

**CURRICULUM VITAE**

NAME: Edmund J. Sease  
McKee, Voorhees & Sease, P.L.C.

ADDRESS: 801 Grand Avenue  
Suite 3200  
Des Moines, Iowa 50309  
Phone: (515) 288-3667  
Fax: (515) 288-1338  
Email: ed.sease@ipmvs.com

EDUCATION:

**UNDERGRADUATE** - Drake University; B.A. in Chemistry with honors 1964  
(Phi Beta Kappa)

**LAW SCHOOL** - Drake Law School; Juris Doctorate with honors 1967  
(Order of Coif)

PERSONAL QUALIFICATIONS:

Member of Iowa Bar since June 1967; Patent Bar since July 1968; and Ohio Bar since November 1969; Federal District Courts of Iowa; Fifth, Sixth, Seventh and Eighth Circuit Courts of Appeal; Court of Appeals for the Federal Circuit; and U.S. Supreme Court.

EDUCATIONAL AND PROFESSIONAL HONORS RECEIVED:

1964 Phi Beta Kappa  
1964 All University Scholastic Scholarship  
1965 All University Scholastic Scholarship  
1966 Corpus Juris Secundum, Legal Scholarship Award  
1966 Drake Law Review  
1967 Order of the Coif  
1967 Cartwright Award for the '67 best student contribution to the Drake Law Review  
1969 Highest grade in State of Ohio Bar Exam  
(total of 731 applicants)  
1981 Faculty advisor of National Championship Team for Judge Rich Patent Law Moot Court Competition from Drake University Law School  
1985-86 President - Drake Law School Alumni Board of Counselors  
1989 President Iowa Intellectual Property Association  
1994 Board of Governors of Drake Law School Endowment Trust

- 1995 Faculty advisor National Finals Judge Rich Patent Law Moot Court Competition from Drake University Law School
- 1996 President's Award, for contribution to the success of the programs and life of the Drake Law School student body
- 1998 Drake Law School Alumni Service Award (contribution to Moot Court)
- 2000 1999/2000 Drake Alumni Service Award (contribution to Moot Court)
- 2001 Drake Law School Alumni of the Year Award
- 2001 Argued and won United States Supreme Court case, J.E.M. Ag Supply, Inc. v. Pioneer Hi-Bred International, Inc., 593 U.S. 124, 151 L.Ed.2d 508, 122 S.Ct. 593 (2001) (*plants are 35 U.S.C. § 101 statutory subject matter*)
- 2006 Drake University National Alumni Association's Distinguished Service Award

#### REVIEW WRITINGS:

Student note on Iowa Municipal Tort Immunity, 16 Drake Law Review 35;

Article on the Patent Law Doctrine of Repair-Reconstruction, 20 Drake Law Review 85 (1970), reprinted in 165 New York Law Journal Nos. 89-92 (1971) and 3 Patent Law Review 74 (1971);

58 ABA Journal 267 (1972) article entitled "The Inventor's Dilemma: Whose Fault?";

55 Journal of Patent Office Society 233 (1973) "Common Sense, Nonsense And the Compulsory License";

Article, 26 Drake Law Review 39 (1977), entitled "Chemical Properties, Are They a Sensible Legal Yardstick of Patentability?", reprinted 9 Patent Law Review 1961 (1977);

Contributing author to Burton, Jury Instructions In Intellectual Property Cases, preparing chapter on "Removal of Complex Cases From the Jury", 1980, Big Foot Press, Denver, Colorado;

Intellectual Property Law Review, Vol. 14 (1982), "The Undefined Key To Obviousness: What Is the 'Prior Art' To Which Reference Is Made In 35 U.S.C. § 103?";

38 Drake Law Review 229 (1988), "The Federal Circuit's Short Circuit of Validity Challenges: Or Is The Spirit Of Lear Dead?";

38 Drake Law Review 551 (1989), "From Microbes, To Corn Seeds, To Oysters, To Mice: Patentability of New Life Forms".

70 North Dakota Law Review 781(1994), "Misappropriation is Seventy-Five Years Old; Should We Bury It or Revive It?"

2004 University of Illinois Journal of Law, Technology & Policy, 99 (2005), "*Markman* Misses the Mark, Miserably."

Drake Journal of Agricultural Law (Fall 2006), "Plants are Properly Patentable Under Prevailing U.S. Law and This is Good Public Policy," Vol. 11, No. 3.

