



## *Curriculum Vitae*

### **Summary of Practice:**

- U.S. Patent-law expert and consultant to in-house and/or trial counsel
- Aid clients in improving legal arguments and support thereof, for all substantive and procedural issues arising in disputes concerning U.S. patents
- Experience includes:
  - Over Thirty years of advising clients on contested matters involving U.S. patents
  - Sole author of the [Annotated Patent Digest](#) (2005-present)
  - Sole author of the [Patent Jury Instruction Handbook](#) (2008-2014)
  - Author of amicus briefs in the Supreme Court in *Bilski* and *KSR*
  - Speaker at national IP conferences on patent-law topics
  - Drafter of bar association resolutions and “white” papers on proposed legislative patent reforms
  - Consulting engagements cover a wide variety of technical disciplines, including computer and internet methods and systems, medical devices, pharmaceuticals under the Hatch-Waxman Act, mechanical and electrical systems
  - Five years of professional engineering experience as a mechanical engineer in the aerospace and nuclear industries

### **Legal Experience:**

#### **MATTHEWS PATENT-LAW CONSULTING**

*Owner* – Forest, VA

June 2009 to present

#### **LATIMER, MAYBERRY & MATTHEWS IP LAW, LLP**

*Partner* – Blacksburg, VA

May 2007 to June 2009

#### **FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP**

*Partner* – Reston, VA/Washington, D.C.

Jan. 2002 to Apr. 2007

*Associate* – Washington, D.C.

May 1999 to Dec. 2001

#### **REED SMITH SHAW & MCCLAY, LLP**

*Intellectual Property Associate* – Pittsburgh, PA

Apr. 1996 to Apr. 1999

#### **PATTON BOGGS, LLP**

*Litigation Associate* – Greensboro, NC

Aug. 1992 to Mar. 1996



**Regional Circuit Opinions Citing the APD:**

*In re Chamber of Commerce of the United States*, 105 F.4th 297, 308 (5th Cir. 2024).

