

ANTOINETTE M. TEASE

PROFESSIONAL EXPERIENCE

2003-present Antoinette M. Tease, P.L.L.C. Billings, MT

Principal

- File and prosecute patent applications in a variety of industries, including, but not limited to, medical, software, agricultural, and recreational sports.
- Advise clients on freedom to operate, patent infringement, and patent validity issues.
- File and prosecute federal and state trademark applications.
- Advise clients on copyright matters and file federal copyright applications.
- Represent clients in connection with patent, trademark, and copyright infringement and trade secret misappropriation litigation.
- Act as consultant/expert in patent and trademark infringement litigation.
- Represent and advise clients on all aspects of Internet businesses, including the establishment of e-commerce ventures.
- Negotiate and draft patent, trademark and copyright license agreements.
- Prepare software development, joint venture, technical services, and all other types of agreements relating to technology law.

2001–2003 Rocky Mountain Technology Group, Inc. Billings, MT

General Counsel

- Handled all legal matters, including intellectual property, contracts, corporate, and employment.
- Served on management team and as an officer and director.
- Developed and maintained a comprehensive insurance program for the corporation and key persons.
- Acted as primary liaison with outside Chief Financial Officer on all financial matters.

1995–2001 Crowley Law Firm Billings, MT

Partner

- Co-founded and served as Chair of Intellectual Property & Technology Practice Group.
- Developed a substantial commercial litigation and transactional caseload and led the firm in revenue generation.
- Represented clients in the manufacturing, construction, medical, banking, oil and gas, and technology industries.

1992-1995 Wiley, Rein & Fielding Washington, DC
Associate

- Litigated environmental coverage, government contracts, environmental, employment, securities, intellectual property, education, and international trade matters.

1991-1992 Shearman & Sterling New York, NY
Associate

- Litigated securities and bankruptcy cases.

1990-1991 US District Court Honolulu, HI
Law Clerk

- Handled diverse civil and criminal docket.

EDUCATION

1987-1990 University of Connecticut School of Law Hartford, CT

- Obtained J.D. degree with High Honors.
- Served as Notes Editor for *Connecticut Law Review*.
- Taught legal writing.

1983-1987 Harvard University Cambridge, MA

- Obtained B.A. degree in Economics.
- Graduated *cum laude*.

PUBLICATIONS

- *IP Audits: Exploring the Attics and Depths*, *Landslide*, a publication of the ABA Section of Intellectual Property Law (Sept./Oct. 2010)
- *The Pros and Cons of Nonpublication Requests*, *Intellections* (Sept. 2010)
- *Protecting Your Website Content*, *Intellections* (Aug. 2010)
- *U.S. Supreme Court Re-Opens the Door to Business Method Patents*, *Intellections* (July 2010)
- *European Courts Signal an Opening for Software Patents*, *Intellections* (June 2010)
- *The Protection of Architectural Works as Compilations of Individual Features*, *Intellections* (May 2010)
- *Trademark Rules To Live By*, *Intellections* (Apr. 2010)

- *Is a “Naked” License Just a License Without Clothes?*, *Intellections* (March 2010)
- *A Brief Overview of the Federal Trademark Registration Process*, *Intellections* (Feb. 2010)
- *A Checklist for the Acquisition of an Internet-Based Business*, *Intellections* (Jan. 2010)
- *Why Form an Entity to Hold Your Patent Rights?*, *Intellections* (Dec. 2009)
- *IP Audits: Uncovering the Dirty Little Secrets – Part 3*, *Intellections* (Nov. 2009)
- *IP Audits: Uncovering the Dirty Little Secrets – Part 2*, *Intellections* (Oct. 2009)
- *IP Audits: Uncovering the Dirty Little Secrets – Part 1*, *Intellections* (Sept. 2009)
- *Federal Trademark Law: Differences Between the Principal and Supplemental Registers*, *Intellections* (Aug. 2009)
- *The Stakes Have Been Raised for False Patent Markings*, *Intellections* (July 2009)
- *Prior Use May Be a Defense to Patent Infringement in Certain Situations*, *Intellections* (June 2009)
- *The Doctrine of Intervening Rights Under U.S. Patent Law*, *Intellections* (May 2009)
- *Prosecution Highways: How They Work*, *Intellections* (Apr. 2009)
- *Guidelines for Software Patent Write-Ups*, *Intellections* (March 2009)
- *Intellectual Property Protection for Plants*, *Intellections* (Feb. 2009)
- *Federal Circuit Rewrites Standard for Patentability of Processes*, *Intellections* (Jan. 2009)
- *Failure to Abide by Open Source License Constitutes Copyright Infringement*, *Intellections* (Dec. 2008)
- *Congress Bolsters Enforcement of Intellectual Property Rights*, *Intellections* (Nov. 2008)
- *Patent Law Reform: What It May Mean for Inventors*, *Intellections* (May 2007)

