

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Katherine (Kathi) Kelly Vidal (current)
Katherine (Kathi) Antoinette Kelly (maiden)
Katherine (Kathi) Kelly Lutton

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

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office

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:
Winston & Strawn LLP
275 Middlefield Rd., Ste. 205
Menlo Park, CA 94025

Residence:
Portola Valley, CA

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

1968; Bethesda, Maryland

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.

University of Pennsylvania, 1993–1996
J.D. – May 1996

Syracuse University, 1990–1992
M.S. – approx. June 1992

Binghamton University, 1985–1990
B.S. – approx. June 1990

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.

April 2017–Present
Partner (Managing Partner, Silicon Valley)
Winston & Strawn LLP
275 Middlefield Rd., Ste. 205
Menlo Park, CA 94025
Paid

December 2020–Present
Managing Member
Stern4, LLC
Tempe, AZ 85281
Unpaid

May 2015–Present
Managing Member
Southwest Polo, LLC
Tempe, AZ 85281
Unpaid

March 2018–Present
Board Member
Disruptive Multimedia, Inc., d/b/a/ Superphone®
15 William St.
New York, NY 10012
Unpaid

September 2015–September 2021
Managing Member
Silicon Valley Holdings, LLC
Portola Valley, CA 94028
Unpaid

February 2013–December 2020
Managing Member
Fly M Ranch, LLC
Portola Valley, CA 94028
Unpaid

June 2008–June 2011 (approximate)
Board Member
Federal Circuit Bar Association
1620 I Street NW, Suite 801
Washington, DC 20006
Unpaid

January 2000–Present (Approximate)
Advisory Board Member
ChIPs Network (Advancing Women in Tech, Law & Policy)
Silicon Valley, CA
<https://chipsnetwork.org/> [no known physical address]
Unpaid

January 2000–Present (Approximate)
Leadership Council Member
Cinequest Film Festival
P.O. Box 720040
San Jose, CA 95172-0040
Unpaid

January 2015–Present (Approximate)
Advisory Board Member
Berkeley Center for Law & Technology
Law Building
Berkeley, CA 94720
Unpaid

January 2014–January 2017 (Approximate)
Board Member
Women in Law Empowerment Forum (WILEF)
<https://wilef.com/> [no known physical address]
Unpaid

January 2007–January 2009 (Approximate)
Board Member
Intellectual Property Owners Association (“IPO”) Litigation Committee
<https://ipo.org/> [no known physical address]
Unpaid

August 2002–December 2002 (approximate)
Adjunct Professor of Law
Santa Clara University
500 El Camino Real
Santa Clara, CA 95053
Paid

October 1997–April 2017
Principal (started as Associate)
Fish & Richardson P.C.
500 Arguello St., Ste. 500
Redwood City, CA 94063
Paid

August 1996–August 1997
Law Clerk
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, DC 20439
Paid

September 1995–June 1996 (approximate)
Law Clerk/Summer Associate
Deckert LLP
1900 K Street, NW
Washington, DC 20006-1110
Paid

July 1995–August 1995 (approximate)
Summer Associate
Howrey & Simon LLP [now defunct]
Washington, DC
Paid

May 1995–July 1995 (approximate)
Summer Associate
Dorsey & Whitney
1401 New York Avenue NW, Suite 900
Washington, DC 20005
Paid

July 1994–August 1994 (approximate)
Summer Associate
O'Connor, Gacioch & Pope
Box 2039 Marine Midland Building
Binghamton, NY 13902
Paid

May 1994–July 1994 (approximate)
Summer Clerk
Judge Thomas J. McAvoy
U.S. District Court for the Northern District of New York

U.S. Courthouse and Federal Building
15 Henry Street
Binghamton, NY 13901
Unpaid

May 1984–December 2002
Engineer (Started as Student Intern)
Lockheed Martin (was Martin Marietta and GE Aerospace during my tenure)
600 Main St.
Johnson City, NY 13790
Paid

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 have not served in the U.S. military. I am not subject to selective service registration requirements.

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.

I have done my best to identify all scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other awards that I have been unable to identify, find, or remember. I have located the following:

Outstanding IP practitioner, *WIPR Leaders Guide*, 2021
IP Stars (formerly *Managing Intellectual Property IP Stars*), 2020
500 Leading Lawyers in America, *Lawdragon*, 2020–Present
Top 250 Women in Litigation, *Benchmark Litigation*, 2018–Present
Patent Litigation, *The Best Lawyers in America*, 2017–Present
California Litigation Star and Local Litigation Star, *Benchmark Litigation*, 2017, 2019–Present
The World’s Leading Patent Professionals, *IAM Patent 1000*, 2016–Present
Fellow, *Litigation Counsel of America: Top .05% of Litigators Nationwide*, 2012–Present
Northern California Super Lawyer, *Super Lawyers*, 2009–Present
Forever Influential, *San Francisco Business Times*, 2008–Present
Top Women Attorneys of Northern California, *San Francisco Magazine*, 2014, 2019 and 2020
California Trailblazer, *The Recorder*, 2019

Intellectual Property: Patent, *Chambers USA*, 2008, 2012 and 2018
Who's Who Legal for Patents, 2016
Women Leaders in Law, *The Recorder*, 2012
75 Leading Intellectual Property Litigators in California, *The Daily Journal*, 2009 and 2010
Top Women Litigators in the State of California, *The Daily Journal*, 2007–2009
Woman of Influence in Silicon Valley, *Silicon Valley/San Jose Business Journal*, 2008
Most Influential Women in the Bay Area, *San Francisco Business Times*, 2008
Women of Achievement Honoree, *Legal Momentum*, 2008
California's Top 100 Lawyers, *The Daily Journal*, 2008
50 Leading Intellectual Property Litigators in California, *The Daily Journal*, 2008
Women of Distinction Award (Law), *Silicon Valley/San Jose Business Journal*, 2007
Forty under Forty People to Watch in Silicon Valley, *Silicon Valley/San Jose Business Journal*, 2007
IEEE Design Contest Northeast Region Winner, *Institute of Electrical and Electronics Engineers*, 1990 (approximate)

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.

I have done my best to identify all bar associations or legal or judicial-related committees, selection panels or conferences of which I am or have been a member, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other organizations that I have been unable to identify, find, or remember. I have located the following:

Federal Circuit Bar Association (and Federal Circuit Bench & Bar Conference)
Fellow (2015–Present)
Board (2008–2011)
Member (2008–2011)

The Sedona Conference
Member and Speaker (November 2020–Present)
Chair, Sedona Conference Working Group on Streamlining Low-Value Patent Cases (November 2020–Present)

The Leahy Institute of Advanced Patent Studies
Participant and Speaker (February 2020)

Judge Albright Patent Rules Committee
Member (2020–Present)

NAWL (National Association of Women Lawyers)
Member (2020–Present)

Winston & Strawn Disruptive Technology Summit
Founder, organizer and Speaker (August 2019–Present)

ChIPs Women in Tech, Law & Policy
Advisory Board Member (2010–Present) (Approximate)

Advanced Patent Law Institute, Berkeley Center for Law & Technology
Organizer and Speaker (December 2004–Present)

The Daily Journal Patent Disputes Forum
Organizer and Speaker (April 2011 –April 2019) (Approximate)

Women in Law Empowerment Forum (WILEF)
Board Member (2014–2017)

Northern District of California Patent Instructions and Rules Committee
Member (2012–2016)

Berkeley Center for Law & Technology Advisory Board
Advisory Board Member (2015–Present)

AFLCTACAFC (The Assn. of Former Law Clerks and Technical Assts. of the Court of Appeals for the Federal Circuit)
Member, (1998–Present) (Approximate)

LWT WILpower/Leading Women in Technology
Speaker (2009–2012) (Approximate)

Intellectual Property Owners Association (“IPO”) Litigation Committee
Board Member (2007–2009) (Approximate)

American Intellectual Property Law Association (AIPLA)
Member (2007–2009) (Approximate)

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.

Arizona, March 2015

California, May 1998

United States Patent & Trademark Office, May 27, 1998

Massachusetts, December 1996, inactive

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 Federal Circuit (June 1997)
United States District Court for the Eastern District of Wisconsin (July 2018)
United States District Court for the District of Arizona (March 2015)
United States District Court for the Northern District of Illinois (June 2016)
United States District Court for the Eastern District of Texas (May 2014)
United States District Court for the Eastern District of Michigan (December 2012)
United States District Court for the Western District of Michigan (February 2009)
United States District Court for the Northern District of California (July 1998)
United States District Court for the Central District of California (August 1998)
United States District Court for the Eastern District of California (January 2000)
United States Patent & Trademark Office (May 1998)

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.

I have done my best to identify professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which I belong, or to which I have belonged, since graduation from law school, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other organizations that I have been unable to identify, find, or remember. I have located the following:

Mayacama (golf club) (2021–Present)
Sharon Country Club (golf club) (2021–Present)
Desert Mountain (golf club) (2021–Present)
Cinequest Film Festival (2010–Present) (Approximate)
Cinequest Leadership Counsel (2010–Present) (Approximate)
Fortune/U.S. State Department Global Women's Mentoring Partnership (2008 – Present)
Mentor (2009–2014)
Rio Salado Rowing Club (2016–2020) (Approximate)

BIAC Rowing Club (2015–2018) (Approximate)
Arizona Polo Club (2015–2017) (Approximate)
Menlo Polo Club (2013–2015) (Approximate)

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial contribution. I have not listed above any organization to which I gave funds and did not otherwise participate in programmatic activities.

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminate 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 my knowledge, none of these organizations 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.

