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Executive Summary

John Weatherspoon, PhD, JD is a very experienced U.S. patent attorney with nearly twenty years' experience successfully obtaining patents for clients and managing patent portfolios. He regularly advises clients on strategies for patent, copyright, trademark and trade secret protection. He has served as outside legal counsel and in-house counsel for numerous clients. He has extensive experience counseling clients on developing and protecting their intellectual property portfolios, conducting patentability, freedom-to-operate, and other IP opinions for clients, advising on trade secret protection, and enforcing intellectual property rights. He also regularly assists clients with strategic issues involving the acquisition, development and monetization of their intellectual property portfolios. In addition, he has many years of IP litigation experience and transactional experience, and he regularly provides extensive IP due diligence for clients.

Experience as a Registered U.S. Patent Attorney

March 2015 - present: Managing IP Attorney at JKW IP Consulting (<https://www.jkwipconsulting.com/>). Providing patent-related services to clients, primarily clients in the pharmaceutical and biotechnology industries. IP services include, for example, patent preparation and prosecution, handling U.S. and PCT patent applications; and implementation of overall IP strategy for biotechnology and pharmaceutical clients, life science clients and other clients in healthcare-related industries. Representative experience as IP counsel for biotechnology and pharmaceutical clients includes:

- Continuing (since 2010) to serve as Lead / Managing IP counsel for Immunophotonics (<http://www.immunophotonics.com/john-weatherspoon>), a biopharmaceutical company focused on oncology and developing novel immunoadjuvant-based therapies for cancer treatment; Dr. Weatherspoon's responsibilities include managing the entire IP portfolio, including global patent portfolio (managing foreign IP counsel); preparing validity, freedom-to-operate and patentability opinions; advising on trade secret protection; transactional work; and developing IP strategies for the client; while developing IP strategies, Dr. Weatherspoon has regular and extensive interactions with in-house manufacturing and formulation teams for development of the company's lead products.
- Continuing (since 2010) to provide IP Counsel for Nature Technology Corporation (<http://www.natx.com/>), a company developing many different bioprocessing technologies; sample work includes U.S. Published Patent Application 20100184158 (Dr. Weatherspoon handled this patent application and other related IP); extensive IP work related to plasmids, bioprocessing, purification, and media development; while developing IP strategies, Dr. Weatherspoon has regular and extensive interactions with in-house manufacturing and formulation teams for development of the company's lead products.

- Continuing (since 2010) to serve as Lead / Managing IP counsel for GeneFacelift (<http://www.genefacelift.com/>); protecting IP around use of certain plasmids, bioprocessing, etc; Dr. Weatherspoon obtained, for example, the client's U.S. Patent 9132202, relating to plasmid-based therapies; Dr. Weatherspoon's responsibilities include managing the entire IP portfolio, including global patent portfolio (managing foreign IP counsel); preparing validity, freedom-to-operate and patentability opinions; advising on trade secret protection; transactional work; and developing IP strategies for the client; while developing IP strategies, Dr. Weatherspoon has regular and extensive interactions with in-house manufacturing and formulation teams for development of the company's lead products.
- Lead / Managing in-house IP counsel (and co-founder) for Affirmed Pharma (www.affirmedpharma.com), a clinical stage drug development company; Dr. Weatherspoon's responsibilities include managing the entire IP portfolio, including global patent portfolio (managing foreign IP counsel); preparing validity, freedom-to-operate and patentability opinions; advising on trade secret protection; transactional work; and developing IP strategies for the client.
- IP counsel for BioCorRx (<https://www.biocorr.com/>) and BioCorRx Pharmaceuticals, a pharmaceutical company focused primarily on sustained-release technologies for different clinical uses, including treatments for opioid and alcohol addiction; handling patent preparation and prosecution (and managing foreign IP counsel); preparing validity, freedom-to-operate and patentability opinions; advising on trade secret protection; transactional work; and developing IP strategies for the client.
- IP counsel for Native Cardiovascular (<http://nativecv.com/>) (developing treatments for cardiovascular uses); handling patent preparation and prosecution (and managing foreign IP counsel); preparing validity, freedom-to-operate and patentability opinions; advising on trade secret protection; transactional work; and developing IP strategies for the client.
- During this time, also provided IP services for clients at Bibby, McWilliams & Kearney, PLLC (now called Kearney McWilliams & Davis)
- Dr. Weatherspoon has also served as Lead IP counsel for other representative clients in the pharmaceutical, life sciences, biotechnology, and related industries. Other representative clients include Solyplus (<https://www.solyplus.com/>); Vesaliux (www.vesaliux.com); Cascade Global (<https://www.cascadeglobal.com/>); and many other IP clients.

