



## *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
- Experience includes:
  - Over Thirty years of practice in contested matters involving U.S. patents
  - Sole author of the [\*Annotated Patent Digest\*](#) (2005-present)
  - Sole author of the [\*Patent Jury Instruction Handbook\*](#) (2008-2014)
  - 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: NC, 1992 (inactive 2017); PA, 1996 (inactive 2017); DC, 1999; and VA, 2002 (inactive 2016)

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 45,000 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:

*Arellano v. McDonough*, 1 F.4th 1059, 1071 (Fed. Cir. 2021) (*en banc*); *Intercontinental Great Brands LLC v. Kellogg N. Am. Co.*, 869 F.3d 1336, 1358 (Fed. Cir. 2017) (Reyna, *dissenting-in-part*); *Apple Inc. v. Motorola, Inc.*, 757 F.3d 1286, 1318, 1321-22, 1327, 1330 (Fed. Cir. 2014); *Leviton Mfg. Corp. v. Universal Security Instruments, Inc.*, 606 F.3d 1353, 1373 (Fed. Cir. 2010) (Prost, *dissenting*); *Eli Lilly and Co. v. Teva Pharmaceuticals USA, Inc.*, 557 F.3d 1346, 1351 n.\* (Fed. Cir. 2009); *Cambria Co. LLC v. Hirsch Glass Corp.*, 2022 WL 4031422, \*2 (D.N.J. Sep. 2, 2022); *Arigna Techs. Ltd. v. Apple Inc.*, 2022 WL 3448747, \*2 (W.D. Tex. Aug. 16, 2022); *Wilco Marsh Buggies & Draglines, Inc. v. Weeks*