- *Doing Business With Foreign Nationals—The Deemed Export Rule*, Intellections (Apr. 2007)
- *Microsoft-Novell Deal Raises Implications for Patent Licenses Based on Open Source Applications*, Intellections (March 2007)
- *Legally Speaking: What GPLv3 Means for the Microsoft-Novell Pact*, IPBusinessEdge (March 2007)
- *Montana’s Senator Baucus Supports Allocating Resources for Increased Intellectual Property Protection*, Intellections (Feb. 2007)
- *A Non-Traditional Approach to Marketing*, The Complete Lawyer (Jan. 2007)
- *Supreme Court Clears the Way for Licensees to Challenge Patents*, Intellections (Jan. 2007)
- *Patent License Agreement Term Sheet Questionnaire*, Intellections (Dec. 2006)
- *Open Source Code Survives Antitrust Challenge*, Intellections (Nov. 2006)
- *The Confidentiality of Your Federal Copyright Submission*, Intellections (Oct. 2006)
- *Computer Programs and Copyright*, Intellections (Sept. 2006)
- *IP Win for Baseball Fans*, Intellections (Aug. 2006)
- *Is a “Storyline” Patent a Figment of the Imagination?*, Intellections (July 2006)
- *Recent Decision Signals Trend in Montana Case Law That Could be Disadvantageous for Montana’s New Economy*, Intellections (June 2006)
- *Sorting Out the Rules on Patent Markings*, Intellections (May 2006)
- *The Benefits of a Federal Trademark Registration*, Intellections (Apr. 2006)
- *IP Guidance for the General Practitioner – Part III*, Intellections (March 2006)
- *IP Guidance for the General Practitioner – Part II*, Intellections (Feb. 2006)
- *IP Guidance for the General Practitioner – Part I*, Intellections (Jan. 2006)
- *The Saga of the Last Best Place*, Intellections (Dec. 2005)
- *Congress Rallies Behind IP Owners and Passes Tough New Laws Designed to Stop Counterfeiters*, Intellections (Nov. 2005)
- *Montana Adopts Security Breach Notification Law*, Intellections (Oct. 2005)

- *The Importance of Copyright Registrations in Protecting Your Copyrightable Works*, Intellections (Sept. 2005)
- *The Test for and Implications of Joint Authorship in a Copyrightable Work*, Intellections (Aug. 2005)
- *Covenants Not to Compete May Not Have the Bite You Think They Do*, Intellections (July 2005)
- *Negotiating the Landmine of Software Development Agreements*, Intellections (May 2005)
- *Technology Reaches “Brave New Work” Proportions—The Human Body as Broadband Connection*, Intellections (Apr. 2005)
- *Metatags—An Insidious Form of Trademark Infringement*, Intellections (March 2005)
- *The Uncertain Fate of Software and Business Method Patents in Europe*, Intellections (Feb. 2005)
- *Certification Marks Are Different Than Trademarks But Enjoy the Same Benefits of Federal Registration*, Intellections (Jan. 2005)
- *Independent Contractors and Employees: A Trap for the Unwary*, Intellections (Dec. 2004)
- *First Convicted Spammers Face Jail Time and Criminal Fines*, Intellections (Nov. 2004)
- *Sun vs. Kodak Suit Underscores the Value of Software Patents and Heightens the Need for New Post-Grant Review Procedures*, Intellections (Oct. 2004)
- *Patent Term Extensions for Drug Products: How Do They Work?*, Intellections (Sept. 2004)
- *U.S. Patent Laws Provide Some Protection for U.S. Patent Holders Abroad*, Intellections (Aug. 2004)
- *Software Companies Cannot Rely on Traditional Commercial Liability Policies for Coverage in the Event of Software Failures*, Intellections (July 2004)
- *Canadian Supreme Court Upholds Monsanto Patent on Herbicide-Resistance Gene and Extends Patent Protection to Plants Containing the Gene*, Intellections (June 2004)
- *The Potential for Shareholder Liability Under the U.S. Copyright Act*, Intellections (May 2004)

