Hous. Assocs., LLC v. Huntington Nat'l Bank, 712 F.3d 165 (3d Cir. 2013)

United States v. Urciuoli, No. 08-1208 (3d Cir. Feb. 20, 2013)

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:
- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
 - b. a brief description of the asserted conflict of interest or other ground for recusal;
 - c. the procedure you followed in determining whether or not to recuse yourself;
 - d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

As a judge on the U.S. District Court for the District of Delaware, I maintain a list of individuals and entities in whose cases I would recuse. I have provided, and regularly updated, such a list to the Clerk's Office. Because I have owned no stock during my judicial tenure, my list is small.

Prior to approximately March 2013, District of Delaware judges reviewed all cases ready for assignment before they were randomly assigned and could recuse themselves from potential assignment based on a conflict. Since approximately March 2013, the Clerk's Office has used software to try to identify conflicts, and

judges do not regularly review cases prior to assignment. The District of Delaware's current case management system does not track recusals. I have used a number of methods to try to identify cases in which I recused, but it is possible that I have missed some.

At my request, the Clerk's Office removed me from the pool of district judges to whom the following cases might be randomly assigned or reassigned, based on a potential conflict with an individual or entity on my recusal list:

Rumanek v. Fallon, C.A. No. 17-123 (D. Del.)

Eppley v. Univ. of Del., C.A. No. 13-99 (D. Del.)

United States ex rel Moore & Co. PA v. Majestic Blue Fisheries LLC, C.A. No. 12-1562 (D. Del.)

Germalic v. Bullock, C.A. No. 12-1347 (D. Del.)

Hayes v. Pub. Defender of State of Del., C.A. No. 12-1082 (D. Del.)

Shahin v. Bullock, C.A. No. 12-1080 (D. Del.)

In re Sand Spring Cap., C.A. No. 12-868 (D. Del.)

Nichols v. Markell, C.A. No. 12-777 (D. Del.)

In re Nat'l Rural Utils. Coop. Fin. Corp., C.A. No. 12-156 (D. Del.)

In re Nat'l Rural Utils. Coop. Fin. Corp., C.A. No. 12-155 (D. Del.)

Aghadima v. CFT Ambulance Servs., C.A. No. 12-55 (D. Del.)

Lechliter v. Univ. of Del., C.A. No. 12-16 (D. Del.)

Del. Coal. for Open Gov't Inc. v. Hon. Leo E. Strine, Jr., C.A. No. 11-1015 (D. Del.)

Cannon v. Bullock, C.A. No. 11-677 (D. Del.)

Barnett v. Univ. of Del., C.A. No. 11-594 (D. Del.)

Meltzer v. City of Wilmington, C.A. No. 11-563 (D. Del.)

State Farm Fire & Cas. Co. v. Gastite Div. Titeflex Corp., C.A. No. 10-418 (D. Del.)

Smith v. Meyers, C.A. No. 11-126 (D. Del.)

Stone v. Univ of Del., C.A. No. 10-814 (D. Del.)

New cases are randomly assigned to me each week by the Clerk's Office. After receiving such assignments, I review the list of my newly assigned cases. If I determine I have a conflict, I notify the Clerk's Office, and the case is reassigned. At my request, the Clerk's Office removed me from the following cases based on a potential conflict:

Williams v. Brandywine Sch. Dist., C.A. No. 21-321 (D. Del.)

Shawe v. Transperfect Glob., Inc., C.A. No. 20-1770 (D. Del.)

REGENXBIO Inc. v. Sarepta Therapeutics, Inc., C.A. No. 20-1226 (D. Del.)

Ninivaggi v. Univ. of Del., C.A. No. 20-1478 (D. Del.)

Kent v. Innophos Holdings, Inc., C.A. No. 19-2193 (D. Del.)

Evans v. Johnson & Johnson Co., C.A. No. 14-1316 (D. Del.)

Brogdon v. Univ. of Del., C.A. No. 13-1600 (D. Del.)

Hartsel v. Vanguard Grp., C.A. No. 13-1128 (D. Del.)

In re Wilmington Tr. Secs. Litig., C.A. No. 10-990 (D. Del.)

Rooney v. Wilmington Tr. Corp., C.A. No. 10-995 (D. Del.)

Elzagha v. Wilmington Tr. Corp., C.A. No. 10-1020 (D. Del.)

Reichbart v. Frisby, C.A. No. 14-1039 (D. Del.)

Lawson v. Vanguard, C.A. No. 13-1278 (D. Del.)

I recused myself *sua sponte* in the following case involving the University of Delaware because, at the time, I had recently served as President of the University of Delaware Alumni Association and was friends with many of the University's senior administrators:

Murakowski v. Univ. of Del., C.A. No. 07-475 (D. Del.)

(I no longer recuse myself in cases involving the University of Delaware, as it has been a long time since I was actively involved in the Alumni Association, and there has been a great deal of turnover in the University's administration.)

I recused myself *sua sponte* from the following cases where I participated in the case as an Assistant United States Attorney, or I was substantially familiar with the case during the time that I was an Assistant United States Attorney:

United States v. Harbin, Crim. No. 11-52 (D. Del.)

United States v. Sampson, Crim. No. 05-57 (D. Del.)

United States v. Vonsander, Crim. No. 03-02 (D. Del.)

United States v. Muhammed, Crim. No. 02-128 (D. Del.)

United States v. Stewart, Crim. No. 02-62 (D. Del.)

United States v. Scott, Crim. No. 99-33 (D. Del.)

I recused myself *sua sponte* in the following criminal cases because they involved alleged threats against a District of Delaware judge:

United States v. Kabbaj, Cr. Act. 16-28-MAK, 2016 WL 1650167 (D. Del.)

United States v. Matusiewicz, Cr. Act. 13-83-GAM, 2014 WL 4542775 (D. Del.)

