

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Molly Rebecca Silfen

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

Judge, United States Court of Federal Claims

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.

Office: Madison West, 8th Floor  
600 Dulany Street  
Alexandria, Virginia 22314

Residence: Washington, District of Columbia

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

1980; Philadelphia, Pennsylvania

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.

2003 – 2006, Harvard Law School; J.D., 2006

1998 – 2002, Yale College; B.S., 2002

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.

2013 – present  
Office of the Solicitor  
U.S. Patent and Trademark Office

Madison West, 8th Floor  
600 Dulany Street  
Alexandria, Virginia 22314  
Associate Solicitor

2011 – present  
George Mason Antonin Scalia Law School  
3301 Fairfax Drive  
Arlington, Virginia 22201  
Adjunct Law Professor (currently uncompensated; have been compensated occasionally  
in the past)

2021 – 2023  
U.S. Senate Committee on the Judiciary  
Office of Senator Patrick Leahy  
Dirksen Senate Office Building, Room 218  
Washington, DC 20002  
Counsel (detaillee)

2015 – 2016  
Appellate Staff, Civil Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, Northwest, 7th Floor  
Washington, DC 20530  
Attorney (detaillee)

2006 – 2008; 2010 – 2013  
Finnegan, Henderson, Farabow, Garrett, and Dunner, LLP  
901 New York Avenue, Northwest  
Washington, DC 20001  
Associate Attorney

2008 – 2010  
United States Court of Appeals for the Federal Circuit  
717 Madison Place Northwest  
Washington, DC 20005  
Law Clerk to the Honorable Alan D. Lourie

January 2006  
Office of Strategic Planning and Community Development  
Metro Regional Government  
600 Northeast Grand Avenue  
Portland, Oregon 97232  
Intern (uncompensated)

Fall 2005

Harvard Law School  
1575 Massachusetts Avenue  
Cambridge, Massachusetts 02138  
Research Assistant to Professor William (Terry) Fisher

Summer 2005  
Finnegan, Henderson, Farabow, Garrett, and Dunner, LLP  
901 New York Avenue Northwest  
Washington, DC 20001  
Summer Associate

Summer 2005  
Morrison Foerster  
250 West 55th Street  
New York, New York 10019  
Summer Associate

Spring 2005  
Somerville Mayor's Office  
93 Highland Avenue  
Somerville, Massachusetts 02143  
Intern (uncompensated)

2004 – 2005  
Harvard School of Engineering and Applied Sciences  
29 Oxford Street  
Cambridge, Massachusetts 02138  
Teaching Fellow

2004 – 2006  
Harvard Mediation Program  
1563 Massachusetts Avenue  
Cambridge, Massachusetts 02138  
Mediator (uncompensated)

Summer 2004  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, New York 10007  
Intern to the Honorable Naomi Reice Buchwald (uncompensated)

Summer 2004  
Needle and Rosenberg LLC (now Ballard Spahr LLP)  
999 Peachtree Street Northeast, Suite 1600  
Atlanta, Georgia 30309  
Summer Associate

Summer 2002; Summer 2003  
Jordan and Hamburg LLP (now dissolved)  
Assistant to Office Manager

January – February 2003  
Apple orchard near Blenheim, New Zealand (I do not recall further details on the name of the orchard)  
Apple Picker

November 2002 – January 2003  
Willing Workers on Organic Farms  
Aniseed Valley  
Richmond 7081  
Tasman  
New Zealand  
Volunteer (with room and board supplied)

Other Affiliations (uncompensated)

2020 – present  
Women in Intellectual Property Law Network, District of Columbia Chapter  
No Physical Address  
Steering Committee Member

2016 – present  
Edward Coke Appellate Inn of Court  
No Physical Address  
Member

2014 – 2021  
Federal Circuit Bar Association  
1620 Eye Street, Northwest, Suite 801  
Washington, DC 20006  
Committee Chair and Vice Chair

2010 – 2012  
Association of Former Law Clerks of the Federal Circuit  
No Physical Address  
Co-Chair

2008 – 2012  
Giles S. Rich American Inn of Court  
No Physical Address  
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 was not required to register for the selective service.

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.

Gold Medal Award, U.S. Department of Commerce, the Department's highest recognition (2023)

Office of the General Counsel Distinguished Attorney Award, U.S. Department of Commerce (2020)

Bronze Medal Award for superior performance, U.S. Department of Commerce (2020)

Special Act Award for work on a complex appeal, U.S. Patent and Trademark Office (2020)

Director's Award for excellence in litigating a particular case, U.S. Patent and Trademark Office (2019)

Burling Memorial Fund fellowship for academic research, Harvard Law School (2006)

Outstanding Engineering Student Award, Yale College Chapter of the American Society of Mechanical Engineers (2002)

Yale College

McCrosky Prize "for the senior who is deserving of the greatest distinction for scholarly achievement in fields related to mechanics and its applications" (2002)

Class of '59 Fellowship for public service abroad (2002)

Certified by National Council of Examiners for Engineering, Fundamentals of Engineering Exam (2002)

Member, Yale College Chapter of the Tau Beta Pi engineering honor society (2000 – 2002)

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.