**District Court Opinions Citing the APD:**

*Evolve Biosystems, Inc. v. Abbott Labs.*, 2025 WL 40009, \*12 n.6 (N.D. Ill. Jan. 7, 2025); *Washington v. Great West Casualty Co.*, 2024 WL 5246607, \*3 (E.D. La. Dec. 30, 2024); *Xene Corp. v. Nouryon B.V.*, 2024 WL 4932764, \*5 (E.D.N.Y. Dec. 2, 2024); *Astellas Pharma Inc. v. Sandoz Inc.*, 2024 WL 4554799, \*1 (D. Del. Oct. 22, 2024); *VirtaMove Corp. v. Hewlett Packard Enter. Co.*, 2024 WL 4519761, \*4 (E.D. Tex. Oct. 17, 2024); *Digital Broadcasting Solutions, LLC v. Dish Network L.L.C.*, 2024 WL 2864150, \*8 (D. Colo. May 9, 2024); *Motorola Solutions, Inc. v. Hytera Commc'n Corp.*, 2024 WL 1254127, \*6 (N.D. Ill. Mar. 25, 2024); *Lasermarx, Inc. v. Hamskea Archery Solutions LLC*, 2024 WL 1239940, \*6 (D. Colo. Mar. 22, 2024); *Daedalus Blue, LLC v. Microstrategy Inc.*, 2023 WL 6221774, \*7-\*8 (E.D. Va. Sep. 25, 2023); *Daedalus Blue, LLC v. Microstrategy Inc.*, 2023 WL 5941736, \*13 (E.D. Va. Sep. 12, 2023); *GoTV Streaming, LLC v. Netflix, Inc.*, 2023 WL 6192744, \*11 (C.D. Cal. Sep. 11, 2023); *LKQ Corp. v. Kia Motors Am., Inc.*, 2023 WL 3455315, \*2 (N.D. Ill. May 15, 2023); *Geomatrix Sys., LLC v. Eljen Corp.*, 668 F. Supp.3d 126, 135 & 139 (D. Conn. Apr. 11, 2023); *DNA Genotek Inc. v. Spectrum Solutions L.L.C.*, 2023 WL 3443264, \*4 (S.D. Cal. Feb. 28, 2023); *Stoneridge Control Devices, Inc. v. ZF N. Am., Inc.*, 645 F.Supp.3d 699, 707 (E.D. Mich. Dec. 8, 2022); *Personal Audio, LLC v. Google LLC*, 2022 WL 20801595, \*5 (D. Del. Dec. 7, 2022); *Science Applications Int'l Corp. v. The United States*, 163 Fed.Cl. 257, 277 (Fed. Cl. Nov. 29, 2022); *FullView, Inc. v. Polycom, Inc.*, 635 F.Supp.3d 917, 926 (N.D. Cal. Oct. 19, 2022); *Cambria Co. LLC v. Hirsch Glass Corp.*, 2022 WL 4031422, \*2 (D.N.J. Sep. 2, 2022); *Arigna Techs. Ltd. v. Apple Inc.*, 2022 WL 3448747, \*2 (W.D. Tex. Aug. 16, 2022); *Wilco Marsh Buggies & Draglines, Inc. v. Weeks Marine, Inc.*, 618 F.Supp.3d 335, 337 n.1 (E.D. La. Aug. 2, 2022); *Wilco Marsh Buggies & Draglines, Inc. v. Weeks Marine, Inc.*, 2022 WL 742443, \*2 n.1 (E.D. La. Mar. 11, 2022); *Seven Networks, LLC v. Motorola Mobility LLC*, 2022 WL 426589, \*7 n.3 (N.D. Tex. Feb. 10, 2022); *Soar Tools, LLC v. Mesquite Oil Tools, Inc.*, 2022 WL 1447946, \*1 (N.D. Tex. Feb. 9, 2022); *Kewazinga Corp. v. Microsoft Corp.