I have done my best to identify all books, articles, letters to the editor, editorial pieces, and other published material, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. There are also posts on my social media at <https://www.linkedin.com/in/kathividal/> and <https://www.facebook.com/KathiKVidal>. I previously had a Twitter account and a Snap account (Snap is a client) which I rarely used. I have located the following:

L. Coberly et al., *How to Celebrate 100 Years of Women's Suffrage? Recognize the Equal Rights Amendment...*, DAILY J. (August 18, 2020). <https://www.dailyjournal.com/articles/359098-how-to-celebrate-100-years-of-women-s-suffrage-recognize-the-equal-rights-amendment>

Winston & Strawn LLP, *Legal Leadership: General Counsel on Navigating the Impact of COVID-19* (2020). <https://lowellmilkeninstitute.law.ucla.edu/wp-content/uploads/2020/11/Legal-Leadership-General-Counsel-on-the-Impact-of-Navigating-COVID-19.pdf>

Winston & Strawn LLP, *Winston + Friends Cookbook* (2021).
<https://www.winston.com/images/content/2/0/v6/206231/Winston-Friends-Cookbook-v2.pdf>

K. Vidal et al., *Disruptive Technology: Understanding the Risks and Rewards*, CORP. COUNS. (June 27, 2019).
<https://www.winston.com/images/content/1/7/v3/174313/Winston-and-Corporate-Counsel-Disruptive-Technology-Part-1-JUL2.pdf>

K. Vidal et al., *DOJ Withdraws Assent to Key IP Policy*, TODAY'S GEN. COUNS., 22 (2019). <https://www.todaysgeneralcounsel.com/doj-withdraws-assent-to-key-ip-policy/>

K. Vidal & T. Melsheimer, *Patent Ruling Means Business for NDCal*, DAILY J. (June 21, 2017). Copy supplied.

K. Vidal, *A Note of Appreciation to Director Michelle Lee*, WINSTON.COM, (June 2017). <https://www.winston.com/images/content/1/2/v2/123794/Michelle-Lee-JUN2017.pdf>

K. Vidal et al., *Silicon Valley*, INSIDE COUNS. (June 12, 2017).
<https://www.winston.com/images/content/1/2/v3/124288/Silicon-Valley.pdf>

The Ins and Outs of Value: Strong Relationships Deliver Litigation Value and Success, CORP. COUNS. BUS. J. (2015). Copy Supplied.

P. Sellers, *Africa's Growth Vehicle: Women*, FORTUNE.COM (July 1, 2010).
<https://fortune.com/2010/07/01/africas-growth-vehicle-women/>

P. Sellers, *On the Road in South Africa*, FORTUNE.COM (June 22, 2010).
<https://fortune.com/2010/06/22/on-the-road-in-south-africa/>

K. Lutton, *Career Counseling Goes Global in Silicon Valley*, FORTUNE.COM (May 4, 2010). <https://fortune.com/2010/05/04/career-counseling-goes-global-in-silicon-valley/>

Intellectual Property Reform After the Uruguay Round, MINNESOTA INSTITUTE OF LEGAL EDUCATION CONFERENCE ON GLOBAL MARKETS AND THE LAW (1995) (Presented at Conference by Jon Tuttle). Unable to locate.

K. Kelly, *Assumption of Risk Defense and the Sexual Transmission of AIDS: A Proposal for the Application of Comparative Knowledge*, 143 U. Pa. L. Rev. 1121 (1995). https://scholarship.law.upenn.edu/penn_law_review/vol143/iss4/4

- 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.

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Patent Mediation Guide, FEDERAL JUDICIAL CENTER, 2019 (available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3320111).

I also founded NextGenLawyers.com with ChIPs and in collaboration with the Federal Circuit Bar Association. www.nextgenlawyers.com

- 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.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. Other than material cited elsewhere in this statement that might qualify, I have been unable to locate anything responsive to this question.

- 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.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. I frequently speak without notes or speak from a handwritten outline. I did not retain the handwritten outlines. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

Patent Trial & Appeal Board LEAP First Anniversary Event

Virtual

May 18, 2021

Spoke with practitioners and Lead Administrative Patent Judge Michelle Ankenbrand on the PTAB's LEAP program and the benefits of providing opportunities for junior lawyers. <https://www.uspto.gov/patents/ptab/leap>

Oral Advocacy at its Finest: Circuit Judge Kimberly Moore and District Court Judge Alan Albright Discuss What Works (and Doesn't)

Virtual

April 5, 2021

I moderated a panel with Chief Judge Kimberly Moore of the Court of Appeals for the Federal Circuit and District Court Judge Alan Albright on oral advocacy. <https://www.winston.com/en/thought-leadership/oral-advocacy-at-its-finest-circuit-judge-kimberly-moore-and-district-court-judge-alan-albright-discuss-what-works-and-doesnt.html>

International Women's Day Celebration

Virtual

March 8, 2021

Spoke as keynote to a network of women including within Olympus about the power of networking.

21st Annual Berkeley-Stanford Advanced Patent Law Institute

Virtual

December 11, 2020

I moderated a panel titled "Practice Issues – Litigating in a Pandemic" with Hon. Alan D Albright, Sharre Lotfollahi, Colette Reiner Mayer, and Hon. Kara Farnandez Stoll.

<https://www.law.berkeley.edu/research/bclt/bcltevents/2020apli/2020-apli-agenda/>

disruptHers: The Podcast, *Episode 7: Good Trouble: Why Breaking Societal Norms Will Put More Women in Leadership Positions*

Online, podcast

December 8, 2020

Hosted by Marti Gimmicks from International Connector. I spoke alongside Adriane Brown from Flying Fish Partners. We discussed the power of dignity, the fun of defying expectations, and competing from a position of power.

<https://www.winston.com/en/disrupthers-the-podcast/episode-7-good-trouble-why-breaking-societal-norms-will-put-more-women-in-leadership-positions.html>

The Sedona Conference

Virtual

November 11, 2020

I spoke on a panel titled "Streamlining Lower Value Patent Cases" with Hon. Alan D Albright, Brooks Beard, Hon. Christopher J. Burke, Neel Chatterjee,

Brian Edward Ferguson, Hon. Beth Labson Freeman, Matthew D. Powers, and David Saunders
https://thesedonaconference.org/WG9_WG10_joint_annual_meeting_2020

Upward U.N.I.T.E.S Women: Navigating Your Career Confidently
Virtual
November 2, 2020

I spoke at a program founded by Intel, UPWARD, and Santa Clara University. The three collaborated to build a community that helps advance the careers of women in the fields of Science, Technology, Engineering, and Math (STEM) through mentorship, networking, educational programs, and events. I spoke on navigating your career confidently. <https://www.winston.com/en/thought-leadership/kathi-vidal-speaks-on-upward-unites-women-navigating-your-career-confidently.html>

NextGen: From Clients to the Courthouse, In-House Insights for Junior Lawyers
Virtual
October 22, 2020

I assembled and spoke at a discussion hosted by Next Generation Lawyers (which I founded) and the Berkeley Center for Law & Technology on the subject above. The session was moderated by junior lawyers who interviewed in-house counsel. <https://www.winston.com/en/thought-leadership/nextgen-from-clients-to-the-courthouse-in-house-insights-for-junior-attorneys.html>

2020 Moment: Leadership in the New Diversity Dynamic
Virtual
October 6, 2020

I was interviewed alongside Elliott Portnoy, Global CEO, Dentons and Craig M. Boise, Dean, Syracuse University College of Law as part of this Syracuse Alumni event on leadership. <https://www.winston.com/en/thought-leadership/2020-moment-leadership-in-new-diversity-dynamic.html>

Disruptive Technologies Legal Summit
Virtual Event
September 30, 2020

I spoke on the topic “Elimination of Bias in AI” at the Winston & Strawn LLP and Santa Clara University hosted Disruptive Technologies Legal Summit. <https://www.winston.com/en/thought-leadership/disruptive-technologies-legal-summit-2020.html>

USC Gould School of Law 2020 Intellectual Property Institute
Virtual
September 20, 2020

I moderated a breakout session at the Virtual Women in IP Leadership Workshop, a special comprehensive half-day workshop hosted in conjunction with USC Gould School of Law’s 2020 Intellectual Property Institute.

<https://www.winston.com/en/where-we-are/north-america/houston.html#!/en/thought-leadership/winston-women-participate-in-virtual-women-in-ip-leadership-workshop.html?aj=ov&parent=3015&idx=20>

Adrienne Pitts, General Counsel of Loop Capital, on Concrete Ways to Increase Diversity in the Legal Industry

Virtual

September 10, 2020

I interviewed Adrienne Pitts on the topic of legal leadership.

<https://www.winston.com/images/content/2/1/v2/216353/Legal-Leadership-Adrienne-Pitts-SEP2020-FINAL.pdf>

Judicial Panel: Grappling with the Uncertainties Created by *Halo*, *Alice*, and FRAND

Virtual

July 28, 2020

I moderated a panel with Federal Circuit Appellate Judge Kathleen M. O'Malley, Federal District Court Judges Alan D. Albright (TXWD) and Cathy Ann Bencivengo (CASD) as well as The Sedona Conference Patent Litigation Working Group Chairs Matt Powers and Eric Hutz. We discussed the current state of play for willfulness, patent eligibility, FRAND, and ways to manage the uncertainty of each. <https://www.winston.com/en/thought-leadership/judicial-panel-grappling-with-the-uncertainties-created-by-halo-alice-and-frand.html>

Federal Circuit Bar Association Bench & Bar: Empowering Women in the Law

Virtual

June 16, 2020

I spoke with thought leaders on forging multifaceted paths to success for women and diverse lawyers, strengthening workplaces through inclusion and communication, and further defining and expanding female leadership roles, and much more. <https://www.winston.com/en/thought-leadership/kathi-vidal-speaks-at-the-fcbas-2020-bench-and-the-bar-empowering-women-in-the-law-summit.html>

District Court Judicial Panel: The Changing Landscape and the Opportunities it Presents

Virtual

June 12, 2020

I assembled and spoke at a discussion hosted by Next Generation Lawyers (which I founded), the Berkeley Center for Law & Technology and the Federal Circuit Bar Association on the subject above. The session was moderated by junior lawyers who interviewed Judges Alan D Albright, Barbara Lynn and Jon S. Tigar. <https://www.winston.com/en/thought-leadership/district-court-judicial-panel-the-changing-landscape-and-the-opportunities-it-presents.html>

Mary Huser, General Counsel at Poly and Winston & Strawn Partner Kathi Vidal discuss a dramatically different competitive landscape in the wake of COVID-19.
Virtual

June 8, 2020

I interviewed Mary Huser on the topic of legal leadership.