Association of Former Law Clerks of the Federal Circuit  
Co-Chair (2010 – 2012)

Edward Coke Appellate Inn of Court  
Barrister (2019 – present)  
Associate (2016 – 2019)

Federal Circuit Bar Association  
Chair, U.S. Patent and Trademark Office Committee (2020 – 2021)  
Member, Bench and Bar Planning Committee (2020 – 2021)  
Vice-Chair, U.S. Patent and Trademark Office Committee (2017 – 2020)  
Vice-Chair, Rules Committee (2014 – 2017)

Giles S. Rich American Inn of Court  
Member (2008 – 2012)

Women in Intellectual Property Law Network, District of Columbia Chapter  
Steering Committee Member (2020 – present)

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.

New York, 2007  
District of Columbia, 2008

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.

Supreme Court of the United States, 2015  
United States Court of Appeals for the Fourth Circuit, 2015  
United States Court of Appeals for the Fifth Circuit, 2015  
United States Court of Appeals for the Eleventh Circuit, 2015  
United States Court of Appeals for the District of Columbia Circuit, 2015  
United States Court of Appeals for the Federal Circuit, 2007  
United States Court of Appeals for Veterans Claims, 2011  
United States Patent and Trademark Office, Registration to Practice, 2008

To the best of my knowledge, there have been no lapses in my membership in any of these bodies except the United States Patent and Trademark Office. For the

United States Patent and Trademark Office, I inactivated my registration in 2013, when I became an employee of the Office; employees of the Office are prohibited from having active registrations to practice and are required to inactivate registrations upon beginning employment there.

**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.

Sitar Arts Center, volunteer after-school sewing teacher (2009 – 2011)

Yale College Alumni Committee on Engineering Curriculum (2006 – 2010)

Yale College Alumni Interviewer (2006 – 2010)

- 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.

With Daniel Kazhdan, "Inventors Beware: The Dangers of Getting Too Many Patents," 60 *Santa Clara Law Review* 289 (2020). Copy supplied.

With Jason Melvin and Andrew Renison, "2012 Trademark Law Decisions of the Federal Circuit," 62 *American University Law Review* 991 (2013). Copy

supplied.

“Molly Silfen,” *55 Successful Harvard Law School Application Essays* 168 (The Harvard Crimson, 2007). Copy supplied.

With Donald Dunner and Brenda Huneycutt, “Federal Rules of Appellate Procedure and the Local Rules of the Federal Circuit: Procedural Appellate Traps for the Unwary,” *The IP Litigator* 34 (July/Aug. 2006). Copy supplied.

“Claim Interpretation: Recommendations for the Federal Circuit Court of Appeals from *Phillips v. AWH*,” 14 *University of Baltimore Intellectual Property Journal* 47 (2005). Copy supplied.

“How will California’s Funding of Stem Cell Research Impact Innovation?” 18 *Harvard Journal of Law and Technology* 459 (2005). Copy supplied.

“I Want My Information Back: Evidentiary Privilege Following the Partial Birth Abortion Cases,” 38 *Journal of Health Law* 121 (2005). 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.

None.

- 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.

Letter to Speaker Paul Ryan, in opposition to President Trump’s appointment of Stephen Bannon as White House Chief Strategist (2016). Copy 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.

November 1, 2022: Guest speaker, Advanced Intellectual Property seminar at The George Washington University Law School, Washington, DC. I guest taught a class, hosted by Professors Terry Rea and Mark Traphagen, covering my government career trajectory and intellectual property issues I have encountered both on Capitol Hill and at the United States Patent and Trademark Office. I have no notes, transcript, or recording. The address for The George Washington University Law School is 2000 H Street Northwest, Washington, DC 20052.

October 13, 2022: Panelist, “Intellectual Property Protections—Have we gone too far?,” International Intellectual Property Summit, Boston College Law School, Boston, Massachusetts (virtual appearance). Notes supplied.

September 29, 2022: Participant, “Patent Trial and Appeal Board Roundtable,” The George Washington University Law School, Washington, DC. I participated as a representative of Senator Leahy’s office in a roundtable discussion of how things are working at the Patent Trial and Appeal Board and what legislative changes may happen in the future. I have no notes, transcript, or recording. The address for The George Washington University Law School is 2000 H Street, Northwest, Washington, DC 20052.

September 28, 2022: Panelist, “Legislative Branch,” International Copyright Institute at the United States Copyright Office, Washington, DC. I participated in a panel about the legislative process in the United States and how to go about trying to update the law to address copyright issues in the digital age. I have no notes, transcript, or recording. The address for the United States Copyright Office is 101 Independence Avenue, Southeast, Washington, DC 20559.

June 17, 2022: Panelist, “Pro Bono Now and Zen, Views from Bench and Bar,” Federal Circuit Bar Association Bench and Bar Conference, Sea Island, Georgia. Notes and slides supplied.

June 15, 2022: Panelist, “The Work of Congress—Making and Remaking Intellectual Property Law,” Foundation for Advancement of Diversity in Intellectual Property Law of the American Intellectual Property Law Association, Washington, DC. I participated in a panel speaking to a group of law students about working on Capitol Hill in the field of intellectual property. I have no notes, transcript, or recording, but the discussion questions for the panelists are supplied. The address for the Foundation for Advancement of Diversity in Intellectual Property Law of the American Intellectual Property Law Association is 1400 Crystal Drive, Suite 600, Arlington, Virginia 22202.

June 8, 2022: Panelist, “Capitol Hill Panel,” Intellectual Property Law Institute of the Hispanic National Bar Association, Washington, DC. I participated on a panel, speaking to law students about what it is like to work on Capitol Hill. I have no notes, transcript, or recording. The address for the Hispanic National Bar Association is 2020 Pennsylvania Avenue Northwest, Suite 279, Washington, DC

20006.

