



Tim Fink

Partner

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Tim is a patent litigator and an electrical engineer who offers his clients a rare combination of government, legal, and technical expertise. Before joining O'Melveny, Tim served at the USPTO as a Vice Chief Judge of the Patent Trial and Appeal Board (PTAB), and most recently as Senior Legal Advisor to the Director of the USPTO. Prior to his public service, Tim worked in private practice at one of the world's largest law firms, where he represented top-tier technology, telecommunications, health care, and life sciences clients in patent cases in district court, the Court of Federal Claims, and the US International Trade Commission (USITC). Tim started his professional career as an electrical engineer, spending over a decade at several major technology companies, including GE, Micron Technologies, AT&T, Lucent Technologies, and Agere.

Experience

- Led or advised on: AIA trial rulemaking; precedential decisions relating, for example, to, motions to amend, discretionary institution factors, section 325(d), and burden of proof on institution; section 101 and 112 examination policy; Supreme Court and Federal Circuit briefing concerning AIA trials and patent-related COVID-19 initiatives
- Authored or adjudicated hundreds of AIA trial decisions and over 500 appeals
- Litigated multi-million dollar patent disputes on behalf of Fortune 500 companies in district courts, the Court of Federal Claims, and the USITC.

Admissions

Bar Admissions

District of Columbia

Court Admissions

US Supreme Court

US Court of Appeals for the Federal Circuit and Fourth Circuit

US District Court, Southern District of New York

US Court of Federal Claims

Registered to Practice

US Patent & Trademark Office

Education

Georgetown University Law Center,
J.D., *cum laude*

University of Pennsylvania, M.S.,
Electrical Engineering

Drexel University, B.S., Electrical
Engineering, *summa cum laude*

- Represented international consumer electronics company through trial in a five-patent Section 337 ITC investigation involving 4G wireless infrastructure equipment; settled favorably after hearing.
- Represented multinational technology company in ITC patent trial involving tape storage library equipment; settled favorably after hearing and co-respondent obtained complete victory after continuing to a final determination.
- Represented major international consumer electronics company in ITC patent trial involving flash memory technology; obtained complete victory on all asserted patents.
- Represented multinational technology company through trial in the Court of Federal Claims involving automated postal machines; obtained summary judgment of noninfringement on all patents and claims. The US Court of Appeals for the Federal Circuit affirmed the lower court's summary judgment.

Professional Activities

Member

- Institute of Electrical and Electronics Engineers (Senior Member)

Speaker

Selected engagements

- Panelist, "Evolving Relationship Between Federal Courts and Administrative Agencies," Sedona Conference Patent Litigation Annual Meeting (November 19, 2020)
- Panelist, "AIA Joinder post-*Facebook v. Windy City*," NYIPLA PTAB Committee (October 6, 2020)
- Judge Panel, "Insider's Perspective on Disclaimers, Estoppel, and Discretionary Denials," PTAB Bar Association Annual Conference (September 24, 2020)
- "Oral Advocacy: Deconstructed," USPTO Webinar (August 7, 2020)
- Judge Panel, "PTAB Discretionary Institution Practice,: Intellectual Property Organization Webinar (June 9, 2020)
- Judge Panel, "Critical Issues and Best Practices," Practising Law Institute (April 23, 2020)
- Panelist, "Recent Developments at the PTAB," Georgia State Bar IP Section, Atlanta, GA (January 16, 2020)
- "Discretionary Denials in AIA Proceedings," NYIPLA, New York, NY (December 12, 2019)
- Panelist, "Serial Petitions and Discretionary Denials: Pre-Institution Strategies," AIPLA PTAB Bench and Bar, Alexandria, VA (June 27, 2019)
- Panelist, "Interplay of PTAB, District Court, and ITC," AIPLA Spring Meeting, Philadelphia, PA (May 16, 2019)
- Panelist, "Navigating the Interplay of Parallel Litigation with a PTAB Proceeding," PTAB Bar Association Annual Conference, Washington, DC (March 14, 2019)
- "*SAS Inst. v. Iancu*: Implications and Guidance for Practitioners," NYIPLA, New NY (October 4, 2018)
- "State of the Board," Georgia Bar IP Section, Amelia Island, FL (September 21, 2018)
- Panelist, "Master Class on AIA Trial Proceedings," PTAB Bar Association, Washington, DC (March 21, 2018)

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- Panelist, “Discretion to Deny Institution,” American University—Unified Patents—Federal Circuit Bar Association, Washington, DC (March 15, 2018)
 - Panelist, “PTAB Practice Tips,” University of Texas Advanced Patent Law Institute, Alexandria, VA (March 1-2, 2018)
 - Panelist, “Institution Phase of AIA Trials,” DC Bar Association, Alexandria, VA (February 15, 2017)