- *Events That Trigger the One-Year Grace Period Under U.S. Patent Law*, Intellections (Apr. 2004)
- *The Cross-Border Controversy Over the Patentability of Living Organisms*, Intellections (March 2004)
- *The Truth in Domain Names Act: Criminal Punishment for Pornographic Cybersquatters*, Intellections (Feb. 2004)
- *The Visual Artists Rights Act: Beyond Copyright Law*, Intellections (Jan. 2004)
- *Design Protection for Boat Hulls: A New form of Intellectual Property Protection*, Intellections (Dec. 2003)
- *Madrid Protocol: International Protection for Trademarks Is Now Available in the U.S.*, Intellections (Nov. 2003)
- *Shoketsu Who?*, Western Business News (July 2002)
- *50 State Survey of Medical Monitoring: A Report of the Pharmaceuticals and Biologicals Subcommittee of the Products Liability Committee*, American Bar Association Section of Litigation (2001)
- *Answers to Some Basic Questions About Patent Applications*, The Paralegal Reporter (Jan. 1998)
- *Trademark Law: Federal Anti-Dilution Statute Signals Intent by Congress to Expand Traditional Protection*, The Montana Lawyer (Feb. 1998)
- *Answers to Some Basic Questions About Patent Applications*, Montana Association of Legal Assistants (March 1998)
- *Downward Departures for Substantial Assistance: A Proposal for Reducing Sentencing Disparities Among Codefendants*, 53 Mont. L. Rev. 75 (1992)
- *Diplomatic Immunity and Divorce: Fernandez v. Fernandez*, 21 Conn. L. Rev. 1071 (1989)

PRESENTATIONS

- IP Audits: Exploring the Attics and Depths (2010), American Bar Association Teleconference
- Patent, Trademark and Copyright Law – Moderator (2010), Senator Max Baucus’s 2010 Montana Economic Development Summit, Butte, Montana

- IP Policy in the Crossfire: Perspectives on *Bilski* (2010), American Bar Association Section of Intellectual Property Law, San Francisco, California
- Protecting Your Trademarks and Inventions Abroad (2010), Senator Jon Tester's Treasure State Export Conference, Billings, Montana
- An IP Primer for Future Computer Programmers (2010), Rocky Mountain College, Billings, Montana
- Rules for the First-Time Inventor (2010), Senator Mike Enzi's Inventors Conference, Gillette, Wyoming
- Intellectual Property Considerations for Young Entrepreneurs (2009), Montana State University-Billings College of Business, Billings, Montana
- Intellectual Property Audits: Uncovering the Dirty Little Secrets (2009), Montana State Bar Association, Missoula, Montana
- Roundtable Discussion: The Use of Copyrighted Materials in Marketing and Promotion (2009), Guru Marketing Group, Billings, Montana
- Everything You Need to Know About Protecting Your Invention (2009), Senator Mike Enzi's Inventors Conference, Casper, Wyoming
- Pathways to Success for IP Lawyers: Balancing Work and Life to Achieve Your Goals (2009), American Bar Association Section of Intellectual Property Law, Arlington, Virginia
- Roundtable Q&A: Global Intellectual Property (IP) Issues (2009), Prospera Business Network, Bozeman, Montana
- Patent and Copyright Basics for Young Developers (2008), Rocky Mountain College, Billings, Montana
- A Primer for Business Owners on Protecting Your Intellectual Property and Avoiding Infringement (2008), Idea Expo, Cheyenne, Wyoming
- Members Forum: Use of Trademarks in Internet Keyword Advertising – Moderator (2008), American Bar Association Section of Intellectual Property law, New York, New York
- Intellectual Property Considerations for a Global Business (2008), Montana World Trade Center, Billings, Montana
- Everything You Need to Know About Protecting Your Invention (2008), Senator Mike Enzi's Inventors Conference, Powell, Wyoming

