



AAA Mediation.org™

**FN-2388294 MN-2388294 LN-2388294,
Esq.**

North Brunswick, New Jersey



Current Employer-Title Law Office of Angela Foster - Principal

Professional Summary Capabilities run the gamut from resolution of domestic and international cases to settlement of multinational complex commercial disputes involving trade secret misappropriation, patent infringement, trademark disputes, healthcare agreement, health plans & systems, Artificial Intelligence, data, electronic stored information and breach of collaboration, supply and distribution agreements regarding manufacturing and commercialization of an active pharmaceutical ingredient. Unique issues included whether: royalties were warranted in biochemical sublicense agreement or later discovered technology was within the scope of an agreement or by-product of a pharmaceutical drug fell within contract or commercially reasonable efforts were performed.

Profession Attorney, Arbitrator, Mediator, Educator

Work History Principal, Law Office of Angela Foster, 2006-Present; Adjunct Professor, Seton Hall Law School, 2011-2012; Deputy Attorney General, New Jersey Attorney General Office, 2002-2006; Adjunct Professor, Rutgers University, 2003-2008; Associate, Gibbons, 2000-2002; Associate, Pennie & Edmonds, 1998-2000.

Experience Trained both as an attorney and a scientist, has over 30 years of combined legal and scientific experience in biotechnology, biochemistry, pharmaceutical and chemistry. Litigated various matters in federal court including breach of contract; complex commercial and intellectual property (patent infringement/validity, trademark, infringement, copyright infringement, unfair competition). Negotiated assignments and licenses relating to the transfer of copyrights and has evaluated the copyright implications of various commercial transactions, such as mergers and acquisitions; due diligence inquiries; moral rights and performance rights. Patent practice includes prosecution and litigation of biotechnology, pharmaceutical, chemical, Healthcare & Life Sciences, mechanical, medical devices, bio-information related inventions. Has over a two decades of experience handling a wide variety of licensing and transactional matters involving all types of intellectual property in a diverse range of businesses, such as the pharmaceutical, biotechnology, chemical, biomedical, computer, software, entertainment, apparel, food, financial services and publishing industries. Negotiated and defended license agreements for complex commercial matters including intellectual

property rights, i.e., patents, trademarks, trade secret and copyright. Counseled and drafted license agreements involving supply product and development, supply chain, procurement and sourcing and manufacturing operations for cases involving technology in the pharmaceutical, biotechnology and medical device industries. Counseled and drafted contracts and license agreements involving the development of raw materials, intermediates, active pharmaceutical ingredients and other material components for clinical supplies and commercial manufacturing.

Counseled clients on privacy and cybersecurity issues related to product support programs and participation in research partnerships. Counseled clients on issues with human biological material storage and use and informed consent matters including clinical research. Advised clients on compliance strategies regarding data protection laws and clinical research.

Litigated Life Sciences/pharmaceutical matters including Pharmaceutical drug patent infringement and invalidity; ANDA litigation involving pharmaceutical drugs; Biotechnology patent inducement infringement; Pharmaceutical patent and trademark infringement; Complex chemical bioproduct trade secret litigation; and Biotechnology process patent infringement.

Experience in the copyright field extends to diverse products and markets including computer software and documentation, music and entertainment, healthcare and life sciences, telecommunication, publishers, television companies, celebrity personalities and literary works. Negotiated assignments and licenses relating to the transfer of copyrights and has evaluated the copyright implications of various commercial transactions, such as mergers and acquisitions; due diligence inquiries; moral rights and performance rights.

Extensive experience in all aspects of trademark law, including searching and clearance of trademarks; prosecuting trademark applications; litigating trademark, trade dress, unfair competition and dilution matters in state and federal courts. Experience in trademark law extends to a very diverse industry including e-commerce; media; sports; entertainment; clothing apparel; information technology; and consumer goods & services.

Was appointed by a district court as a special master in a patent infringement matter for a discrete issue regarding the scope of technology that should be allowed in a discovery issue.

Prior to entering the legal field, worked for several pharmaceutical companies as a scientist. Former Adjunct Professor for Seton Hall Law School in the Gibbons Institute of Law Science & Technology.