If, during the pendency of a case assigned to me, I determine that a conflict does or might exist, or if I believe a party is implicitly seeking my recusal without necessarily saying so, I will: (i) *sua sponte* raise the issue with the parties and then resolve it, or (ii) *sua sponte* resolve it myself, either by issuing an order addressing the issue or directing the Clerk's Office to reassign the case. Based on review of our electronic case filing system and other records reasonably available to me, as well as my own memory, each time I have taken one of these approaches the parties have agreed I do not need to recuse or I have determined on my own I do not need to recuse.

In the following cases, a party requested my recusal, and I denied the request.

In re W.R. Grace & Co., C.A. Nos. 21-460-LPS & 21-987-LPS (D. Del. Oct. 26, 2021)

The pro se appellant in these bankruptcy appeals requested my recusal on multiple grounds: (1) counsel for the appellee allegedly engaged in "*ex parte* communication" with me by filing a motion for briefing schedule via the ECF system; (2) my order directing that the appellant not delay the briefing schedule did not receive "any input" from him and was a "prejudicial and biased prejudgment;" and (3) I wrote a "very flattering" judicial profile of Chief Magistrate Judge Thyng and, therefore, was not impartial in reviewing her

recommendation to withdraw the cases from mediation. I issued an opinion explaining the appellants' contentions lacked merit and denying his motions.

Arunachalam v. Gordon, C.A. No. 20-1020-LPS D.I. 15, 2021 WL 781820 (D. Del. Mar. 1, 2021)

The plaintiff sought my recusal on the grounds that she named me as a defendant in another case based on "bad behavior;" I mediated a case she filed when I was a magistrate judge; prior to becoming a federal judge I worked at a law firm that later employed two of the defendants in the case; the firm and those attorneys represent a defendant in two of the plaintiff's other cases; I failed to take judicial notice of decisions made by another judge in other of the plaintiff's cases; and my presiding over the case gave an appearance of impropriety and bias. I declined to recuse myself. The plaintiff's dissatisfaction with my efforts to mediate an earlier case of hers and her contention that I allegedly failed to take judicial notice of rulings in cases not assigned to me would not lead a reasonable, well-informed observer to believe I acted with (or would in the future act with) partiality, bias, or actual prejudice. None of the circumstances presented required recusal under 28 U.S.C. § 455(b)(2) (requiring a judge to recuse himself if "in private practice he served as lawyer in the matter in controversy, or [if] a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it").

Cunningham v. Prof-2013-S3 Legal Title Tr., C.A. No. 18-1792-LPS D.I. 13, 2020 WL 1154810 (D. Del. Mar. 10, 2020)

Claiming I violated his due process rights in other cases he had filed, the plaintiff sought my recusal. As it was evident that the plaintiff's request was based only on his dissatisfaction with my prior rulings, I found no meritorious basis to recuse.

Chang v. Delaware, C.A. No. 15-963-LPS , 2020 WL 871506 D.I. 63 (D. Del. Feb. 21, 2020)

The plaintiff invoked 28 U.S.C. § 455 and alleged that "newly discovered judicial misconduct," including that I somehow had ties to the defendants, required me to recuse myself. He further made note of my race, contended that federal funds had been used to prosecute him in state court, alleged I was a de facto member of Delaware's Criminal Justice Council, and stated I had made contributions to Delaware's Combined Campaigns for Justice. I concluded that the plaintiff was principally dissatisfied with my prior decisions, which did not constitute a basis for recusal. Nor did his allegations implicate any evidence from which a reasonable person with knowledge of the facts would question my impartiality.

Alston v. Weber Gallagher Simpson Stapleton Fires & Newby, LLP, C.A. No. 19-488-LPS D.I. 28, 2020 WL 774442 (D. Del. Feb. 18, 2020)

The plaintiff accused me of being an “unethical racist and anti-Christian judge” who would nullify due process for a second time. The plaintiff had sought my recusal in an earlier case, which I denied, and it appeared he was unhappy with other of my rulings in that previous case. I denied the recusal motion. The plaintiff’s allegations did not provide a basis from which a reasonable person with knowledge of all the facts would question my impartiality. The plaintiff’s dissatisfaction with my rulings did not provide a meritorious basis for disqualifying me.

Abdul-Akbar v. Delaware, C.A. No. 19-961-LPS D.I. 6 (D. Del. July 12, 2019)

The plaintiff sought my recusal based on his allegation that I failed to address his request for relief. I declined to recuse myself, as the plaintiff provided no grounds other than displeasure with my previous rulings, which is not a basis for recusal.

Alston v. Coons, C.A. No. 17-551-LPS D.I. 19, 2018 WL 10502121 (D. Del. Sept. 21, 2018)

The plaintiff alleged “unlawful racial bias” and dissatisfaction with my handling of another case he had pending before me. He provided no rational basis for his claims of alleged bias and his complaints about my rulings were not a ground for recusal.

Alston v. U.S. Dep’t of Justice, C.A. No. 18-302-LPS D.I. 8, 2018 WL 2926154 (D. Del. June 11, 2018)

The plaintiff alleged I demonstrated bias by repeatedly “with intent deliberately miss-spelling” his legal name. He also complained about my rulings in a prior case he had filed. The plaintiff stated that I was “the object of a U.S. Department of Justice civil complaint filed as an example of the racial misconduct complained of.” He appeared to accuse me of bribery. I declined to recuse myself. I found the plaintiff’s motion for recusal was only based on my prior rulings. His claims of alleged bias had no rational basis. I concluded I had no actual bias or prejudice towards the plaintiff and that a reasonable, well-informed observer would not question my impartiality.

In re: Thomas E. Noble, Misc. No. 18-715-LPS, 2018 WL 2793945 (D. Del. June 11, 2018)

The movant filed a petition to “stop traitors from further serially robbing him of his constitutional right to be heard by an impartial court and all other rights since 1982” and to have the U.S. Supreme Court reassign his case outside of the Third Circuit. I was named as a respondent along with many other judges and other individuals. I determined that the only basis for the recusal request was displeasure with prior decisions by myself and other judges. I declined to recuse.

