

## Allen M. Sokal, Esq.

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I have spent my lengthy career managing and litigating complex intellectual property actions, especially patent infringement suits, at the trial and appellate levels. My practice required me to prepare numerous briefs, memoranda, and opinions addressing a host of intellectual property issues, and to present numerous oral arguments in federal district and appellate courts and agencies. I have handled approximately 50 cases before the United States Court of Appeals for the Federal Circuit. As a law clerk for two years on the United States Court of Customs and Patent Appeals, I also drafted numerous judicial opinions. I am a United States citizen.

**Current Employer-Title** Sole Practitioner

**Profession** Patent Attorney, pro bono asylum attorney

**Work History** Counsel, BakerHostetler, October 2015 to March 2019; Partner/Associate, Finnegan, Henderson, Farabow, Garrett & Dunner, 1976-September 30, 2015 (partner beginning January 1982); Law Clerk and Technical Advisor, United States Court of Customs and Patent Appeals, 1974-76; Associate, Sugrue, Rothwell, Mion, Zinn & McPeak, 1973-74; Patent Examiner, United States Patent and Trademark Office, 1968-73.

Practices patent litigation, including trial and appellate practice, and served as the leader of Finnegan's appellate practice group. For 40 years, has spent the majority of time on patent infringement litigation involving a wide variety of technologies. Most of trial experience has been in the pharmaceutical and chemical fields while appellate practice has run the gamut.

**Experience** Has briefed and argued many appellate cases at the United States Court of Appeals for the Federal Circuit. Has lectured extensively throughout the world on various patent law, licensing, and legal ethics issues, for both bar organizations and clients, as well as on chemical patent practice for the Patent Resources Group and CS. Has extensive experience representing clients in pro bono asylum cases.

Highlights include:

- *Ro/Is-Royce Plc v. United Technologies Corporation* (E.D. Va.). Represented United Technologies Corp., Pratt & Whitney Division, in a multibillion-dollar patent litigation involving the fanstages of jet engines.
- *InterDigital Communications, LLC v. International Trade Commission*, 690 F.3d 1318 (Fed. Cir. 2012), *reh'g denied*, 707 F.3d 1295 (Fed. Cir. 2013). Represented InterDigital against Nokia and the ITC in an appeal from an ITC investigation involving cellular telephones.

- *Aventis Pharma S.A. v. Amphastar Pharmaceuticals, Inc.* (C.D. Cal.). Represented the patent owners in a case involving sanofi-aventis's blood-thinner Lovenox.
- *Eli Lilly & Company v. Barr Laboratories, Inc.* (S.D. Ind.). Represented the patent owners in a case involving Lilly's antidepressant Prozac.
- Represented patent owner Wyeth in suits filed against Abbreviated New Drug Application (ANDA) applicants.
- *KSR International Co. v. Teleflex & Technology Holding Co.* (S. Ct.). Represented Pharmaceutical Research and Manufacturers of America as amicus curiae before the United States Supreme Court.
- *Samsung Electronics Co. v. Apple Inc.* (S. Ct.). Represented Roger Cleveland Golf Company as amicus curiae before the United States Supreme Court.
- Served for two years as a technical advisor and law clerk to Judge Jack R. Miller, United States Court of Customs and Patent Appeals, 1974- 1976.
- Former patent examiner at the United States Patent and Trademark Office (USPTO), 1968-1973

Professional Recognition:

Managing Intellectual Property: IP Star (2013 to 2015)

The Best Lawyers in America© (2008-to present)

- Washington, D.C.: Litigation - Intellectual Property
- Washington, D.C.: Litigation-Patent

Washington, D.C. "Super Lawyer" (2009 to 2010, 2013 to 2019)

Received Frankel Award 2010 on behalf of firm from

Human Rights First for pro bona asylum program

Professional Activities:

- Federal Circuit Bar Association: Member  
Bench Bar Conference Planning Committee (2014); Hutchinson Writing Competition Committee  
Vice Chairman (2016 to 2019)  
Chairman (2015, 2019 to date)  
Co-Chairman (2013 to 2014)
- American Bar Association
- American Intellectual Property Law Association  
AIPLA Quarterly Journal, Editorial Board:  
Member (2010 to 2013)
- Giles S. Rich American Inn of Court