*Marine, Inc.*, 2022 WL 742443, \*2 n.1 (E.D. La. Mar. 11, 2022); *Seven Networks, LLC v. Motorola Mobility LLC*, 2022 WL 426589, \*7 n.3 (N.D. Tex. Feb. 10, 2022); *Soar Tools, LLC v. Mesquite Oil Tools, Inc.*, 2022 WL 1447946, \*1 (N.D. Tex. Feb. 9, 2022); *Kewazinga Corp. v. Microsoft Corp.*, 588 F.Supp.3d 90, 113 (S.D.N.Y. Sep. 1, 2021); *Low Temp Indus., Inc. v. Duke Mfg. Co.*, 545 F. Supp.3d 728 (E.D. Mo. Jun. 25, 2021); *Mardiros v. City of Hope*, 2021 WL 3126987, \*2 (C.D. Cal. Jun. 3, 2021); *Innovation Sciences, LLC v. Amazon.Com, Inc.*, 2021 WL 2075677, \*5 (E.D. Tex. May 24, 2021); *Biedermann Techs GmbH & Co. KG v. K2M, Inc.*, 2021 WL 1143767, \*20, \*21, \*24 (E.D. Va. Mar. 25, 2021); *Golden Eye Media USA, Inc. v. Trolley Bags UK Ltd*, 525 F. Supp.3d 1145, n.8 (S.D. Cal. Mar. 15, 2021); *Glaxo Gp. Ltd. v. DRIT LP*, 248 A.3d 911, 915 n.5 (Del. Mar. 3, 2021); *DeCurtis, LLC v. Carnival Corp.*, 2021 WL 7539904, \*10 (S.D. Fla. Feb. 9, 2021); *Bryan v. Wenhaven, Inc.*, 2020 WL 7980291, \*3 n.33, 56, 58 (V.I. Super. Sep. 29, 2020); *Sundesha, LLC v. IQ Formulations, LLC*, 2020 WL 8125541, \*2 (C.D. Cal. Aug. 19, 2020); *Groskop v. S&T Bank*, 471 P.3d 274, 288 (Wy. 2020); *In re C2R Global Mfg., Inc.*, 2020 WL 3127473, \*1 n.1 (E.D. Wis. May 14, 2020); *Signify N. Am. Corp. v. Reggiani Lighting USA, Inc.*, 2020 WL 1331919, \*9 (S.D.N.Y. Mar. 23, 2020); *Sunoco Partners Marketing & Terminals L.P. v. Powder Springs Logistics, LLC*, 2020 WL 1234822, \*2 (D. Del. Mar. 13, 2020); *Olmos v. Well Path*, 2020 WL 4550465 (D. Az. Feb. 5, 2020); *Motiva Patents, LLC v. Sony Corp.*, 408 F.Supp.3d 819, 828 (E.D. Tex. Sep. 27, 2019); *Arason Enter., Inc. v. CabinetBed Inc.*, 2019 WL 4597863, \*3 (D. Colo. Sep. 23, 2019); *Izzo Golf Inc. v. King Par Golf Inc.*, 2019 WL 4023562, \*10 (W.D.N.Y. Aug. 27, 2019); *BASF Plant Science, LP v. CSIRO*, 2019 WL 2017541, \*3 (E.D. Va. May 7, 2019); *Walker v. Spina*, 2019 WL 145626, \*9 (D.N.M. Jan. 9, 2019); *Realtime Data LLC v. Echostar Corp.*, 2018 WL 11335572, \*5 (E.D. Tex. Oct. 26, 2018); *Realtime Data, LLC v. EchoStar Corp.*, 2018 WL 11364376, \*3 n.5 (E.D. Tex. Oct. 16, 2018); *Seven Networks, LLC v. Google LLC*, 315 F. Supp.3d 933, 944 (E.D. Tex. July 19, 2018); *Spigen Korea Co. Ltd v. Ispeaker Co. Ltd.*, 2018 WL 6038300, \*30 (C.D. Cal. Jul. 16, 2018); *CLM Analogs, LLC v. James R. Glidewell Dental Ceramics, Inc.*, 2018 WL 6380887, \*4 (C.D. Cal. Jun. 19, 2018); *The Regents of the Univ. of Cal. v. Affymetrix, Inc.*, 326 F.R.D. 275, 281 (S.D. Cal. Jun. 19, 2018); *U.S. Water Services, Inc. v. Novozymes A/S*, 316 F.Supp.3d 1076, 1083 (W.D. Wis. May 25, 2018); *Clinicomp Intern., Inc. v. Cerner Corp.*, 2018 WL 2229364, \*5 (S.D. Cal. May 16, 2018); *Whirlpool Corp. v. TST Water, LLC*, 2018 WL 1536875, \*3 (E.D. Tex. Mar. 29, 2018); *Nat'l. Prods., Inc. v. Arkon Resources, Inc.*, 2018 WL 1457254, \*7 (W.D. Wash. Mar. 23, 2018); *Aster Graphics, Inc. v. Static Control Components, Inc.*, 2018 WL 2425973, \*6 (C.D. Cal. Feb. 2, 2018); *LF Centennial Ltd. v. Inovex Furnishings Corp.*, 2017 WL 9486124, \*6 (C.D. Cal. Dec. 14, 2017); *Apple Inc. v. Samsung Elecs. Co. Ltd.*, 2017 WL 4776443, \*13 (N.D. Cal. Oct. 22, 2017); *Koninklijke Philips Elecs. N.V. v. ZOLL LifeCor Corp.*, 2017 WL 4764670, \*3 (W.D. Pa. Oct. 20, 2017); *Packet Intelligence LLC v. NetScout Sys., Inc.*, 2017 WL 11631146, \*6-\*7 (E.D. Tex. Sep. 29, 2017); *Drop Stop LLC v. Zhu*, 2017 WL 3452990, \*4 (C.D. Cal. Jun. 20, 2017); *ABT Sys, LLC v. Research Products Corp.*, 2017 WL 2573048, \*2 (M.D. Pa. Jun. 14, 2017); *D Three Enterprises, LLC v. Rillito River Solar LLC*, 2017 WL 1023389, \*6 (D. Colo. Mar. 15, 2017); *Finjan, Inc. v. Blue Coat Sys., Inc.*, 230 F.Supp.3d 1097, 1102 n.6 (N.D. Cal. Feb. 2, 2017); *Mike's Train House, Inc. v. MTA*, 2016 WL 6652712, \*8 (D. Md. Nov. 9, 2016); *Ceres Protein, LLC v. Thompson Mechanical & Design*, 2016 WL 6090966, \*10 n.8 (W.D. Ky Oct. 17, 2016); *Front Row Techs., LLC v. NBA Media Ventures, LLC*, 204 F. Supp.3d 1190, 1268 (D.N.M. Aug. 30, 2016); *Howard v. Ford Motor Co.*, 2016 WL 4077260, \*1 n.1 (S.D. Miss. Jul. 29, 2016); *Razer Auto, Inc. v. Omix-Ada, Inc.*, 2016 WL 6678008, \*2 (C.D. Cal. Apr. 20, 2016); *Leon v. FedEx Ground Package Sys., Inc.*, 2016 WL 1158079, \*11 (D.N.M. Mar. 1,