United States v. Noble, Crim. No. 18-15-LPS D.I. 56, 2018 WL 2932422 (D. Del. May 17, 2018)

The defendant in this criminal case claimed that I and all other judges of my court were conflicted. In denying the motion to recuse, I explained that I hold no subjective bias or prejudice against the defendant, nor would a reasonable person with knowledge of the facts conclude that my impartiality might reasonably be questioned.

Alston v. Verizon Del. LLC, C.A. No. 17-652-LPS D.I. 42, 2018 WL 1276989 (D. Del. Mar. 12, 2018)

The plaintiff asserted racial bias and that I had failed to order defendant to take certain actions he requested. He also disagreed with an order denying his motion for an escrow account. He further referenced rulings made by another judge in a different case. I found no basis from which to conclude that I had a personal bias or prejudice against the plaintiff or in favor of any defendant. My prior decisions, and those of other judges, did not provide a basis for recusal.

Hester v. Pierce, C.A. No. 17-148-LPS D.I. 10, 2017 WL 1943956 (D. Del. May 10, 2017)

The plaintiff moved to disqualify me on the grounds of prejudice and bias in incorrectly denying his petition for habeas corpus. The plaintiff asserted it was a serious conflict to have the same judge assigned to all of his cases. In denying recusal, I explained that the bias necessary to require recusal generally “must stem from a source outside of the official proceedings,” quoting the U.S. Supreme Court’s decision in *Liteky v. United States*, 510 U.S. 540, 554 (1994). It was evident in reading the plaintiff’s motion that the basis on which he sought recusal was his displeasure with my rulings in the cases he had filed. A reasonable, well-informed observer could not believe my rulings were based on partiality, bias, or actual prejudice. Nor would a reasonable, well-informed observer question my impartiality.

Arunachalam v. Int’l Bus. Machines Corp., C.A. No. 16-281-LPS D.I. 72, 2016 WL 5403592 (D. Del. Sept. 26, 2016)

The plaintiff, a patent owner, asserted I was disqualified because I “was the Settlement Judge between Dr. Arunachalam, her company and Dell in 2009-2011.” She also contended I must recuse because I previously “worked at Skadden Arps, which is disqualified from representing JPMorgan Chase and Company.” She further added I had a conflict because I had “financial holdings in one or more of the Defendants and members of The IBM Eclipse Foundation, as per [my] Annual Financial Disclosure Statements.” I declined to recuse myself. A judge is not obligated to recuse from a case he has mediated and, here, this was a

different case (involving different parties) than the one I had mediated. I am also not aware of authority requiring a judge to recuse himself whenever a law firm with which he was formerly associated appears in a case. Finally, I do not own, and never have owned, stock in any of the defendants or “members of the IBM Eclipse Foundation.”

Day v. Loucks, C.A. No. 16-200-LPS D.I. 8 (D. Del. June 1, 2016)

The plaintiff’s motion to disqualify me was identical to one he had filed in an earlier case, *Day v. Loucks*, C.A. No. 15-541-LPS. Like that motion, I denied this one as moot because plaintiff’s complaint was dismissed as violative of the terms of the order enjoining him from filing in the District of Delaware.

Day v. Loucks, C.A. No. 15-541-LPS D.I. 7 (D. Del. Aug. 6, 2015)

The plaintiff filed a motion to disqualify me on the basis that I had shown “extreme bias and prejudice” against him by entering orders against him in other cases. I denied the plaintiff’s motion as moot because his complaint was dismissed as violative of the terms of the order enjoining him from filing in the District of Delaware.

Day v. 21st Century Centennial Ins. Co., C.A. No. 12-1096-LPS D.I. 64, 2014 WL 1125418 (D. Del. Mar. 17, 2014)

The plaintiff moved to disqualify me on the grounds of extreme bias and prejudice based on orders I had entered in other cases he had filed. The plaintiff alleged I entered those orders as a co-conspirator with judges of the United States Court of Appeals for the Eleventh Circuit. I declined to recuse myself as the basis for the motion was the plaintiff’s displeasure with my rulings.

Johnson v. Morgan, C.A. No. 13-861-LPS D.I. 4, 2013 WL 3222873 (D. Del. June 24, 2013)

The plaintiff filed a writ of mandamus contending, in part, that I “attacked” him in “all his lawsuits, complaints and writs filed.” I found the plaintiff’s request for recusal was based on my rulings and lacked merit.

United States v. Woodson, Crim. No. 09-117-LPS D.I. 277, 2013 WL 817071 (D. Del. Mar. 5, 2013)

The defendant sought my recusal on the basis that, in connection with preparing for his detention hearing, I had reviewed the presentence report (“PSR”) that had been prepared for the judge who had presided over the defendant’s earlier trial. I found it was not error to review the PSR and, even if it were, any “bias” that might arise from doing so would not be based on an extrajudicial source and, thus, would not require recusal.

Tani v. FPL/NextEnergy (FPL Cap. Grp. Inc.), C.A. No. 10-860-LPS D.I. 45, 2012 WL 3686793 (D. Del. Aug. 27, 2012)

The plaintiff sought my recusal based on displeasure with my prior rulings. I had no actual bias against the plaintiff; nor would a reasonable, well-informed observer question my impartiality.

Rader v. ING Bank fsb, C.A. No. 09-340-LPS D.I. 133, 2011 WL 4571780 (D. Del. Sept. 30, 2011)

The plaintiff sought my recusal based on the fact that I had an online savings account with the defendant ING Bank. In denying his request, I explained that holding a deposit account with a bank does not constitute a disqualifying financial interest. Nor would holding such an account create a basis for a reasonable, knowledgeable observer to question my impartiality.

Evans v. Phelps, C.A. No. 10-92-LPS D.I. 86 (D. Del. Mar. 30, 2011)

The petitioner moved for my recusal on the basis of: (1) a failure to compel respondents to file trial counsel's affidavit; (2) a failure to conduct an evidentiary hearing; and (3) an "inability to exercise discretion impartially." I determined that his request appeared to be based solely on my prior rulings in the case. I declined to recuse.