<https://www.winston.com/images/content/2/1/v2/210023/Women-GCs-Covid-19-Legal-Leadership-Mary-Huser-Kathi-Vidal-8JUN2.pdf>

2nd Annual CLI Summer Speaker Series by NetApp with Southern University
Law Center

Virtual Event

June 3, 2020

I spoke on the topic “How law students can optimize their chances of landing (and keeping!) jobs in the current environment.”

USPTO’s Legal Experience and Advancement Program (LEAP) Seminar

Virtual Event

May 29, 2020

I assembled and spoke at a discussion hosted by the Federal Circuit Bar Association, the Berkeley Center for Law & Technology and ChIPs on the subject above. The session was moderated by junior lawyers who interviewed PTAB Judges: Deputy Chief Judge Jackie Bonilla, Vice Chief Judge Janet Gongola and Christa Zado. <https://www.winston.com/en/thought-leadership/judicial-panel-ptabs-leap-initiative-for-nextgen-lawyers.html>

Judicial Panel: Litigation in the Face of a Pandemic

Virtual

May 12, 2020

I moderated a judicial panel with Judges Alan Albright, Rodney Gilstrap and Maryellen Noreika on the topic above. Sponsored by the Berkeley Center for Law and Technology and the Berkeley Judicial Institute.

<https://www.winston.com/en/thought-leadership/judicial-panel-litigation-in-the-face-of-a-pandemic.html>

Life As We Know It: Mindset, Habits, & Support – An Opportunity Awaits You
Virtual

May 6, 2020

Participated in a panel discussion with Teri Kelley, Danielle Coleman, Sarita Venkat and Jen Yokoyama on mental health and wellbeing.

<https://www.winston.com/en/thought-leadership/life-as-we-know-it-mindset-habits-and-support-an-opportunity-awaits-you.html>

Spark Plug Labs Legal Wellness and Belonging Webinar Series

Virtual

April 9, 2020

I joined a panel discussion on the topic of “Intentional Leadership for a Healthy Work Culture: Autonomy, Inclusion, and Connection.”

<https://www.sparkpluglabs.co/legal-wellness-belonging-webinar-series>

24th Annual BCLT/BTLJ Symposium

Berkeley, California

February 27, 2020

I spoke on a panel with Judges Jon Tigar, Alan Albright and Maryellen Noreika, and John Desmarais, Morgan Chu and Sonal Mehta entitled: “The Use of Technical Expertise in Patent Litigation: Claim Construction, Patent Validity, and Patent Infringement.”

<https://www.law.berkeley.edu/research/bclt/bcltevents/2020-24th-annual-bclt-btlj-symposium/24th-annual-bclt-btlj-symposium-agenda/>

The Naples Roundtable – Leahy Institute of Advanced Patent Studies

Naples, Florida

February 17, 2020

I spoke on the panel titled “Phoenix Issue IV. Section 101?” which addressed the following questions: Will Congress find a politically viable legislative fix to address its Mayo/Alice jurisprudence, or alternatively should the Supreme Court provide a way to clarify and correct the issues and if so, then how should the Court do so? If the cert on this issue is taken by the Supreme Court, then what recommendations should be presented to the Supreme Court as a ground for resolution? Do you think that the Supreme Court will take a 101 case and tackle the issue?

<https://www.winston.com/en/thought-leadership/index.html#!/en/thought-leadership/kathi-vidal-speaks-2020-naples-roundtable.html?aj=ov>

20th Annual Berkeley-Stanford Advanced Patent Law Institute

Berkeley, California

December 13, 2019

I spoke on the panel “Less Awareness, More Action: How to Effect Real Change in Diversity and Inclusion.” We discussed how diversity and inclusion are top of mind for most of the tech industry and for policymakers (see, e.g., the SUCCESS Act). The panel explored policies for promoting diversity, including hiring guidelines by tech companies that request that their outside counsel align with their customer base and with the population in general.

<https://www.law.berkeley.edu/research/bclt/bcltevents/2019apli/2019-apli-agenda/>

Fortune Most Powerful Women Next Gen Summit

Laguna Niguel, California

December 11, 2019

I was on a panel titled “Global Women Mentoring.” We discussed the U.S. Department of State’s Global Women’s Mentoring Partnership, an organization that connects talented, emerging women leaders from all over the world with

members of Fortune’s Most Powerful Women community. Joined by Lara Ayoub of Jordan, Digital Director, Al Mamlaka TV; Co-founder, SADAQA and Alyse Nelson, President & CEO, Vital Voices Global Partnership, I discussed what drove me to mentoring and my approach to being an impactful mentor—including inviting my peers, colleagues, and other industry leaders across Silicon Valley to “group mentor” based on my mentees’ needs.

<https://www.winston.com/en/thought-leadership/kathi-vidal-speaks-at-fortune-mpw-next-gen-2019.html>

Fortune Most Powerful Women Summit

Washington, D.C.

October 22, 2019

I participated in a panel discussion on: “Beyond the Business Case for Diversity and Inclusion” https://fortune.com/2019/10/22/the-case-for-diversity-has-been-made-lets-move-past-it-raceahead/&xid=soc_socialflow_twitter_FORTUNE

ChIPs Annual Summit

Washington, D.C.

September 25, 2019

I spoke on the panel “Women Changing the Future” at the 2019 ChIPs Women in IP Annual Summit.

<https://chipsnetwork.swoogo.com/2019globalsummit/agenda>

Disruptive Technologies Legal Summit

Santa Clara, California

September 12, 2019

I moderated “A View From the Bench,” an interview with one of our country’s most active Federal Judges on the front line in Waco, Texas. This panel provided both the judicial and in-house counsel perspective on what we are seeing in court today, including creative measures to disrupt dispute resolution. I also spoke on “What’s on the Horizon,” addressing the developing framework around disruptive technologies as well as challenges and opportunities. The event was hosted by Winston & Strawn LLP, the High-Tech Law Institute at Santa Clara University, and the Berkeley Center for Law & Technology.

<https://www.winston.com/en/thought-leadership/index.html#!/en/thought-leadership/disruptive-technologies-legal-summit-2019.html?aj=ov>

Bloomberg’s Venture Forward: The Shift in Global Capital Flows & High Tech

San Francisco, California

August 1, 2019

I spoke on the panel “Regulate Innovation,” discussing European and U.S. tech regulation, legislation, and the impact on Silicon Valley companies.

<https://www.bloomberglive.com/venture-forward/#agenda>

LCLD Sustainable Partnership Program HP, Inc.

Palo Alto, California

May 30, 2019

I was the keynote speaker at this event and spoke about how to succeed as your own authentic self.

Daily Journal's 2019 Patent Disputes Forum

Menlo Park, California

April 17, 2019

I served as the co-chair for The Daily Journal's Patent Disputes Forum and interviewed the keynote speaker, Ruby Zefo (Uber's Chief Privacy Officer).

<https://www.winston.com/en/thought-leadership/winston-litigators-co-chair-daily-journal-s-2019-patent-disputes-forum-copy.html>

GC Magazine Roundtable

Silicon Valley

March 26, 2019

I spoke on the panel, "Life on the Cutting Edge," and discussed how to credibly advise on legal issues when the regulation is either nonexistent or likely to be made obsolete.

<https://www.winston.com/en/thought-leadership/life-on-the-cutting-edge-kathi-vidal-and-basil-godellas-host-disruptive-technology-roundtable-with-gc-magazine.html>

Heels of Justice Podcast

Online Podcast

March 18, 2019

I was featured in the March 18, 2019 episode of the Heels of Justice podcast. Heels of Justice shares the trailblazing stories of women lawyers and their journeys advocating through government, politics, courtrooms, and boardrooms. In the episode, "Apache Helicopter, Success at a Law Firm, and the Ask," I discussed my career path and passion for championing women and diverse lawyers within the legal profession.

<http://heelsofjustice.libsyn.com/hoj-008-kathi-vidal-apache-helicopter-success-at-a-law-firm-the-ask>

National Association of Women Leaders 2019 Mid-Year Meeting

La Jolla, California

February 28, 2019

I spoke on the panel, "Diversity Matters: How Men and Women Can Work Together to Make Change." We discussed diversity and what law firms and in-house counsel are doing to promote diversity in their own organizations.

<https://www.nawl.org/p/cm/ld/&fid=1284>

Patent Mediation Guide Podcast

Online Podcast

February 14, 2019

Unable to locate.

22nd Annual FJC/BCLT IP Conference for Federal Judges
Wilmington, Delaware
January 18-29, 2019

I joined a few fellow law firm practitioners, BCLT and the FJC in a roundtable discussion with the judiciary in Delaware, Texas, California and New Jersey on managing patent cases.

19th Annual Berkeley-Stanford Advanced Patent Law Institute
East Palo Alto, California
December 6, 2018

I served on the planning committee for this event.

<https://www.law.berkeley.edu/research/bclt/bcltevents/2018apli/agenda/>

BloombergLive: The Future of Crowdfunding
New York, New York
October 30, 2018

I spoke on the panel “The Changing Face of Regulation,” discussing crowdfunding, innovation, and regulation.

<https://www.bloomberglive.com/the-future-of-crowdfunding/#agenda>

An Innovation Transformation: Navigating the Legal Risks and Business Opportunities of Disruptive Technologies
Menlo Park, California
September 6, 2018

I spoke on the panel “Artificial Intelligence: The Legal Realities and Remedies,” as part of the Winston & Strawn and Berkeley Center for Law & Technology Seminar.

<https://www.winston.com/en/thought-leadership/an-innovation-transformation-navigating-the-legal-risks-and-business-opportunities-of-disruptive-technologies.html>

Intellectual Property Owners Association
Webinar
June 26, 2018

I spoke on a panel discussing, “Willfulness Since Halo,” and winning corporate strategy and litigation tactics in this new environment.

<https://www.winston.com/en/thought-leadership/kathi-vidal-discusses-recent-successes-in-willfulness-since-halo-webinar.html>

Benchmark Litigation’s 4th Annual Women in Litigation Forum
Palo Alto, California
June 21, 2018

I spoke at this conference. I believe my comments were on the topic of patent litigation.