#### OTHER WRITINGS:

1974 Bridge-the-Gap Institute, "Fundamentals of Businessman's Intangible Property Including Patents, Trademarks, Copyright and Trade Secrets";

1978 Iowa Young Lawyer's Fall Practice Manual;

1978 AIPLA Annual Fall Meeting, Washington, D.C., "The Inseparability Doctrine";

1981 John Marshall Law School, "Limiting the Prior Art in Litigation";

1983 Iowa Patent Law Association, "Principal Decisions of the Iowa Supreme Court relating to the Development of the Law of Competitive Torts;

1985 Young Lawyers Section Summer Outing, "Unfair Competition Everyday Aspects of Trademarks, Trade Names and Corporate Names for the General Practitioner";

1988 Iowa Bar Association Annual Meeting, "Plaintiffs Patent Litigation or Policing Iowa Innovation,;

1989 Trade Regulations Seminar, "Theft of Trade Secrets and Confidential information";

1991 Iowa Bar Association Annual Meeting, "A Review of Iowa Unfair Competition Law";

1991 Practising Law Institute, Chicago, Illinois, "Defending Patent Litigation";

1992 Iowa Abstracters Annual Meeting, Des Moines, Iowa, "Intellectual Property Protection For Title Abstracts";

1992 Practising Law Institute, Chicago, Illinois, "Lecture Defending Patent Litigation";

1992 American Intellectual Property Law Association Annual Seminar, Washington, D.C., "Jury Litigation in Patent Cases";

1992 Arnold, White and Durkee Breakfast Seminar, Houston, Texas, "Expert Witnesses: Their Selection, Taking Depositions of Them and Cross-Examination of Adverse Experts";

1993 Trade Regulation Seminar, Des Moines, Iowa, "Legal Protection of Trade Dress";

1993 Practising Law Institute, Chicago, Illinois, "Defending Patent Litigation";

1994 American Intellectual Property Law Association Annual Fall Meeting, Washington, D.C., "Jury Voir Dire";

1994 Practising Law Institute, Chicago, Illinois, "Persuasive Trial of Validity Issues";

1995 Practising Law Institute, Chicago, Illinois, "Reflections on Effective Presentation of a Patent Validity Defense";

1996 Practising Law Institute, Chicago, Illinois, "Persuasive Presentations of an Accused Infringer's Case, in Particular Obviousness";

2000 Iowa Bar Association, Trade Regulation/Corporate Counsel Seminar, Des Moines, Iowa (September 13, 2000), "The Internet: Intellectual Property Considerations".

"United States Supreme Court Approves Utility Patents for Plants and Seeds," *Seed & Crops* magazine, Vol. 55, No. 4 (May 2002), pp. 22-23.

Contributing author to Chism, Principles of Patent Law, Third Edition, preparing "Side Bar – Plant Patents and the J.E.M. AG Supply Case", pp. 803-806, Foundation Press, New York, New York (2004).

Federal Judges Roundtable – View from the Bench: Issues in Patent Litigation," The Patent Lawyer, Vol. 3, Issue 3, (Fall 2006), pp. 4-11, 21.

#### PROFESSIONAL AFFILIATIONS:

Iowa Bar Association, Ohio Bar Association, American Bar Association, Polk County Bar Association, Phi Alpha Delta, Iowa Intellectual Property Law Association, American Chemical Society, American Intellectual Property Law Association, Blackstone Inn of Court.

