

[James P. Chandler, III. (Jun. 18, 2002). Economic Espionage and Theft of Trade Secrets: Proposed Civil Act. NIPLI. Source: Invitee's archives, Michael McKibben, Leader Technologies.]

**NATIONAL INTELLECTUAL PROPERTY
LAW INSTITUTE**

**ECONOMIC ESPIONAGE AND THEFT OF TRADE
SECRETS: THE CRIMINAL ECONOMIC ESPIONAGE
ACT IN ACTION AND THE INTRODUCTION OF THE
CIVIL ECONOMIC ESPIONAGE ACTION**

**JUNE 18-19, 2002
THE ARMY AND NAVY CLUB
WASHINGTON, D.C.**



FACULTY BIOS

PROFESSOR JAMES P. CHANDLER
President of the
NATIONAL INTELLECTUAL PROPERTY LAW INSTITUTE
Chairman of
THE CHANDLER LAW FIRM CHARTERED
B.A., University of California, Berkeley
J.D., University of California, Davis
LL.M., Harvard University

During his professional career, Professor James P. Chandler has compiled a distinguished academic record and built a reputation as a leading expert in numerous areas of both United States and international law. His professional life is notable for the continuous offering of both his time and expertise to help create and maintain organizations dedicated to the advancement of his profession.

A gifted academic, Professor Chandler received a Graduate Fellowship to Harvard University in 1970 and in 1971 was a Fellow in the Academy of Engineering of the National Academy of Sciences. In 1972, Professor Chandler accepted an appointment as a Faculty Fellow in the Stanford University Engineering Department followed by an appointment in 1975 as Distinguished Visiting Professor of Law at the University of Mississippi School of Law. Breaking new ground, Professor Chandler moved to Washington, D.C. in 1977 to accept an appointment as Professor of Law and Director of the Computers in Law Institute at the George Washington University National Law Center. Professor Chandler's reputation as a pioneer and leading expert in the field of intellectual property law grew rapidly and in 1984 he returned to his *alma mater*, Harvard University, as a Visiting Scholar. Since taking Emeritus status from the George Washington University in 1994, he has been pursuing the advancement of the study and practice of intellectual property law in the United States and around the world.

The Science and Technology Section of the American Bar Association owes its founding, in part, to Professor Chandler. He served as a member of the Section Council and as academic advisor to the Section, which addresses legal problems and complications arising from the creation of new technologies. In another capacity for the Bar Association, Professor Chandler served as vice-chairman of the International Intellectual Property Rights Committee and as a member of the National Security Advisory Committee.

Recognizing the need for legal guidance in the area of computer law, Professor Chandler lent his expertise to help create the Computer Law Association of America. This Association, which specializes in the law governing computing technologies, included him on its Board of Directors from 1972 to 1982.

Professor Chandler has spent much of his professional life in the classroom around the United States and around the world. He receives numerous invitations to lecture internationally and has been active in the international legal community since 1975. In recent years, among the myriad universities and organizations which have hosted Professor Chandler, he has lectured at the Russian Intellectual

Property Law Institute in Moscow, Kyoto University in Japan, Sun Yat Sen University and the Schiead Patent Agency in Guangzhou, China, Beijing University, Shanghai University, Ankara University in Turkey, the Malaysia Intellectual Property Association in Kuala Lumpur, to representatives of the Ukrainian Union of Intellectual Property in Kiev, Nairobi University and Kenyatta University among others in Kenya, and the University of Stellenbosch in South Africa. His advice and counsel is sought regularly from intellectual property lawyers and professionals, judges, and government representatives from all over the world, including Africa, Asia, the Middle East, Europe and the Americas. He receives students from the United States and around the world to participate in lectures, symposia, courses and seminars in Washington, D.C. where he offers advanced intellectual property law training and scholarship as President of the NATIONAL INTELLECTUAL PROPERTY LAW INSTITUTE (NIPLI).

In addition to his professorships and academic affiliations, Professor Chandler has numerous publications to his credit as well as being the co-author of a teaching text on computer law and author of a treatise on patent law. He recently published an article on Patent Protection of Computer Programs in the *Minnesota Intellectual Property Review*. Professor Chandler is the original author of the *Economic Espionage Act of 1996* (EEA) and worked closely with the Executive and Legislative Branches of the U.S. Government in support of the enactment of this legislation. He is frequently consulted by the U.S. Government, legal community, and private industry in the fields of economic espionage, intellectual property, and information and systems security issues arising from the use of computer technologies. From 1993 to 1995 Barclays Law Publishers published his analyses of cases decided by the United States Court of Appeals for the Federal Circuit. As Managing Principal of The Chandler Law Firm Chartered, Professor Chandler gives his counsel and advice to companies including the Fortune 500 and entrepreneurial startups in all areas of intellectual property protection.