<https://www.paaba.org/member-directory/#!event/2018/6/21/benchmark-women-in-litigation-forum-palo-alto-2018-overview>

21st Annual FJC/BCLT IP Conference for Federal Judges
Berkeley, California
May 22, 2018

Litigation Counsel of America
San Francisco, California
April 20, 2018

I spoke at the LCA's Renaissance Symposium XIII, on "How to Use Your Diverse Trial Team to Beat Left-Brained Lawyers at their Own Game: Winning the Technical Trial." This was an advanced trial series that revolved around actual trial tactics and strategies.

<https://www.winston.com/en/thought-leadership/kathi-vidal-discusses-trial-tactics-and-strategies-at-lca-s-renaissance-symposium.html> and
<https://www.litcounsel.org/events/renaissance-symposium-xiii/>

The Daily Journal
Menlo Park, California
April 18, 2018

I served as Co-Chair at the 2018 Patent Disputes Forum hosted by The Daily Journal.

<http://legacy.callawyer.com/events/patent-disputes-forum-2019/>

22nd Annual BCLT/BTLJ Symposium
Berkeley, California
April 12, 2018

I served as moderator on the panel "Tensions Between IP Agencies and Other Parts of the Executive Branch." We discussed the relationship between the policies and decisions of IP agencies.

<https://www.law.berkeley.edu/research/bclt/bcltevents/2018bcltblj-symposium/agenda/>

Practicing Law Institute
Webcast
March 15, 2018

I presented on the topic "AI and Data Driven Transactions."

<https://www.pli.edu/programs/artificial-intelligence-and-data-driven-transactions>

Fortune Most Powerful Women Next Gen Summit
Laguna Niguel, California
November 14, 2017

I spoke on the "Stand Your Ground" panel. The panel covered tips, case studies, and firsthand experience on the art and science of negotiation.

<https://www.fortuneconferences.com/conferences/mpw-next-gen-2017/program-overview/>

Stanford Law School Conference
Stanford, California
October 20, 2017

I participated in a panel at the Patent Law in Global Perspective Conference titled “Current procedural issues in patent law, including patent venue, stays pending IPR, and the constitutionality of the IPR process.” The conference explored the impact of the dramatic changes to the patent system over the last decade, including on patent litigation, patent prosecution, and management, and looked at alternatives to patent protection.

<https://www.winston.com/en/thought-leadership/kathi-vidal-discusses-procedural-issues-in-patent-law.html>

ChIPs Women in IP Global Summit
Washington, D.C.
October 18, 2017

I moderated the Federal Circuit Judges Panel.

<https://chipsnetwork.org/connect-globally/global-summit/2017-global-summit/>

Berkeley Center for Law and Technology
Palo Alto, California
September 14, 2017

I presented at the Global Strategies for IP seminar. The program featured an interactive discussion on multinational enforcement of intellectual property rights led by leaders in global IP protection and enforcement community.

https://www.winston.com/en/thought-leadership/global-strategies-for-ip.html#!/closed_state

Silicon Valley Association of General Counsel (SVAGC)
Palo Alto, California
July 21, 2017

I presented at the SVAGC’s monthly meeting on TC Heartland and Oil States.

<https://www.winston.com/en/thought-leadership/kathi-vidal-and-noori-torabi-discuss-recent-developments-in.html>

20th Annual FJC-BCLT IP Education Program for Federal Judges
Berkeley, California
May 17, 2017

I moderated the Patent Mediation panel.

Cal Law Patent Disputes Forum
Menlo Park, California
April 18, 2017

I hosted a conversation with Keynote Speaker John Cabeca, Director of the Silicon Valley office of the United States Patent & Trademark Office.

ChIPs Women in Tech, Law & Policy Global Summit

Washington, D.C.
September 16, 2016
I hosted a conversation with Pattie Sellers, Fortune Most Powerful Women.
<https://chipsnetwork.org/connect-globally/global-summit/2016-global-summit/>

19th Annual FJC-BCLT IP Education Program for Federal Judges
Berkeley, California
May 18, 2016
I spoke on patent mediation.

Cal Law Patent Disputes Forum
Menlo Park, California
April 14, 2016
I hosted a conversation with Keynote Speaker Director Michelle Lee, U.S. Patent & Trademark Office.

Cal Law Patent Disputes Forum
Menlo Park, California
April 14, 2016
I spoke on a panel titled “Empowering the Next Generation.”

Patent Litigation 2016 Conference: The Courts and Patent Trial and Appeal Board
Conference
Santa Clara, California
February 26, 2016
I spoke on “The Next Generation Panel” at this conference hosted by the Federal Circuit Bar Association and the Bay Area IP Inn of Court.
<https://law.scu.edu/event/patent-litigation-2016-the-courts-and-patent-trial-and-appeal-board/>

ChIPs Women in IP Global Summit
Washington, D.C.
October 28, 2015
I spoke at this event on the topic: “First chair trial lawyers share their experiences in the courtroom and beyond.”
<https://chipsnetwork.org/connect-globally/global-summit/2015-global-summit/>

18th Annual FJC-BCLT IP Education Program for Federal Judges
Berkeley, California
May 20, 2015
I spoke with Hon. Edward A. Infante (Ret.) (JAMS), Matthew Powers (Tensegrity Law Group LLC), Sarita Venkat (Apple, Inc.) on patent mediation.

Silicon Valley Association of General Counsel (SVAGC)
Santa Clara, California
November 7, 2014

I spoke with Karl Renner at the SVAGC's All Hands Meeting on "APJs and the Evolving Landscape of IPRs, CBMs and PGR."

WiLpower Workshop

Palo Alto, California

October 17, 2014

I spoke on the topic, "Becoming a Change Agent."

Trey Lutton Profile – Silicon Valley

Online Video

September 15, 2014

I appeared in a video create by my son and developed by Cinequest as part of its Picture the Possibilities Participant Series Campaign.

https://www.youtube.com/watch?v=N_W4RHV9jls

16th Annual Federal Circuit Bar Association Bench & Bar Conference

Asheville, North Carolina

June 20, 2014

I presented on a panel titled "Effective & Efficient Case Management: Best Practices." Also on the panel: Hon. Leonard Davis (USDC, Eastern District of Texas); Hon. S. James Otero (USDC, Central District of California); Hon. Patricia E. Campbell-Smith (United States Court of Federal Claims), Hon. Leonard P. Stark (USDC, District of Delaware), F. Scott Kieff (Commissioner, United States International Trade Commission).

Women In Law Empowerment Forum

San Francisco, California

June 11, 2014

I spoke on the panel "Playing the Long Game: Positioning Yourself for Career Success"

<https://wilef.com/event/playing-long-game-positioning-career-success-2/>

Women's Legal Forum

New York, New York

June 3, 2014

I spoke on a panel titled "Women's Power Circles That Are Changing the Face of Business."

17th Annual FJC-BCLT IP Education Program for Federal Judges

Berkeley, California

May 21, 2014

I presented on patent mediation. Also on the panel: Hon. Jeremy Fogel (USDC Northern District of California), Hon. Edward A. Infante (Ret.) (JAMS), Matthew Powers (Tensegrity Law Group LLC), Sarita Venkat (Apple, Inc.).

Women's Legal Forum

San Francisco, California

February 5, 2014

I presented at the conference, Stiletto Network: Inside Women's Power Circles That Are Changing the Face of Business, on the panel "Creating the Perfect Balance to the Old Boy Network."

Fortune – U.S. Department of State Global Women's Mentoring Partnership
Virtual
2014

I was interviewed for this video: <https://exchanges.state.gov/non-us/program/fortune-us-department-state-global-womens-mentoring-partnership/spotlight/what-happens-if-you-choose-empower-woman>

Berkeley-Stanford Advanced Patent Law Institute
Palo Alto, California
December 13, 2013

I presented on the panel titled "Patent Reform Update."
https://www.law.berkeley.edu/files/APLI_Program.pdf

Silicon Valley Association of General Counsel (SVAGC)
Santa Clara, California
December 5, 2013

I spoke on the panel "Inevitable: New Patent Reforms in Process," at the SVAGC All Hands Annual Meeting.

Silicon Valley Association of General Counsel (SVAGC)
Santa Clara, California
December 4, 2013

I spoke on the panel "Elimination of Bias In the Legal Profession," at the SVAGC All Hands Annual Meeting.

Daily Journal Patent Disputes Forum
Santa Clara, California
November 5, 2013

I spoke on the panel "The Future of Patent Protection: Legislation and the Role of Patent Aggregators."

WiLpower Workshop
Redwood City, California
October 25, 2013

I spoke on the topic "Becoming a Change Agent."

WiLpower Workshop
Redwood City, California
October 18, 2012

I spoke on the topic "Becoming a Change Agent."

ChIPs Inaugural Women in IP National Summit
Washington, D.C.
October 10, 2012

I moderated the Federal Circuit Judges Panel with Hon. Kimberly Moore (Federal Circuit Judge), Hon. Kate O'Malley (Federal Circuit Judge), Hon. Sharon Prost (Federal Circuit Judge), Hon. Pauline Newman (Federal Circuit Judge).
<https://chipsnetwork.org/wp-content/uploads/2012/10/ChIPs-Summit-Program-Digital-v101012.pdf>

The Women's Club of Silicon Valley, <https://theclubsv.org/>
Menlo Park, California
October 4, 2012
I spoke on "Women and Leadership" at the inaugural event.

Paths to Success for Women in IP, Successful Women in IP
Menlo Park, California
September 12, 2012
I spoke as a panelist at the event hosted by Orrick, Herrington & Sutcliffe LLP.

IP Counsel Café
Palo Alto, California
April 18, 2012
I spoke on panel titled, "America Invents Act: Strategic Considerations."

Advanced Patent Law Institute
Palo Alto, California
December 8, 2011
I moderated a judicial panel with the Honorable Paul Singh Grewal and the Honorable Lucy H. Koh. Topic: "Leading District Court judges discuss cutting-edge and patent litigation issues."

