

## Speaker Biography



### **John M. Whealan**

John Whealan is the Deputy General Counsel for Intellectual Property Law and Solicitor of the United States Patent and Trademark Office. John has held this position since January, 2001.

As the Solicitor, John manages an office of twenty five people who (i) represent the USPTO in federal court IP litigation, (ii) provide legal and policy advice to the rest of the USPTO on IP matters, and (iii) prosecute patent practitioners who have violated the disciplinary rules on behalf of the Director of Enrollment and Discipline. John has worked in the Solicitor's Office since 1996, previously holding the positions of Acting Deputy Solicitor and Associate Solicitor.

John has personally argued approximately twenty cases before the U.S. Court of Appeals for the Federal Circuit, and has written or edited close to one hundred and fifty such briefs. His staff is typically involved in over fifty such appeals in any given year. In addition, John and his staff have recently increased their dealings with the Justice Department in filing amicus briefs at the Supreme Court as well as other regional Circuit Courts. The Solicitor's Office has participated in Supreme Court cases dealing with all varieties of intellectual property, including patents, trademark, trade dress, unfair competition, and copyright. John's office also participates in district court cases throughout the country (although primarily in the Eastern District of Virginia) where the USPTO is a party.

John and his office routinely provide legal and policy advice to senior USPTO officials and their staffs. This can range from implementing legislation and drafting guidelines, to providing advice on patent and trademark examination in view of recent court decisions.

John is an adjunct professor and has taught at law schools including, Franklin Pierce, George Mason, and Chicago-Kent.

Prior to joining the USPTO, John worked as a Staff Attorney for the U.S. International Trade Commission (ITC). At the ITC, John litigated several Section 337 investigations involving intellectual property matters.

John has clerked both at the appellate and trial court levels, serving as law clerk to Judge Randall R. Rader of the U.S. Court of Appeals for the Federal Circuit, and Judge James T. Turner of the U.S. Court of Federal Claims. Prior to working for the government, John worked in private practice for Fish & Neave in New York.

John received his JD from Harvard Law School, and holds both a graduate degree (Drexel University) and an undergraduate degree (Villanova University) in Electrical Engineering. John worked as a design engineer for General Electric prior to attending law school.