At the request of President Clinton, Professor Chandler accepted an appointment to the National Infrastructure Assurance Council (NIAC), a council established by Executive Order in July 1999. The NIAC's mission is to enhance the partnership of the public and private sectors to address threats to the Nation's critical infrastructure. It will provide recommendations born of its work to both the National Security Council and the National Economic Council.

Professor Chandler is truly a leading figure and admirable scholar in intellectual property law and in the protection of United States national and economic security. His career is enviable at best. His former and present contributions to academia, government and the private sector will be long remembered and revered, both at home and abroad.

JENNIFER MARTIN
DEPARTMENT OF JUSTICE

Ms. Martin has been an attorney with the Department of Justice's Computer Crime and Intellectual Property Section since September 1999. She has primarily focused on international policy, including work as a U.S. negotiator on the Council of European Convention on Cyber Crime and liaison to the European Union on high tech matters, obtaining electronic evidence, intrusion investigations; and encryption policy. She is currently prosecuting a high profile Economic Espionage Act case in the District of New Jersey. Prior to joining the Department of Justice she was an associate at Sidley & Austin in Washington, D.C., where she worked on complex government fraud cases and general appellate litigation. She also served as a law clerk for the Honorable Rosemary Barkett on the U.S. Court of Appeals for the 11th Circuit and for the Honorable Theodore McKee on the U.S. Court of Appeals for the 3rd Circuit. Prior to going to law school she received a Masters Degree in Mathematics from the University of Illinois.

ANTHONY K. LANG
FEDERAL BUREAU OF INVESTIGATION

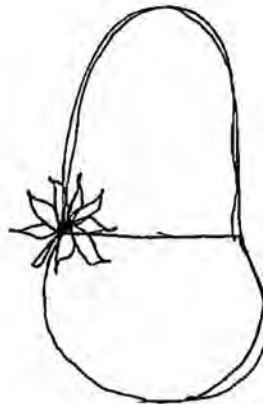
Anthony K. Lang is an FBI Supervisory Special Agent assigned to the FBI's Office of General Counsel, Washington, D.C., where he currently serves as Assistant General Counsel for national security matters. From November 1996 through August 2001, Mr. Lang was assigned to the FBI's Washington Field Office where he investigated foreign counterintelligence and criminal matters, including several economic espionage cases. Mr. Lang earned his B.A. from the University of Chicago and his J.D. from Temple University School of Law. Mr. Lang is a native of Philadelphia, Pennsylvania.

MICHAEL H. PAGE
KEKER & VAN NEST, LLP

Mr. Page specializes in Intellectual Property litigation, with extensive experience in copyright, trade secret, and patent litigation. He is a 1991 graduate of Boalt Hall School of Law, where he served as Managing Editor of the California Law Review and was awarded the Order of the Coif.

After clerking for United States District Judge Samuel Conti and serving as an associate at Howard, Rice, Nemerovski, Canady, Falk & Rabkin, Mike joined Keker & Van Nest in 1995, becoming a partner in 1999.

Michael has published several articles on copyright law. His significant intellectual property clients have included Cadence Design Systems, Inc; America Online; Nintendo; Electronic Arts; Sega; Nullsoft; Palm Computing; 3Com; Harris Corporation; Heartport; Quark; E-Loan; Tegal; Onebox; and Navtech. He is a member of the San Francisco Bay Area Intellectual Property Inns of Court, and was co-chairman of the Litigation Section of the Barrister's Club.



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Economic Espionage and Theft of Trade Secrets
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THOMAS J. NOLAN

NOLAN, ARMSTRONG & BARTON, LLP

Tom Nolan has thirty years of trial experience in highly complex criminal cases, including white collar criminal defense and defense of high-tech intellectual property cases. He received his J.D. from the University of California at Davis in 1970. Mr. Nolan is a Certified Specialist and has served as a Judge Pro Tem in both Superior and Municipal Court. He is a Fellow of the American College of Trial Lawyers and for the last thirteen years has been included in *The Best Lawyers in America*.

A past president of the California Attorneys for Criminal Justice, Mr. Nolan is also an active member of the state and local bar associations and was a Lawyer Representative at the 1996 Ninth Circuit Judicial Conference.

Mr. Nolan is a Consulting Professor at Stanford Law School, where he has been teaching since 1987. Course topics have included Advanced Criminal Procedure, White Collar Crime, and Trial Advocacy. Mr. Nolan is an authority on the defense of intellectual property offenses. He has lectured throughout the state and has been published in the Harvard Journal of Law & Public Policy. A well-known expert on the competency of counsel and the function of the defense attorney, Mr. Nolan has testified as an expert witness on numerous occasions.