Patent Disputes Conference
Santa Clara, California
November 9, 2011
I spoke with Jeff Joyner, Karen Williams (Sybase), Mary Fuller (Maxim Integrated Products), and Mike Edelman (Sony Computer Entertainment) on "Patent Reform and Recent Trends in Patent Disputes; New Legislation, Court Decisions and Administrative Changes and How They Affect Business Models and Practice."

Federal Circuit International Series
Tokyo, Japan
October 26, 2011

I spoke with Circuit Judge Sharon Prost, Judge Ichiro Ohtaka (Tokyo D. Court), Shoichi Okuyama, Naoki Yoshida, and Robert Mukai on The Doctrine of Equivalents.

Inaugural Women@Google Conference
Tokyo, Japan
October 25, 2011
I spoke on “Careers, Mentoring and Networking.”

WiLpower Workshop
Redwood City, California
October 13, 2011
I spoke on “Becoming a Change Agent.”

ChIPs Discussion
Redwood City, California
October 10, 2011
I spoke with Emily Ward (eBay), Mallun Yen (RPX), Mona Sabet (Cadence), Julie Mar-Spinola (Alta Devices), Michelle Lee (Google), Noreen Krall (Apple), and Anirma Gupta (Intuit) on “Career Transitions – Viewpoint from 7 ChIPsters.”

Silicon Valley Association of General Counsel Luncheon
Santa Clara, California
August 19, 2011
I spoke with Emily Ward (eBay), Steve Carlson and Alexander Harguth on “Positioning for Patent Reform.”

Fish & Richardson Seminar
Redwood City, California
August 18, 2011
I spoke with Emily Ward (eBay), Steve Carlson and Alexander Harguth on “Positioning for Patent Reform.”

Berkely Conference: Practitioners Panel, Conference on Improving the PTO-US Court Interface
Berkeley, California
June 2011
I spoke with David Bloch, Julie Holloway, Michael Jacobs, and Lee Van Pelt on the subject matter above.

Fish & Richardson LEAD Conference
Menlo Park, California
May 2011
I spoke with Mona Sabet, Ida Abbott, and Ann Cathcart-Chaplin on Championing Women.

Association of Corporate Patent Counsel Winter Meeting
Naples, Florida
January 23-26, 2011
I moderated the judicial panel with Circuit Judge Kimberly Moore and Circuit Judge Sharon Prost.

2011 Advanced Patent Law Institute (USPTO)
Arlington, Virginia
January 21, 2011
I moderated the Judicial Panel with Chief Judge James F. Holderman (NDIll), Judge Lee Yeakel (WDTX), and Magistrate Judge Elizabeth Laporte (NDCal).

From the Alley to the Valley, 85 Broads & Betty Confidential 2010 Investor Forum
Menlo Park, California
November 12, 2010
I spoke on the intersection of IP and investments.

ChIPs Discussion
Menlo Park, California
October 28, 2010
I spoke with Noreen Krall, Anirma Gupta and Corrin Drakulich on the topic of Change Management.

Legal System & Patent Damages
Berkeley, California
October 18, 2010
I moderated the keynote address with Chief Judge Randall R. Rader of the Court of Appeals for the Federal Circuit.

WiLPower Program
Redwood City, California
October 14, 2010
I spoke with Kelly Hunsaker and Kim Frank on “Becoming a Strategic Advisor / A Change Agent.”

Fortune Most Powerful Women Summit
Washington, D.C.
October 4, 2010
I spoke with Robyn Denholm, Terri Kelly, Kathy Murphy, and Maggie Wilderotter on “The Power of Your Network.”

IP Counsel Café
Palo Alto, California
April 2010

I spoke with T. Rao Coca (NVIDIA), Christopher Marchese, Taraneh Maghame and Brian Napper (FTI Consulting) on “Damages Law & Policy: Legislative Role of Patent Damages.”

Daily Journal Advanced Legal Forum
San Jose, California
March 2010

I moderated the Judicial Panel with Hon. Jeremy Fogel (NDCA), Hon. Elizabeth Laporte (NDCA), and Hon. Lee Yeakel (WDTX).

Women in Law Empowerment Forum (WILEF)
Palo Alto, California
June 2009

I spoke on a panel entitled: “Client Relationships: How to Build Them and Get Credit for Them.”

Advanced Patent Law Institute
Austin, Texas
October 30, 2008

I moderated a judicial panel with the Honorable David J. Folsom, the Honorable T. John Ward and the Honorable Lee Yeakel. Topic: “In a time of an evolving patent landscape and increased activity in the Supreme Court, legislature and Patent and Trademark Office, a panel of distinguished District Court Judges discuss their experiences with, and thoughts on, managing, hearing and trying patent cases.”

10th Annual Federal Circuit Bench & Bar Conference (Co-Chair)
Monterey, California
June 2008

EE Times Intellectual Property Symposium
San Jose, California
April 2008

I spoke with Kelly Hunsaker & Barbara Benoit on “Practical Implications of Recent Supreme Court and Federal Circuit Court Decisions.”

IP Law & Business IP Counsel Forum
San Jose, California
March 2008

I spoke with Q. Todd Dickinson (GE), Doug Luftman (Palm) & Taraneh Maghame (Tessera) on the topic: “Patent Reform: Is it Dead or Alive? Where are We Now?”

Advanced Patent Law Institute (USPTO)
Alexandria, Virginia
January 11, 2008

I moderated a judicial panel with the Honorable Chad Everingham, the Honorable Liam O’Grady and the Honorable Patti Saris on Options at the District Court including the Eastern District of Texas.

Litigating Patent Disputes: The Advanced Legal Forum

San Francisco, California

December 2007

I spoke with Kelly Hunsaker on the topic of: “Latest News on the Patent Reform Front.”

Eighth Annual Advanced Patent Law Institute

San Jose, California

November 2007

I moderated a Judicial Panel with Hon. David Folsom (EDTX), Hon. Ronald Whyte (NDCA), and Hon. Lee Yeakel (WDTX).

Texas State Bar and ALI-ABA

Austin and Live by Webcast

November 2007

I spoke with Claude Ducloux, D. Hull Youngblood and Peter Flocos on “Drafting and Enforcing Complex Indemnification Provisions.”

Patent Litigation Update, California Lawyer

Bay Area, California

July 2007

I participated in a moderated discussion on patent litigation with John Gartman, Jared Bobrow, Darryl Woo, Daniel Johnson, David Doyle, David Makous and Chuleenan Svetvilas (moderator).

Federal Circuit Bench & Bar Conference

Maryland

June 2007

I moderated a panel with Rep. Daryl Issa, Hon. Kimberly Moore (Fed. Cir.), Hon. Lee Yeakel (WDTX) and Nick Groombridge on “Strategic Considerations in an Evolving Patent Venue Landscape.”

IP Law & Business Spring Briefing

San Jose, California

May 2007

I participated in a discussion with Doug Luftman (Palm), Joe Fitzgerald (Symantec), Derek Minihane (Intermolecular) & Alison Tucher on “The Use of Opinions of Counsel.”

Managing Intellectual Property Webinar

Virtual

May 2007

I moderated a panel with Rick Frenkel (Cisco), Kevin Rhodes (3M) and John Dragseth on *KSR*.

Fish & Richardson LEAD Conference
San Diego, California
April 2007

I spoke with Ann Cathcart Chaplin & Jennifer Bush on the topic of “Don’t Kill the Patient to Kill the Disease: Avoiding Willfulness and Inducement Findings Without Giving up the Case.”

PLI Briefing
San Francisco, California (Approximate)
February 2007

I participated in a discussion with Ed Reines re: *DSU Medical Corp. v. JMS Co. Ltd.* Decision: Strategic Considerations for the New Inducement Landscape.

Seventh Annual Advanced Patent Law Institute
San Jose, California
November 2006

I participated in a discussion with David L McCombs re. “Reexaminations During the Course of Litigation: What Should You Do?”

31st Annual Intellectual Property Institute Presented by the IP Section of the California State Bar
Santa Barbara, California
November 2006

I participated in a discussion with John Benassi re. “Update on Patent Reform Legislation and Regulations.”

Judge Kimberly Moore’s Investiture (U.S. Court of Appeals for the Federal Circuit)
Washington, D.C.
October 13, 2006

I spoke at Hon. Kimberly Moore’s investiture. Copy supplied.

Women in Technology International, Women and Technology Summit
Santa Clara, California
2006

I spoke with Rose Hagan (Google) and Jennifer Seibly (Lucas Films) on “Technology Law on the Move.”

Practicing Law Institute
San Francisco, California
2006

I spoke with Henry Su on “TRO’s, Preliminary Injunctions and Stays Pending Reexamination.”

IP Law & Business Conference: Innovations in IP Litigation (Co-Chair)
San Jose, California
2006

Fish & Richardson LEAD Conference
Half Moon Bay, California
2006

I spoke on "Patent Reform: A Perspective."

Sixth Annual Advanced Patent Law Institute
San Jose, California
2005

I spoke with Dale Lazar and William Galliani on "Prosecution Strategies:
Looking Ahead to Prevent Challenges, Invalidations, and Design Arounds."

Multiple Venues
2005

I spoke with Kelly Hunsaker and Mary Ann Dillahunty on "Patent Reform &
Legislative Changes on the Horizon."

Multiple Venues
2005

I spoke with Mary Ann Dillahunty on "Strategic Litigation and Prosecution."

Fish & Richarson LEAD Conference
San Diego, California
2005

I spoke with Kelly Hunsaker and Mary Ann Dillahunty on "Proactive Patent
Strategies: Thriving in an Era of Patent Reform and Evolving Law."

5th Annual Advanced Patent Law Institute
San Jose, California
2004

I spoke with Mary Ann Dillahunty on "Strategic Prosecution: How to Come out
of Due Diligence Alive."

4th Annual Advanced Patent Law Institute
San Jose, California
2003

I spoke on "Strategic Prosecution: Prosecuting for Trial & Appeals."

3rd Annual Advance Patent Law Institute
San Jose, California
2002

I spoke on "Prosecution Laches."