March 24, 2022: Panelist, "Legislative Priorities," Patent Trial and Appeal Board Bar Association, Washington, DC. Notes supplied.

March 15, 2022: Panelist, "Fresh Start Discussion," The Naples Roundtable Leahy Institute (virtual appearance). Notes supplied.

March 10, 2022: Panelist, "Women Practitioner Panel," Women in Intellectual Property Law Network, DC Chapter (virtual appearance). Notes supplied.

December 3, 2021: Panelist, "Patent Trial and Appeal Board Review: Effects of *Arthrex* and Potential Future Reforms," Federal Circuit Bar Association (virtual appearance). Notes supplied.

September 21, 2021: Panelist, "Intellectual Property Issues: A View from the Hill," Judge Paul R. Michel Intellectual Property Inn of Court (virtual appearance). I spoke about the types of issues that arise on Capitol Hill and the interactions between the executive and legislative branches of government. I have no notes, transcript, or recording, but the discussion questions are supplied. The address for the Judge Paul R. Michel Intellectual Property Inn of Court is care of V. Monica Mandel, Executive Director, Fulwider Patton LLP, 6060 Center Drive, Tenth Floor, Los Angeles, California 90045.

July 28, 2021: Participant, "The America Invents Act at 10," Berkeley Center for Law and Technology (virtual appearance). I participated as a representative of Senator Leahy's office on a panel about how the America Invents Act has fared over the last ten years. I have no notes, transcript, or recording. The address for the Berkeley Center for Law and Technology is Room 421 Law Building, North Addition, University of California at Berkeley, School of Law, Berkeley, California, 94720.

June 24, 2021: Panelist, "Administrative Law," Federal Circuit Bar Association Bench and Bar Conference (virtual appearance). Notes and slides supplied.

April 13, 2021: Panelist, "Patent Case Roundup," American Bar Association Intellectual Property Law Section (virtual appearance). Slides supplied.

May 14, 2020: Panelist, "The Federal Circuit's Emergency Measures," Federal Circuit Bar Association (virtual appearance). Notes supplied.

November 12, 2019: Panelist, "Trademarks After *Iancu v. Brunetti*," Giles S. Rich American Inn of Court, Washington, DC. Notes supplied.

June 13, 2019: Moderator, "Patent Trial and Appeal Board: All Things Considered," Federal Circuit Bar Association Bench and Bar Conference,

Colorado Springs, Colorado. Slides supplied.

September 28, 2018: Panelist, “Patent Trial and Appeal Board: A Look Back, A Look Ahead,” Virginia State Bar, Intellectual Property Section, Alexandria, Virginia. Slides supplied.

June 21, 2018: Panelist, “All Things Patent Trial and Appeal Board,” Federal Circuit Bar Association Bench and Bar Conference, Coronado, California. Slides supplied.

June 17, 2017: Guest teacher, Supreme Court Summer Institute of Street Law, Washington, DC. I co-taught a class on Supreme Court advocacy to high school teachers covering the *Matal v. Tam* Supreme Court argument, where participants gave a mock argument. I have no notes, transcript, or recording. The address for Street Law is 1010 Wayne Avenue, Suite 860, Silver Spring, Maryland 20910.

March 2, 2017: Panelist, “Practical Impacts of Administrative Law,” Federal Circuit Bar Association, Washington, DC. Slides supplied.

April 17, 2015: Panelist, “Post-Grant Procedures at the Patent Office—Timely Cure or New Disease?,” University of Baltimore School of Law, Baltimore, Maryland. I participated in a panel discussing the United States Patent and Trademark Office’s implementation of the America Invents Act. I have no notes, transcript, or recording. The address for the University of Baltimore School of Law is 1420 North Charles Street, Baltimore, Maryland 21201.

October 2, 2014: Moderator, “Federal Circuit Rules, Nuts and Bolts,” Federal Circuit Bar Association, Washington, DC. Recording supplied.

- 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.

“Frequency Boost: Amplifying Diverse Voices in Media and Technology,” Icarus, Media and Technology Committee, American Bar Association Section of Antitrust Law (Summer 2022). Copy supplied.

“Leadership in the Profession,” Podcast guest, Federal Circuit Bar Association (May 1, 2019). Recording supplied.

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.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? \_\_\_\_\_
- i. Of these cases, approximately what percent were:
- jury trials: \_\_\_\_\_%
- bench trials: \_\_\_\_\_% [total 100%]
- ii. Of these cases, approximately what percent were:
- civil proceedings: \_\_\_\_\_%
- criminal proceedings: \_\_\_\_\_% [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- 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).
- 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.
- e. Provide a list of all cases in which certiorari was requested or granted.
- 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.
- 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.
- 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.
- 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.

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:

I have not served as a judge.

- 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.

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.

None.

- 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.

I have not held any formal office in any political party, election committee, or campaign. I knocked on doors and made phone calls for Barack Obama in 2008 in Pennsylvania and Delaware. I also volunteered doing voter protection for the Democratic Party of Virginia in November 2016, November 2017, November 2018, November 2019, March 2020, and October and November 2020. In November 2022, I made voter protection phone calls to assist voters in curing their ballots.