Formerly Secretary and Chairman of the Program Committee of the Cincinnati Patent Law Association, and member of Board of Managers of Iowa Patent Law Association. President Iowa Patent Law Association (1988-1989); formerly Chairman of Iowa Young Lawyers Section Bridge-the-Gap Institute; and, Chairman of Okoboji Outing Committee; formerly member of Executive Council of Iowa Young Lawyers Section; and formerly a member of Legal Specialization Committee of Iowa Bar. Member PCT Laws Section of ABA and Litigation Section of ABA; formerly Chairman of ABA Litigation Section Subcommittee that prepared model jury instructions for trade secret cases; member of Trade Regulation Committee of Iowa Bar Association; and Patent, Trademark and Copyright Committee of the Iowa Bar Association.

Former Member of Board of Governors of Drake Law School Endowment Foundation; member of Board of Directors of Drake Law Clinic; Former Member of Board of Counselors of Drake Law School (1975-1990); Former President of Board of Counselors of Drake Law School (1985-86); Former Member of the Academy of Court-Appointed Masters

#### PAST WORK EXPERIENCE:

- |              |  |
|--------------|--|
| 1967-1973    | The Procter & Gamble Company, as patent attorney. Last position there was Patent Counsel for three divisions. These three divisions were: the Food Products Division, the Industrial Foods Division, and the Folger Coffee Company.  |
| 1973-Present | Partner in the Des Moines, Iowa patent law firm of McKee, Voorhees & Sease, P.L.C. and its predecessor, engaging in all phases of patent, trademark and copyright practice with primary emphasis on litigation practice.   |
| 1976-Present | Adjunct Professor at Drake Law School, teaching a three semester hour course in patent law, and a three semester hour course in trademark and copyright law, a three semester hour course in Intellectual Property Litigation and a three semester hour course in U.S. PTO Practice. |
| 1995-2008    | Former Lecturer in Patent Law at University of Iowa Law School, teaching a three semester hour course in patent law.   |
| 1994-1997    | Appointed Special Master by Judge Mecham of New Mexico District Court to manage patent case discovery and hear dispositive motions, <u>Avonite Inc. v. Ralph Wilson Plastics Co., Inc. and Nevamar Corporation</u> , CIV 93-1415 M/WWD   |
| Ongoing      | Adjunct Professor of Patent Law at Drake University, and Interim Director of the Intellectual Property Law Center  |

EXAMPLES OF REPORTED LITIGATIONS  
HANDLED AS LEAD COUNSEL:

Orthman Mfg., Inc. v. Chromalloy American Corp., 512 F.Supp. 1284 (C.D. Ill. 1981) (*patent infringement*)

Hiland Potato Chip Co. v. Culbro Corp., 216 USPQ 352 (S.D. Iowa 1981), 671 F.2d 1190 (8th Cir. 1982) 720 F.2d 981 (8th Cir., 1984) (*trademark infringement*)

Martin v. Wittmer, 220 USPQ 24 (E.D. Mich. 1982) (*patent infringement*)

Nebraska Engineering Co., Inc. v. David Manufacturing Co., 34 FRS2d 850 (N.D. Iowa 1982) (*discovery*)

Noah's, Inc. v. Nark, Inc., 560 F.Supp. 1253 (E.D. Mo. 1983) (*trademark concurrent use*)

Gravity Guidance, Inc. v. Weseman et al., 220 USPQ 1038, 220 USPQ 953 (D. Minn. 1983) (*patent infringement*)

Schoenwald v. Woltersdorf, et al., 226 USPQ 446 (BPAI 1984) (*patent interference*)

Studiengesellschaft Kohle mbH v. Northern Petrochemical Co., 225 USPQ 194 (N.D. Ill. 1984), 784 F.2d 351 (Fed. Cir. 1986) (*patent infringement*)

Deflecta-Shield Corp. v. Kar-Rite Corp., 1 USPQ2d 1236, (N.D. Ill. 1986), 2 USPQ2d 1463 (N.D. Ill. 1986) (*patent and trademark infringement*)

Martin v. Barber, 755 F.2d 1564 (Fed. Cir. 1985) (*patent infringement*)

Over the Rainbow, Ltd. v. Over the Rainbow, Inc., 227 USPQ 879 (BAPI 1985) (*trademark concurrent use*)