- 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.

I have done my best to identify all interviews given, including through a review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Partners Step Aside. It's Time to Let Associates Shine in Court, REUTERS, Aug. 3, 2021, <https://www.reuters.com/legal/government/partners-step-aside-its-time-let-associates-shine-court-2021-08-03/> (last visited Oct. 30, 2021).

Patent Trial & Appeal Board, LEAP BROCHURE, <https://www.winston.com/images/content/2/4/v3/240333/PTAB-LEAP-flyer.pdf> (last visited Oct. 30, 2021).

How RBG Inspired Generations of Women in IP, MANAGING IP, Sept. 24, 2020, <https://www.managingip.com/article/b1nj4rljblfq01/how-rbg-inspired-generations-of-women-in-ip> (last visited Oct. 30, 2021).

Texas Regains Title as the Land of Patent Litigation, TEXAS LAWBOOK, Aug. 6, 2020, <https://texaslawbook.net/texas-regains-title-as-the-land-of-patent-litigation/> (last visited Oct. 30, 2021).

Patent Litigation Trends to Watch in 2020, LAW360, Jan. 1, 2020, <https://www.law360.com/articles/1228433/patent-litigation-trends-to-watch-in-2020> (last visited Oct. 30, 2021).

Square's IP Head Rips Law Firms' Diversity "Window Dressing," LAW 360, Dec. 13, 2019, <https://www.law360.com/articles/1228247/square-s-ip-head-rips-law-firms-diversity-window-dressing> (last visited Oct. 30, 2021).

Can AIs Hold Patents? Experts Answer USPTO's Questions About Artificial Intelligence, The Recorder, Aug. 29, 2019, <https://www.law.com/therecorder/2019/08/29/can-ais-hold-patents-experts-answer-usptos-questions-about-artificial-intelligence/> (last visited Oct. 30, 2021).

Eli Mazour, *Clause 8: The Voice of IP Podcast*, Kathi Vidal, IP WATCHDOG, 2019, <https://www.ipwatchdog.com/2019/03/05/episode-9-kathi-vidal/id=116792/> (last visited Oct. 30, 2021).

Sarita Venkat & Katherine Minarik, *KATHI VIDAL: APACHE HELICOPTER, SUCCESS AT A LAW FIRM, & THE ASK*, HEELS OF JUSTICE, 2019,

<https://heelsofjustice.libsyn.com/hoj-008-kathi-vidal-apache-helicopter-success-at-a-law-firm-the-ask> (last visited Oct. 30, 2021).

Kathi Vidal, *Kindness – An Interview Featuring Kathi Vidal, Winston & Strawn LLP, Silicon Valley Office Managing Partner*, SPARK PLUG LABS, 2019, <https://www.sparkpluglabs.co/21-days-of-kindness/kathi-vidal> (last visited Oct. 30, 2021).

Kathi Vidal, Partner at Winston & Strawn, HSU UNTIED: A UNIQUE PODCAST WITH RICHARD HSU, 2017, <https://hsuuntied.com/kvidal/> (last visited Oct. 30, 2021).

Joanie Connell (interviewing), STRATEGIES FOR REAL WOMEN LAWYERS : FLEXIBLE WORK SOLUTIONS, 2017, <https://flexibleworksolutions.com/2017/11/> (last visited Oct. 30, 2021).

Kathi Vidal & Cynthia Bright, *The Ins and Outs of Value: Strong Relationships Deliver Litigation Value and Success*, CORPORATE COUNSEL BUSINESS JOURNAL, 2015, <https://ccbjournal.com/articles/ins-and-outs-value-strong-relationships-deliver-litigation-value-and-success> (last visited Oct. 30, 2021).

Patent Litigator Widens Sphere to Polo Arena, LOS ANGELES DAILY JOURNAL, January 2, 2015. Unable to locate.

Deborah Piscione Perry, THE RISK FACTOR: WHY EVERY ORGANIZATION NEEDS BIG BETS, BOLD CHARACTERS, AND THE OCCASIONAL SPECTACULAR FAILURE, 2014 release date.

Pamela Ryckman, STILETTO NETWORK: INSIDE THE WOMEN’S POWER CIRCLES THAT ARE CHANGING THE FACE OF BUSINESS, 2013.

Ida O. Abbott, WOMEN ON TOP: THE WOMAN’S GUIDE TO LEADERSHIP AND POWER IN LAW FIRMS (Law Firm Management & Economics), 2010.

Ms. JD Blog, Nov. 15, 2012, <https://ms-jd.org/blog/article/adventure-month-interview-ms-katherine-lutton>.

13. **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 not run for public office or been appointed to any public positions.

- 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 am a member of the Democratic Party, but have not held a position or played a formal role in a political campaign.

14. **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 clerked for Judge Alvin Schall of the U.S. Court of Appeals for the Federal Circuit from approximately September 1996 to September 1997.

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

I have not practiced 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.

April 2017 – Present
Partner (Managing Partner, Silicon Valley)
Winston & Strawn LLP
275 Middlefield Rd., Ste. 205
Menlo Park, CA 94025
Paid

August 2002 – December 2002 (approximate)
Adjunct Professor of Law
Santa Clara University
500 El Camino Real
Santa Clara, CA 95053
Paid

October 1997 – April 2017
Principal

Fish & Richardson PC
500 Arguello St., Ste. 500
Redwood City, CA 94063
Paid

August 1996 – August 1997
Law Clerk
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, DC 20439
Paid

September 1995 – June 1996 (approximate)
Law Clerk/Summer Associate
Deckert LLP
1900 K Street, NW
Washington, DC 20006-1110
Paid

July 1995 – August 1995 (approximate)
Summer Associate
Howrey & Simon LLP
Washington, DC [now defunct]
Paid

May 1995 – July 1995 (approximate)
Summer Associate
Dorsey & Whitney
1401 New York Avenue NW. Suite 900
Washington, DC 20005
Paid

July 1994 – August 1994 (approximate)
Summer Associate
O'Connor, Gacioch & Pope
Box 2039 Marine Midland Building
Binghamton, NY 13902
Paid

May 1994 – July 1994 (approximate)
Summer Clerk
Judge Thomas J. McAvoy
U.S. District Court for the Northern District of New York
U.S. Courthouse and Federal Building
15 Henry Street
Binghamton, NY 13901

Unpaid

- 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 served as a mediator or arbitrator.

b. Describe:

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

I am a patent litigator who litigates in District Court, the International Trade Commission (ITC), and before the Patent Trial and Appeal Board. Early in my career, I worked on patent prosecution, and from time to time, I take on business disputes.

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

In April 2017, I joined Winston & Strawn LLP as the Silicon Valley Managing Partner and Member of the Firm's Executive Committee. I represent both plaintiffs and defendants in U.S. district courts, the ITC, and at the U.S. Patent and Trademark Office. All of my plaintiff-side work has been for operating companies engaged in competitive disputes. I advise clients—ranging from Fortune 100 companies to start-ups—on their portfolios, patent prosecution, reexam, inter partes review, trade secrets, trademarks, and other intellectual property matters.

Prior to joining Winston, I led the litigation group—270 attorneys in 11 global offices—at Fish & Richardson, leading 60% of the firm and sitting on the management committee. My practice at Fish was similar to my practice at Winston.

- 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.

About 98% of my practice is litigation. I frequently appear in court. In the early stage of my career (late 1990's, early 2000's), my appearances in court were much less frequent. The numbers below are approximate.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 89 %
 - 2. state courts of record: 1 %

- 3. other courts: 0 %
- 4. administrative agencies: 10 %

ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 100 %
- 2. criminal proceedings: 0 %

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 have tried approximately 32 matters, including IPRs, to decision. For the past 15 years or so, I have been lead counsel on most all of my matters. For a few, I have been co-lead. For one jury trial, I assisted a team with appellate issues and strategy. The numbers below are approximate.

i. What percentage of these trials were:

- 1. jury: 13 %
- 2. non-jury: 87 %

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 argued orally before the Supreme Court of the United States.

I have filed the following:

Petition for Writ of Certiorari, *The Chamberlain Group, Inc. v. Techtronic Industries Co.*, No. 19-1299 (May 15, 2020).

https://www.supremecourt.gov/DocketPDF/19/19-1299/143639/20200515151232300_2020.05.15%20Chamberlain%20-%20Cert%20Petition.pdf

Brief In Opposition to Certiorari, *InvestPic, LLC v. SAP America, Inc.*, No. 18-1199 (May 15, 2019). https://www.supremecourt.gov/DocketPDF/18/18-1199/99795/20190515110822304_SAP%20America%20-%20BIO.pdf

Brief For Arris Group, Inc., Arm, Inc., Charter Communications, Inc., Cox Communications, Inc., Hp Inc., and Netapp, Inc. As Amici Curiae In Support Of Respondents, *Oil States Energy Services, LLC v. Greene's Energy Group, LLC*, No. 16-712 (Oct. 30, 2017). [16-712bsacArrisGroupEtc_-002.pdf](https://www.supremecourt.gov/DocketPDF/16/16-712/16-712bsacArrisGroupEtc_-002.pdf)

scotusblog.com)

Petition for Writ of Certiorari, *SAP America, Inc. v. Versata Software, Inc.*, No. 13-716 (Dec. 12, 2013). <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/01/SAP-Final-Petition.pdf>

Reply Brief of Petitioner, *SAP America, Inc. v. Versata Software, Inc.*, No. 13-716 (Dec. 2013). <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/01/13-716-Reply-OK-TO-PRINT.pdf>

15. **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. *The Chamberlain Grp., Inc. v. Techtronic Indus. Co., Ltd. et al.*

Case No. 1:16-cv-06097

United States District Court for the Northern District of Illinois

The Honorable Franklin U. Valderrama

2016–Present

I was lead counsel and lead trial counsel for the plaintiff in this competitor lawsuit. When Ryobi Tech, Inc. (“Ryobi”) and Techtronic Indus. Co, Ltd.; Techtronic Indus. N. Am., Inc.; One World Tech., Inc.; and OWT Indus., Inc. (collectively, “TTI”) entered the garage door opener market, I filed suit on behalf of The Chamberlain Grp., Inc. (“CGI”). Following an August 30, 2017 jury verdict finding that TTI willfully infringed two of CGI’s patents, the U.S. District Court for the Northern District of Illinois granted CGI’s request for a permanent injunction blocking the sale of Ryobi’s connected garage door openers (models GD200 and GD200A) and similar garage door openers until 2023. Noting that TTI did nothing to avoid colliding with CGI’s “broad GDO-related patent portfolio” “head-on,” the Court exercised its judgment to treble the jury’s damages award, awarding CGI over \$11M in enhanced damages. The Court, citing to TTI’s attempts to evade the Preliminary Injunction we obtained for CGI,

also awarded CGI attorney's fees and other fees and costs. The Court noted that "[t]his case was not close. TTI lost on every issue at trial after less than two hours of jury deliberation." The appeal vacated the win as to one of the two patents but affirmed as to the other. I did not argue the appeal, but provided guidance on the same. Ryobi and TTI are no longer in the market.