July 2014 - March 2015: U.S. Patent Attorney and partner at Novak Druce, based in Houston TX. Managed IP portfolios for numerous clients, and provided extensive patent preparation and prosecution services; IP opinions; extensive IP due diligence for clients. The partners left for various reasons and the firm ceased to exist, therefore Dr. Weatherspoon represented clients at his own IP practice.

Jan. 2012 to Oct. 2013: U.S. Patent Attorney, in Los Angeles, CA. Provided the full range of IP services for numerous biotechnology and pharmaceutical clients; extensive patent preparation and prosecution; managed global patent portfolios (managed foreign IP counsel); developed IP strategies for clients; and extensive IP due diligence for clients. Provided IP services as “of counsel” for the Adli Law Group and Kleinberg Lerner.

May 2002 - Dec. 2011: U.S. Patent Attorney at JK Weatherspoon & Associates, in Washington DC and Maryland. Provided the full range of IP services for a wide range of clients, including extensive patent preparation and prosecution services; managed global patent portfolios (U.S., PCT, foreign filings; managed foreign IP counsel); developed IP strategy for clients, and extensive IP due diligence for clients. Also provided IP services to firms including Stein McEwen (now Stein IP), Morgan Lewis, and Winston & Strawn. Brought IP clients to California in Jan. 2012.

Aug. 1999 - May 2002: IP law student at George Mason University Law School (graduated May, 2002).

July 1998 - Oct. 1999: Patent Examiner, U.S. Patent and Trademark Office, Arlington, VA Dr. Weatherspoon was a Patent Examiner at the U.S. Patent and Trademark Office. He examined a wide range of patent applications covering a wide range of technologies.

Representative IP Litigation Experience

John Berman v. DirecTV, LLC and AT&T Services, Inc., Civil Action No.3:16-cv-00382-D, in the U.S. District Court for the Northern District of Texas (2016). Dr. Weatherspoon was a member of a team that defeated an *inter partes review* challenge to the client's patent during this patent litigation.

International Trade Commission patent litigation; represented client Kaneka Corporation, as plaintiff in Investigation No. 337-TA-790, *In the Matter of CERTAIN COENZYME Q10 PRODUCTS AND METHODS OF MAKING SAME* (I.T.C., 2012). Represented client in enforcing their U.S. patent rights covering novel processes for production of coenzyme Q10 (CoQ10).

Synergy Advanced Pharmaceuticals, Inc. vs. Capebio, LLC , Combimab Inc. and Per Lindell. (Southern District of New York, 10-cv-1376, case number: 1:2010cv01736, 2010). Co-counsel for the defendants in this litigation involving innovative pharmaceutical technology.

MedImmune Oncology v. Sun Pharm. Indus., No. 04-2612, U.S. District Court for the District of Maryland (D. Md. 2007). Represented defendant in patent litigation over patents pertaining to the drug amifostine (Ethyol®); and prepared response to plaintiff's Citizen Petition at the U.S. FDA, on behalf of the defendant.

