

# Fisher Broyles

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**Practice Areas:** Intellectual Property

**Bar Admissions:** U.S. Patent & Trademark Office; Washington State; Oregon (inactive); Georgia (inactive)

**Education:** University of Tennessee College of Law, J.D., 2004; University of Louisville Ph.D., Physiology & Biophysics, 200; East Tennessee State University, B.S., Biology/Biochemistry, 1996

**Experience:** King & Spalding, LLP; Kilpatrick Stockton, LLP

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Dr. Jason Pass focuses his practice in the field of intellectual property, with a particular emphasis on patent procurement and client counseling in the life sciences. A registered patent attorney for nearly two decades, Jason's experience includes prosecuting and obtaining biotech-based patents for a variety of clients, from large diagnostic and pharmaceutical companies to well-known research universities. Jason has also drafted and procured numerous patents related to computer-based methods and systems for content delivery, content management, and geo-location. He has extensive experience in preparing and procuring design patents for a diverse range of products. Jason also assists clients with comprehensive brand protection, including the protection of business names and logos through trademark registrations.

Jason began his legal career as a patent litigator and has litigated several high-stakes patent matters in both federal district court and before the United States International Trade Commission. His years of patent litigation experience now inform his approach to patent drafting strategy. He also relies on his litigation experience to counsel clients on patent prosecution strategy and to help clients with their patent infringement, patent validity, and freedom-to-operate needs.

While in law school at the University of Tennessee, Jason completed an independent study in technology transfer at the University of Tennessee Research Foundation. He was also on the editorial board for the Tennessee Law Review. Before law school, Jason completed his Ph.D. in Physiology & Biophysics at the University of Louisville, with a focus on molecular cardiology. While working on his Ph.D., Jason authored

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several papers and a book chapter on the molecular signaling mechanisms that regulate cardiac preconditioning and hypertrophy.

### Representative Patent Litigation Matters

- Makhteshim Agan of North America (MANA) v. E.I. du Pont de Nemours & Co. (N.D. Ga. 2008). Represented MANA in a declaratory judgment action involving a DuPont patent directed to a blend of pesticidal granules.
- Boehringer Ingelheim Pharma GmbH & Co. KG v. Norbrook Laboratories Limited (W.D. Mo. 2008). Represented Boehringer Ingelheim in a patent infringement action based on Norbrook's filing of an Abbreviated New Animal Drug Application with the FDA for an oral meloxicam suspension.
- Spansion v. Samsung Electronics Co. (D. Del. 2008). Represented Spansion in patent infringement action related to flash memory.
- In re Certain Nitrile Gloves (I.T.C. 2007-2009). Represented Tillotson Corporation against over fifty foreign manufacturers and domestic importers in one of the largest ITC patent infringement investigations to date. Sought order barring the importation and sale within the United States of nitrile gloves -- class I medical devices -- that infringe Tillotson's patent.
- Tillotson Litigations (N.D. Ga. 2007-2009). Represented Tillotson Corporation in protecting its patented nitrile gloves in several patent infringement cases against both domestic and foreign defendants.
- Banner Pharmacaps Inc. v. Ranbaxy Labs. Ltd. et al. (M.D.N.C. 2004-2006). Represented Banner in a suit for patent infringement based on Ranbaxy's filing of a 505(b)(2) application for softgel ibuprofen with the FDA.
- Banner Pharmacaps Inc. v. Perrigo Co. et al. (M.D. N.C. 2004-2006). Represented Banner in a suit protecting its film-enrobed tablet technology and secured a summary judgment finding of infringement against Perrigo.

### Publications

- T.M. Vondriska, J.M. Pass, P. Ping. Scaffold Proteins and Assembly of Multiprotein Signaling Complexes. *Journal of Molecular and Cellular Cardiology (Review)*, 37(2): 391-7, 2004
- J.M. Pass, J. Zhang, T.M. Vondriska, and P. Ping. Functional Proteomic Analysis of the PKC Signaling System. *Protein Kinase C Protocols*, in the series – *Methods in Molecular Biology*. ed. Alexandra C. Newton, Humana Press, 233:369-85, 2003

- Z. Balafanova, R. Bolli, J. Zhang, Y. Zheng, J.M. Pass, A. Bhatnagar, X-L.Tang, O. Wang, E. Cardwell, P. Ping. Nitric oxide induces nitration of PKCe, facilitating PKCe translocation via enhanced PKCe-RACK2 interactions: A novel mechanism of NO-triggered activation of PKCe. *Journal of Biological Chemistry*, 277(17): 15021-15027, 2002
- P. Ping, C. Song, J. Zhang, Y. Guo, X. Cao, R. C.X. Li, W. Wenjian, T.M. Vondriska, J.M. Pass, X-L. Tang, W.M. Pierce, and R. Bolli. Formation of PKCe-Lck signaling modules confers cardioprotection. *Journal of Clinical Investigation*, 109(4): 499-507, 2002
- J.M. Pass, J. Gao, W.K. Jones, W.B. Wead, X. Wu, J. Zhang, C.P. Baines, R. Bolli, and P. Ping. Enhanced PKC $\beta$ II translocation and PKC $\beta$ II-RACK1 interactions in PKCe-induced heart failure: a role for RACK1. *American Journal of Physiology* 281: H2500, 2001
- J.M. Pass. Activation of PKCe Induces Dichotomous Cardiac Phenotypes: A Role for RACKs. Dissertation; University of Louisville, 2001
- C.P. Baines, J.M. Pass, and P. Ping. Protein kinases and kinase-modulated effectors in the late phase of ischemic preconditioning. Invited Review: *Basic Research in Cardiology* 96: 207-218, 2001
- J.M. Pass, Y-T. Zheng, W.B. Wead, J. Zhang, R. C.X. Li, R. Bolli, and P. Ping. PKCe activation induces dichotomous cardiac phenotypes and modulates RACK expression and PKCe-RACK interactions. *American Journal of Physiology* 280: H946-H955, 2001
- T.M. Vondriska, J. Zhang, C. Song, X-L. Tang, X. Cao, C.P. Baines, J.M. Pass, S. Wang, R. Bolli, and P. Ping. PKCe-Src modules direct signal transduction in NO-induced cardioprotection: Complex formation as a means for signal transduction. *Circulation Research*, 88: 1306-1313, 2001
- D.A. Schuscke, J.C. Falcone, J.T. Saari, J.T. Fleming, S.S. Percival, S.A. Young, J.M. Pass, and F.N. Miller. Endothelial cell calcium mobilization to acetylcholine is attenuated in copper-deficient rats. *Endothelium* 7(2): 83-92, 2000
- J.M. Pass, and K.S. Renzaglia. Comparative microanatomy of the locomotory apparatus of *Conocephalum conicum* (Hepaticae, Cono-cephalaceae). *Fragmenta Floristica et Geobotanica* 40(1): 365-377, 1995