- Patent Law Basics for Investors (2008), Frontier Angel Fund, Kalispell, Montana
- Intellectual Property Considerations for a Global Business (2007), Montana World Trade Center, Butte, Montana
- Members Forum Debate: Business Method Patents (2007), American Bar Association Section of Intellectual Property Law, San Francisco, California
- Open Source Software: GNU to You? (2007), Prospera Business Network and TechRanch, Bozeman, Montana
- Open Source Ethics for Young Developers (2007), Rocky Mountain College, Billings, Montana
- CLE & Ski – Moderator (2007), Montana State Bar Association, Big Sky, Montana
- Perspectives on Software Patents – Moderator (2006), American Bar Association Section of Intellectual Property Law, Boston, Massachusetts
- Intellectual Property Guidance for Paralegals (2006), Montana Paralegal Association, Billings, Montana
- Commercialization and Freedom to Operate in a Patent World (2006), Montana Business Incubator, Billings, Montana
- A Primer on Intellectual Property for Prospective Inventors (2006), Montana State University – Department of Electrical and Computer Engineering, Bozeman, Montana
- The Business of Technology Law: Intellectual Property Guidance for the General Practitioner (2006), Montana State Bar Association, Billings, Montana
- Ideas Montana Medicine: The Importance to Investors of a Strong IP Portfolio (2005), Northwest Research & Education Institute, Billings, Montana
- Basic Primer on Copyright Law for Educators (2005), Lockwood Schools, Lockwood, Montana
- Patents: From Knowledge to Action (2007), Fountainhead, LLC, Shepherd, Montana
- Copyright Basics for Schools: Multimedia Projects (2005), Lockwood Schools, Lockwood, Montana

- Protecting Intellectual Property: A Technical Discussion (2007), Montana Manufacturing Extension Center, Bozeman, Montana
- From Madrid to Montana: Trademark Law Update (2007), Montana State Bar Association, Billings, Montana
- Creating a Business Around Your Intellectual Property (2004), Gallatin Development Corporation, Bozeman, Montana
- Open Source for Open Minds: A Discussion of the Legal Issues and Implications in Open Source Software Licenses (Moderator) (2004), American Bar Association, Toronto, Canada
- New Developments in Trademark Law (2004), State Bar Association, Billings, Montana
- Biotech and Software Patents (2003), TechRanch, Bozeman, Montana
- Protecting and Licensing Your Invention (2003), Gallatin Development Corporation, Bozeman, Montana
- Intellectual Property Law for Artists (2003), Billings Art Association, Billings, Montana
- Ethics and Intellectual Property Law (2003), Yellowstone Area Bar Association, Billings, Montana
- Intellectual Property Law for CEOs (2003), Montana Business Incubator, Billings, Montana
- Protecting Intellectual Property in the Employment Context (2003), State Bar Association, Big Sky, Montana
- Hot Topics in Internet Law (2002), State Bar Association, Kalispell, Montana
- From Start-Up to Viable Technology Company: Legal Issues Involved in the Transition (2001), Gallatin Valley Technology Alliance, Bozeman, Montana
- The Uniform Computer Information Transactions Act (2000), Bozeman, Montana
- Fundamentals of Montana Intellectual Property Law and Practice (1998), Billings, Montana
- Montana Environmental Compliance (1998), Billings, Montana

- Deloitte & Touche Litigation Symposium (1994), Washington, DC

PROFESSIONAL AFFILIATIONS

- American Bar Association (ABA) Section of Intellectual Property Law
 - Publications Officer, 2010-present
 - Section Council, 2007-present
 - Vice Chair, Content Advisory Board, 2007-2010
 - Strategic Communications Task Force, 2006-2007
 - Patent Law Reform Task Force, 2005, 2007-present
 - Business Method Patents Task Force, 2007-2008, 2010-present
 - China Patent Law Reform Task Force, 2006-2009
 - Ad Hoc Amicus Committee, 2010
 - Chair, Division VII, Information Technology, 2006-2007
 - Chair, Committee 701, Computer Software Technology, 2005-2006
 - Chair, Committee 701, Computer Programs, 2004-2005
 - Chair, Committee 702, Databases, 2003-2004
 - Chair, Open Source Code Subcommittee, Committee 701, Computer Programs, 2002-2004
 - Chair, Corporate Counsel Subcommittee, Committee 701, Computer Programs, 2002-2003
- Montana State Bar CLE Institute, 2003-2006
- Advisory Council, Montana Business Incubator, Billings, Montana, 2003-2008
- Board of Advisors, TechRanch, Bozeman, Montana, 2003-present
- Advisory Board, Montana State University College of Business, 2009-present

TESTIMONY

- Deposition testimony as expert witness on willful infringement and induced infringement in the case of *Kinetic Concepts, Inc. v. ConvaTec, Inc.*, Civil Action No. 1:08-CV-00918-WO-LPA (July 1, 2010)
- Deposition testimony as expert witness on willful infringement in the case of *Kinetic Concepts, Inc. v. BlueSky Medical Group, Inc.*, Civil No. SA:08-CV-000102 WRF (Dec. 17, 2009)
- Testified before the U.S. Senate Finance Committee, Hearing on Customs Reauthorization: U.S. Security and Economic Interests Through Trade Enforcement (March 13, 2008)