Rader v. Sharebuilder Corp., C.A. No. 10-398-LPS D.I. 31, 772 F. Supp. 2d 599 (D. Del. Mar. 24, 2011)

The plaintiff moved for my recusal alleging that I engaged in "misconduct" by conferring on an *ex parte* basis with counsel for the defendant. The allegation was based on defense counsel's billing records, which stated the work performed included a "call with MJ Stark re same." Notwithstanding the literal words of the billing entry, the fact was that counsel had called my chambers to discuss the Court's procedures, consistent with how I then required counsel to handle discovery disputes. He had not spoken with me; there had never been an *ex parte* conversation between me and counsel. Counsel's billing records for a subsequent date more accurately noted a "call with MJ Stark's chambers re outstanding motions and motion protocol." I denied the recusal motion.

In the following cases, developments subsequent to the filing of a request for my recusal meant that I did not have to decide the motion:

Rader v. Swegle, C.A. No. 11-643-LPS D.I. 6, 7 (D. Del. Dec. 2, 2011)

The plaintiff sought to disqualify me on the basis of alleged "willful misconduct" relating to my denial of his disqualification requests in two other cases he had

filed. The plaintiff voluntarily dismissed his complaint before I addressed the disqualification issue.

St. Clair Intell. Prop. Consultants Inc. v. Fujifilm Holdings Corp., C.A. No. 08-373-LPS D.I. 357 (D. Del. June 1, 2011)

St. Clair Intell. Prop. Consultants Inc. v. Siemens AG, C.A. No. 06-403-LPS D.I. 431 (D. Del. June 1, 2011)

St. Clair Intell. Prop. Consultants Inc. v. LG Elecs. Inc., C.A. No. 06-404-LPS D.I. 774 (D. Del. June 1, 2011)

St. Clair Intell. Prop. Consultants Inc. v. Samsung Elecs. Co. Ltd., C.A. No. 04-1436-LPS D.I. 1070 (D. Del. June 1, 2011)

St. Clair Intell. Prop. Consultants Inc. v. Matsushita Elec. Indus. Co., Ltd., 2011 WL 2160922 (D. Del. June 1, 2011)

These related patent cases were originally assigned to another district judge, who subsequently retired. When I was a magistrate judge, the other judge referred these cases to me “for discovery and other pretrial matters that may arise.” In that capacity, I conducted mediation and telephone conferences that had included *ex parte* discussions. When the other judge announced his retirement, I directed the parties to provide their views on how these cases should proceed. Thereafter, certain defendants—noting that I had been nominated to become a district judge—filed motions asking that I not preside over these cases as a district judge, given that I had engaged in substantive *ex parte* communications as a magistrate judge. While the recusal motion was pending, the Federal Circuit issued a decision in an appeal related to these cases, *St. Clair Intellectual Prop. Consultants, Inc. v. Canon, Inc.*, 412 F. App’x 270 (Fed. Cir. 2011), which gave rise to a basis for all the defendants to seek a judgment of non-infringement. Subsequently, the defendants that had requested my recusal filed a “withdrawal of motion for recusal,” stating that the Federal Circuit’s decision changed the posture of the cases substantially from what it had been when I was involved in mediating them. Counsel for the plaintiff agreed that the defendants should be permitted to withdraw their recusal motions. I permitted the withdrawal of the motions for recusal and did not recuse.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have held no public offices other than judicial office. I have had no unsuccessful candidacies for elective office and no unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether

compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

In 1998, I assisted with a fundraiser for John Dorsey, then a candidate for Attorney General of Delaware.

In March 1992, I stood as a candidate in the Oxford, England Democratic presidential caucus, in hopes that I would be elected a delegate to the Democratic Party's Americans Abroad presidential caucus (to be held in Brussels, Belgium, I believe). I pledged to support Bill Clinton. I was named an alternate delegate but did not attend the Americans Abroad caucus.

In 1988, at the University of Delaware, I was campus co-coordinator for the Michael Dukakis presidential campaign. In this capacity I helped plan events in support of the candidate on the University's Newark campus. I also recruited volunteers for and participated in leafleting, canvassing, and making phone calls for Dukakis and other Democratic candidates in Wilmington, Delaware.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I served as a law clerk to the Honorable Walter K. Stapleton on the United States Court of Appeals for the Third Circuit from 1996 to 1997.

ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced law alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

1997 – 2001

Skadden, Arps, Slate, Meagher & Flom LLP
One Rodney Square
Wilmington, Delaware 19801
Associate

2002 – 2007

United States Attorney's Office for the District of Delaware
1007 North Orange Street
Wilmington, Delaware 19801
Assistant United States Attorney

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not mediated cases outside of my role as a judge.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I began my legal career as a law clerk to the Honorable Walter K. Stapleton of the United States Court of Appeals for the Third Circuit for the 1996-to-1997 term. Then, from 1997 through 2001, I was a litigation associate in the Delaware office of Skadden, Arps, Slate, Meagher & Flom LLP. At Skadden, I practiced primarily in the Delaware state courts, mostly the Delaware Court of Chancery and Delaware Supreme Court. I also worked on securities fraud cases in federal court and helped conduct an internal corporate investigation of allegations of insider trading.

In January 2002, I became an Assistant United States Attorney (AUSA) for the District of Delaware. I was assigned to both the criminal and civil divisions. As an AUSA, I was responsible for investigating and prosecuting a wide variety of felonies, including racketeering, fraud, narcotics crimes, and firearms offenses. I also handled civil health care fraud, veterans' benefits, and Freedom of Information Act cases. I argued five criminal appeals in the United States Court of Appeals for the Third Circuit and handled several other appeals that were resolved on the briefs without oral argument.