Primary Co-Counsel:
Michael Rueckheim
Matt McCullough
Winston & Strawn LLP
275 Middlefield Rd., Ste. 205
Redwood City, CA 94025
(650) 858-6500

George Lombardi
Winston & Strawn, LLP
35 West Wacker Dr.
Chicago, IL 60601
(312) 558-5600

Benjamin C. Elacqua
Fish & Richardson P.C.
1221 McKinney St., Ste. 2800
Houston, TX 77010
(713) 654-5300

Opposing Counsel:
Jason C. White
Sanjay K. Murthy
Nicholas A. Restauri
Morgan, Lewis & Bockius LLP
77 West Wacker Dr.
Chicago, IL 60601-5094
(312) 324-1000

2. *In the Matter of Certain Access Control Systems and Components Thereof*
Inv. No: 337-TA-1016
United States International Trade Commission
Administrative Law Judge Thomas B. Pender
Investigation Type: Violation
2016–2018
Administrative Law Judge Charles Bullock
Investigation Type: Modification
2018–2019

I was lead counsel and lead trial counsel for the plaintiff in this competitor investigation. When Ryobi Tech., Inc. (“Ryobi”) and Techtronic Indus. Co, Ltd.; Techtronic Indus. N. Am., Inc.; One World Tech., Inc.; OWT Indus., Inc. One World Technologies, Inc. d/b/a Techtronic Indus. Power Equip. (collectively, “TTI”) entered the garage door opener market, we filed in the ITC on behalf of The Chamberlain Grp.’s (“CGI”). The U.S. International Trade Commission found a violation of section 337 in this investigation and issued a limited exclusion order prohibiting importation of infringing access control systems and components thereof and issued cease and desist orders directed to the respondents: Techtronic Indus. Co. Ltd. of Tsuen Wan, Hong Kong (“TTI HK”); Techtronic Indus. N. Am., Inc. of Hunt Valley, Maryland (“TTI NA”); One World Tech., Inc. of Anderson, South Carolina (“One World”); and OWT Indus., Inc. of Pickens, South Carolina (“OWT”). Though the decisions were not sustained on appeal, Ryobi and TTI are no longer in the market.

Primary Co-Counsel:

Ruffin B. Cordell
Joseph V. Colaianni, Jr.
Thomas “Monty” Fusco
Thomas S. Fusco
Fish & Richardson P.C.
1425 K Street, N.W.
Washington, DC 20005
(202) 783-5070

Michael Rueckheim
Matt McCullough
Winston & Strawn LLP
275 Middlefield Rd., Ste. 205
Redwood City, CA 94025
(650) 858-6500

Benjamin C. Elacqua
Fish & Richardson P.C.
1221 McKinney Street, Ste. 2800
Houston, TX 77010
(713) 654-5300

Opposing Counsel:

Jason C. White
Sanjay K. Murthy
Nicholas A. Restauri
Morgan, Lewis & Bockius LLP
77 West Wacker Dr.
Chicago, IL 60601-5094
(312) 324-1000

Eric S. Namrow
Riccardo S. Macchiaroli
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave, N.W.
Washington, DC 20004
(202) 739-3000

3. *SAP Am. Inc. v. InvestPic LLC*
Case No. 3:16-cv-02689
United States District Court for the Northern District of Texas
The Honorable Ed Kinkeade
2016–Present

Case No. 17-2081
United States Court of Appeals for the Federal Circuit
Federal Circuit Judges Alan D. Lourie, S. Jay Plager, and Richard G. Taranto
2018–2019

I was co-lead counsel for DJ plaintiff SAP at the district court and lead counsel on appeal. Winston scored a series of victories for SAP against plaintiff InvestPic, including securing a seminal 35 U.S.C. § 101 (motion to dismiss) win, an oft-cited Federal Circuit 101 decision, *SAP v. InvestPic* (17-2081), and an award of attorney’s fees of \$680,000 upheld by the Federal Circuit.

When InvestPic did not pay the fee award, claiming that it had no assets, we sought relief for SAP from the “true actors,” including investors in InvestPic and its lawyers. In April 2021, Winston secured another significant win for SAP when Judge Kinkeade granted SAP’s motion to reopen its case to attempt to pursue attorney’s-fee claims against Non-Practicing Entity (“NPE”) InvestPic’s attorneys and principals.

Primary Co-Counsel:
Thomas M. Melsheimer
Michael Andrew Bittner
M. Brett Johnson
Winston & Strawn LLP
2121 N. Pearl Street, Ste. 900
Dallas, TX 75201
(214) 453-6500

Opposing Counsel:
Michael W Shore
Shore Chan Bragalone LLP
901 Main Street
Suite 3300

Dallas, TX 75202
(214) 593-9140

William G Whitehill
Condon Tobin Sladek Thornton Nerenberg PLLC
8080 Park Ln, Ste. 700
Dallas, TX 75231
(214) 265-3862

4. *The Chamberlain Group, Inc. and Johnson Controls Interiors LLC v. Lear Corp. et al.*
Case No. 1:05-cv-03449
United States District Court for the Northern District of Illinois
The Honorable Richard A. Posner
2005–2011

I was lead counsel representing plaintiff Johnson Controls (“JCI”) against its competitor Lear Corp. (“Lear”) in a patent litigation asserting four U.S. patents relating to coding systems for garage door openers: Nos. 6,154,544 and 6,810,123 and Reissue Patent Nos. 47,986 and 35,364. JCI sued Lear for willfully infringing each of the patents. My team and I secured a complete favorable (confidential) settlement for JCI days before trial. Lear is no longer in the market.

Primary Co-Counsel:
Karl Regan Fink
Fitch, Even, Tabin & Flannery
120 South LaSalle St., Ste. 1600
Chicago, IL 60603
(312) 577-7000

J Michael Huget
Butzel Long
350 S. Main, Ste. 300
Ann Arbor, MI 48104
(734) 995-3110

Opposing Counsel:
Kimball Richard Anderson
John Reynolds McNair
Ivan Michael Poullaos
Winston & Strawn LLP
35 West Wacker Drive
Chicago, IL 60601
(312) 558-5600

5. *Abhyanker v. Airbnb, Inc.*
Case No. 4:20-cv-08248

United States District Court for the Northern District of California
The Honorable Jon S. Tigar
2020–2021

I was lead counsel for Airbnb defending a patent lawsuit brought by Abhyanker. We invalidated the patent under 35 U.S.C. § 101.

Primary Co-Counsel:
Jeanifer Ellen Parsigian
Winston and Strawn LLP
101 California St., 34th Floor
San Francisco, CA 94111
(415) 591-1469

Samantha Maxfield Lerner
Winston & Strawn LLP
35 W. Wacker Drive
Chicago, IL 60601
(312) 558-6463

Opposing Counsel:
Raj Vasant Abhyanker
Raj Abhyanker, PC
1580 W El Camino Real, Ste. 13
Mountain View, CA 94040
(650) 965-8731

6. *FullView, Inc. v. Polycom, Inc.*
Case No. 3:18-cv-00510
United States District Court for the Northern District of California
The Honorable Edward M. Chen
2018–Present

I am lead counsel for Polycom, Inc. defending a patent lawsuit brought by FullView, Inc. We invalidated one of the asserted patents, which the plaintiff informed the Court was the more valuable one under 35 U.S.C. § 101.

Primary Co-Counsel:
Samantha Maxfield Lerner
Winston & Strawn LLP
35 W. Wacker Drive
Chicago, IL 60601
(312) 558-6463

David Paul Dalke
Winston and Strawn LLP

333 S. Grand Ave.
Los Angeles, CA 90071
(213) 615-1938

Eimeric Reig-Plessis
Noorossadat Torabi
Winston & Strawn LLP
275 Middlefield Road, Suite 205
Menlo Park, CA 94025
(650) 858-6500

Opposing Counsel:
Bruce J. Wecker
Hausfeld LLP
600 Montgomery St., Ste. 3200
San Francisco, CA 94111
(415) 633-1908

7. *Abstrax, Inc. v. Hewlett-Packard Co.*
Case No. 2:14-cv-00158
United States District Court for the Eastern District of Texas
The Honorable Rodney Gilstrap
2014–2015

I was co-lead counsel for defendant Hewlett-Packard Co. (“HP”) adverse to Abstrax, Inc. (“Abstrax”). Abstrax filed suit against HP for alleged infringement of a manufacturing patent. The patent relates to a manufacturing method for assembling products by generating and scheduling assembly instructions from modeling information. We secured a favorable settlement after filing a 35 U.S.C. § 101 motion and receiving input from the Judge on the strength of our motion.