Mediator Experience

Mediated several patent matters including a matter involving an international and domestic pharmaceutical licensing dispute of \$100 million to \$500 million.

Served as mediator for over 100 commercial disputes; three in the hotel/accommodation industry; one dealing with the office supplies industry; two in restaurant industries and six involving healthcare.

Mediated over 75 breach of contract and license disputes.

Mediated for six intellectual property disputes; five in pharmaceutical industry and one in literary field.

Mediated 10 employment disputes; two in the home repair industry; four in medical field; two in consumer products; and two in governmental affairs.

Served as mediator for two merger & acquisitions disputes; one dealing with specialty business equipment and one involving the baby food industry.

Mediated four environmental disputes; one between five insurance carriers; three between plaintiff and two insurance carriers.

Served as mediator for six construction disputes; four between contractors and subcontractors and two between owner and contractor.

Representative Issues Handled as a Mediator

Patent infringement case that involved whether later developed pharmaceutical drugs were included in license agreement.

License agreement involving whether later discovered/developed IT technology was within scope of the agreement.

Trade secret agreement breach involving healthcare IT technology

Product development and consulting agreement involving whether biotechnology techniques were included in agreement.

License agreement breach involving whether royalties were warranted in a biotechnology sublicense agreement.

Merger & acquisition disputes/franchise disputes (involving licensing agreements; failure to produce; financial covenants; financial accounting, misrepresentation); environmental (including property damage, insurance liability).

Construction disputes (including scope of work issues, change orders and claims for negligent design, defective workmanship, contract balance, acceleration and delay).

Intellectual property law disputes (including trademark & patent infringement, unfair competition).

Employment discrimination and wrongful termination matters in federal and state courts.

Mediator Style & Process Preferences

Mediation provides a process for leveling the playing field in which parties feel that they are involved in the mediation process and can acquire the best resolution of the dispute. My approach is to provide an open and honest environment but simultaneously maintaining confidentiality and integrity of the process. I try to ensure that the parties feel their interest is being advanced without invoking any sense of bias. I also maintain control of the mediation process and detoxify any situation that may hinder the advancement of the process or sense of comfort for the parties. Further, I try to ensure that the parties walk away feeling they have reached the best resolution for their dispute.

Education

Rutgers University (PhD, Biochemistry-1998; JD-1998; BA, Microbiology-1980).

Professional Licenses

Admitted to the Bar: New Jersey (2000), New York (2001); U.S. District Courts: District of New Jersey, Eastern and Southern Districts of New York; U.S. Court of Appeals: Second, Third, and Federal Circuits; U.S. Patent and Trademark Office, Registered Patent Attorney; U.S. Supreme Court.

Professional Associations

American Bar Association (Section of Litigation - Council Member, Trial Evidence Committee Chair, Intellectual Property Litigation Chair, Technology for the Litigator Committee, Chair Litigation News, Editor).
New Jersey Bar Association (Dispute Resolution Section, past-chair; New Jersey Lawyer Magazine Editorial Board, past Chair).
New Jersey Federal Bar Association.
American Intellectual Property Law Association.
John C. Liffand Inn of Court (Intellectual Property Trial Advocacy, Barrister).
Marie L. Giribaldi Inn of Court (Alternative Dispute Resolution Advocacy).
National Bar As Registered Patent Attorney with the United States Patent and Trademark Office Association.
Licensing Executive Society.
New Jersey Supreme Court (Advisory Committee on Professional Ethics).
World Intellectual Property Organization.
Financial Industry Regulatory Authority.
International Court of Arbitrators.
Silicon Valley Arbitration & Mediation Center (Tech List member/Treasurer).
London Court of International Arbitration.
College of Commercial Arbitrators (Fellow).
National Academy of Distinguished Neutrals.