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;

From 2008 to 2010, I served as a law clerk to the Honorable Alan D. Lourie of the United States Court of Appeals for the Federal Circuit.

ii. whether you practiced alone, and if so, the addresses and dates;

I have not 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;

2013 – present  
Office of the Solicitor  
United States Patent and Trademark Office  
Madison West, 8th Floor  
600 Dulany Street  
Alexandria, Virginia 22314  
Associate Solicitor

2021 – 2023  
U.S. Senate Committee on the Judiciary  
Office of Senator Patrick Leahy  
Dirksen Senate Office Building, Room 218  
Washington, DC 20002  
Counsel Detailee

2015 – 2016  
Appellate Staff, Civil Division  
United States Department of Justice  
950 Pennsylvania Avenue, Northwest, 7th Floor  
Washington, DC 20530  
Attorney Detailee

2006 – 2008; 2010 – 2013  
Finnegan, Henderson, Farabow, Garrett, and Dunner, LLP  
901 New York Avenue, Northwest  
Washington, DC 20001

Associate 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.

Since graduating from law school I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

My law practice has primarily involved civil trial and appellate court litigation in federal courts throughout the United States. During my recent detail to Capitol Hill, I had a policy role, working for the United States Senate, and I occasionally worked on policy issues for the United States Patent and Trademark Office in the seven years before that. When I worked at a law firm earlier in my career, my practice involved a mix of litigation and transactional work, from filing and prosecuting patent applications to licensing and opinion work.

From 2021 to January 2023, I served on a detail as counsel to Senator Patrick Leahy on the Senate Judiciary Committee. I worked on issues for the Intellectual Property Subcommittee, which Senator Leahy chaired. Those issues ranged from patents to trademarks to copyrights to international trade and antitrust issues. The types of work varied as well—I drafted and pursued legislation, drafted oversight letters to agencies and private-sector companies, organized subcommittee hearings, drafted statements for the Congressional Record and for speaking engagements, met with stakeholders, and spoke to a wide variety of organizations about Senator Leahy's views on intellectual property issues.

Since 2013, I have been an Associate Solicitor at the United States Patent and Trademark Office, representing the agency in court. I spend most of my time briefing and arguing appeals at the Court of Appeals for the Federal Circuit, though I also regularly litigate in district court and the Supreme Court. My Federal Circuit cases address a wide variety of legal issues, including substantive patent and trademark law; statutory interpretation; administrative law issues like deference to agency rulemaking; and constitutional questions such as the Appointments Clause, Article III standing, takings, due process, and the First Amendment and its intersection with trademark law.

Since 2013, I have also represented the agency in district court on a

similarly complex variety of issues. I have also represented the agency in a wide variety of district court suits under the Administrative Procedure Act, including facial challenges to Patent Office rules and applications of those rules, challenges to the agency's failure to issue rules, a suit involving the Paperwork Reduction Act, and a suit over whether a patent owner was entitled to a single day of additional patent term.

From 2015 to 2016, I spent a little more than a year on detail to the Department of Justice, in the Appellate Staff of the Civil Division. There, my appeals covered many of the thirteen circuit courts of appeals, and I represented a wide variety of federal agencies on constitutional, statutory, and administrative law issues. I also worked on several Supreme Court cases while at the Department of Justice.

From 2006 to 2008 and 2010 to 2013, I was an associate attorney at Finnegan, Henderson, Farabow, Garrett, and Dunner LLP. There I litigated patent and trademark issues at the Federal Circuit, in district court, in the International Trade Commission, and at the Second Circuit. I also worked on other patent-related issues such as licensing, freedom to operate, and the patent application process.

As a law-firm lawyer, I also participated in a number of pro bono proceedings, including representing a client at the Social Security Agency seeking disability payments, representing a client in criminal proceedings, working as a guardian ad litem, and representing a veteran before the Department of Veterans Affairs.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

Since joining the federal government in 2013—at the United States Patent and Trademark Office and while on detail to the United States Department of Justice and the United States Senate—my client has been, broadly speaking, the United States.

From 2006 to 2008 and 2010 to 2013, at the law firm of Finnegan, Henderson, Farabow, Garrett, and Dunner LLP, my clients ranged from individual patent owners to large companies that were either asserting patent rights or defending patent rights. Those companies included semiconductor manufacturers, medical device manufacturers, and food packaging companies, among others. I also represented individuals, for example in pro bono litigation involving Social Security benefits, criminal defense, guardian ad litem, and veterans' benefits.

- 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.

From 2021 to the beginning of 2023, while on detail to the Senate, I litigated and appeared in court only occasionally, returning to the United States Patent and Trademark Office to argue three appeals that I had briefed while at the Patent Office.

From 2013 to 2021 and since my return in 2023, at the United States Patent and Trademark Office and while on detail to the Appellate Staff of the Civil Division of the United States Department of Justice, I appeared in court frequently. I argued approximately four appeals per year at the Federal Circuit or other federal courts of appeals, and I also appeared in district court, arguing motions and serving as first chair in a trial, presenting the opening and closing arguments, taking the direct testimony of witnesses, and cross-examining witnesses.

In private practice, from 2006 to 2008 and 2010 to 2013, I appeared in court occasionally, particularly in pro bono cases.

i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 98% |
| 2. state courts of record:  | 0%  |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 2%  |

ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 99% |
| 2. criminal proceedings: | 1%  |

- 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.

I was chief counsel for the United States in two district court cases that I tried to judgment. I was also chief counsel in one Social Security Administration case that I tried to judgment. I was associate counsel in an additional nine district court cases that I tried to judgment. In addition, over the course of my career, I have argued 23 appeals, mostly in the Federal Circuit but also in the D.C. Circuit and Eighth Circuit.

i. What percentage of these trials were:

- |              |      |
|--------------|------|
| 1. jury:     | 0%   |
| 2. non-jury: | 100% |

- 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.