<b>Education</b>	University of Pennsylvania (B.S. CH.E.-1968) Georgetown University Law Center (JD-1972)
<b>Alternative Dispute Resolution Experience</b>	Has participated as an advocate for clients in three or four mediations before private mediators and magistrates in patent infringement suits.
<b>Alternative Dispute Resolution Training</b>	AAA Master Techniques for Counsel Mediating and Arbitrating the Large Complex Intellectual Property Case, 2016; AAA Avoiding Ten Common Missteps Arbitrators Make (ACE10), 2015; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2013; AAA Arbitration Fundamentals and Best Practices for new AAA Arbitrators, 2013.
<b>Professional Licenses</b>	Admitted to the Bar: Virginia, 1973; District of Columbia, 1974. Registered to practice before Patent and Trademark Office
<b>Publications</b>	<ul style="list-style-type: none"> <li>-Coauthor, Patent Litigation, Chapter 13 (Appeal), Practising Law Institute , 2001-to 2018.</li> <li>-Coauthor, A Way to Improve PTAB Ex Parte Appeals, Law360, May 9, 2018.</li> <li>-Coauthor, Questioning USPTO Estoppel Rule 42.73(d)(3)(i): Part 2, Law360, Feb. 2, 2018.</li> <li>-Coauthor, Questioning USPTO Estoppel Rule 42.73(d)(3)(i): Part 1, Law360 Feb. 1, 2018.</li> <li>-The Federal Circuit Provides a Tutorial on Patent Venue, BakerHostetler IP Intelligence, Sept. 27, 2017.</li> <li>-Federal Circuit Suggests Solution to Patent Owner's Dilemma When Applicant for Biosimilar Product Refuses Discovery, BakerHostetler IP Intelligence, Aug. 14, 2017.</li> <li>-The Federal Circuit Reverses a Hindsight Reconstruction of an Important Pharmaceutical Invention, BakerHostetler IP Intelligence, July 20, 2017.</li> <li>-The Federal Circuit Invalidates a Patent for Failure to Describe the Accused Product, BakerHostetler IP Intelligence, May 31, 2017.</li> <li>-The Supreme Court, Reversing the Federal Circuit, Holds that "Residence" in the Patent Venue Statute Refers to Only a Domestic Corporation 's State of Incorporation, BakerHostetler IPIntelligence, May 24, 2017.</li> <li>-In Case of First Impression, Federal Circuit Rules that a Patent Owner's Statements in an IPR Proceeding Can Create Prosecution Disclaimer, BakerHostetler IP Intelligence, May 15, 2017.</li> <li>-Federal Circuit Remands Novel Issue on Patent Marking Requirement, BakerHostetler IP Intelligence, May 10, 2017.</li> <li>-Federal Circuit Appears to Narrow the Exceptions to 35 U.S.C. § 101, BakerHostetler IP Intelligence, Mar. 13, 2017.</li> <li>-The Federal Circuit Considers a New Issue on Appeal, Lectures the PTO on its Burden to Establish Obviousness, and Reveals an Internal Split on What to Do When the PTO Fails to Carry that Burden, BakerHostetler IP Intelligence, Mar. 2, 2017.</li> <li>-Federal Circuit Expands Personal Jurisdiction in Declaratory Judgment Suits, BakerHostetler IP Intelligence, Feb. 22, 2017.</li> <li>-Licensees Stymied by Sovereign Immunity Both in Federal Court and at PTAB, BakerHostetler IP Intelligence, Feb. 10, 2017.</li> </ul>

- Federal Circuit Provides Guidance on Divided Infringement, Inducement of Infringement, and Indefiniteness, BakerHostetler IP Intelligence, Jan. 17, 2017.
- Biotech Patent Dispute Between Academics That Is Far from Academic, BakerHostetler IP Intelligence, Jan. 3, 2017.
- Federal Circuit Panel Splits in Important Decision Regarding Its Jurisdiction Over Institution of IPRs, BakerHostetler IP Intelligence, Oct. 4, 2016.
- A Split Panel of the Federal Circuit Debates the Standards for Definiteness, BakerHostetler IP Intelligence, Oct. 3, 2016.
- Federal Circuit Holds PTAB Unreasonable in Denying Motion to Amend, BakerHostetler IP Intelligence, Sept. 2, 2016.
- PTO Provides Additional Guidance on Patent Eligibility of Life-Sciences Method Claims, BakerHostetler IP Intelligence, July 20, 2016.
- Federal Circuit Provides Additional Guidance in Reversing Holding of Patent-Ineligibility of Biotech Invention, BakerHostetler IP Intelligence, July 7, 2016.
- Court Decides that ANDA Approved Before Patent Issued Cannot Infringe 35 U.S.C. § 271(e)(2)(A), BakerHostetler IP Intelligence, June 1, 2016.
- Coauthor, Supreme Court to Consider Patent Laches in Wake of Copyright Laches Decision, BakerHostetler IP Intelligence, May 17, 2016.
- Federal Circuit Denies Rehearing on Whether Section 337 Includes Digital Imports, BakerHostetler IP Intelligence, Apr. 8, 2016.
- Federal Circuit Judge Bryson Denies Motion to Disqualify Plaintiffs' Counsel, BakerHostetler IP Intelligence, Mar. 3, 2016.
- Coauthor, Federal Circuit Discards the "Nexus" Test for Infringement at the ITC, Potentially Narrowing the Scope and Effectiveness of § 337, AIPLA Quarterly Journal, Dec. 27, 2013.
- Coauthor, Trial Court Procedures in Patent Litigation: Maximizing Chances of Success on Appeal : Part 1, Intellectual Property & Technology Law Journal, Aug. 2013.
- Coauthor, Trial Court Procedures in Patent Litigation: Maximizing Chances of Success on Appeal: Part 2, Intellectual Property & Technology Law Journal, Sept. 2013.
- Coauthor, The Hatch-Waxman Act: Encouraging Innovation and Generic Competition, Current Topics in Medicinal Chemistry, Winter 2010.
- Coauthor, "Chemical Patent Law," Patent Resources Group, 1996.