*, 588 F.Supp.3d 90, 113 (S.D.N.Y. Sep. 1, 2021); *Low Temp Indus., Inc. v. Duke Mfg. Co.*, 545 F. Supp.3d 728 (E.D. Mo. Jun. 25, 2021); *Mardiros v. City of Hope*, 2021 WL 3126987, \*2 (C.D. Cal. Jun. 3, 2021); *Innovation Sciences, LLC v. Amazon.Com, Inc.*, 2021 WL 2075677, \*5 (E.D. Tex. May 24, 2021); *Biedermann Techs GmbH & Co. KG v. K2M, Inc.*, 2021 WL 1143767, \*20, \*21, \*24 (E.D. Va. Mar. 25, 2021); *Golden Eye Media USA, Inc. v. Trolley Bags UK Ltd*, 525 F. Supp.3d 1145, n.8 (S.D. Cal. Mar. 15, 2021); *Glaxo Gp. Ltd. v. DRIT LP*, 248 A.3d 911, 915 n.5 (Del. Mar. 3, 2021); *DeCurtis, LLC v. Carnival Corp.*, 2021 WL 7539904, \*10 (S.D. Fla. Feb. 9, 2021); *Bryan v. Wenhaven, Inc.*, 2020 WL 7980291, \*3 n.33, 56, 58 (V.I. Super. Sep. 29, 2020); *Sundesha, LLC v. IQ Formulations, LLC*, 2020 WL 8125541, \*2 (C.D. Cal. Aug. 19, 2020); *Groskop v. S&T Bank*, 471 P.3d 274, 288 (Wy. 2020); *In re C2R Global Mfg., Inc.*, 2020 WL 3127473, \*1 n.1 (E.D. Wis. May 14, 2020); *Signify N. Am. Corp. v. Reggiani Lighting USA, Inc.*, 2020 WL 1331919, \*9 (S.D.N.Y. Mar. 23, 2020); *Sunoco Partners Marketing & Terminals L.P. v. Powder Springs Logistics, LLC*, 2020 WL 1234822, \*2 (D. Del. Mar. 13, 2020); *Olmos v. Well Path*, 2020 WL 4550465 (D. Az. Feb. 5, 2020); *Motiva Patents, LLC v. Sony Corp.*, 408 F.Supp.3d 819, 828 (E.D. Tex. Sep. 27, 2019); *Arason Enter., Inc. v. CabinetBed Inc.*, 2019 WL 4597863, \*3 (D. Colo. Sep. 23, 2019); *Izzo Golf Inc. v. King Par Golf Inc.*, 2019 WL 4023562, \*10 (W.D.N.Y. Aug. 27, 2019); *BASF Plant Science, LP v. CSIRO*, 2019 WL 2017541, \*3 (E.D. Va. May 7, 2019); *Walker v. Spina*, 2019 WL 145626, \*9 (D.N.M. Jan. 9, 2019); *Realtime Data LLC v. EchoStar Corp.*, 2018 WL 11335572, \*5 (E.D. Tex. Oct. 26, 2018); *Realtime Data, LLC v. EchoStar Corp.*, 2018 WL 11364376, \*3 n.5 (E.D. Tex. Oct. 16, 2018); *Seven Networks, LLC v. Google LLC*, 315 F. Supp.3d 933, 944 (E.D. Tex. July 19, 2018); *Spigen Korea Co. Ltd v. Ispeaker Co. Ltd.*, 2018 WL 6038300, \*30 (C.D. Cal. Jul. 16, 2018); *CLM Analogs, LLC v. James R. Glidewell Dental Ceramics, Inc.*, 2018 WL 6380887, \*4 (C.D. Cal. Jun. 19, 2018); *The Regents of the Univ. of Cal. v. Affymetrix, Inc.*, 326 F.R.D. 275, 281 (S.D. Cal. Jun. 19, 2018); *U.S. Water Services, Inc. v. Novozymes A/S*, 316 F.Supp.3d 1076, 1083 (W.D. Wis. May 25, 2018); *Clinicomp Intern., Inc. v. Cerner Corp.*, 2018 WL 2229364, \*5