Verizon Servs. Corp. v. Vonage Holdings Corp., United States District Court for the Eastern District of Virginia. (E.D. Va. 2007). Represented plaintiff in patent litigation over patents on voice over IP (VoIP) technology; obtained judgment for plaintiff in this patent infringement suit.

Rheox, Inc. v. Entact, Inc., 276 F.3d 1319, 1326 (Fed. Cir. 2002); represented defendant before the U.S. Court of Appeals for the Federal Circuit; obtained summary judgment of non-infringement for the defendant.

Other Intellectual Property Experience

IP Adviser, VesaliuX (www.vesaliux.com), 2017 to present.

Mentor, 2016 NIH Commercialization Accelerator Program (NIH CAP) FeedForward™ Session, sponsored by the Larta Institute (www.larta.org)

Speaker, "Latest Trends and Developments in IP Licensing Agreements Explored! LIVE Webcast" (The Knowledge Congress Live Webcast Series, 2015)

Visiting Professor at Beijing Institute of Technology, Nov. 2015 to present.

Author, "A Wave of High-Profile Court Cases Has Major Impact on the BioPharmaceutical Industry" (published in the *Pharmaceutical Compliance Monitor*, 2015)

Mentor on Intellectual Property issues at San Diego Biotechnology Network events, 2013

Speaker on Intellectual Property Licensing, 2012 INPEX Annual Conference (<http://www.inpex.com/>), Pennsylvania, June 2012

Member, Academic Scientific Advisory Board, Western University of Health Sciences, 2012 to present.

Speaker on the subject of Non-Practicing Entities, Marcus Evans' Intellectual Property and Chief Litigation Officer Summit conference, Singapore, May 2012.

Speaker, IP Panel, "IP Research Strategies: Getting a Grip on the Competitive Landscape and Identifying the Best Targets" Annual LES (Licensing Executive Society) Conference, San Diego, October, 2011; schedule and speakers posted at www.LES2011.org; <http://www.lesusacanada.org/am11>

Speaker at TIENS global headquarters (<http://www.tienshealthproducts.com/>), near Beijing China, October 2011.

Speaker, Intellectual Property issues, UNEMED Regional Technology Transfer Conference ("MTECHX"), Omaha, Nebraska, May 8-10, 2011; schedule and speakers posted at <http://mtechx.org/speakers.html>

Guest Instructor on Intellectual Property, for the Discovery to Market course, at the Johns Hopkins University Carey Business School, Spring, 2011
http://carey.jhu.edu/our_programs/MBA_Programs/full_time/global_mba/discovery/index.html

Speaker on BNA's Video Insight Intellectual Property series; the online video can be viewed at <http://link.brightcove.com/services/player/bcpid82272000001?bctid=719103587001>

Panelist, Startup Lab: Biotechnology/Life Sciences, of the MIT Enterprise Forum of DC; 2010; (contact www.mitefdc.org for more information about my participation as a panelist)

Speaker, "Learning to Love IP: You Can't Make a Drug Without It" at the Life Sciences Summit 2010 in Long Island, NY, September 2010; <http://www.lifesciencessummit.org/2010/program/workshops.aspx>

Speaker, Obtaining Effective and Enforceable U.S. Patents, Executive MBA Program, Mt. Washington Conference Center, Johns Hopkins University; April, 2010; contact <http://carey.jhu.edu/> for more information on the presentation.

Organizer and Speaker, Practical Strategies For Researchers, Universities, Governments and Foundations To Facilitate And Sustain The Development And Funding Of Additional Translational Research Programs, The Johns Hopkins University; April, 2010; This conference was sponsored by several organizations including the Johns Hopkins University Carey Business School, the Brain Sciences Institute of the Johns Hopkins University School of Medicine, and the Global Intellectual Property Center of the U.S. Chamber of Commerce; my conference is described online at http://carey.jhu.edu/dev/old_pages/trans_research/

Speaker on IP and Technology Commercialization, The Johns Hopkins University Carey Business School; March, 2010; contact <http://carey.jhu.edu/> for more information on my presentation