RAYMOND A. BONNER
SIDLEY AUSTIN BROWN & WOOD, LLP

Raymond A. Bonner served as an Assistant U.S. Attorney in the District of Maryland for six years, where he prosecuted major pharmaceutical fraud and GMP cases, and litigated other FDA-related cases. He concentrates his practice on FDA and healthcare-related enforcement matters. Throughout his tenure as a prosecutor, Mr. Bonner counseled FDA and its Special Prosecution Staff investigating the health care industry and developed extensive FDCA expertise. He has substantial experience with regulatory reporting and submission requirements, good manufacturing and laboratory practices, and marketing and labeling requirements and also counsels industry manufacturers on Industrial Espionage matters. Mr. Bonner is the recipient of FDA's Harvey W. Wiley Medal and Commissioner's Special Citation. He received his J.D. from New York University School of Law and a B.A., *summa cum laude*, from the University of Maryland, and clerked for the Honorable Paul H. Roney of the Eleventh Circuit Court of Appeals.

Practice Areas

- Food & Drug
- Health Care
- International E-Commerce
- International Intellectual Property

Bar Admissions

- U.S. District Court, District of Maryland, 1990
- U.S. District Court, District of Columbia, 1990
- U.S. Court of Appeals, Fourth Circuit, 1990
- District of Columbia, 1989
- Maryland, 1987
- Pennsylvania, 1987

Education

- New York University (J.D., 1985)
- University of Maryland (B.A., 1980, *summa cum laude*)

Q. TODD DICKINSON

HOWREY SIMON ARNOLD & WHITE, LLP

Q. Todd Dickinson is Partner and Co-Chair of Howrey Simon Arnold & White's Intellectual Property Practice. He has more than twenty five years of experience in all aspects of intellectual property law and public policy, including patents, trademarks, copyrights, and trade secrets. Mr. Dickinson leads the firm's Intellectual Property Group's counseling, licensing, prosecution, strategic portfolio management and government relations practice.

Prior to joining Howrey, Mr. Dickinson was Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (USPTO). At the USPTO, Mr. Dickinson was principal policy advisor to the President of the United States on all intellectual property matters. Moreover, he was responsible for all international intellectual property policy issues on behalf of the U.S. government. Mr. Dickinson wrote extensively on subjects from e-commerce and IP enforcement in a knowledge-based economy to genomic patents. Additionally, he taught individual courses at George Washington University, Georgetown University, George Mason University, University of Pittsburgh, and Tokyo University.

Education

University of Pittsburgh, J.D., 1977

Allegheny College, B.S., 1974

PETER J. TOREN
SIDLEY AUSTIN BROWN & WOOD, LLP

PETER J. TOREN is a partner in the New York office. He represents clients in cases involving the Patent Act, Copyright Act, Lanham and Trademark Acts, the Digital Millennium Copyright Act, Economic Espionage Act, Electronic Communications Privacy Act, and the Anticybersquatting Consumer Protection Act, as well as arbitration proceedings conducted by the World Intellectual Property Organization (WIPO) regarding Internet domain names. Most recently, Mr. Toren successfully tried a case for a large European client involving novel interpretation of trade dress infringement under the Lanham Act. After a two week trial the jury awarded his client \$1 million in damages which the Federal Judge subsequently increased by \$750,000. In addition, Mr. Toren has recently appeared before the Fifth, Ninth and Federal Circuits.

Before entering private practice, Mr. Toren was one of the first trial attorneys with the Computer Crime and Intellectual Property Section of the Criminal Division of the United States Department of Justice. While at Justice, he tried numerous cases, including a number of high profile cases involving violations of criminal copyright, trademark, trade secret laws and the Computer Fraud and Abuse Act. He also assisted in drafting the Economic Espionage Act of 1996 and was lead prosecutor in one of the first indictments brought under that Act. Finally, he was also the author of the Justice Department's first manual on the prosecution of criminal copyright, trade secret and trademark violations.

Mr. Toren is a frequent speaker on intellectual property and cyberlaw related topics. He has published numerous articles that have appeared in law reviews and national legal publications and is a columnist and member of the advisory board of E-Commerce Law. He is co-editor of Patent, Strategy and Management. He has also appeared as a legal commentator on television and radio.

Mr. Toren is an Adjunct Professor of Law specializing in cyberlaw at Hofstra University.