(S.D. Cal. May 16, 2018); *Whirlpool Corp. v. TST Water, LLC*, 2018 WL 1536875, \*3 (E.D. Tex. Mar. 29, 2018); *Nat'l. Prods., Inc. v. Arkon Resources, Inc.*, 2018 WL 1457254, \*7 (W.D. Wash. Mar. 23, 2018); *Aster Graphics, Inc. v. Static Control Components, Inc.*, 2018 WL 2425973, \*6 (C.D. Cal. Feb. 2, 2018); *LF Centennial Ltd. v. Inovex Furnishings Corp.*, 2017 WL 9486124, \*6 (C.D. Cal. Dec. 14, 2017); *Apple Inc. v. Samsung Elecs. Co. Ltd.*, 2017 WL 4776443, \*13 (N.D. Cal. Oct. 22, 2017); *Koninklijke Philips Elecs. N.V. v. ZOLL LifeCor Corp.*, 2017 WL 4764670, \*3 (W.D. Pa. Oct. 20, 2017); *Packet Intelligence LLC v. NetScout Sys., Inc.*, 2017 WL 11631146, \*6-\*7 (E.D. Tex. Sep. 29, 2017); *Drop Stop LLC v. Zhu*, 2017 WL 3452990, \*4 (C.D. Cal. Jun. 20, 2017); *ABT Sys, LLC v. Research Products Corp.*, 2017 WL 2573048, \*2 (M.D. Pa. Jun. 14, 2017); *D Three Enterprises, LLC v. Rillito River Solar LLC*, 2017 WL 1023389, \*6 (D. Colo. Mar. 15, 2017); *Finjan, Inc. v. Blue Coat Sys., Inc.*, 230 F.Supp.3d 1097, 1102 n.6 (N.D. Cal. Feb. 2, 2017); *Mike's Train House, Inc. v. MTA*, 2016 WL 6652712, \*8 (D. Md. Nov. 9, 2016); *Ceres Protein, LLC v. Thompson Mechanical & Design*, 2016 WL 6090966, \*10 n.8 (W.D. Ky Oct. 17, 2016); *Front Row Techs., LLC v. NBA Media Ventures, LLC*, 204 F. Supp.3d 1190, 1268 (D.N.M. Aug. 30, 2016); *Howard v. Ford Motor Co.*, 2016 WL 4077260, \*1 n.1 (S.D. Miss. Jul. 29, 2016); *Razer Auto, Inc. v. Omix-Ada, Inc.*, 2016 WL 6678008, \*2 (C.D. Cal. Apr. 20, 2016); *Leon v. FedEx Ground Package Sys., Inc.*, 2016 WL 1158079, \*11 (D.N.M. Mar. 1, 2016); *Hologram USA, Inc. v. Pulse Evolution Corp.*, 2015 WL 13238450, \*2 (D. Nev. Dec. 18, 2015); *Jang v. Boston Scientific Corp.*, 2015 WL 5822585, \*4 (C.D. Cal. Sep. 29, 2015); *Ferring B.V. v. Allergan, Inc.*, 253 F. Supp.3d 708 (S.D.N.Y. Sep. 22, 2015); *General Protecht Gp., Inc. v. Leviton Mfg. Co.*, 122 F. Supp.3d 1114, 1133 n.11 (D.N.M. Aug. 3, 2015); *Sioux Pharm, Inc. v. Eagle Labs., Inc.*, 865 N.W.2d 528, 536 (Iowa Jun. 26, 2015); *Broadband iTV, Inc. v. Hawaiian Telcom, Inc.*, 2015 WL 12776595, \*4, n.4 (D. Haw. Feb. 2, 2015); *Certusview Techs., LLC v. USIC, LLC*, 2014 WL 12591937, \*15 (E.D. Va. Dec. 15, 2014); *Ultratec, Inc. v. Sorenson Commun's., Inc.*, 2014 WL 4829173, \*7 (W.D. Wis. Sep. 29, 2014); *Lamson v. United States*, 117 Fed. Cl. 755, 763, n.6 (Fed. Cl. Jul. 31, 2014); *Romag Fasteners, Inc. v. Fossil, Inc.*, 29 F. Supp.3d 85, 103-04 (D. Conn. Jun. 27, 2014); *Bombardier Recreational Prods., Inc. v. Arctic Cat, Inc.*, 2014 WL 2945877, \*4 (D. Minn. Apr. 28, 2014); *Mobile Telecommunications Techs., LLC v. United Parcel Service, Inc.