Omaha Cold Storage Terminals v. Cunningham, 1 USPQ2d 1591 (patent ownership) (N.D. Iowa. 1986), 417 N.W.2d 254 (Iowa App. 1987)

Diamond Scientific Co. v. Ambico, Inc., 666 F.Supp. 163 (1987), affd. 848 F.2d 1220 (Fed. Cir. 1988) (*patent infringement/assignor estoppel*)

The Fairfield Line Inc. v. Pedigree Inc., 10 USPQ2d, 1069, (S.D. Iowa. 1988) (*trademark infringement*)

Woodsmith Publishing v. Meredith Corp., 11 USPQ2d 1651 (S.D. Iowa. 1989) (*trade dress*)

Hoffman v. Schoenwald, 15 USPQ2d 1512 (BPAI 1990) (*patent interference*)

Fell v. Kewanee Farm Equipment Co., 457 N.W.2d 911 (Iowa 1990) (*product liability*)

The Ritz Hotel Limited v. Ritz Closet Seat Corporation, 17 USPQ2d 1466 (TTAB 1990) (*trademark/dilution*)

Alcon Laboratories Inc. v. Allergan Inc., 17 USPQ2d, 1365 (N.D. Tx. 1990) (*patent infringement*)

De Solms v. Schoenwald, et al., 15 USPQ2d 1507 (BPAI 1990) (*patent interference*)

Roach v. Crouch et al., 17 USPQ2d 1250 (N.D. Iowa 1990) (*patent ownership*)

Banctraining Video Systems v. First American Corporation, 21 USPQ2d 2014 (6th Cir. 1992) (*copyright infringement*)

Three Sons Inc. v. Okoboji State University Ltd., 24 USPQ2d 1075 (S.D. Iowa 1992) (*trademark/preliminary injunctions*)

Standard Havens v. Gencor, 953 F.2d 1361 (Fed. Cir. 1992) (*patent infringement, breach of contract*)

In Re Schoenwald et al., 964 F.2d 1122 (Fed. Cir. 1992) (*patentability of chemical compounds*)

Tone Bros. v. Sysco Corporation, 31 USPQ2d 1321 (Fed. Cir. 1994) (*trade dress, design patent*)

Pundzak v. Cook & Webster, 500 N.W.2d 424 (Iowa 1993) (*contract, trademark, ownership of characters*)

Ryko Mfg. Co. v. Delta Services & Equip., Inc., 28 USPQ2d 1558 (E.D. La. 1993) (*declaratory judgment/jurisdiction*)

Mendenhall v. Cedarapids, Inc., 28 USPQ2d 1081 (Fed. Cir. 1993) (*patent infringement*)

Wahpeton Canvas Co. v. Bremer, 893 F.Supp. 863 (N.D. Iowa. 1995) (*patent infringement*)

Century Wrecker Corporation v. E.R. Buske Manufacturing Company, Inc., et al., 898 F.Supp. 1334 (N.D. Iowa. 1995) (*inadmissibility of settlement agreements*).

Century Wrecker Corporation v. E.R. Buske Manufacturing Company, Inc., et al., 913 F.Supp. 1256 (N.D. Iowa. 1996) (*patent infringement, damages*)

Preferred Risk v. U.S.A., 39 USPQ2d 1131 (8th Cir. 1996) (*trademark infringement*)

Gjerlov v. Schuyler Laboratories, Inc., 131 F.3d 1016 (Fed. Cir. 1997) (*patent settlement agreement breach*)

Olson v. Nieman's, Ltd., 579 N.W.2d 299 (Iowa 1998) (*trade secret misappropriation - Plaintiff's jury verdict affirmed on appeal*)

Jet, Inc. v. Sewage Aeration Systems, 49 USPQ2d 1355 (6th Cir. 1999) (*trademark infringement - federal dilution*)

Pioneer v. Lubrizol, Civ. Action No. 4-92-90198 (*biotechnology seed patent - hung jury*)

Pioneer v. J.E.M. Ag Supply, 49 USPQ2d 1813 (N.D. Iowa, 1998), *aff'd*, 53 USPQ2d 1440 (Fed. Cir., 2000) (*patent infringement, statutory subject matter 35 U.S.C. § 101*)

University of Iowa Research Foundation v. Beveridge, DeGrandi, Weilacher & Young, 50 USPQ2d 1620 (S.D. Iowa 1998) (*patent lawyer malpractice*).

