

# **39th Annual Symposium on Government Acquisition**

## **Speaker Bios**

November 2-3, 2011  
Huntsville Marriott



# Biography

Department of the Army



## Earl H. Stockdale

Chief Counsel  
Headquarters, U.S. Army Corps of Engineers  
Washington, D.C.



Selected to the Senior Executive Service in January 1992, Mr. Stockdale was appointed to his present position as the Chief Counsel of the U.S. Army Corps of Engineers in October 2004. He is the chief legal advisor to the Commander of the Corps of Engineers, and is responsible for managing and directing the Corps' legal services system, which is comprised of over 450 attorneys and administrative personnel worldwide. As the Chief Counsel, Mr. Stockdale oversees the provision of all legal advice and guidance concerning the Corps' multi-billion dollar water resources development, military construction, disaster relief assistance, environmental restoration, real property, and support for others initiatives.

From January 1992 through September 2004, Mr. Stockdale served as the Deputy General Counsel of the Army for Civil Works and Environment. In that position, he was the Army's senior legal advisor on environmental, natural resources, and real estate law matters. Mr. Stockdale advised the Secretary of the Army and other senior Army leaders on a wide variety of complex legal and policy issues associated with the Army's water resources and development programs, environmental compliance program, and management of land and facilities worldwide, including Arlington National Cemetery.

### CAREER CHRONOLOGY:

- Jan 1988 – Feb 1992: Senior Assistant to the General Counsel of the Army, Headquarters, Department of the Army, Washington, DC
- Feb 1986 – Jan 1988: Assistant Chief Counsel for Military Programs and International Law, Headquarters, U.S. Army Corps of Engineers, Washington, DC
- Jan 1980 – Feb 1986: Assistant Counsel for General Law, Headquarters, U.S. Army Corps of Engineers, Washington, DC
- Jul 1978 – Jan 1980: Trial Attorney, Headquarters, U.S. Army Corps of Engineers, Washington, DC
- May 1976 – Jul 1978: Attorney Advisor (Real Estate), Headquarters, U.S. Army Corps of Engineers, Washington, DC
- Aug 1973 – May 1976: Attorney Advisor (Real Estate), Baltimore District, U.S. Army Corps of Engineers, Baltimore, MD

**COLLEGE:**

- LLM, Environmental Law, National Law Center, George Washington University, Washington, DC, 1987
- JD, Duquesne University School of Law, Pittsburgh, PA, 1973
- BA, History, Allegheny College, Meadville, PA, 1970

**CERTIFICATIONS:**

- Licensed to practice law in Pennsylvania, the District of Columbia, and numerous courts, including the Supreme Court of the United States of America.

**AWARDS AND HONORS:**

- Presidential Rank Award – Distinguished Executive, 2001, 2009
- Presidential Rank Award – Meritorious Executive, 2007, 1997
- Gold Citation for Professional Achievement, Allegheny College, 2005
- Decoration for Exceptional Civilian Service, 2004, 2001, 1998
- Meritorious Civilian Service Award, 1996, 1992, 1987
- Service to America Award (Environment, Science & Technology), 2003
- Superior Civilian Service Award, 2003, 2001
- Commander's Award for Civilian Service, 2002
- Department of Justice Special Achievement Award, 1992

**PROFESSIONAL MEMBERSHIPS AND ASSOCIATIONS:**

- Advisory Council, United States Court of Federal Claims

MAJOR DARREN W. POHLMANN, JA, Professor, Contract and Fiscal Law Department.

B.A., Washington and Lee University, 1999; J.D., American University-Washington College of Law, 2002; 160th Judge Advocate Officer Basic Course, 2003; LL.M Military Law, The Judge Advocate General's School, 2011.