*, 2014 WL 1274003, \*6 (N.D. Ga. Mar. 17, 2014); *Arctic Cat, Inc. v. Bombardier Recreational Prods., Inc.*, 2014 WL 12601033, \*3 (D. Minn. Feb. 4, 2014); *Apple, Inc. v. Samsung Elecs Co., Ltd*, 2014 WL 12596470, \*4 n.43 (N.D. Cal. Jan. 29, 2014); *TASER Int'l., Inc. v. Karbon Arms, LLC*, 6 F. Supp.3d 510, 519 (D. Del. Dec. 19, 2013), *WesternGeco L.L.C. v. ION Geophysical Corp.*, 953 F. Supp.2d 731, 756 (S.D. Tex. Jun. 19, 2013); *Deniece Design, LLC v. Braun*, 953 F. Supp.2d 765, 775 (S.D. Tex. Jun. 19, 2013); *Kimberly-Clark Worldwide, Inc. v. First Quality Baby Products, LLC*, 2013 WL 1821593, \*3 (M.D. Pa. Apr. 30, 2013); *Music Group Services US, Inc. v. inMusic Brands, Inc.*, 2013 WL 1499564, \*2 (W.D. Wash. Apr. 11, 2013); *Clifton-Draper v. Pelam Intern., Ltd.*, 2013 WL 1229537, \*2 (M.D. Fla. Feb. 19, 2013); *Secured Mail Solutions, LLC v. Advanced Image Direct, LLC*, 2013 WL 8596579, \*8 (C.D. Cal. Jan. 30, 2013); *Axcess Int'l., Inc. v. Savi Techs., Inc.*, 2013 WL 12384347, \*2 (N.D. Tex. Jan. 25, 2013); *Axcess Int'l., Inc. v. Savi Techs., Inc.*, 2013 WL 6839112, \*8 (N.D. Tex. Jan. 25, 2013); *Vita-Herb Nutraceuticals Inc. v. Probiohealth LLC*, 2012 WL 3903454, \*7 (C.D. Cal. Sept. 6, 2012); *Pictometry Int'l. Corp. v. GEOSPAN Corp.*, 2012 WL 3679208, \*5 n.4 (D. Minn. Aug. 17, 2012); *Proxyconn Inc. v. Microsoft Corp.*, 2012 WL 1835680, \*5 (C.D. Cal. May 16, 2012); *High Point SARL v. Sprint Nextel Corp.*, 2012 WL 234024, \*15 (D. Kan. Jan. 25, 2012); *Semiconductor Energy Laboratory Co., Ltd. v. Nagata*, 2012 WL 177557, \*7 (N.D. Cal. Jan. 23, 2012); *WesternGeco L.L.C. v. Ion Geophysical Corp.*, 2011 WL 3608382, \*10 (S.D. Tex. Aug. 16, 2011); *Johnson Outdoors Inc. v. Navico, Inc.*, 774 F. Supp.2d 1191, 1196 (M.D. Ala. Mar. 2, 2011); *Agsouth Genetics, LLC v. Georgia Farm Serv., LLC*, 2011 WL 13187172, \*3 (M.D. Ga Feb. 11, 2011); *August Technology Corp. v. Camtek, Ltd.*, 2010 WL 5560088, \*2 (D. Minn. Nov. 17, 2010); *Phillip M. Adams & Assoc., LLC v. Winbond Elecs. Corp.*, 2010 WL 3522097, \*5 n.39 (D. Utah Sept. 8, 2010); *Phillip M. Adams & Assoc., L.L.C. v. Dell Inc.*, 2010 WL 2733319, \*7 (D. Utah Jul. 9, 2010); *Hoskins v. Gunn Trucking*, 2009 WL 2970399, \*3 n.1 (N.D. Ind. Sept. 14, 2009); *DR Sys., Inc. v. Eastman Kodak Co.*, 2009 WL 2632685, \*4 (S.D. Cal. Aug. 24, 2009); *Phillip M. Adams & Assoc., LLC v. Dell, Inc.*, 2008 WL 4862510 (D. Utah Nov. 7, 2008); *Phillip M. Adams & Assoc., L.L.C. v. Dell Inc.*, 2008 WL 4569895 (D. Utah Oct. 9, 2008); *Emcore Corp. v. Optium Corp.*, 2008 WL