In August 2007, I was appointed a United States Magistrate Judge for the District of Delaware. In August 2010, I was confirmed as a United States District Judge for the District of Delaware, the position I currently hold. Based on seniority, I served as our District's Chief Judge from July 1, 2014 through June 30, 2021.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

At Skadden, my typical clients were Fortune 500 corporations or other business entities or the officers and directors of such entities. As an AUSA, I represented the United States and its law enforcement agencies.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Essentially all of my practice at Skadden and the U.S. Attorney's Office consisted of litigation. At Skadden (1997 to 2001), I appeared in court only occasionally. As an AUSA (2002 to 2007), I appeared in court frequently.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 70% |
| 2. state courts of record: | 30% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 50% |
| 2. criminal proceedings: | 50% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

At Skadden (1997 to 2001), I assisted in the trial of two cases to verdict in the Delaware Court of Chancery. Both were non-jury trials. In one case, I was second chair. The other case was a 40-plus day trial with a team of approximately ten attorneys. I was primarily responsible for observing trial proceedings and writing briefs. At the U.S. Attorney's Office (2002 to 2007), I tried two cases. Both were jury trials. In one case, I was the only attorney for the government. In the other case (a fraud trial which ended in a hung jury), I was second chair.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 50% |
| 2. non-jury: | 50% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

Brief of National Association of Criminal Defense Lawyers *et al.* as *Amici Curiae* in Support of Petition for Writ of Certiorari, *Lambert v. Blackwell*, No. 97-8812

(U.S. May 26, 1998), *cert. denied*, 532 U.S. 919 (U.S. Mar. 19, 2001). Copy supplied.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Faines*, No. 05-4006 (3d Cir.)

In 2006 and 2007, as an AUSA, I represented the United States in this appeal from the defendant's bank robbery conviction. I had sole responsibility for the appeal, including drafting the government's appellate brief and making the oral argument in the United States Court of Appeals for the Third Circuit. The defendant argued that his conviction should be reversed because the district court limited his attorney's redirect examination of his expert in the area of fingerprint methodology and the accuracy of fingerprint analysis. Following oral argument, the Third Circuit affirmed the defendant's conviction and sentence. *See* 216 F. App'x 227 (3d Cir. 2007). In an opinion written by Judge Scirica, and joined by Judges Fuentes and Chagares, the Third Circuit held that the district court did not limit the defendant's expert's testimony about matters for which she was qualified and did not abuse its discretion.

Counsel for Defendant:

Eleni Kousoulis
Office of Federal Public Defender
800 North King Street, Suite 200
Wilmington, DE 19801
(302) 573-6010

2. *United States v. Gordon, Freebery, and Smith*, Misc. No. 03-08-MPT (D. Del.), Misc. No. 03-166-KAJ (D. Del.), Crim. No. 04-63-KAJ (D. Del.), Crim. No. 04-63-JPF (D. Del.), Crim. No. 05-541-JPF (E.D. Pa.), No. 04-1211 (3d Cir.), No. 05-3927 (3d Cir.), No. 06-1556 (3d Cir.), No. 07-1054 (3d Cir.)

Between 2002 and 2007, I represented the United States in this public corruption, racketeering, and fraud investigation and prosecution, along with the U.S. Attorney and

(over several years) three other AUSAs. The grand jury charged three high-ranking officials of the government of New Castle County, Delaware. My responsibilities included: examining witnesses in the grand jury; assisting in the drafting of the 47-page, 11-count racketeering and fraud indictment; coordinating with various entities of the U.S. Department of Justice for necessary approvals and assistance (including the Public Integrity Section; Organized Crime and Racketeering Section; Criminal Appeals; Office of Enforcement Operations; and the Office of the Solicitor General); second-chairing the one trial in the matter and assisting with outlining and preparing for the anticipated multi-week second trial; briefing and arguing approximately 40 motions; briefing and arguing appeals (the case reached the Third Circuit four times); and participating in plea negotiations. There was extensive litigation at every point in the case, almost all of which I was heavily involved with and much of which I handled personally. Some of the opinions issued in the case are: *In re Search Warrant*, C.A. No. 03-008-MPT, 2003 WL 22095662 (D. Del. Sept. 9, 2003) (denying defendant's motion for return of property seized during execution of search warrant); *United States v. Gordon*, 334 F. Supp. 2d 581 (D. Del. 2004) (disqualifying defense attorney due to conflict of interest); *United States v. Gordon*, No. 05-3927, 183 F. App'x 202 (3d Cir. June 8, 2006) (reversing district court's dismissal of portion of indictment); and *United States v. Gordon*, 2007 WL 1437692 (E.D. Pa. May 15, 2007) (denying defense motion for leave to serve subpoenas on White House Counsel and Attorney General).

In June 2007, Ms. Freebery pled guilty to felony Making a False Statement to a Bank, a violation of 18 U.S.C. § 1014; Mr. Gordon pled guilty to two misdemeanors of Willful Failure to Keep and Supply Information, violations of 26 U.S.C. § 7203; and Ms. Smith pled guilty to misdemeanor Tampering with a Witness, a violation of 18 U.S.C. § 1512(d)(2). In September 2007, after I had left the United States Attorney's Office to become a Magistrate Judge, all three defendants were sentenced to probation.

The Third Circuit panels included Circuit Judge Mary Trump Barry, Circuit Judge Michael Fisher, Senior Circuit Judge Morton Greenberg, Circuit Judge Theodore A. McKee, Senior Circuit Judge Leonard I. Garth, Senior District Judge John C. Lifland (D.N.J., by designation), Circuit Judge Julio Fuentes, Circuit Judge D. Brooks Smith, and Circuit Judge John R. Gibson (8th Cir., by designation). The judges in District Court were Senior District Judge John P. Fullam, Jr. (E.D. Pa.), then-District Judge Kent A. Jordan (D. Del.), and Magistrate Judge Mary Pat Thyng (D. Del.).