I have not presented oral argument in any cases before the Supreme Court of the United States. I have served as counsel of record in five merits cases at the Supreme Court of the United States:

*United States v. Arthrex, Inc.*, 141 S. Ct. 1970 (2021) (cert. petition, 2020 WL 3545866; cert. reply, 2020 WL 4227873; government's brief, 2020 WL 7024946; government's reply and response, 2021 WL 260644) (cert. granted, judgment vacated and remanded)

*Thryv, Inc. v. Click-to-Call Technologies LP*, 140 S. Ct. 1367 (2020) (cert. opposition, 2019 WL 1972722; respondent's brief, 2019 WL 4201258; respondent's reply, 2019 WL 6464593) (cert. granted, judgment vacated and remanded)

*United States Patent and Trademark Office v. Booking.com B.V.*, 140 S. Ct. 2298 (2020) (cert. petition, 2019 WL 2966240; cert. reply, 2019 WL 2354729; petitioner's brief, 2020 WL 114444; petitioner's reply 2020 WL 1433997) (cert. granted, judgment affirmed)

*Iancu v. Brunetti*, 139 S. Ct. 2294 (2019) (cert. petition, 2018 WL 4331883; cert. reply, 2018 WL 6566656; petitioner's brief, 2019 WL 913833; petitioner's reply 2019 WL 1489050) (cert. granted, judgment affirmed)

*Matal v. Tam*, 137 S. Ct. 1744 (2017) (cert. petition, 2016 WL 1593780; cert. reply, 2016 WL 3752565; petitioner's brief, 2016 WL 6678795; petitioner's reply brief, 2017 WL 117333) (cert. granted, judgment affirmed)

In one other merits case, while my name was not listed as counsel of record, I participated in drafting briefs:

*Return Mail, Inc. v. United States Postal Service*, 139 S. Ct. 1853 (2019) (cert. opposition, 2018 WL 4298029; respondent's brief, 2019 WL 169139) (cert. granted, judgment reversed)

I served as counsel of record in cert-stage briefing in six additional cases:

*Iancu v. Fall Line Patents, LLC*, 141 S. Ct. 2843 (2021) (cert. petition, 2020 WL 7714428) (cert. granted, judgment vacated, and case remanded)

*United States v. Image Processing Technologies LLC*, 141 S. Ct. 728 (2020) (cert. petition, 2020 WL 4286908) (cert. dismissed)

*Hyatt v. Iancu*, 140 S. Ct. 45 (2019) (brief in opposition, 2019 WL 3027473)

(cert. denied)

*Vitreo Retinal Consultants of the Palm Beaches, P.A. v. Department of Health and Human Services*, 137 S. Ct. 1396 (2017) (brief in opposition, 2017 WL 744976) (cert. denied)

*Interval Licensing LLC v. Lee*, 136 S. Ct. 2506 (2016) (brief requesting holding pending outcome of another case, 2016 WL 946685) (held and then cert. denied)

*New Hampshire Right to Life v. Department of Health and Human Services*, 136 S. Ct. 383 (2015) (brief in opposition, 2015 WL 4550358) (cert. denied)

I participated in drafting two amicus briefs at the Supreme Court of the United States, but my name was not listed as counsel of record:

*Apple Inc. v. Qualcomm Inc.*, 142 S. Ct. 2868 (2022) (amicus brief of Senator Patrick Leahy and Congressman Darrell Issa in support of cert., 2021 WL 6102297) (cert. denied)

*Hawkins v. Community Bank of Raymore*, 136 S. Ct. 1072 (2016) (amicus brief of United States in support of petitioners, 2015 WL 3523409) (judgment affirmed by an equally divided court)

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. *Hyatt v. Iancu*, 332 F. Supp. 3d 83 (D.D.C. 2018) (Judge Lamberth), *part remaining pending on appeal and part reversed and remanded sub nom. Hyatt v. Hirshfeld*, 998 F.3d 1347 (Fed. Cir. 2021) (Judges Reyna, Wallach, and Hughes), *expenses affirmed in part, vacated in part, and remanded*, 9 F.4th 1372 (Fed. Cir. 2021) (Judges Moore, Reyna, and Hughes)

From 2016 to 2021 I served as lead counsel for the United States in this case involving a number of issues: statutory patentability questions of anticipation, obviousness, and

written description; the equitable doctrine of prosecution laches due to an applicant's delay in pursuing a patent; and whether expert witness fees should be considered "expenses of the proceedings," under a statute that specifies that "[a]ll the expenses of the proceedings shall be paid by the applicant."

Initially, the case involved expert report preparation and trial preparation for a de novo case on the merits of patentability of hundreds of patent claims. I was lead counsel for that week-long bench trial, giving the opening statement, doing a direct examination of our expert witness and cross examination of the opposing side's witness, arguing motions in limine and for judgment as a matter of law, giving the closing statement, and writing all of the post-trial briefs. Meanwhile, other government attorneys handled three related trials on other patent applications from Mr. Hyatt and a bench trial on a bigger issue of prosecution laches—whether Mr. Hyatt had unduly delayed the patenting process and was prohibited from receiving any of these patents. The court issued a mixed judgment, finding some claims patentable and others unpatentable in each of the three patent applications, and finding no prosecution laches. And the court found that Mr. Hyatt did not owe the United States Patent and Trademark Office its expert witness fees.

