



ROTHWELL, FIGG, ERNST & MANBECK, P.C.

1425 K Street, NW, Suite 800 Washington, D.C. 20005

Tel: (202) 783-6040 Fax: (202) 783-6031 Email: nlinck@rfem.com

NANCY J. LINCK, Ph.D.
Member



Dr. Linck specializes in intellectual property law, particularly in the biotechnology and pharmaceutical areas. She has a wide range of experience in private and corporate practice, including consulting and litigation at both trial and appellate levels and inter partes matters before the U.S. Patent and Trademark Office. In addition, she has served as an expert in numerous patent cases and as an arbitrator. She has training as a mediator and is a mediator on the Federal Circuit Appellate Mediation Program and on the WIPO Arbitration and Mediation Center's list of experts, mediators and arbitrators.

From August 1994 until November 1998, Dr. Linck was the Solicitor of Patents and Trademarks at the U.S. Patent and Trademark Office, at that time the highest legal position in the Office. More recently, between May 2006 and February 2008, she served as an Administrative Patent Judge on the U.S. Patent and Trademark Office's Board of Patent Appeals & Interferences in the Board's biotechnology practice group.

As Solicitor, Dr. Linck was general counsel to the Commissioner and represented the Office before the Court of Appeals for the Federal Circuit in over 100 appeals and in district court litigation to which the Office was a party. Among these cases were *Wu v. Wang*, *Hoechst-Roussel Pharmaceuticals v. Lehman*, *Merck & Co. v. Kessler*, *Astra v. Lehman*, *In re Baird*, *In re Morris*, *In re Portola Packaging Inc.* and *In re Recreative Technologies Corp.* In addition, Dr. Linck assisted the Department of Justice in intellectual property cases before the U.S. Supreme Court, including *Lehman v. Zurko*, *Markman v. Westview Instruments*, and *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*

Before becoming an Administrative Patent Judge, Dr. Linck was Deputy General Counsel, IP & Trade for the Biotechnology Industry Organization (BIO); Senior Vice President, Intellectual Property and Regulatory Affairs, and Chief Compliance Officer for Guilford Pharmaceuticals; and a partner with the intellectual property law firm, Cushman, Darby & Cushman. While at Cushman, Darby & Cushman, Dr. Linck represented a number of clients in prosecution and litigation matters, including *Haworth v. Steelcase*, *Perkins v. Kwon*, and *Bigham v. Godfredsen*.

Dr. Linck's experience in inter partes matters before the Office began with her role as one of the drafters of the inter partes reexamination legislation that was ultimately enacted in November 1999. Since then, in 2002, she testified before the Subcommittee on Courts, the Internet and Intellectual Property of the House Judiciary Committee regarding needed improvements in reexamination to make the process more meaningful, including a third party right to appeal to the Federal Circuit. Such a right is now available and has made reexamination a viable, less expensive alternative to litigation. Dr. Linck also has written on the topic, *PTO Grants Adjudicated Infringers a "Second Bite at the Apple" in Inter Partes Reexamination*, BNA Patent, Trademark & Copyright J. (Oct. 2005).

Dr. Linck has been active in a number of professional societies, including the Intellectual Property Section of the ABA, the American Intellectual Property Law Association (AIPLA), and Intellectual Property Owners (IPO). She has served on the AIPLA Board of Directors, the Editorial Board of the AIPLA Quarterly Journal, and BNA's PTCJ Advisory Board, and was an AIPLA representative to the 1990 WIPO Meeting of Experts and 1991 WIPO Diplomatic

Conference. She also represented Guilford Pharmaceuticals on BIO's and PhRMA's Intellectual Property Committees. In 2003 and 2004, Dr. Linck was President of the Giles Sutherland Rich American Inn of Court.

Dr. Linck holds a J.D., magna cum laude, from Western New England College School of Law; a Ph.D. in Inorganic Chemistry from University of California, San Diego; an M.S. in Biotechnology from Johns Hopkins University; and a B.S., with honors, in Chemistry from University of California, Berkeley.

In 1986 and 1987, Dr. Linck was a law clerk for the Honorable Pauline Newman, Circuit Judge on the U.S. Court of Appeals for the Federal Circuit. From 1997 to the present, she has served as an adjunct professor at George Washington University and Georgetown Law Center, lecturing on current issues in intellectual property law.

Areas of Concentration:

- Alternate Dispute Resolution
 - Arbitration/Mediation
 - Inter Partes matters before the U.S. Patent and Trademark Office
 - Reexaminations
 - Interferences
- Counseling
 - Litigation
 - Appellate
 - U.S. Court of Appeals for the Federal Circuit
 - U.S. Patent and Trademark Office
 - Hatch-Waxman
 - Patent Prosecution
 - Biotechnology
 - Chemistry
 - Pharmaceuticals
 - Medical devices
- Licensing and Transactions

Education:

- B.S. Chemistry, with honors, U.C. Berkeley, 1973
- M.S. Inorganic Chemistry, U.C. San Diego, 1980
- Ph.D. Inorganic Chemistry, U.C. San Diego, 1982
- J.D., magna cum laude, Western New England College School of Law, 1984
- M.S., Biotechnology, Johns Hopkins University, 2009
- Certificate in Mediation, Straus Institute of Pepperdine Law School, 2008

Bar Admissions:

- Massachusetts Bar
- District of Columbia Bar
- U.S. Patent and Trademark Office

Court Admissions:

- U.S. Court of Appeals for the Federal Circuit
- U.S. Supreme Court

Publications

- *PTO Grants Adjudicated Infringers a "Second Bite at the Apple" In Inter Partes Reexamination*, BNA Patent, Trademark & Copyright J. (Oct. 2005)
- *Patent Examination in the New Millennium* (co-author with K. Kramer and D. Ball), 35 U. Houston L. Rev. 305 (Spring 1998)
- *Patent Prosecution for Computer-Related Inventions: The Past, The Present, and The Future*, (co-author with K.A. Buchanan), 18 Hastings Communications and Entertainment L.J. 658 (1996)

- *Patent Procurement and Enforcement in Japan--A Trade Barrier*, (co-author with J.E. McGarry), 27 Geo. Wash. J. Int'l L. & Econ. 411 (1994)
- *Patent Damages: The Basics* (co-author with B. Golob), 34 IDEA 13 (1993)
- *Trial Of Liability Issues, Part II: Invalidity, Obviousness, Best Mode and Other Statutory Defenses* (co-author with H.E. Wurst), 1 PLI Patent Litigation 441 (1991)
- *The Law Of Public Use And On Sale, Past, Present and Future* (co-author with W.K. West, Jr.), 72 J. Pat. & T.M. Off. Soc. 114 (Feb. 1990)