

## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

Jeffrey Paul KUSHAN  
Sidley Austin LLP  
Washington, D.C.  
United States of America



Nationality: American

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

J.D., with honors, National Law Center, George Washington University, Washington, DC, 1992;  
M.A., Biochemistry/Organic Chemistry, University of North Carolina, 1987;  
B.S., Chemistry, The College of William & Mary, Williamsburg, Virginia, 1985.

Admitted to practice, Court of Appeals for the Federal Circuit and the Patent and Trademark Office, Virginia.

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### LANGUAGES

English, French

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### PRESENT POSITION

Partner, Sidley Austin LLP.

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### PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Partner, Powell, Goldstein, Frazer & Murphy, LLP, 1998-2008:  
Represents companies and trade associations in the biotechnology, pharmaceutical and e-commerce sectors on a diverse range of issues including transactions, public policy advocacy and international trade matters;

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Attaché, Intellectual Property Affairs, United States Mission to the World Trade Organization (WTO) Office of the United States Trade Representative, Geneva (1995-97):

Represented the U.S. in intellectual property affairs before multilateral institutions in Europe, including the WTO, WIPO, the International Union for the Protection of New Varieties of Plants (UPOV), the Organization for Economic Cooperation and Development (OECD) and the European Patent Office (EPO). During tenure:

- served as chief negotiator for the U.S.A. during the WIPO Diplomatic Conference leading to the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT);
- participated on U.S. legal team in WTO dispute settlement proceedings concerning the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS);
- designed and initiated a large-scale U.S. initiative within WIPO to establish a global intellectual property office information network and to set up the necessary institutional structure to manage intellectual property-related electronic commerce issues;
- coordinated U.S. participation in the WTO on intellectual property issues including overseeing U.S. participation in WTO reviews of implementation of the TRIPS Agreement, preparation of official U.S. notifications relating to TRIPS issues, developing U.S. positions on TRIPS Agreement interpretations, defining and articulating U.S. views on the relationship between TRIPS and environmental agreements and participating in discussions pertaining to various topics before the WTO TRIPS Council;
- served as principal U.S. representative in WIPO activities including patent law harmonization discussions, revision of PCT practice, WIPO management issues, and the setting and review of the WIPO program and budget;
- developed and advocated U.S. positions on biotechnology patent issues within the OECD Working Party on Biotechnology and the OECD Trade Committee; and
- conducted formal and informal consultations on intellectual property issues with various European governments, the European Patent Office and the European Commission.

Attorney Advisor, Office of Legislative and International Affairs, United States Patent and Trademark Office (1991-95, 1997-98):

Played key staff role in development of U.S. domestic and international intellectual property policy, particularly on biotechnology, software, electronic commerce and environmental issues. During tenure:

- formulated U.S. Government positions on a range of legislative issues and prepared Congressional testimony for the Commissioner and other PTO officials (e.g., patent term, patent reexamination reform, Uruguay Round Agreement implementation and biotechnology patent legislation);
- served as principle author of utility examination guidelines (biotechnology and pharmaceutical inventions) and examination guidelines for computer-implemented inventions;
- assisted in the preparation of the Clinton Administration's Report on the National Information Infrastructure (patent and technology chapters);
- coordinated public hearings on biotechnology and on software patent issues, and formulated PTO response and policies concerning issues raised;
- lectured throughout the U.S.A. as PTO representative on changes to patent procedure instituted through the Uruguay Round Agreements Act throughout the U.S.A.;
- served as intellectual property expert on U.S. delegations during bilateral trade negotiations, multilateral treaty negotiations (Law of the Sea, the Convention on Biological Diversity and the Rio Earth Summit), and other proceedings before the WTO, WIPO, OECD, FAO and UNEP; and
- served as principle staff member for the Secretary of Commerce's Advisory Commission on Patent Law Reform (Bush Administration, 1992).

Biotechnology Patent Examiner, Group 1800-Biotechnology, United States Patent and Trademark Office (U.S.P.T.O.) (1987-91):

- examined biotechnology patent applications (e.g., pertaining to monoclonal antibodies, recombinant and naturally-isolated proteins, and protein-based vaccines and pharmaceuticals). Conducted reexamination, reissue, PCT Chapter I and Chapter II Stage search and examination proceedings. Served on Advisory Panel for automation of the PTO.

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Research Assistant & Laboratory Teaching Assistant, Department of Chemistry, University of North Carolina at Chapel Hill (1985-87):

- conducted laboratory research on blood coagulation proteins. Areas of research included chemical modification of proteins, protein amino acid sequence analysis, organic and inorganic synthesis and protein labeling and purification. Also instructed, graded and supervised undergraduate level laboratory classes in organic, analytical and biological chemistry.

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#### **MEMBERSHIP IN PROFESSIONAL BODIES**

Member, Adjunct Faculty, National Law Center, George Washington University;  
Member, Virginia State Bar, 1992 to present;  
Member, Patent and Trademark Office Society, 1990 to present;  
Member, American Bar Association, 1998 to present.

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#### **EXPERIENCE WITH RESPECT TO DOMAIN NAMES**

Participated in preparatory activities on issue within WIPO.

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