



Curriculum Vitae

Summary of Practice:

- U.S. Patent-law expert and consultant to in-house and/or trial counsel
- Aid clients in improving legal arguments and support thereof, for all substantive and procedural issues arising in disputes concerning U.S. patents
- Available to serve as an arbitrator, neutral evaluator, or special master for patent matters
- Experience includes:
 - Over Twenty years of practice in contested matters involving U.S. patents
 - Sole author of the widely used patent-law treatise the *Annotated Patent Digest*
 - Sole author of the *Patent Jury Instruction Handbook*
 - Author of amicus briefs in the Supreme Court in *Bilski* and *KSR*
 - Speaker at national IP conferences on patent-law topics
 - Drafter of bar association resolutions and “white” papers on proposed legislative patent reforms
 - Consulting engagements cover a wide variety of technical disciplines, including computer and internet implemented methods and systems, medical devices, pharmaceuticals under the Hatch-Waxman Act, mechanical and electrical systems
 - Five years of professional engineering experience as a mechanical engineer in the aerospace and nuclear industries

Legal Experience:

MATTHEWS PATENT-LAW CONSULTING

Owner – Forest, VA

June 2009 to present

LATIMER, MAYBERRY & MATTHEWS IP LAW, LLP

Partner – Blacksburg, VA

May 2007 to June 2009

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP

Partner – Reston, VA/Washington, D.C.

Jan. 2002 to Apr. 2007

Associate – Washington, D.C.

May 1999 to Dec. 2001

REED SMITH SHAW & MCCLAY, LLP

Intellectual Property Associate – Pittsburgh, PA

Apr. 1996 to Apr. 1999

PATTON BOGGS, LLP

Litigation Associate – Greensboro, NC

Aug. 1992 to Mar. 1996

Bar Admissions and Professional Registrations:

State Bars: North Carolina, 1992; Pennsylvania, 1996; District of Columbia, 1999; and Virginia, 2002
Supreme Court of the United States
United States Courts of Appeals for the Federal, Third and Fourth Circuits
Registered to practice before the United States Patent and Trademark Office, 1994
Registered Professional Engineer (former) – North Carolina, 1992; Virginia, 1989

Education:

JD *University of Virginia School of Law*, Charlottesville, VA, May 1992.
MS *State University of New York at Stony Brook*, Stony Brook, NY, December 1987
 Major: Mechanical Engineering
BSME *Virginia Polytechnic Institute and State University*, Blacksburg, VA, June 1985
 Major: Mechanical Engineering

Engineering Experience:

BABCOCK & WILCOX, Nuclear Power Division July 1988 to Aug. 1989; Summer 1990
Engineer Level III - Lynchburg, VA
Designed and analyzed specialized tools required to repair, service and maintain nuclear steam generators. Performed computer modeling of nuclear power plant components.

ANALYSIS & DESIGN APPLICATION CO., LTD. Mar. 1987 to June 1988
Consulting Engineer - Melville, NY
Performed complex finite element analysis of the redesigned NASA space shuttle solid rocket booster, rocket booster transport and lifting components, and automobile engine blocks.

GRUMMAN CORPORATION, Aircraft System Division Sept. 1985 to Mar. 1987
Thermodynamic Engineer - Bethpage, NY
Performed thermodynamic analysis regarding the performance and operation of military and commercial aircraft, electronic component cooling, and radiative cooling of spacecraft components.

Selected Legal Publications:

Robert A. Matthews, Jr., ANNOTATED PATENT DIGEST – (2005 to present) patent-law treatise comprehensively addressing substantive and procedural issues encountered in U.S. patent litigation, manuscript presently contains over 28,000 pages in 44 chapters, published by West (a Thomson-Reuters business), on Westlaw under database name “ANPATDIG,” supplemented twice per month on Westlaw. The APD has been quoted or cited in the following judicial opinions: *Leviton Mfg. Corp. v. Universal Security Instruments, Inc.*, 606 F.3d 1353, 1373 (Fed. Cir. 2010) (Prost, J., dissenting); *Eli Lilly and Co. v. Teva Pharmaceuticals USA, Inc.*, 557 F.3d 1346, 1351 n.* (Fed. Cir. 2009); *Kimberly-Clark Worldwide, Inc. v. First Quality Baby Products, LLC*, 2013 WL 1821593, *3 (M.D. Pa. Apr. 30, 2013); *Music Group Services US, Inc. v. inMusic Brands, Inc.*, 2013 WL 1499564, *2 (W.D. Wash. Apr. 11, 2013); *Clifton-Draper v. Pelam Intern., Ltd.*, 2013 WL 406908, *2 (M.D. Fla. Feb. 1, 2013); *Vita-Herb Nutraceuticals Inc. v. Probiohealth LLC*, 2012 WL 3903454, *7 (C.D. Cal. Sept. 6, 2012); *Pictometry Int’l. Corp. v. GEOSPAN Corp.*, 2012 WL 3679208, *5 n.4 (D. Minn. Aug. 17, 2012); *Proxyconn Inc. v. Microsoft Corp.*, 2012 WL 1835680, *5 (C.D. Cal. May 16, 2012); *High Point SARL v. Sprint Nextel Corp.*, 2012 WL 234024, *15 (D. Kan. Jan. 25, 2012); *Semiconductor Energy Laboratory Co., Ltd. v. Nagata*, 2012 WL 177557, *7 (N.D. Cal. Jan. 23, 2012); *WesternGeco L.L.C. v. Ion Geophysical Corp.*, 2011 WL 3608382,

*10 (S.D.Tex. Aug. 16, 2011); *Johnson Outdoors Inc. v. Navico, Inc.*, 774 F. Supp.2d 1191, 1196 (M.D. Ala. Mar. 2, 2011); *August Technology Corp. v. Camtek, Ltd.*, 2010 WL 5560088, *2 (D. Minn. Nov. 17, 2010); *Phillip M. Adams & Assoc., LLC v. Winbond Elecs. Corp.*, 2010 WL 3522097, *5 n.39 (D. Utah Sept. 8, 2010); *Phillip M. Adams & Assoc., L.L.C. v. Dell Inc.*, 2010 WL 2733319, *7 (D. Utah Jul. 9, 2010); *Hoskins v. Gunn Trucking*, 2009 WL 2970399, *3 n.1 (N.D. Ind. Sept. 14, 2009); *DR Sys., Inc. v. Eastman Kodak Co.*, 2009 WL 2632685, *4 (S.D. Cal. Aug. 24, 2009); *Phillip M. Adams & Assoc., LLC v. Dell, Inc.*, 2008 WL 4862510 (D. Utah Nov. 7, 2008); *Phillip M. Adams & Assoc., L.L.C. v. Dell Inc.*, 2008 WL 4569895 (D. Utah Oct. 9, 2008); *Emcore Corp. v. Optium Corp.*, 2008 WL 3271553, *6 (W.D. Pa. Aug. 5, 2008); *Renhcol Inc. v. Don Best Sports*, 548 F. Supp. 2d 356, 361 n.3 (E.D. Tex. April 28, 2008); *Encyclopaedia Britannica, Inc. v. Magellan Navigation, Inc.*, 512 F. Supp. 2d 1169, 1176 (W.D. Wis. Aug. 31, 2007); *Amgen v. F. Hoffman-LaRoche, Ltd.*, 456 F. Supp. 2d 267, 283 (D. Mass. Oct. 20, 2006); *Monsanto Co. v. Bayer Bioscience N.V.*, 2005 WL 5989796, *16 (E.D. Mo. Oct. 28, 2005).