Speaker, Practical Tips for International Patent Protection, Inventors' Network of the Capital Area; February, 2010; my presentation is described online at http://www.dcinventors.org/past_meetings.html

Speaker, Intellectual Property Issues in Structuring Deals, Montgomery County, Maryland Technology Incubation Center ; September, 2009

Speaker, Practical Tips for Obtaining Effective and Enforceable U.S. Patents, Inventors' Network of the Capital Area; June, 2009; my presentation is described online at http://www.dcinventors.org/past_meetings.html

Bar Admissions

Maryland (2004)

U.S. Patent and Trademark Office (2005)

District of Columbia (2011)

Education

George Mason University School of Law, Arlington, Virginia. J.D., 2002

- Giles Sutherland Rich Moot Court Award (2001-2002 Competition).

The George Washington University, Washington, D.C. Ph.D., Pharmacology, 1998

- Medical Center Fellowship, George Washington University

Duke University, Durham, North Carolina. B.S., Neuroscience, 1990

Scientific Research Experience

George Washington University, Department of Pharmacology. Ph.D. Student. July 1993 to Feb. 1998; research on catecholamine systems.

Radiobiology Research Institute, Bethesda, MD. Research Scientist. Oct. 1990 to July 1993; research on electrophysiological properties of neuronal systems.

Burroughs Wellcome Co., Research Triangle Park, NC. Research Scientist. May 1990 to Oct. 1990; research on serotonin, dopamine and norepinephrine neurochemical systems.

Duke University Medical Center, Durham, NC. Research Associate. August 1987 to May 1990; research on serotonin, dopamine and norepinephrine neurochemical systems.

Published, Peer-Reviewed Scientific Manuscripts

King GL, Rabin BM, Weatherspoon JK. "5HT₃ receptor antagonists ameliorate emesis in the ferret evoked by neutron or proton radiation." *Aviation Space Environmental Medicine* 1999; 70(5): 485-92.

Weatherspoon JK, Werling LL. "Modulation of amphetamine-stimulated [3H]dopamine release from rat pheochromocytoma (PC12) cells by sigma type 2 receptors." *Journal of Pharmacology and Experimental Therapeutics* 1999; 289(1): 278-84.

Weatherspoon JK, Gonzalez-Alvear GM, Werling LL. "Regulation of [3H]norepinephrine release from guinea pig hippocampus by sigma2 receptors." *European Journal of Pharmacology* 1997; 326: 133-8.

Weatherspoon JK, Frank AR, Werling LL. "Neurotensin, N-acetyl-aspartylglutamate and beta-endorphin modulate [3H]dopamine release from guinea pig nucleus accumbens, prefrontal cortex and caudate putamen." *Neuropeptides*. 1996; 30(5): 497-505.

Weatherspoon JK, Gonzalez-Alvear GM, et al. "Regulation of [3H]dopamine release from mesolimbic and mesocortical areas of guinea pig brain by sigma receptors." *Schizophrenia Research* 1996; 21(1): 51-62.

King GL and Weatherspoon JK. "Mechanisms and Control of Emesis." Eds. Bianchi, Grelot, Miller, King, *Colloque Inserm*, John Libbey Eurotext Ltd., 1992; 223: 17-226.

Rigdon GC, Weatherspoon JK. "5-Hydroxytryptamine 1a receptor agonists block prepulse inhibition of acoustic startle reflex." *Journal of Pharmacology and Experimental Therapeutics* 1992; 263(2): 486-93.

Published Scientific Abstracts

Society for Neuroscience Abstracts: Vol. 25: 100173 (1999); Vol. 24: 627.9 (1998); Vol. 23: 905.9 (1997); Vol. 23: 371 (1997); Vol. 22: 620.8 (1996); Vol. 22: 240.18 (1996); Vol. 21: 596.7 (1995); Vol. 20: 553.12 (1994).