Primary Co-Counsel:
Thomas M. Melsheimer
Winston & Strawn LLP
2121 N. Pearl St., Ste. 900
Dallas, TX 75201
(214) 453-6500

Michael R. Rueckheim
Winston & Strawn LLP
275 Middlefield Rd., Ste. 205
Redwood City, CA 94025
(650) 858-6500

Melissa Richards Smith
Gillam & Smith, LLP

303 South Washington Avenue
Marshall, TX 75670
(903) 934-8450

Opposing Counsel:
John Jeffrey Eichmann
Gregory Scott Dovel
Jonas B. Jacobson
Dovel & Luner
201 Santa Monica Blvd., Ste. 600
Santa Monica, CA 90401
(310) 656-7066

8. *Paymentone Corp. v. PayPal, Inc.*
Case No. 4:11-cv-02186
United States District Court for the Northern District of California
The Honorable Yvonne Gonzalez Rogers
2011–2014

I was co-lead counsel for defendant PayPal, Inc. After arguing and securing a favorable Markman win, Paymentone admitted no infringement and stipulated to the same.

Primary Co-Counsel:
Juanita R. Brooks
Fish & Richardson P.C.
12390 El Camino Real
San Diego, CA 92130-2081
858/678-5070

Stephen A. Marshall
Fish & Richardson P.C.
901 15th Street, NW, 7th Fl.
Washington, DC 20005
(202) 783-5070

Keeley Irene Vega
Turner Boyd LLP
702 Marshall St., Ste. 640
Redwood City, CA 94063
(650) 521-5930

Opposing Counsel:
Douglas Woodruff Colt
Colt / Singer / Bea LLP
255 Shoreline Dr., Ste. 540

Redwood Shores, CA 94065
(650) 877-6650

Kara Leta Szpondowski
Oliver D Yang
Niro Haller & Niro
181 W. Madison St., Ste. 4600
Chicago, IL 60602
(312) 236-0733

Matthew G. McAndrews
Niro McAndrews, LLC
200 West Madison St., Ste. 2040
Chicago, IL 60606
(312) 755-8577

9. *Power Integrations v. Motorola Inc.*
Case No. 1:98-cv-00490
United States District Court for the District of Delaware
The Honorable Joseph J. Farnan, Jr.
1998–2000

I was an associate. My firm represented plaintiff Power Integrations against its competitor Motorola. We took the case to trial, I took a witness at trial, and we achieved one of the largest plaintiff's wins of the year.

Primary Co-Counsel:
Frank Scherkenbach
Fish & Richardson, P.C.
1 Marina Park Drive
Boston, MA 02210
(617) 542-5070

William J. Marsden, Jr.
Fish & Richardson, P.C.
222 Delaware Avenue, 17th Floor
P.O. Box 1114
Wilmington, DE 19899-1114
(302) 652-5070

Opposing Counsel:
David P. Enzminger (now at Winston & Strawn LLP)
O'Melveny & Myers LLP
610 Newport Center Dr., 17th Fl.
Newport Beach, CA 92660
(949) 760-9600

William J. Wade
Richards, Layton & Finger, PA
One Rodney Square
920 N. King St., Ste. 600
Wilmington, DE 19801
(302) 651-7718

10. *Cambria Company LLC v. Cosentino SA et al.*
Case Nos. 6:20-cv-00894, 6:20-cv-00895, 6:20-cv-00897, and 6:20-cv-00896,
6:21-cv-00380
United States District Court for the Western District of Texas
The Honorable Alan D Albright
2020–2021

Cosentino SAU et al. v. Cambria Co. LLC
Case Nos. IPR2021-00214, IPR2021-00215, IPR2021-00216, PGR2021-00010
Patent Trial and Appeal Board
Administrative Patent Judges Kristina M. Kalan, Christopher M. Kaiser, and
Avelyn M. Ross
2020–2021

Cosentino SAU et al. v. Cambria Co. LLC
Case No. PGR2021-00090
Patent Trial and Appeal Board
Administrative Patent Judges Kristina M. Kalan, Christopher M. Kaiser, and
Avelyn M. Ross
2020-2021

Cosentino SAU et al. v. Cambria Co. LLC
Case No. T-1422-20
Federal Court of Canada
The Honorable Madam Justice Aylen
2020–2021

I was lead counsel for plaintiff Cambria in its patent infringement suits against competitor Cosentino. We filed multiple actions in the Western District of Texas and defended one in the Western District of Texas and one in Canada as well as actions at the Patent Office. We were able to achieve our client’s objectives short of trial.

Primary Co-Counsel:
Eimeric Reig-Plessis
Winston & Strawn LLP
275 Middlefield Road, Suite 205
Menlo Park, CA 94025

(650) 858-6500

Opposing Counsel:

Anthony J. Berlenbach
Finnegan, Henderson, Farabow, Garrett & Dunner
901 New York Avenue N.W.
Washington, DC 20001
(202) 408-4135

Anthony D. Del Monaco
Finnegan
901 New York Avenue N.W.
Washington, DC 20001
(202) 408-4023

Daniele San Roman
Finnegan
901 New York Avenue N.W.
Washington, DC 20001
(202) 408-4354

Jacqueline P. Altman
Naman Howell Smith & Lee
400 Austin Avenue, Suite 800
Waco, TX 76701
(254) 755-4344

Jeffrey C. Totten
Finnegan, Henderson, Farabow, Garrett & Dunner LLP
901 New York Avenue N.W.
Washington, DC 20001
(202) 408-4232

Jennifer H. Roscetti
Finnegan, Henderson, Farabow, Garrett & Dunner LLP
901 New York Avenue, N.W.
Washington, DC 20001
(202) 408-4150

John P. Palmer
Naman Howell Smith & Lee
P.O. Box 1470
Waco, TX 76703-1470
(254) 755-4100

John A. Powell

Naman, Howell, Smith & Lee, PLLC
400 Austin Avenue, Suite 800
P.O. Box 1470
Waco, TX 76701-1470
(254) 755-4100

Kaitlyn S. Pehrson
Finnegan
901 New York Avenue N.W.
Washington, DC 20001
(202) 408-4118

16. **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.)

In addition to the matters listed in Paragraph 15, below are some additional matters:

In the Matter of Certain Argon Plasma Coagulation System Probes, Their Components, and Other Argon Plasma Coagulation System Components for Use Therewith (U.S. ITC, Case No. 337-TA-1182)

Defended Olympus Corporation in the U.S. International Trade Commission (“ITC”) on Olympus APC medical instruments and systems. The specific products at issue are advanced, minimally invasive medical instruments and systems used to perform argon plasma coagulation procedures. Reached a favorable resolution for Olympus.

Intellectual Ventures I LLC, et al. v. VMware, Inc., 1:19-cv-01075-ADA, U.S. District Court, Western District of Texas and 6:20-cv-00220-ADA, U.S. District Court, Western District of Texas; IPR2020-00470; IPR2020-00859; IPR2020-01081.

Represented VMware in two litigations brought by Intellectual Ventures and related proceedings before the U.S. Patent Trial & Appeal Board. The cases involved 10 patents allegedly directed towards cloud computing, networking, and virtualization techniques. The cases involved hundreds of product offerings. The litigations settled after claim construction proceedings. Winston filed multiple IPR challenges, a few instituted prior to settlement, and none were rejected at the institution stage.

International Business Machines Corporation v. Airbnb, Inc., 1:20-cv-00351-LPS, U.S. District Court, District of Delaware

Represented Airbnb in a patent litigation matter brought by IBM. The case involved six patents allegedly directed towards concepts such as contextualized search, single user sign-on, ad notifications, and deep linking technology. Upon taking over the case, we swiftly moved to transfer the case to the Northern District of California. The case settled

favorably shortly thereafter.

Proofpoint, Inc. v. ZapFraud, Inc. 1:21-cv-00737-CFC D. Del.

The District of Delaware dismissed a patent infringement lawsuit against Winston client Proofpoint Inc., determining that the underlying patent was invalid. The patent, which plaintiff ZapFraud Inc. had asserted against Proofpoint and several other defendants, related to identifying suspected phishing messages by evaluating whether a message's apparent sender appeared to be mimicking a trusted entity, such as a bank. After briefing, and oral argument by associate William Logan, Magistrate Judge Christopher J. Burke recommended dismissal because the patent was directed to ineligible subject matter under Section 101. Judge Colm F. Connolly adopted that recommendation. I was lead counsel.

17. **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 not taught any courses on a full-time basis. From time to time, I have been asked to serve as a guest lecturer at educational institutions on various topics. I have described those lectures in response to Question 12(d) above. I also taught a one-semester patent law class for Santa Clara University as an Adjunct Professor in approximately fall 2002. I no longer have the syllabus. The subject matter was patent law.

18. **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.

Please see my OGE-278 as provided by the Office of Government Ethics which details the bonus and return of capital I should receive from Winston & Strawn LLP. I am not aware of any other arrangements for future compensation.

19. **Outside Commitments During Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

None.

20. **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).

Please see my OGE-278 as provided by the Office of Government Ethics.

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

During the nomination process, I consulted with the Department of Commerce's ethics office and Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Commerce's ethics office and will recuse myself from any matter in which recusal is required.

23. **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 work load, 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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Throughout my career, I have been committed to performing *pro bono* legal service and leading the office I manage to do the same. Since my leadership of the Silicon Valley Office of Winston & Strawn LLP, the office and I have had 100% participation in pro bono (of at least 20 hours or more of pro bono hours per year). The matters on which I have worked have varied. For example, I led a Winston & Strawn San Francisco and Silicon Valley pro bono team that represented a 13-year-old eighth grade student in her expulsion hearing, and successfully defended her right to return to middle school. The Northern California school district recommended the student's expulsion after two concurrent suspensions stemming from alleged school violations that took place during

the first two weeks of the school year in September 2018. The Winston team worked with the student, her parents, and the school district to obtain and review the student cumulative records and learn more about the client's educational experience. Winston vigorously defended the student by refuting allegations by the school administrators that there was nothing that could be done to support the student and her continued academic and socio-emotional growth. After the hearing, the Administrative Hearing Panel quickly reached the conclusion that the school did not have sufficient evidence to substantiate an expulsion recommendation. As a result, the Panel agreed with the Winston team that the expulsion recommendation should be dismissed and the student won the right to return to school. The student successfully returned to her middle school and the Winston team worked with the student and her mother to facilitate a successful transition back to campus, including advocating for academic supports and interventions. I have also led DACA clinics (bringing together Winston lawyers and clients to help individuals apply for DACA), worked on an asylum appeal, and worked on housing issues.