Practice Areas

- Intellectual Property
- International E-Commerce
- International Intellectual Property
- Litigation
- Patent Litigation
- Technology & E-Commerce

Bar Admissions

- New York, 1988
- California, 1985

- U.S. Court of Appeals, Federal Circuit, 1988
- U.S. Court of Appeals, 9th Circuit, 1999
- U.S. Court of Appeals, 2nd Circuit, 2000
- U.S. Court of Appeals, 5th Circuit, 2000
- U.S. District Court, Eastern District of New York, 1988
- U.S. District Court, Southern District of New York, 1988
- U.S. District Court, Northern District of California, 1987
- U.S. District Court, Central District of California, 1998

Education

- University of San Francisco School of Law (J.D., 1985, cum laude)
- Columbia University School of International and Public Affairs (M.I.A., 1988)
- Bowdoin College (B.A., 1981)

JOHN M. WILLIAMSON
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP

John Williamson is an associate in the firm's IP Specialties Practice Group in Washington, D.C. Mr. Williamson's practice focuses on litigation in trade secret, patent, and antitrust cases as well as patent prosecution in business method and internet-related areas.

Mr. Williamson's background in economics includes graduate coursework in regulatory economics and telecommunication markets. While in law school Mr. Williamson pioneered a joint J.D./M.S. program involving an extensive study of telecommunication technology, business, and policy.

Mr. Williamson actively participates in local and national bar associations, including serving as the Trade Secrets Committee Chair of the D.C. Bar Intellectual Property Law Section.

Admitted

2000, Colorado; 2001, District of Columbia; registered to practice before the U.S. Patent and Trademark Office.

Education

University of Colorado School of Law (J.D., 2000); University of Colorado (M.S. candidate, Telecommunications); University of Colorado (B.A., Economics, 1997).

Association Involvement

American Bar Association; American Intellectual Property Law Association; District of Columbia Bar Association (Chair, Trade Secrets Committee); Federal Communications Bar Association; Intellectual Property Owners Association (Antitrust and Competition Law Division, Standards Setting Committee).

STEPHEN B. PARKER
HOGAN & HARTSON, LLP

Mr. Parker is counsel in the McLean office of Hogan & Hartson L.L.P., and a member of the firm's Intellectual Property Group. He has over 15 years of experience in a wide range of intellectual property matters, including patents, trademarks, copyrights, trade secrets, and unfair competition. Mr. Parker's practice involves patent and trademark prosecution, intellectual property litigation, strategic intellectual property counseling, legal opinion work, due diligence studies and licensing. Mr. Parker has substantial experience in a wide range of technologies, with particular emphases on computer and communications systems, software and e-commerce technologies, and medical systems and devices.

Mr. Parker has extensive experience in Patent & Trademark Office practices and procedures, and from 1987-89 was a patent examiner for the U.S. Patent & Trademark Office. In this role, Mr. Parker examined patents in fluid delivery systems, elevators, electronic conveyors, and other technologies.

Mr. Parker received a B.S. in mechanical engineering from Cornell University (dean's list), his J.D. from Catholic University, and has coursework in George Washington University's Telecommunications Engineering part-time graduate certificate program. Mr. Parker is a registered patent attorney and is admitted to both the Washington, D.C. and Virginia bars. Mr. Parker is actively involved in a wide range of legal and technical organizations, including the American Intellectual Property Law Association (Chair of Subcommittee on Medical Devices, 2001), the Giles S. Rich Intellectual Property Inn of Court at the Federal Circuit (webmaster of the organization's web site), the Virginia Piedmont Technology Counsel (Telemedicine Committee), the Northern Virginia Technology Counsel, Cornell Society of Engineers, George Washington University Moot Court (moot court Judge), and other organizations.

Practice Groups

- Intellectual Property
- Bioscience

Education

- J.D., 1992, Catholic University
- B.S., 1987, Cornell University

Publications

Parker, Stephen B. "Structuring U.S. Patent Applications to Protect Against the Foreign Activities of Competitors." *The Intellectual Property Strategist* (February 2002).

EVAN A. RAYNES
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP

Evan Raynes is a member of the firm's Trademark and Copyright Practice Group, where he focuses on client counseling, U.S. and foreign trademark prosecution, inter partes proceedings, and litigation in federal and state courts. Mr. Raynes also works on domain name and licensing issues.

Mr. Raynes joined the firm with significant experience in trademark law. Following law school, he worked as an attorney at the Washington office of a large intellectual property law firm where he prosecuted and maintained domestic and foreign trademark applications. He then spent over two years in the general litigation group of a large general practice law firm, focusing on intellectual property litigation. Mr. Raynes also served as a court appointed attorney at the D.C. Court of Appeals.

Admitted:

1993, California; 1994, District of Columbia.

Education:

The George Washington University Law School (J.D., 1993); University of Michigan (M.A., 1983; B.G.S., 1981).

Association Involvement:

American Bar Association, Section on Intellectual Property Law; Bar of the District Court for the District of Columbia; District of Columbia Bar Association, Section on Intellectual Property Law.