

# Merchant & Gould

An Intellectual Property Law Firm



## Alan W. Kowalchyk

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Alan practices all aspects of Intellectual Property law with an emphasis on patent litigation, client counseling and alternative dispute resolution. He is experienced in patent infringement and validity assessment, as well as advising clients on patent portfolio management, and has handled all phases of patent prosecution, as well as patent appeals and reexaminations. Alan's areas of technical expertise include immunology, microbiology, genetic engineering, food science, applied chemistry, pharmaceuticals, medical devices, commercial and consumer products. He also is a State of Minnesota Qualified Neutral for adjudicative services and mediation, a member of the American Arbitration Association's National Panel of Neutrals and a member of the World Intellectual Property Organization's list of Arbitrators and Mediators. As a Special Assistant Attorney General for Minnesota in the early 1980's, Alan handled litigation and administrative agency matters primarily in the environmental area. Alan is an adjunct Professor at William Mitchell College of Law, and has been recognized as a "Super Lawyer" by Minnesota Law & Politics and Thompson Reuters. Alan has also achieved an AV peer review rating by Martindale-Hubbell.

### Education

University of Wisconsin-Madison  
*B.S., Natural Science, 1976; M.S., Food Science, 1977*

Hamline University  
*J.D., cum laude, 1981*

### Bar Admissions

The Supreme Court of the State of Minnesota, 1981  
United States District Court - Minnesota, 1982  
United States Court of Appeals 8th Circuit, 1985  
United States Patent and Trademark Office, 1984  
United States Court of Appeals - Federal Circuit, 1986

Atlanta

Denver

Knoxville

Madison

Minneapolis

New York

Seattle

Washington DC

# Alan W. Kowalchyk (Continued)

## Professional Affiliations

Minnesota State Bar Association  
Federal Circuit Bar Association  
American Bar Association  
American Intellectual Property Law Association  
Minnesota Intellectual Property Law Association

## Presentations and Publications

Panelist at University of Washington: High Technology Protection Suit on July 22, 2011 on the topic: *Will Therasense Ease Administrative Burden of Complex Domestic and International Patent Prosecution.*

*"Patent Reexamination: An Effective Litigation Alternative?"*, *Landslide*®, ABA Section of Intellectual Property Law, Volume 3, No. 1, September/October 2010.

*"Facts and Myths of Patent Re-Examinations"*, *Law360*, Intellectual Property (January 15, 2010)

*"Resolving Intellectual Property Disputes Outside of Court: Using ADR to Take Control of Your Case"*, *Dispute Resolution Journal*, 61(2), 28-37 (May/July 2006)

*"Inequitable Conduct and Establishing Deceptive Intent - Is Guidance Coming?"* by Al and Josh for 2010 High Technology Protection Summit at the University of Washington School of Law, Seattle, WA, July 23-24, 2010.

*"The Inequitable Conduct Defense Lives On: 2003 Federal Circuit Decisions and Their Impact"*  
The John Marshall Review of Intellectual Property Law - September 2004

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