I then handled the appeal as co-lead counsel, briefing all of the statutory patentability issues based on three of the four trials and supporting on the prosecution laches issue. The Federal Circuit vacated and remanded on the prosecution laches issue and held the statutory patentability issues in abeyance pending the outcome of a new trial on prosecution laches. That new trial has not yet been scheduled.

Finally, I was lead counsel on the appeal from the district court's judgment on expenses of the proceeding. The Federal Circuit affirmed in part, vacated in part, and remanded.

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2. *United States v. Arthrex, Inc.*, 953 F.3d 760 (Fed. Cir. 2020) (denial of rehearing en banc), *vacated and remanded*, 141 S. Ct. 1970 (2021)

From 2019 to 2021 I served as associate counsel for the United States in this case on whether the appointments for the more than 250 Administrative Patent Judges at the United States Patent and Trademark Office violated the Constitution's Appointments Clause. The Federal Circuit had stripped those Administrative Patent Judges of their civil service employment protections, allowing them to be fired at will.

The Federal Circuit denied rehearing en banc. The Supreme Court granted cert and ultimately found the appointments unconstitutional but adopted the government's argument that the constitutionality of the Administrative Patent Judges' appointments and civil service protections could be preserved by providing for Director review of the proceedings.

I began working on the case after the Federal Circuit's panel decision. I worked on the government's petition for rehearing en banc, cert petition, and briefing at the merits stage at the Supreme Court of the United States. In addition to working on the merits of the case, I organized the government's response to many dozens of briefs and petitions to the Patent Office, Federal Circuit, and Supreme Court, at all stages of the process, where the private parties argued that, because the Administrative Patent Judges had been unconstitutionally appointed, those many dozens of cases needed to be unwound and reheard by constitutionally appointed officers.

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3. *Click-to-Call Techs., LP v. Ingenio, Inc.*, 899 F.3d 1321 (Fed. Cir. 2018) (Judges O'Malley, Taranto, and Stark, en banc in part), *rev'd sub nom. Thryv, Inc. v. Click-to-Call Techs.*, 140 S. Ct. 1367 (2020)

From 2018 to 2020, I served as lead counsel for the United States at the Federal Circuit, which took the case en banc sua sponte to address an important issue, and then as associate counsel at the Supreme Court, through cert-stage and merits-stage briefing and supporting the United States Department of Justice in oral argument preparation. The issue was whether an agency decision on the preliminary question of a time bar is reviewable on appeal under the Patent Act and, if so, whether the agency had correctly decided that the time bar did not apply. It was a procedurally complicated case, with the United States not entirely aligning with any party.

I served as lead counsel on the Federal Circuit appeal, representing the United States Patent and Trademark Office as intervenor. I briefed and argued the position that a complaint that was served and then dismissed without prejudice was not "served" for purposes of the time bar, which the court took en banc and decided. The court reversed the agency, holding that the dismissal without prejudice did not render the initial service of the complaint a nullity. The issue decided en banc was decided by the full Federal Circuit, with Judges Lourie and Dyk dissenting.

After that, I drafted the Patent Office's cert-stage brief, arguing that the important issue was whether the time-bar question was reviewable at all, when the statute says preliminary decisions by the agency are final and nonappealable. At the Supreme Court merits stage, I served as associate counsel and worked with the Justice Department on briefs, with the result that certain intermediate Patent Office decisions are unreviewable on appeal.

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4. *Booking.com B.V. v. Matal*, 278 F. Supp. 3d 891 (E.D.Va. Aug. 9, 2017) (Judge Brinkema), *judgment amended and expenses addressed*, 2017 WL 4853755, *aff'd*, 915 F.3d 171 (4th Cir. 2019) (Judges King, Duncan, and Wynn), *rehearing en banc denied, aff'd sub nom. United States Patent and Trademark Office v. Booking.com B.V.*, 140 S. Ct. 2298 (2020)

From 2016 to 2020, I represented the United States Patent and Trademark Office in district court, at the Fourth Circuit, and then at the Supreme Court in a case about trademark genericness. I served as lead counsel at times, arguing motions and writing briefs, and associate counsel at times, playing a supporting role during discovery and depositions, reviewing briefs, and supporting the lead counsel during summary judgment arguments. The issue was whether the combination of a generic word plus “.com” can create a non-generic term that can be registered as a trademark. A subsidiary issue involved whether trademark applicants who choose to sue the United States Patent and Trademark Office in district court have to pay the agency’s expert witness expenses, when the statute states that “all the expenses of the proceeding shall be paid by the party bringing the case.” The district court issued a mixed decision, requiring the agency to register some of the trademarks and prohibiting registration of others. The court of appeals and Supreme Court affirmed, holding that the combination of a generic word plus “.com” can create a non-generic term. On the expenses issue, Booking.com ultimately prevailed in its argument that it did not have to pay the expert witness expenses of the United States Patent and Trademark Office.

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5. *Hyatt v. United States Patent and Trademark Office*, No. 2:16-cv-1490, 2017 WL 663058 (D. Nev. Feb. 17, 2017) (Judge Jones), *aff'd*, 904 F.3d 1361 (Fed. Cir. 2018) (Judges Reyna, Wallach, and Hughes), *rehearing en banc denied*, *cert. denied*, 140 S. Ct. 45 (2019)

From 2016 to 2019, I served as lead counsel for the United States in this case that involved allegations that the United States Patent and Trademark Office should have and failed to institute a particular policy using notice and comment rulemaking. That policy had to do with the agency's internal review process—when a patent applicant is allowed

to appeal from a patent examiner's rejection to a panel of administrative patent judges within the agency. That policy was not promulgated through notice and comment but rather was discussed in the Manual of Patent Examining Procedure. The applicant petitioned the agency twice to change its policy, asking for rulemaking on the question. When the agency declined, the applicant sued in district court. The issue was whether the Patent Office has authority under the Patent Act to allow examiners to reopen prosecution post-appeal brief and whether the question was reviewable.