Counsel for Mr. Gordon:

Ronald H. Levine
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103
(215) 587-1071

Counsel for Ms. Freebery:

William W. Taylor, III

Elizabeth G. Taylor
Zuckerman Spaeder
1800 M Street, Northwest, Suite 1000
Washington, DC 20036
(202) 778-1800

Counsel for Ms. Smith:
Joseph A. Hurley
1215 North King Street
Wilmington, DE 19801
(302) 658-8980

Co-Counsel:
Hon. Colm F. Connolly
United States District Court for the District of Delaware
844 North King Street
Wilmington, DE 19801
(302) 573-6310

Hon. Ferris W. Wharton
Delaware Superior Court
New Castle County Courthouse
500 North King Street
Wilmington, DE 19801
(302) 255-0654

David L. Hall
Wiggin & Dana LLP
Two Liberty Place
50 South 16th Street, Suite 2925
Philadelphia, PA 19102
(215) 988-8325

Hon. Christopher J. Burke
United States District Court for the District of Delaware
844 North King Street
Wilmington, DE 19801
(302) 573-4591

3. *United States v. Lee*, 315 F.3d 206 (3d Cir. 2003)

The defendant had pled guilty to travel for purposes of having sex with a minor, transportation and possession of child pornography, and enticing a minor by a computer to engage in sex. He appealed from the portion of his sentence requiring that, during his term of supervised release following incarceration, he submit to random polygraph examinations. In 2002 and 2003, I represented the government, drafting the government's

brief and doing the oral argument. In January 2003, the Third Circuit issued an opinion permitting the random polygraph release condition, rejecting the defendant's contention that the condition violated his Fifth Amendment right to be free from self-incrimination.

The Third Circuit panel was composed of Circuit Judge Jane R. Roth, Senior Circuit Judge Morton I. Greenberg, and Senior District Judge Robert J. Ward (S.D.N.Y., by designation).

Counsel for Defendant:

Christopher S. Koyste
709 Brandywine Boulevard
Wilmington, DE 19809
(302) 419-6529

Co-Counsel:

Edmond Falgowski
United States Attorney's Office for the District of Delaware
Hercules Building
1313 North Market Street
Wilmington, DE 19801
(302) 573-6277

4. *United States v. Watson*, Crim. No. 02-63-GMS-2 (D. Del.)

In 2002 and 2003, I was sole counsel for the United States in this criminal prosecution. I presented the indictment to the grand jury against two brothers charged with being felons in possession of firearms. After one defendant pled guilty, the other chose to go to trial, which took place in July 2003. The jury acquitted the second defendant.

The District Judge was Gregory M. Sleet, who is now retired.

Counsel for Defendant:

Jan A.T. van Amerongen, Jr.
900 North King Street, Suite 320
Wilmington, DE 19801
(302) 468-5061

5. *United States v. Hubbard*, Crim. No. 03-04-KAJ (D. Del.)

In 2003, I represented the United States in this criminal prosecution, beginning with the investigation and indictment of the defendant on a charge of being a felon in possession of a firearm, a violation of 18 U.S.C. § 922(g)(1). During an administrative search of his residence, state officers found a firearm under the defendant's mattress. After reading the defendant his rights (as set out in *Miranda v. Arizona*, 384 U.S. 436 (1966)), the defendant explained how he had acquired the firearm. I handled the subsequent suppression hearing, after which the district court denied the defendant's motion to

suppress. *See United States v. Hubbard*, 269 F. Supp. 2d 474 (D. Del. 2003). The defendant later pled guilty. *See United States v. Hubbard*, 2006 WL 3511381 (D. Del. Dec. 6, 2006).

The District Judge was Kent A. Jordan, who is now a Circuit Judge on the Third Circuit.

Counsel for Defendant:

Penny Marshall
Legal Tech Vision
702 North Third Street, Suite 21
Philadelphia, PA 19123
(302) 469-1529

6. *United States v. Behmanshah*, No. 00-3556 (3d Cir.)

The defendant had been convicted at trial of health care fraud, mail fraud, and money laundering. It had been a complex trial and, in her appeal, the defendant raised approximately one dozen issues challenging her conviction and sentence. The AUSA who had tried the case had since left the office, so I was asked to handle the appeal. I wrote the government's brief and did the oral argument. In a per curiam opinion, the Third Circuit affirmed the defendant's conviction and sentence in all respects. *See* 49 F. App'x 372 (3d Cir. 2002).

The Third Circuit panel was composed of Circuit Judge Theodore A. McKee, Circuit Judge Joseph F. Weis, Jr., and Circuit Judge John M. Duhe, Jr. (4th Cir., by designation).

Counsel for Defendant:

Kimberly Homan
20 Park Plaza
Boston, MA 02116
(617) 227-8616

7. *In re Emerging Commc'ns, Inc. Shareholders Litig.*, No. 16415 (Del. Ch.)

I was the senior associate on this appraisal and fiduciary duty action from its inception, in 1999, until I left Skadden at the end of 2001. Our client was Greenlight Capital, a former minority shareholder of Emerging Communications, Inc. In 1998, Emerging was acquired by its former controlling shareholder. Greenlight dissented from the merger, rejecting the deal price of \$10.25 per share, even though Emerging's stock had never traded at more than \$10 per share on the stock market. Greenlight also eventually filed a complaint alleging that the controlling shareholder and Emerging's other directors had breached their fiduciary duties in connection with approving the transaction with the controlling shareholder. My responsibilities included drafting the appraisal petition and the complaint; taking and defending depositions; arguing a motion to compel; drafting pre-trial and post-trial briefs; and serving as second-chair during the two-week trial. The trial court appraised the fair value of Emerging as being \$38.05 per share and found that a

majority of the Emerging board had breached its fiduciary duties in connection with the transaction. *See* 2004 WL 1305745 (Del. Ch. June 4, 2004).

Then-Vice Chancellor Jack B. Jacobs presided in the Delaware Court of Chancery.

Counsel for Emerging:

Thomas A. Beck
Raymond J. DiCamillo
Richards, Layton & Finger, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7700

Counsel for Board Defendants:

David C. McBride
Young Conaway Stargatt & Taylor, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
(302) 571-6639

Kevin C. Logue
Paul Hastings, LLP
200 Park Avenue
New York, NY 10166
(212) 318-6039

Counsel for Shareholder Class:

Norman M. Monhait
Reid Collins & Tsai LLP
1007 North Orange Street
Nemours Building, Fourth Floor
Wilmington, DE 19801
(302) 467-1767

Co-Counsel:

Thomas J. Allingham II
Skadden, Arps, Slate, Meagher & Flom LLP
One Rodney Square, 920 North King Street
Wilmington, DE 19801
(302) 573-3070

8. *Cantor Fitzgerald Inc. v. Lutnick*, No. 99-cv-4008 LAP (S.D.N.Y.), No. 01-7291 (2d Cir.)