PATENTS (PROSECUTING ATTORNEY)

- U.S. Patent No. 7,805,330: System and method for cross-selling products and services across an enterprise
- U.S. Patent No. 7,793,747: Touring motorcycle modification kit
- U.S. Patent No. 7,789,043: Renewably buoyant, self-protective floating habitat
- U.S. Patent No. 7,784,218: Combination-cell foam floating island
- U.S. Patent No. D621,104: Pet toy
- U.S. Patent No. 7,766,755: Sandbox cover apparatus
- U.S. Patent No. 7,744,109: Method and apparatus for aligning a trailer hitch
- U.S. Patent No. 7,743,761: Rock cutting and trimming device
- U.S. Patent No. 7,742,914: Audio spectral noise reduction method and apparatus
- U.S. Patent No. 7,735,437: Exhaust gas cooling apparatus
- U.S. Patent No. 7,712,478: Ergonomic crutch
- U.S. Patent No. 7,673,350: Universal safety cap
- U.S. Patent No. 7,644,529: Rifle bolt cleaning tool
- U.S. Patent No. 7,631,446: Construction bucket

- U.S. Patent No. 7,594,468: Wooden spiral for flavoring wine and method of manufacturing same
- U.S. Patent No. 7,581,591: Production casing ripper
- U.S. Patent No. 7,559,428: Gun rack
- U.S. Patent No. 7,555,866: Renewably buoyant, self-protective floating habitat
- U.S. Patent No, 7,507,188: Rehab cycle crank
- U.S. Patent No. 6,503,686: Apparatus and method for mixing fluids at the surface for subterranean treatments
- U.S. Patent No. 7,481,483: Tube-style truck body
- U.S. Patent No. D585,162: Pet toy
- U.S. Patent No. 7,470,097: Hay bale distribution chute with reorienting during trailer travel over the ground
- U.S. Patent No. D583,217: Gate latch
- U.S. Patent No. D583,133: Boot
- U.S. Patent No. 7,462,159: Knee-ankle-foot orthotic device
- U.S. Patent No. D580,637: Outsole
- U.S. Patent No. 7,434,506: Propane bottle recycler
- U.S. Patent No. 7,410,139: All-purpose hanger
- U.S. Patent No. D507,296: Level sensing switch
- U.S. Patent No. 7,377,453: Dry material surface applicator
- U.S. Patent No. 7,357,193: Air seeder disc scraper
- U.S. 7,341,862: Application of *Muscodor albus* to control harmful microbes in human and animal wastes
- U.S. Patent No. 7,377,946: Device for resolving interpersonal relationship issues
- U.S. Patent No. 7,334,370: Anchor for metal fence post
- U.S. Patent No. 7,320,669: Biofidelic shoulder brace

- U.S. Patent No. 7,317,371: Linear variable differential transformer with complimentary step-winding coils
- U.S. Patent No. 7,310,824: Garment with hydrophobic forearms
- U.S. Patent No. D551,828: Gaiter
- U.S. Patent No. 7,240,851: Thermostat fan and boiler timer
- U.S. Patent No. 7,216,720: Multi-string production packer and method of using the same
- U.S. Patent No. 7,210,366: Full support mainshaft and fifth gear design
- U.S. Patent No. 7,207,621: Tube-style truck body
- U.S. Patent No. 7,172,207: Collapsible cart
- U.S. Patent No. 7,147,265: Collapsible truck bed cover
- U.S. Patent No. 7,100,256: Method for converting a truck body
- U.S. Patent No., 7,070,985: Application of volatile antibiotics and non-volatile inhibitors from *Muscodora spp.* to control harmful microbes in human and animal wastes
- U.S. Patent No. 7,028,919: Dry material surface applicator
- U.S. Patent No. 7,000,673: Vertically and horizontally swinging gate
- U.S. Patent No. 6,994,322: Frozen vehicle door puller
- U.S. Patent No. 6,961,973: Combination tool with hammer head, crescent wrench and pipe wrench
- U.S. Patent No., 6,961,964: Pre-curved wader with front and back seams
- U.S. Patent No., 6,932,141: Vertically and horizontally swinging gate
- U.S. Patent No. 6,868,659: Native seed harvester with cam design

BAR ADMISSIONS

- Admitted to state and federal practice in Montana, the U.S. Court of Appeals for the Ninth Circuit, the U.S. Court of Appeals for the Federal Circuit, and the U.S. Supreme Court

- Admitted to practice before the U.S. Patent and Trademark Office