Pioneer Hi-Bred International, Inc. v. DeKalb Genetics Corp., 51 USPQ2d 1797 (S.D. Iowa 1999) (*unfair competition – preemption*)

Shell Oil Co. v. ICI Americas, Inc., 33 F.Supp.2d 523 (E.D. LA 1999) (*patent infringement – claim interpretation*)

Jet, Inc. v. Sewage Aeration System, 55 USPQ2d 1854 (Fed. Cir. 2000) (*trademark cancellation*)

Microware Systems Corp. v. Apple Computer, Inc., 126 F.Supp.2d 1207 (S.D. Iowa 2000) (*trademark infringement - fair use*)

Wells' Dairy, Inc. v. The Estate of J.P. Richardson, Jr. a/k/a Richardson Family Trust, p/k/a "THE BIG BOPPER", 89 F. Supp. 2d 1042 (N.D. IA 2000) (*trademark infringement*)



J.E.M. Ag Supply, Inc. v. Pioneer Hi-Bred International, Inc., 534 U.S. 124, 122 S.Ct. 593 (2001), 60 USPQ2d 1865 (S.Ct. 2001) (*plants are 35 U.S.C. § 101 statutory subject matter*)

Deprenyl Animal Health, Inc. v. University of Toronto Innovations Foundation, 161 F.Supp.2d, 1272 (D. KS 2001), *reversed*, 297 F.3d 1343 (Fed. Cir. 2002), (*personal jurisdiction over patent licensee*).

Andreas v. Volkswagen of America, Inc., 63 USPQ2d 1447 (N.D. IA 2002) (*lost profits in a copyright infringement case*)

Kemin Foods, L.C., The Catholic University of America v. Pigmentos Vegetales Del Centro S.A. de C.V., 240 F.Supp.2d 963 (S.D. IA 2003) (*patent preliminary injunction*) (*revs'd on appeal*).

Andreas v. Volkswagen of America, Inc., 67 USPQ2d 1429 (8th Cir. 2003) (*damages / copyright infringement indirect profits*).

Pioneer Hi-Bred International, Inc. v. Ottawa Plant Food, Inc., 283 F. Supp. 2d 1018 (N.D. IA 2003) (*validity of seed wrap license*).

Silent Drive, Inc. v. Strong Industries, Inc. et al, 326 F.3d 1194 (Fed. Cir., 2003) (*personal jurisdiction*)

Advanta USA, Inc. v. Pioneer Hi-Bred International, Inc., No. 04-C-238-S, slip op. (W.D. Wisc. Oct. 27, 2004) (*Federal preemption – issuance of a plant variety protection certificate on a given plant did not result in barring subsequent assertion of state law trade secret protection with respect to that variety*).

Sioux Biochemical, Inc. v. Cargill, Inc., 410 F.Supp.2d 785 (N.D. IA 2005) (*whether tort of misappropriation is an Iowa cause of action*)

Maytag Corporation v. Electrolux Home Products, Inc. d/b/a Frigidaire, 411 F.Supp.2d 1008 (N.D. IA 2006) (*Markman claim construction*)

Primos, Inc. v. Hunter's Specialties, Inc., 451 F.3d 841 (Fed. Cir. 2006) (*patent infringement*)

Flex-Rest, LLC v. Steelcase, Inc., 455 F.3d 1351 (Fed. Cir. 2006) (*patent infringement-35 U.S.C. § 102(g)/inequitable conduct*)

Sutton v. Iowa Trenchless, LLC, 808 NW 2d 744, 2011 IA. Appl. Lexis 1359 (*covenant not to compete*)

Art Etc., LLC v. Angel Gifts et al, 686 F.3d 654 (8<sup>th</sup> Cir., 2012) (*copyright arbitration vs. litigation*)