2016); *Hologram USA, Inc. v. Pulse Evolution Corp.*, 2015 WL 13238450, \*2 (D. Nev. Dec. 18, 2015); *Jang v. Boston Scientific Corp.*, 2015 WL 5822585, \*4 (C.D. Cal. Sep. 29, 2015); *Ferring B.V. v. Allergan, Inc.*, 253 F. Supp.3d 708 (S.D.N.Y. Sep. 22, 2015); *General Protecht Gp., Inc. v. Leviton Mfg. Co.*, 122 F. Supp.3d 1114, 1133 n.11 (D.N.M. Aug. 3, 2015); *Sioux Pharm, Inc. v. Eagle Labs., Inc.*, 865 N.W.2d 528, 536 (Iowa Jun. 26, 2015); *Broadband iTV, Inc. v. Hawaiian Telcom, Inc.*, 2015 WL 12776595, \*4, n.4 (D. Haw. Feb. 2, 2015); *Certusview Techs., LLC v. USIC, LLC*, 2014 WL 12591937, \*15 (E.D. Va. Dec. 15, 2014); *Ultratec, Inc. v. Sorenson Commun's., Inc.*, 2014 WL 4829173, \*7 (W.D. Wis. Sep. 29, 2014); *Lamson v. United States*, 117 Fed. Cl. 755, 763, n.6 (Fed. Cl. Jul. 31, 2014); *Romag Fasteners, Inc. v. Fossil, Inc.*, 29 F. Supp.3d 85, 103-04 (D. Conn. Jun. 27, 2014); *Bombardier Recreational Prods., Inc. v. Arctic Cat, Inc.*, 2014 WL 2945877, \*4 (D. Minn. Apr. 28, 2014); *Mobile Telecommunications Techs., LLC v. United Parcel Service, Inc.*, 2014 WL 1274003, \*6 (N.D. Ga. Mar. 17, 2014); *Arctic Cat, Inc. v. Bombardier Recreational Prods., Inc.*, 2014 WL 12601033, \*3 (D. Minn. Feb. 4, 2014); *Apple, Inc. v. Samsung Elecs Co., Ltd*, 2014 WL 12596470, \*4 n.43 (N.D. Cal. Jan. 29, 2014); *TASER Int'l., Inc. v. Karbon Arms, LLC*, 6 F. Supp.3d 510, 519 (D. Del. Dec. 19, 2013), *WesternGeco L.L.C. v. ION Geophysical Corp.*, 953 F. Supp.2d 731, 756 (S.D. Tex. Jun. 19, 2013); *Deniece Design, LLC v. Braun*, 953 F. Supp.2d 765, 775 (S.D. Tex. Jun. 19, 2013); *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 1229537, \*2 (M.D. Fla. Feb. 19, 2013); *Secured Mail Solutions, LLC v. Advanced Image Direct, LLC*, 2013 WL 8596579, \*8 (C.D. Cal. Jan. 30, 2013); *Axcess Int'l., Inc. v. Savi Techs., Inc.*, 2013 WL 12384347, \*2 (N.D. Tex. Jan. 25, 2013); *Axcess Int'l., Inc. v. Savi Techs., Inc.*, 2013 WL 6839112, \*8 (N.D. Tex. Jan. 25, 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 SARM 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); *Agsouth Genetics, LLC v. Georgia Farm Serv., LLC*, 2011 WL 13187172, \*3 (M.D. Ga Feb. 11, 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., Raymond A. Miller, N. Nicole Stakleff, [ODP Should Not Nullify PTA](#), (May 2021)

- Robert A. Matthews, Jr., PATENT JURY INSTRUCTION HANDBOOK (annual editions from 2008 to 2014) (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))

### **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, including AIPLA's model patent jury instructions

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

### **Professional Recognition:**

Martindale-Hubbell "AV" Peer-reviewed rated

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