Between 2000 and 2002, I was one of two or three associates who helped draft the briefs in this diversity action against our clients, who were partners of Cantor Fitzgerald Limited Partnership (“CFLP”), and were alleged to have breached their fiduciary duties by authorizing the CFLP partnership agreement to be amended to preclude competition by the plaintiff, Cantor Fitzgerald, Inc. (“CFI”), which was CFLP’s former general managing partner. (A related case, in which I was also involved, was pending in the Delaware courts, as elaborated below.) The United States District Court for the Southern District of New York granted our clients’ motion to dismiss based on statute of limitations. *See* 2001 WL 111200 (S.D.N.Y. Feb. 8, 2001). After CFI appealed, I helped draft our clients’ appellate brief. In December 2002, the Second Circuit affirmed the district court’s dismissal of the case. *See* 313 F.3d 704 (2d Cir. 2002).

The Second Circuit panel was composed of Circuit Judge John W. Walker, Jr., Circuit Judge Dennis Jacobs, and Circuit Judge Robert D. Sack. The District Judge was Loretta A. Preska.

Counsel for CFI:

Barry I. Slotnick
Loeb & Loeb LLP
345 Park Avenue
New York, NY 10154
(212) 407-4162

Michael Shapiro
Carter Ledyard & Milburn LLP
2 Wall Street
New York, NY 10005
(212) 238-8676

Co-Counsel:

Hon. Karen L. Valihura
Delaware Supreme Court
405 North King Street, Unit 509
Wilmington, DE 19801
(302) 651-3960

Jennifer C. Voss
Skadden, Arps, Slate, Meagher & Flom LLP
One Rodney Square, 920 North King Street
Wilmington, DE 19801
(302) 651-3230

9. *Cantor Fitzgerald, L.P. v. Cantor*, No. 16297 (Del. Ch.)

I was one of a team of associates and partners that worked on this case from 1998 through 2001. Our client, Cantor Fitzgerald LP (“CFLP”), sued several of its partners for

breaching the CFLP partnership agreement by competing with CFLP in its core business of brokering government bonds. Among other things, I assisted with researching and writing preliminary injunction, summary judgment, and post-trial briefs; helped prepare more senior attorneys for depositions and attended depositions; and worked on the massive discovery that was sought and produced. Following an approximately 40-day trial, the trial court ruled in favor of our client, finding that CFLP had proven “an egregious breach of the partnership agreement” and was entitled to declaratory relief and attorneys’ fees. *See* 2000 WL 307370 (Del. Ch. Mar. 13, 2000), *reargument denied*, 2002 WL 1824908 (Del. Ch. June 21, 2002).

Then-Vice Chancellor Myron T. Steele presided in the Delaware Court of Chancery.

Counsel for Cantor:

Stephen E. Jenkins, Ashby & Geddes, P.A.
500 Delaware Avenue
Wilmington, DE 19801
(302) 654-1888

Richard I.G. Jones, Jr.
Berger Harris LLP
1105 North Market Street, 11th Floor
Wilmington, DE 19801
(302) 476-8430

Barry I. Slotnick
Loeb & Loeb LLP
345 Park Avenue
New York, NY 10154
(212) 407-4162

Michael Shapiro
Carter Ledyard & Milburn LLP
2 Wall Street
New York, NY 10005
(212) 238-8676

Co-Counsel:

Rodman Ward, Jr.
Thomas J. Allingham II
Skadden, Arps, Slate, Meagher & Flom LLP
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-3000

Hon. Karen L. Valihura

Delaware Supreme Court
405 North King Street, Unit 509
Wilmington, DE 19801
(302) 651-3960

10. *Cede & Co. v. Technicolor, Inc.*, No. 7129 (Del. Ch.)

From approximately late 1998 to late 2001, I was the sole associate on this long-running appraisal and breach of fiduciary duty case. The case had begun in 1983. By the time of my involvement, there already had been a 47-day trial and three appeals to the Delaware Supreme Court. My responsibilities included helping write briefs that argued a new trial was not necessary, a position with which the Court of Chancery agreed. *See* 1999 WL 65042 (Del. Ch. Jan. 29, 1999). Following another appeal—in which I also helped write the briefs—the Delaware Supreme Court disagreed, and remanded the case with directions that the Court of Chancery conduct a new trial. *See* 758 A.2d 485 (Del. 2000). Thereafter, until the time I left Skadden at the end of 2001, I assisted with various matters, including successfully opposing the plaintiff's request that the Court of Chancery certify yet another interlocutory appeal to the Delaware Supreme Court. *See* 2001 WL 515106 (Del. Ch. May 7, 2001). I was not involved in the new trial or the subsequent appeal. *See* 884 A.2d 26 (Del. 2005).

The Delaware Supreme Court panel was composed of Justice Joseph T. Walsh, Justice Randy J. Holland, and Retired Justice Maurice A. Hartnett, III. Chancellor William B. Chandler, III, presided in the Delaware Court of Chancery.

Counsel for Cede & Co.:

Robert K. Payson
Arthur L. Dent
Potter Anderson & Corroon LLP
Hercules Plaza
1313 North Market Street, Sixth Floor
Wilmington, DE 19801
(302) 984-6000

Gary J. Greenberg
12 West 57th Street, Suite 905
New York, NY 10019
(212) 246-1222

Co-Counsel:

Thomas J. Allingham II
Skadden, Arps, Slate, Meagher & Flom LLP
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 573-3070

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As Chief Judge from July 2014 through June 2021, I was our point of contact with the Delaware state courts, principally the Chief Justice of the Delaware Supreme Court. I worked especially closely with the Chief Justice on pandemic-related issues, including courthouse openings and closings, suspensions and restarts of jury trials, and furthering access to testing and vaccines.