Career Highlights: Battalion Judge Advocate, 1st Battalion, 7th Special Forces Group (Airborne), Fort Bragg, North Carolina, and Kandahar, Afghanistan, 2008-2010; Acquisition Attorney, US Army Space and Missile Defense Command/Army Forces Strategic Command, Redstone Arsenal, Alabama, 2006-2008; Trial Counsel, 4<sup>th</sup> BCT, 3d Infantry Division, Fort Stewart, Georgia and Baghdad, Iraq, 2005-2006; Administrative Law and Contract Law Attorney, 3d Infantry Division, Fort Stewart, Georgia, and Baghdad, Iraq, 2003-2005; Legal Assistance Attorney, 3d Infantry Division, 2003.

Member of the Bar of the Commonwealth of Virginia; admitted to practice before the U.S. Court of Appeals for the Armed Forces.

## Acting PDGC and Deputy General Counsel - Acquisition



Since January 2009 Mr. Norsworthy has served as the Acting Principal Deputy General Counsel (PDGC). In that capacity, he is responsible for the overall provision of legal advice and counsel to the Secretary of the Army.

**Mr. Levator Norsworthy, Jr.** was appointed to the Senior Executive Service in January 1998 as Deputy General Counsel (Acquisition) where he assists the General Counsel in providing advice and counsel to all Army Secretariat officials to include the Secretary of the Army, the Army Acquisition Executive, the Army Chief Information Officer, and their staffs.

The provision of legal advice encompasses a variety of functional areas such as federal procurement law, major weapon system acquisition, military construction, research and development, developmental and operational testing, logistics, international cooperative programs, security assistance, competitive sourcing, and contingency contracting.

### Career Chronology

- Jun 1995 – Dec 1997: Chief Counsel, U.S. Army Communications and Electronics Command, Washington Operations Office, Alexandria, VA
- Aug 1991 – Jun 1995: Command Counsel, U.S. Army Contracting Command-Europe, Heidelberg, Germany
- Jul 1990 – Aug 1991: Senior Trial Attorney, Contract Appeals Division, Office of the Judge Advocate General, Washington DC
- Jul 1988 – Jul 1990: Gilbert A. Cuneo Professor of Contract Law & Chairman of the Contract Law Division, The Judge Advocate General's School, Charlottesville, VA
- Jun 1985 – Jul 1987: Staff Judge Advocate, 10th Mountain Division (Light Infantry) and Fort Drum, Fort Drum, NY
- Oct 1973 – Jun 1985: Served in a variety of managerial and litigation-related assignments with the U.S. Army Trial Defense Service the 2d Infantry Division, the Office of the Judge Advocate General's Litigation Division, and Contract Appeals Division.

### College

- J.D., University of Cincinnati, College of Law, Cincinnati, OH
- B.S., Business Administration – Economics, University of Dayton, Dayton OH

## **Certifications**

- Admitted to Practice
  - District of Columbia
  - State of Ohio, (inactive)
  - United States Supreme Court
  - United States Court of Appeals for the Federal Circuit
  - United States Court of Appeals for the Fourth Circuit
  - United States Court of Appeals for the Seventh Circuit
  - United States Court of Federal Claims

## **Awards and Honors**

- Presidential Rank Award – Distinguished Executive, 2010
- Presidential Rank Award – Meritorious Executive, 2004
- DA Award for Exceptional Civilian Service, 2001

## **Professional Memberships and Associations**

- American Bar Association

## RALPH C. NASH, JR.

Ralph C. Nash, Jr., is Professor Emeritus of Law of The George Washington University, Washington, D.C., from which he retired in 1993. He founded the Government Contracts Program of the university's National Law Center in 1960, was Director of the Program from 1960 to 1966 and from 1979 to 1984, and continues to be actively involved in the Program. He was Associate Dean for Graduate Studies, Research and Projects, of the Law Center from 1966 to 1972.

Professor Nash has specialized in the area of Government Procurement Law. He worked for the Navy Department as a contract negotiator from 1953 to 1959, and for the American Machine and Foundry Company as Assistant Manager of Contracts and Counsel during 1959 and 1960.

He graduated *magna cum laude* with an A.B. degree from Princeton University in 1953, and earned his Juris Doctor degree from The George Washington University Law School in 1957. He is a member of Phi Beta Kappa, Phi Alpha Delta, and the Order of the Coif.

