

Fisher Broyles

Name: Frank W. Leak, Jr.

Email: frank.leak@fisherbroyles.com

Direct: +1.336.745.1480

Office: Charlotte

Practice Areas: Intellectual Property; Patent Prosecution; Cyber-Risk; Privacy & Data Security; Commercial Litigation; Technology

Bar Admissions: North Carolina; United States Patent & Trademark Office

Education: University of North Carolina at Chapel Hill - School of Law, J.D., 2001; North Carolina State University, M.S., Microbiology (Molecular Biology), 1997; University of North Carolina at Chapel Hill, B.A., American History, 1990

Experience: Alston & Bird, LLP; Kilpatrick Townsend & Stockton, LLP

Mr. Leak has 18 years of experience serving clients in the areas of intellectual property, privacy and data security, and complex litigation. He is registered to practice before the United States Patent and Trademark Office (USPTO) and is a Certified Information Privacy Professional for the United States (CIPP-US).

A substantial focus of Frank's practice involves litigating intellectual property and general civil (e.g., commercial litigation) cases in federal jurisdictions across the country, as well as state courts, including the North Carolina Business Court. Clients equally value Frank's counsel in the areas of patent and trademark prosecution and general intellectual property portfolio management. Additional IP related services Frank provides include opinions; offensive and defensive post grant proceedings via IPR, PGR, and ex parte reexamination procedures; and transactional matters including licenses, assignments, joint venture, research collaboration, joint development, confidentiality and non-disclosure, non-compete agreements, and software licenses.

Frank received his CIPP-US certification in the spring of 2018 and is seeking a certificate in Network Security and Cyber Defense. Frank regularly advises clients on statutory and regulatory compliance (e.g., GDPR and CCPA) and develops terms of use, privacy policies, privacy notices, and internal privacy

related policies and procedures. He also has experience with HIPAA breach incident investigations and is HIPAA awareness trained and certified.

Presentations & Teaching Experience

Since 2015, Frank has taught Patent Litigation at Wake Forest University - School of Law as an adjunct faculty member. Frank regularly gives talks on intellectual property related subjects, most recently a Hot Topics CLE with the North Carolina Bar Association Patent Litigation subsection and, for the past two years, an IP 101 discussion at the Center for Creative Economy - Creative Startups Bootcamp, where he is also an active mentor. Additionally, Frank has presented on Liability Considerations in Wilderness Medicine to the Appalachian Center for Wilderness Medicine sponsored Advanced Wilderness Life Support Program and given multiple talks to the North Carolina Biotech Center VentuRealization Group in Winston-Salem, NC.

Publications

LEGAL PUBLICATIONS AND PRESENTATIONS

- Leak, F.W and Schroeder, T.B., Myriad Genetics – It's Now Up to the Supremes, IP Links, March 8, 2012.
- Leak, F.W. and L.A. Lawson, University of Rochester v. G.D. Searle & Co., Inc. – A Setback to Reach-Through Claiming, Patent, Trademark & Copyright Journal (BNA, Inc.), 66:1635 (2003).
- Leak, F.W. and McDermott, R.M., In Patent Cases, Winning or Losing Starts and Often Ends Here: The Markman Hearing, Trends in Litigation (A&B Client Advisory) (2002).
- Connor, M.S. and Leak, F.W., Challenges of Business Method Patent Enforcement – Extraterritoriality, The Computer & Internet Lawyer, 19:8 (2002).
- Presented the Federal Circuit Case Law Review CLE, CPTCLA Fall Meeting (2004).

SCIENTIFIC PUBLICATIONS

- Leak, F.W., Tove, S. Parks, L.W., In yeast, upc2-1 confers a decrease in tolerance to LiCl and NaCl, which can be suppressed by the P-type ATPase encoded by ENA2, DNA Cell Biol., 1999 Feb; 18(2):133-9.

- Parks, L.W., Crowley, J.H., Leak, F.W., Smith, S.J., Tomeo, M.E, Use of sterol mutants as probes for sterol functions in the yeast, *Saccharomyces cerevisiae*, *Crit Rev Biochem Mol Biol.*, 1999; 34(6):399-404.
- Crowley, J.H., Leak, F.W., Sianna, K.V., Tove, S., Parks, L.W., A mutation in a purported regulatory gene affects control of sterol uptake in *Saccharomyces cerevisiae*, *J Bacteriol.* 1998 Aug; 180(16):4177-83.
- Palermo, L.M., Leak, F.W., Tove, S., Parks, L.W., Assessment of the essentiality of ERG genes late in ergosterol biosynthesis in *Saccharomyces cerevisiae*, *Curr Genet.* 1997 Aug; 32(2):93-9.
- Crowley, J.H., Smith, S.J., Leak, F.W., Parks, L.W., Aerobic isolation of an ERG24 null mutant of *Saccharomyces cerevisiae*, *J Bacteriol.*, 1996 May; 178(10): 2991-3.