I served as chief counsel at the district court, Federal Circuit panel, and en banc stages. I wrote all of the briefs and presented the only oral argument in the case, which was at the Federal Circuit panel stage. I was also the principal drafter of the brief in opposition to cert at the Supreme Court. Each court agreed with the agency's position that it had properly implemented its policy.

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6. *Mayne Pharma International v. Merck Sharp and Dohme Corp.*, 927 F.3d 1232 (Fed. Cir. 2019) (Judges Lourie, Dyk, and O'Malley)

From 2018 to 2019, I served as lead counsel for the United States as intervenor in this appeal. The issue on which the government intervened was whether the United States Patent and Trademark Office has the statutory authority to allow a party to refile a petition for inter partes review to correct an error in naming real parties in interest to the petition, or whether that filing requires a new filing date that would implicate a statutory time bar. A subsidiary issue was whether the Court of Appeals for the Federal Circuit had authority to consider that issue or whether it was within the discretion of the Patent Office.

I wrote the intervenor's brief and represented the United States in the oral argument. The Federal Circuit agreed with the government that the Patent Office has the authority to allow amendments to fix clerical or typographical mistakes without impacting the filing date and declined to decide the appealability question.

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7. *In re Tam*, 785 F.3d 567 (Fed. Cir. 2015) (Judges Lourie, Moore, and O'Malley), *rev'd by* 808 F.3d 1321 (Fed. Cir. 2015) (en banc), *aff'd sub nom. Matal v. Tam*, 137 S. Ct. 1744 (2017)

From 2014 to 2017, I handled this case for the United States, including while I was at the United States Patent and Trademark Office and while I was on detail to the United States Department of Justice. The issue was whether the Lanham Act's prohibition on registering disparaging trademarks was constitutional under the First Amendment. The United States argued that the band name "The Slants" was disparaging to persons of Asian descent and that Federal Circuit precedent foreclosed finding the statute unconstitutional. The panel agreed with the government. The Federal Circuit then took the case en banc and reversed the panel. The Supreme Court affirmed the en banc court.

I served as lead counsel at the Federal Circuit panel stage, writing the brief and arguing the appeal. At the en banc, cert, and Supreme Court merits stages I served as associate counsel, working with the Justice Department on strategy and briefing.

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8. *U.S. Department of Justice v. Daniel Chapter One*, No. 15-5155, 2016 WL 3040815 (D.C. Cir. May 18, 2016) (Judges Tatel, Sentelle, and Randolph)

From 2015 to 2016, I served as lead counsel for the United States on this appeal over whether the Federal Trade Commission's statute, which provides for an injunction, includes other equitable remedies such as disgorgement of profits. I drafted the brief and helped prepare another attorney for oral argument. The D.C. Circuit affirmed the district court on an alternative ground that the United States had argued under a different provision of the statute.

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9. *Steuben Foods, Inc. v. HP Hood, LLC*, No. 12-cv-211A, 2012 WL 7829014 (W.D.N.Y. Oct. 3, 2012) (Magistrate Judge McCarthy), *report and recommendation adopted by* 2013 WL 1337318 (W.D.N.Y. Mar. 29, 2013) (Judge Arcara)

From 2012 to 2013, I served as associate counsel for HP Hood on this district court case, a patent infringement case covering a method of aseptically filling bottles of juice or milk by first cleaning the bottles with hydrogen peroxide and then drying the bottles. I worked closely with the client and wrote briefs on summary judgment arguing that Steuben's claims should be barred by the equitable doctrine of laches. The district court denied the motion without prejudice to renewal at a later date.

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10. *Markem Corp. v. Zipher Ltd.*, No. 07-cv-6, 2008 WL 4116666 (D.N.H. Aug. 28, 2008) (Judge Barbadoro)

From 2007 to 2008, I served as associate counsel for Markem on this district court case, a patent infringement case between two manufacturers of thermal transfer printers that stamp expiration dates on flexible product packaging. I deposed the opposing side's expert witness, wrote briefs in preparation for a claim construction hearing, and prepared our expert witness and lead counsel for the claim construction hearing. I also kept track of parallel litigation in the United Kingdom. The court issued a mixed ruling on claim construction. The case continued after I left the firm to clerk at the Federal Circuit, but I was no longer involved.

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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.)

From 2006 to 2008 and from 2010 to 2013, I maintained a practice that included, in addition to litigation, a significant patent transactions practice. That included filing patent applications and pursuing patents through all stages of the application process at the United States Patent and Trademark Office. My biggest client for the patent application process was a medical device company, but I also represented an individual inventor with a medical device, semiconductor manufacturers, and the United States Postal Service, among others. My practice also included patent licensing and writing opinions of counsel of noninfringement. My biggest clients in that practice were medical device companies, food packaging companies, and a dairy company.