Professor Nash is active as a consultant for government agencies, private corporations, and law firms on government contract matters. In recent years, he has served widely as neutral advisor or mediator/arbitrator in alternate dispute resolution proceedings. He is active in the Public Contracts Section of the American Bar Association, is a member of the Procurement Round Table, and is a Fellow and serves on the Board of Advisors of the National Contract Management Association.

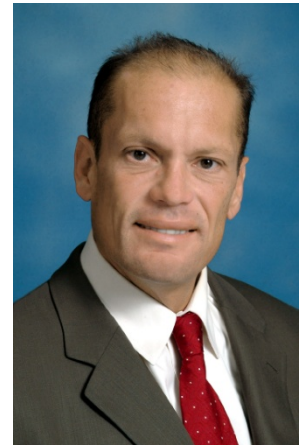
During the 1990s, Professor Nash was active in the field of acquisition reform. He served on the "Section 800 Panel" that recommended revisions to all laws affecting Department of Defense procurement, the Defense Science Board Task Force on Defense Acquisition Reform, and the Blue Ribbon Panel of the Federal Aviation Administration.

He was the coauthor with John Cibinic, Jr. of a casebook, *Federal Procurement Law* (3d ed., Volume I, 1977, and Volume II, 1980). He and Professor Cibinic also coauthored five textbooks: *Formation of Government Contracts* (4th ed. 2011 (with Christopher Yukins)), *Administration of Government Contracts* (4th ed. 2006 (with James Nagle)), *Cost Reimbursement Contracting* (3d ed. 2004), *Government Contract Claims* (1981) and *Competitive Negotiation: The Source Selection Process* (3d ed. 2011 (with Karen O'Brien-DeBakey)). He is coauthor with Leonard Rawicz of the textbook *Intellectual Property in Government Contracts* (6<sup>th</sup> ed. 2008), coauthor with seven other authors of the textbook *Construction Contracting* (1991), coauthor with Vernon Edwards, Steven L. Schooner and Karen O'Brien-DeBakey of *The Government Contracts Reference Book* (3d ed. 2007), and coauthor with Steven Feldman of *Government Contract Changes* (3d ed. 2007). He has written several monographs for The George Washington University Government Contracts Program monograph series, and has published articles in various law reviews and journals. Since 1987 he has been coauthor of a monthly analytical report on government contract issues, *The Nash & Cibinic Report*.

## James “Russ” McMurry

Senior Counsel, Network & Space Systems

The Boeing Company



Russ McMurry has been an attorney for Boeing Defense, Space and Security Systems since 2005. His duties have included serving as the primary counsel for the Ground-Based Midcourse Defense (GMD) program and other Missile Defense Programs. Currently, Russ is the Senior Counsel for Boeing’s Space Exploration (SE) division. His duties include all legal matters related to Boeing’s International Space Station, Space Shuttle/Shuttle Processing, Ares I and SLS rockets, Delta Launch Services Programs, and Commercial Human Space Flight.

Prior to joining The Boeing Company, Russ served as a Navy JAG officer engaged primarily in criminal trial practice. He subsequently worked as a procurement and fiscal law attorney for the United States Army.

Russ received a Bachelor of Arts degree *Summa Cum Laude* from the University of Alabama in 1983. He received his law degree from the University of Alabama in 1985 and was selected as a Hugo Black scholar. Russ is a member of the Bar Association in the States of Alabama and Florida.

Russ enjoys waterskiing in his spare time. He and his wife Lisa have a son Colin who attends the University of Alabama.



**ULDRIC L. FIORE, JR.**

**Director, Soldier & Family Legal Services  
Army Suspension and Debarment Official  
Office of The Judge Advocate General, U.S. Army**

Mr. Uldric L. Fiore, Jr. (“Ric”) assumed duties as Director, Soldier & Family Legal Services on 16 July 2008. Mr. Fiore is responsible for policy and oversight of legal services provided to soldiers and their families, including legal assistance and claims services, with particular emphasis on legal support to Soldiers in the Medical Evaluation and Physical Disability Evaluation processes. Mr. Fiore also was appointed as the Army Suspension and Debarment Official, effective 2 October 2008.