3271553, \*6 (W.D. Pa. Aug. 5, 2008); *Renhcol Inc. v. Don Best Sports*, 548 F. Supp. 2d 356, 361 n.3 (E.D. Tex. April 28, 2008); *Encyclopaedia Britannica, Inc. v. Magellan Navigation, Inc.*, 512 F. Supp. 2d 1169, 1176 (W.D. Wis. Aug. 31, 2007); *Amgen v. F. Hoffman-LaRoche, Ltd.*, 456 F. Supp. 2d 267, 283 (D. Mass. Oct. 20, 2006); *Monsanto Co. v. Bayer Bioscience N.V.*, 2005 WL 5989796, \*16 (E.D. Mo. Oct. 28, 2005).

#### **State Court Opinions Citing the APD:**

*Glaxo Gp Ltd v. Drit LP*, 248 A.3d 911, 915 n.5 (Del. 2021); *Groskop v. S&T Bank*, 471 P.3d 274, 288 (Wy. 2020); *Sioux Pharm, Inc. v. Eagle Labs., Inc.*, 865 N.W.2d 528, 536 (Iowa 2015); *Bryan v. Wenhaven*, 2020 WL 7980291, \*3 n.33 (V.I. Super. Sep. 29, 2020).

#### **Other Publications:**

- Robert A. Matthews, Jr., Krista Holt, and Shawn Nevins, [\*Emerging Trends in Establishing Patent Infringement Damages\*](#) (May 2024) (self published)
- Robert A. Matthews, Jr. and Krista Holt, *The Patent Litigation Review 2024, Specialist Chapter: New Challenges in Proving Patent Infringement Damages in the United States*, IAM (Nov. 24, 2023)
- Robert A. Matthews, Jr., ‘*Past Infringement*’ *Clause May Hurt Patent Suits Against Gov’t*, Law360 (April 12, 2023)
- Robert A. Matthews, Jr., Raymond A. Miller, N. Nicole Stakleff, [\*ODP Should Not Nullify PTA\*](#), (May 2021) (self published)
- Robert A. Matthews, Jr., PATENT JURY INSTRUCTION HANDBOOK (annual editions from 2008 to 2014) (West) (carried on Westlaw under database name “PATENT-JI”)
- Brief of Amicus Curiae Medistem Inc. in Support of the Petition for a Writ of Certiorari before the Supreme Court of the United States in *In re Bilski*, No. 08-964 (Feb. 27, 2009)
- Brief of Amicus Curiae Pharmaceutical Research and Manufacturers of America in Support of Respondents before the Supreme Court of the United States in *KSR Int’l Co. v. Teleflex Inc.*, No. 04-1350, 2006 WL 2967758 (Oct. 16, 2006)
- Robert A. Matthews, Jr., *When Multiple Plaintiffs/Relators Sue for the Same Act of Patent False Marking*, 2010 Patently-O Patent L.J. 95 (2010)
- Robert A. Matthews, Jr., *Legal Nuances When a Patent Holding Company Seeks to Enforce a U.S. Patent*, 49 *IDEA: The Intellectual Property Law Review* 549 (2009).
- Robert A. Matthews, Jr., *The Restricted Scope of Patent Infringement Remedies Available to “Non-Practicing” Patent Owners*, IP Litigator, Jul/Aug 2009.
- Robert A. Matthews, Jr., *A Primer on US antitrust claims against patentees under Walker Process*, 2 J. OF INTEL. PROP. LAW & PRAC. 657 (Oct. 2007) Oxford Journals
- Robert A. Matthews, Jr., *A Potential Hidden Cost of a Patent-Holding Company: The Loss of Lost-Profit Damages*, 32 *AIPLA Q.J.* 503 (Fall 2004) (pre-published version cited in *Schreiber Foods, Inc. v. Beatrice Cheese, Inc.*, 305 F. Supp. 2d 939 (E.D. Wis. 2004))
- Robert A. Matthews, Jr., *Examining the FTC’s 2003 Proposed Reforms to U.S. Patent Law in View of the Present Legal Landscape*, 9 *VA.J. OF LAW & TECH.* No. 11 (Fall 2004) (presented to the AIPLA Antitrust Committee at the AIPLA Mid-Winter meeting in Jan. 2004, in La Jolla, CA)
- Robert A. Matthews, Jr. and Louis M. Troilo, *Schering v. Geneva – Just How Far Can Inherent Anticipation Extend?*, 20 *SANTA CLARA COMP. & HIGH TECH. L. J.* 779 (2004)
- Robert A. Matthews, Jr., *Patent-Holding Companies Hold Risks*, 25 *NAT’L LAW JOURNAL* S7, June 16, 2003 (quoted in *Schreiber Foods, Inc. v. Beatrice Cheese, Inc.*, 305 F. Supp. 2d 939 (E.D. Wis. 2004))

**Professional Associations:**

American Intellectual Property Law Association (AIPLA), member of the Patent Law Committee, Alternative Dispute Resolution Committee and various subcommittees addressing substantive patent-law issues, including AIPLA's model patent jury instructions

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

**Professional Recognition:**

Martindale-Hubbell "AV" Peer-reviewed rated

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