Robert A. Matthews, Jr., PATENT JURY INSTRUCTION HANDBOOK (5 editions, 2008-2012) (West) (carried on Westlaw under database name "PATENT-JI")

Brief of Amicus Curiae Medistem Inc. in Support of the Petition for a Writ of Certiorari before the Supreme Court of the United States in *In re Bilski*, No. 08-964 (Feb. 27, 2009)

Brief of Amicus Curiae Pharmaceutical Research and Manufacturers of America in Support of Respondents before the Supreme Court of the United States in *KSR Int'l Co. v. Teleflex Inc.*, No. 04-1350, 2006 WL 2967758 (Oct. 16, 2006)

Robert A. Matthews, Jr., *When Multiple Plaintiffs/Relators Sue for the Same Act of Patent False Marking*, 2010 Patently-O Patent L.J. 95 (2010)

Robert A. Matthews, Jr., *Legal Nuances When a Patent Holding Company Seeks to Enforce a U.S. Patent*, 49 *IDEA: The Intellectual Property Law Review* 549 (2009).

Robert A. Matthews, Jr., *The Restricted Scope of Patent Infringement Remedies Available to "Non-Practicing" Patent Owners*, IP Litigator, Jul/Aug 2009.

Robert A. Matthews, Jr., *A Primer on US antitrust claims against patentees under Walker Process*, 2 J. OF INTEL. PROP. LAW & PRAC. 657 (Oct. 2007) Oxford Journals

Robert A. Matthews, Jr., *A Potential Hidden Cost of a Patent-Holding Company: The Loss of Lost-Profit Damages*, 32 *AIPLA Q.J.* 503 (Fall 2004) (pre-published version cited in *Schreiber Foods, Inc. v. Beatrice Cheese, Inc.*, 305 F. Supp. 2d 939 (E.D. Wis. 2004))

Robert A. Matthews, Jr., *Examining the FTC's 2003 Proposed Reforms to U.S. Patent Law in View of the Present Legal Landscape*, 9 *VA.J. OF LAW & TECH.* No. 11 (Fall 2004) (presented to the AIPLA Antitrust Committee at the AIPLA Mid-Winter meeting in Jan. 2004, in La Jolla, CA)

Robert A. Matthews, Jr. and Louis M. Troilo, *Schering v. Geneva – Just How Far Can Inherent Anticipation Extend?*, 20 *SANTA CLARA COMP. & HIGH TECH. L. J.* 779 (2004)

Robert A. Matthews, Jr., *Patent-Holding Companies Hold Risks*, 25 *NAT'L LAW JOURNAL* S7, June 16, 2003 (quoted in *Schreiber Foods, Inc. v. Beatrice Cheese, Inc.*, 305 F. Supp. 2d 939 (E.D. Wis. 2004))

Speaking Engagements:

February 11, 2011, Intellectual Property Law Symposium, Liberty University School of Law, Lynchburg, VA, on the topic "Patents: Innovation Builders or Business Weapons"

Interviewed on *Bilski v. Kappos* for *The Metropolitan Corporate Counsel*, "Westlaw Column – Business Method Patents," Aug. 2, 2010.

November 12, 2009, West's Patent Law Lunch & Learn at the 21 Club, NY, NY, on the topic "Challenges for Non-Practicing Entities"

May 29, 2009, Intellectual Property Owner's Association conference "Realities & Myths in Patent Litigation Today – Non-Practicing Patent Owners and Other Issues" on the topic "*eBay's Impact on Patent Holding Companies*"

January 29, 2009, AIPLA Midwinter meeting on the topic "Legal Nuances When a Patent-Holding Company Seeks to Enforce a US Patent"

March 25, 2008, ALM Annual IP Counsel Forum on the topic "Willful Infringement Under *In re Seagate*"

October 17, 2007, AIPLA Annual Meeting (Litigation Committee Meeting) on the topic "KSR's Impact in the Courts – Expect the Need to Show the Unexpected"

Professional Associations:

American Intellectual Property Law Association (AIPLA), member of the Patent Law Committee, Alternative Dispute Resolution Committee and various subcommittees addressing substantive patent-law issues

American Bar Association (ABA), member of the Intellectual Property Section; Patent Litigation Committee, Patent Legislation Committee, IP Alternative Dispute Committee

Intellectual Property Owners Association (IPO), member of Patent Litigation Committee

Professional Recognition:

Martindale-Hubbell "AV" Peer-reviewed rated

Listed on Martindale-Hubbell's Bar Register of Preeminent Lawyers

Avvo Rated 10.0/10.0.