Recent Publications & Speaking Engagements

PUBLICATIONS (selected): Disclosure and Admission of Evidence in the International Arbitration of Intellectual Property Disputes in *Arbitration of International Intellectual Property Disputes*, 379 (Thomas D. Halket ed., 2d ed., Juris Publishing 2021); Waiver of Privilege. Juris Publishing, Inc. December 15, 2015. AAA Handbook on Arbitration Practice, 2nd Edition. Chapter 35; "Arbitration Deadlines are Real Deadlines." Spring 2015. Alternative Dispute Resolution Newsletter, Vol. 19. No.1. "U.S. Supreme Court Heightens Interest in Patent Law". NEW JERSEY LAW JOURNAL 216, April 2014; "Is the Breast Cancer Gene Debate Over? Patenting DNA after Myriad — how the

plot has unfolded". NEW JERSEY LAW JOURNAL.214, September 2013; "200 Years Later – The Race to the Patent Office Begins". NEW JERSEY LAW JOURNAL 200, April 2013. "Reverse Payment Settlements – Legal, illegal or Unlawful". 209 NEW JERSEY LAW JOURNAL 916, September 2012. "The Patent Pilot Program: Are Specialized Courts on the Rise". 208 NEW JERSEY LAW JOURNAL 64. "Fee Issues and the Role of the Attorney as the Third Party Neutral". NEW JERSEY LAWYER MAGAZINE. Vol. 274:44. "How Much Is a Patent Infringement Worth?" -Pharmaceutical Licensing Royalty Rates after Uniloc v. Microsoft.206 NEW JERSEY LAW JOURNAL 219, October 2011; "Overhauling the Inequitable Conduct Doctrine" 204 NEW JERSEY LAW JOURNAL 109, April 2011; New Jersey State Bar Association, Dispute Resolution Section, November 9, 2010; "Impact of Reverse Payment Settlement on Mediation," NEW JERSEY LAWYER MAGAZINE, no. 269, April 2011; "Who Owns Your Gene? - The Breast Cancer Gene Patent Dispute," SCITECH LAWYER MAGAZINE, American Bar Association, Winter 2011; "IP's Changing Playing Field: With Some Precedents 'Eviscerated,' The Arbitration v. Mediation v. Litigation Choices Aren't Clear," ALTERNATIVES, International Institute for Conflict Prevention & Resolution, December 2010; "Reexamination as Patent Litigation Strategy," 202 NEW JERSEY LAW JOURNAL 370, October 2010; "Waiver of Privilege under Evidence Rule 502 and Arbitration Proceedings," DISPUTE RESOLUTION JOURNAL, AAA, vol. 65, no. 1, February - April 2010.

SPEAKING ENGAGEMENTS (selected): All-Important Preliminary Hearing. ABA Dispute Resolution Training Institute. June 14, 2021; Selecting Arbitrators for Life Sciences. CPR. May 14, 2021; Not Business As Usual: Techniques for Resolving Life Sciences Disputes. Silicon Valley Arbitration & Mediation Center. December 9, 2020; Virtual Arbitration and Mediation of Complex Cases: Lessons Learned. Silicon Valley Arbitration & Mediation Center. October 8, 2020; Ensuring Efficiency in Complex Technology Arbitration. Silicon Valley Arbitration & Mediation Center. July 23, 2020; Legal Implications of New Technologies, Part Four: Seeing Through Facial Recognition. American Bar Association. March 24, 2020; Ethics in ADR: The Ultimate Guide for New Jersey Attorneys. New Jersey Institute of Continuing Legal Education. November 7, 2019; Arbitrating Domestic and International Life Science Disputes (including Pharmaceutical, Medical Device, and Biotechnology). American Arbitration Association. Oct 2, 2019; What an Arbitrator Should Know About Sanctions, Immunity and Malpractice Insurance. Recorded AAA Webinar. July 2019; A View from the Federal and State Benches on Award and Post-Award Issues. ADR Day 2019 - New Jersey State Bar Association. June 5, 2019; Trends in the Enforcement of Arbitration Agreement. New Jersey State Bar Association Annual Convention. May 16, 2019; Arbitrating Life Science Disputes. American Arbitration Association. May 1, 2019; Mediating Technical Issues and Use of Technology in Mediation. New Jersey Institute of Continuing Legal Education. March 19, 2019; Do's and Don'ts When Representing Your Client in Mediation. New Jersey State Bar Association Annual Conference. May 17, 2018.

Mediation Rate	\$900 Per Hour
Languages	English
Citizenship	United States of America
Locale	North Brunswick, NJ

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.