Since 2013, my practice at the United States Patent and Trademark Office has included some non-litigation work, as intellectual property counsel to the agency. I present to others within and outside the agency on recent relevant decisions. I also calculate risks and recognize possible losses, taking steps to mitigate them. For example, I assess litigation risks and at times convince the agency not to litigate and instead to take cases back where it seems that the appeal may result in bad law. I have reviewed drafts written by administrative patent judges and administrative trademark judges. I have reviewed changes to the Manual of Patent Examining Procedure, a guidance document for examiners on how to apply the law as direction from the United States Court of Appeals for the Federal Circuit and from the Director of the United States Patent and Trademark Office evolves. I also work with the Patent Trial and Appeal Board and other business units within the agency to make sure work is flowing smoothly on complex cases. I

periodically review proposed statutory changes either coming from Congress or coming from within the agency that result from court decisions. I also periodically review proposed regulatory changes and work on the notice-and-comment process. I routinely participate in moot courts for other attorneys, even though I am not an attorney of record in those cases. And I routinely review court cases to determine if they warrant intervention by the Patent Office, either because they raise issues that are important to the patent system or because they raise issues that are likely to recur, involving interpretations of rules or procedure.

From 2021 to 2023, I worked on policy almost exclusively. I served on a detail as counsel to Senator Patrick Leahy on the Senate Judiciary Committee. I worked on issues for the Intellectual Property Subcommittee, which Senator Leahy chaired. Those issues ranged from patents to trademarks to copyrights to international trade and antitrust issues. The types of work varied as well—I drafted and pursued legislation, drafted letters of oversight of agencies and private-sector companies, organized subcommittee hearings, drafted statements for the Congressional Record and for speaking engagements, met with stakeholders, and spoke to a wide variety of organizations about Senator Leahy's views on intellectual property issues.

Throughout my career, I have been an active participant in bar associations. I've chaired or vice-chaired committees for the Federal Circuit Bar Association, planning panel discussions and helping the organization to attract new members. I am currently an active member of the steering committee for the District of Columbia chapter of the Women in Intellectual Property Law Network, planning events, both social and educational, and helping to compile lists of opportunities for young attorneys in court and before administrative agencies.

I have never performed any lobbying activities or registered as a lobbyist.

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.

Since 2011, I have co-taught two seminars at the George Mason University Antonin Scalia Law School, teaching one of them nearly every semester. Both courses are practical classes on practicing appellate litigation in front of the Court of Appeals for the Federal Circuit. In the fall semester course, students study appellate advocacy, learn the court's rules and preferences, and are expected to write a brief and present an oral argument on a moot court problem. In the spring semester course, the students participate in the national Giles S. Rich Moot Court Competition put on by the American Intellectual Property Law Association. Students write a brief and present an oral argument in an intra-school competition, and the top two George Mason teams then participate in the national competition. In 2022, one of the George Mason teams won the entire southeast regional competition and participated in the national competition. Syllabi for both courses over the years 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.

I am currently teaching a class as an adjunct professor at the George Mason University Antonin Scalia Law School. I am teaching the class without compensation.

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.

Although unlikely, it is possible that a dispute filed in the United States Court of Federal Claims could be related to a matter that I worked on in government or private practice. If I am confirmed, and if that situation presents itself, I would apply the standards of 28 U.S.C. § 455 and the Code of Conduct for United States Judges, as well as any other pertinent principles of judicial ethics, to determine whether to recuse myself from that matter.

I am unaware of any other individuals, family or otherwise, that are likely to

present potential conflicts of interest.

- 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 would consult applicable rules, canons, and decisions addressing conflicts of interest, including 28 U.S.C. § 455 and the Code of Conduct for United States Judges, and any other materials addressing conflicts of interest and appearances of conflicts of interest. In any close cases, or if any issue arose in which there was a question, I would consult other judges and any persons designated by the court or judicial organizations to provide advice on such questions as they arise.

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.

From 2008 to 2010 and since 2013, I have worked in public service, as a law clerk on the Court of Appeals for the Federal Circuit and then in the United States Patent and Trademark Office, with details to the United States Department of Justice and the United States Senate. During these years, I have been restricted in my ability to engage in the practice of law on behalf of any entity other than the federal government. My teaching position, while it has occasionally provided a small stipend, is currently and has for most of the years since 2011 been a volunteer position. There, I teach law students once a week about appellate advocacy, encouraging future advocates to improve their skills and to develop a love of appellate advocacy.

In addition, I have volunteered my time in other ways, speaking with students about pursuing a career in science, technology, engineering, and math or in intellectual property law. I volunteer on an ad hoc basis with a number of organizations. I volunteered with Chiefs in Intellectual Property (an organization for advancing women in intellectual property law) and spent about 10 hours working with high school girls from underserved schools, teaching them about possible careers in law and particularly in intellectual property law. I've since kept up with one of the girls who was interested in starting her own business and wanted to register a trademark for her business. I volunteered for about 5 hours on a weekend with Street Law, teaching middle school teachers about advocacy through a case study in its Supreme Court Summer Institute.

From 2006 to 2008 and 2010 to 2013, I worked at a law firm. There, I spent significant time on pro bono legal work. My representations included criminal defense work, a guardian ad litem matter, and assisting a Vietnam veteran pursuing disability compensation from the Department of Veterans Affairs.

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.

In March 2022, Senator Patrick Leahy sent a letter to the White House recommending me for a position on the United States Court of Federal Claims. I am aware that in September 2022 Senator Thom Tillis also sent a letter recommending me for a position on the United States Court of Federal Claims. On November 22, 2022, I was contacted by an attorney in the White House Counsel's Office regarding my interest in being considered for a seat on the United States Court of Federal Claims. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On February 22, 2023, 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.