I have attended and presided over numerous graduation ceremonies for our District's Re-entry Court, a voluntary program for federal criminal defendants on supervised release who present a significant risk of recidivism. Since it was created in 2012, we have had 25 graduates and 13 graduation ceremonies. Each graduate has successfully completed 52 weeks of participation without violations and is awarded a reduction of a year off of his or her term of supervised release.

For many years, I have served as the liaison judge to the Delaware Chapter of the Federal Bar Association ("FBA"). In that capacity, I helped create the District of Delaware Bench and Bar Conference, which has been held three times, and is co-sponsored by the FBA and the Federal Circuit Bar Association. The Bench and Bar Conference brings together approximately two dozen federal judges and 400 lawyers from around the nation for two days of panel discussions and social events. I also have participated regularly in the FBA Delaware Chapter's Federal Trial Practice Seminar, a multi-week program in which the judges of the District of Delaware join experienced practitioners to train new bar members in all aspects of litigating a federal court trial.

During my tenure as Chief Judge, and under the leadership of Magistrate Judge Christopher J. Burke, the District of Delaware created a High School Fellowship Program. I have participated each year we have held it (2017 to 2019) by hosting a high school intern in my chambers, speaking with all participants in the program, and participating in graduation ceremonies.

In 2013 and 2014, retired District Judge Sue L. Robinson and I convened a "Patent Study Group" ("PSG"), through which we held more than 15 hours of discussions with more than 120 attorneys from over 25 law firms and in-house legal departments across the country. Both Judge Robinson and I made significant changes to our case management practices as a result of the PSG. I also gave a bar presentation in May 2014 summarizing what we had learned through the PSG and how those discussions would impact my handling of patent cases in the future.

Throughout my tenure as a judge, I have also devoted substantial time to committee work, at the national, circuit, and district levels.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have created and taught two different courses for the University of Pennsylvania Carey Law School. One is called "Recurring Issues in Complex Litigation," which I taught during the spring semesters of 2019, 2020, and 2021. The other course is called "Pharmaceutical Patent Litigation," which I taught during the spring semesters of 2016, 2017, and 2018. Syllabi supplied.

In the fall semesters of 1998 and 1999, I taught "Constitutional Law I" to upper-level undergraduates at the University of Delaware. The course focused on separation of powers and federalism. Syllabi supplied.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

Along with two of my former law clerks, I have created a course for The George Washington University Law School entitled "IP Litigation in Federal District Court." The law school plans to offer this course for the first time in the spring semester of 2022. I also hope to teach again at the University of Pennsylvania Carey Law School. Otherwise, I have no plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I am not aware of any persons, parties, categories of litigation, or financial arrangements that are likely to pose conflicts of interest. Should any actual or potential conflicts of interest arise in any matter, I will adhere to the Code of Conduct for United States Judges and other applicable authority regarding their resolution.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will continue to abide by the Code of Conduct for United States Judges and other applicable authority in resolving any conflicts of interest.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I consider pro bono activities and mentoring to be an important part of my commitment to the legal profession. Since law school, I have participated in various pro bono, mentoring, and community activities. For instance, at Yale Law School, I participated in the Prison Legal Services Clinic, where I provided pro bono representation to a federal inmate in connection with a parole hearing and state inmates in their efforts to obtain necessary medical treatment. As a summer associate at Shea & Gardner, I also provided pro bono representation to an individual who was appealing an administrative decision to deny his application for Social Security Disability Insurance benefits.

Further, while an associate in private practice, I devoted more than 200 hours to helping research and draft an *amicus curiae* brief in support of a petition for writ of certiorari in the Supreme Court of the United States, on behalf of the National Association of Criminal Defense Lawyers and other *amici*. I provided additional pro bono assistance to an organization seeking to establish a charter school in Delaware. I also served on the District of Delaware's Criminal Justice Act Panel as an associate member to a more

senior member of the firm, which enabled me to assist with the defense of at least one indigent federal criminal defendant.

As a federal prosecutor, I was precluded from taking on direct pro bono representations, but the entirety of my work was devoted to ensuring that the law was faithfully executed and that defendants were treated fairly and afforded all due process.

As a magistrate judge, I served as a volunteer for numerous law-related education activities, including serving as a judge or juror for the Delaware and National High School Mock Trial Competitions, serving as a judge for a trial advocacy course at Widener University Delaware Law School (“Widener”), helping judge students participating in Widener’s Ruby Vale Moot Court Competition, judging a mock trial competition at Temple Law School, and speaking to high school students as part of the Delaware State Bar Association’s Law Day activities. As a district judge, I have continued to participate in mock trials and mock oral arguments, including through the Federal Circuit Bar Association and the University of Virginia School of Law.

I have hosted elementary and middle school classes at the courthouse, to talk to students about the federal court system and federal judges and to preside over mock trials or mock oral arguments.

Finally, I have also attended and presided over numerous graduation ceremonies for our District’s Re-entry Court, a voluntary program for federal criminal defendants on supervised release who present a significant risk of recidivism. Since it was created in 2012, we have had 25 graduates and 13 graduation ceremonies. Each graduate has successfully completed 52 weeks of participation without violations and is awarded a reduction of a year off of his or term of supervised release.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

From approximately January through September 2021, I was periodically in touch with Senator Chris Coons. In particular, on May 9, 2021 and September 25, 2021, I spoke with Senator Coons about the possibility of being nominated for a federal appellate judgeship. On June 11, 2021, I had a similar conversation with Senator Tom Carper. In June 2021, I also reached out to an attorney in the White House Counsel’s Office about my interest in being considered for a potential vacancy on

the United States Court of Appeals for the Federal Circuit. On September 25, 2021, I was contacted by the White House Counsel's Office about being considered for a possible nomination to the Federal Circuit. Later that day, I was put in contact with attorneys from the Office of Legal Policy at the Department of Justice. On September 28, 2021, I was interviewed by attorneys from the White House Counsel's Office. Since that time, I have been in contact with officials from the Office of Legal Policy. On November 3, 2021, the President announced his intent to nominate me.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.