



Patently Experienced

POLICY LEADER JOHN M. WHEALAN HEADS IP PROGRAM

BY JAMIE L. FREEDMAN | GW Law's internationally renowned intellectual property law program took a giant step forward in May with the appointment of John M. Whealan as the school's inaugural associate dean for intellectual property law studies. A leading figure in Washington's IP community for nearly two decades, Whealan comes to GW Law from the U.S. Patent and Trademark Office, where he served as deputy general counsel for intellectual property law and solicitor since 2001.

Whealan's wide-ranging experience in IP policy and litigation spans all three branches of government. "Early in my law career, I was fortunate to clerk for two judges, and I spent the past year serving as counsel to the U.S. Senate Judiciary Committee, where I worked primarily on the Patent Reform Act," he says. "My diversified career has given me a unique perspective on IP law."

Growing up in Eastchester, N.Y., Whealan never thought that he would ultimately become a law school dean. "I started out as an engineering student, along with three of my four

siblings," says Whealan, who has always had a high aptitude for math and science. After earning an undergraduate degree in electrical engineering, he worked for two years as a design engineer for General Electric while simultaneously obtaining a master's degree in electrical engineering.

Whealan's competitive drive, coupled with his unique background, earned him a coveted slot at Harvard Law School. "In those days, Harvard did not offer patent law classes," he recalls, "but I landed my first summer job at a patent firm and really enjoyed it, since it combines my love of law, science, and technology. The fields are exciting on their own, but when you put them together, I don't think there's any better job."

After graduating, he worked for a New York patent law firm for a year and then clerked for Judge James T. Turner of the U.S. Court of Federal Claims and Judge Randall R. Rader, JD '78, of the U.S. Court of Appeals for the Federal Circuit.

The next stop for Whealan was a three-year stint as a staff attorney at the U.S. International Trade

Commission, where he litigated several Section 337 investigations involving IP matters. “During that time, some talented friends of mine were hired at the U.S. Patent and Trademark Office, and I joined them there in 1996, expecting to stay for three or four years,” he explains. After a short time, he was appointed acting deputy solicitor, responsible for overseeing all patent cases and, ultimately, solicitor. During his tenure at the USPTO, Whealan argued some 30 cases before the Federal Circuit and assisted the U.S. solicitor general on nearly every intellectual property case heard by the Supreme Court since 2000.

“Over the past decade, the Supreme Court has taken on an increasing number of patent cases,” says Whealan, noting that he worked on some 20 Supreme Court-related matters as USPTO solicitor. “Patent law has become a much more important field. Four hundred thousand patent applications were filed at the USPTO last year. We’re not as much of a manufacturing economy or service economy anymore; we’re an intellectual economy, and patents have become a bigger, mainstream part of it.”

A highlight of Whealan’s career was helping Senate Judiciary Committee Chairman Patrick Leahy draft the U.S. Patent Reform Act of 2007, characterized by many as the most significant piece of patent legislation in the past 50 years. “My year at the Senate was the most substantively interesting year I have ever had,” says Whealan, who helped advise the committee on myriad aspects of patent law.

Whealan is optimistic that his position at GW Law will be equally rewarding. “It’s a multifaceted, one-of-a-kind job overseeing a vibrant program,” says Whealan. “GW Law has a unique place in the IP law community. Both academically and policy-wise, our faculty is second to none. When you work with great people you like and respect, there’s a lot of synergy. It’s like managing the Yankees—We’re working with top talent without having George Steinbrenner for a boss. It’s a great program and we’re going to make it even better.”

GW Law Dean Frederick M. Lawrence, who created the new deanship in response to the IP program’s rapid growth, says he is delighted that Whealan has joined the team. “John is highly respected and recognized in the IP field and adds considerable depth, expertise, and experience to our already top-ranked IP program,” he states. “His professional career and accomplishments in both the public and private sectors add to our outstanding IP faculty and enrich our IP program. I look forward to the many contributions John will make as we move forward in expanding our programs in this area.”

Whealan, who likens the job to the “hub of a wheel” with spokes extending in all directions, says he was honored to take the position. “A friend once told me that a law school is 94 independent contractors and a dean, and I think that’s right,” he remarks. “My job almost has the feel of running a business.” As the self-described “point person for the programmatic side of the IP program,” his wide-ranging responsibilities include assisting in coordinating GW Law’s

domestic and international LLM programs, assisting in overseeing the international IP programs in Munich and India, recruiting students, building relationships with GW’s IP alumni community, increasing the number of law firms and corporations on the Law School’s IP advisory board, running conferences and speaker’s series, and overseeing *The Federal Circuit Bar Journal*, which recently moved to GW Law.

“One of the reasons I took the job was because I was impressed that GW’s IP program was so good that it needed an associate dean to coordinate it,” he states. “We’re the NCAA of patent law firms, training more IP lawyers than anyone else in the country.” GW Law’s Washington location was another draw, as were several GW Law faculty members whom Whealan counts as longtime friends. “I’ve had strong personal and professional relationships over the years with John Duffy, Bob Brauneis, Marty Adelman, Judge Rader, Don Dunner, and other great people at GW, and was glad to join them here,” he remarks.

Rader, who mentored Whealan early in his career at the nation’s top IP court and, later, married him and his wife, says that GW Law is lucky to have him on board. “John is widely renowned as one of the nation’s great leaders in IP policy and is just as bright as they come, with a lot of drive,” Rader says. “The whole IP community knows him as someone who represented the PTO with vast expertise before the Federal Circuit and influenced Supreme Court litigation as well as the whole patent reform movement. GW Law School couldn’t be more fortunate to have him heading up the IP program.”

No stranger to academia, Whealan served for the past decade as an adjunct professor of law at The Franklin Pierce Law Center and has also taught courses at George Mason University School of Law and Chicago-Kent College of Law. He calls GW “a fun place to be,” and lauds the University’s location in the heart of Washington. “I don’t think I would have taken this job anywhere else,” he says. “Everything is here, from Congress and the Supreme Court to the Federal Circuit and the Patent Office. From the early days of my career, I felt that if I was going to practice IP law, I wanted to do it in D.C.”

Whealan, who lives with his wife and 11-year-old daughter in Takoma Park, Md., also appreciates Washington’s extensive Metro system. “I’ve been legally blind since birth, so I always make it a point to live in cities with good public transportation,” he explains.

Looking ahead, Whealan hopes to lead GW’s century-old IP program to even greater heights. “If you had told me when I graduated from law school in 1990 that I would have gotten to do all the things that I have done in the past two decades—sat at counsel’s table at the Supreme Court, argued over 30 times at the Federal Circuit, worked with some of the best IP lawyers in the country, and now serve as associate dean at one of the best IP schools in the country, I would not have believed you,” he says. “I feel very fortunate and look forward to what the next decade brings.” **GW**