Mr. Fiore began his federal service in 1973 following graduation from the United States Military Academy and commissioning in the United States Army, where he went on to serve for over 30 years, including 25 years in The Judge Advocate General’s Corps, retiring as a Colonel in July 2003. Following his retirement until May 2005, Mr. Fiore served as an Assistant United States Attorney in the Civil Division of the United States Attorney’s Office for the District of Columbia. In May 2005, Mr. Fiore was appointed to the Senior Executive Service and served until July 2008 as the General Counsel for the Department of Defense Office of Inspector General, with responsibility for ensuring independent counsel and legal advice to the Inspector General and to the Office of Inspector General.

From July 2000 to his Army retirement in July 2003, Mr. Fiore served as Chief of the Army Litigation Division, which has the mission to represent the Department of the Army and Army officials in civil litigation before Federal, State, and international courts. Mr. Fiore’s other military assignments include: Judge Advocate, United Nations Command, U.S. Forces Korea and Eighth U.S. Army, Republic of Korea (ROK); Staff Judge Advocate, U.S. Army Special Operations Command, Fort Bragg, NC; Staff Judge Advocate, U.S. Army Engineer Center, Fort Leonard Wood, MO; Staff Judge Advocate, U.S. Army Transportation Center, Fort Eustis, VA; Litigation Attorney, Procurement Fraud Division, Office of The Judge Advocate General (HQDA); Deputy Staff Judge Advocate, 10<sup>th</sup> Mountain Division, Fort Drum, NY; Trial Attorney, Contract Appeals Division, Office of The Judge Advocate General (HQDA); Deputy Staff Judge Advocate, 2d Infantry Division, ROK; Senior Trial Counsel, Eighth U.S. Army, ROK; and prior to law school, Platoon Leader, 125<sup>th</sup> Signal Battalion, 25<sup>th</sup> Infantry Division, Hawaii.

Mr. Fiore’s military decorations include the Defense Superior Service Medal, Legion of Merit (2<sup>nd</sup> Award), Meritorious Service Medal with Silver Oak Leaf (6<sup>th</sup> Award), Army Commendation Medal, National Defense Service Medal, Korea Service Medal, Army Service Ribbon, Overseas Service Ribbon, and the Republic of Korea Order of National Security Merit Samil Medal. Mr. Fiore also has earned the Parachutist Badge, the Ranger Tab, and Australian Parachutist Wings.

Mr. Fiore is admitted to practice before the Bars of the States of New Jersey and New York, and the District of Columbia, as well as various Federal Courts. Mr. Fiore earned his Juris Doctor with honors from Rutgers University School of Law (Newark), and a Bachelor of Science from the United States Military Academy. He also is a graduate of the Army War College and the Army Command and General Staff College.

**George O. Winborne, Jr.**  
Patent Attorney  
U.S. Army Materiel Command

George Winborne is a patent attorney in the office of the Command Counsel of the U.S. Army Materiel Command (AMC) at Redstone Arsenal and advises on intellectual property and information technology legal issues. Prior to that he was with the U.S. Army Aviation and Missile Command Legal Office where he practiced intellectual property (IP) law since joining the office in 2005.

AMC is the Army's premier provider of materiel readiness – technology, acquisition support, materiel development, logistics power projection, and sustainment – to the total force, across the spectrum of joint military operations. If a Soldier shoots it, drives it, flies it, wears it, eats it or communicates with it, AMC provides it.

Mr. Winborne has a B.S. in Physics from Florida State University (1985) and a M.S. in Solid State Physics (1989) and J.D. (1997) from the University of North Carolina at Chapel Hill. He was inducted into Phi Beta Kappa. He is a member of the bars of New York and North Carolina, the Federal Southern and Eastern Districts Courts of New York, the Federal Eastern and Middle District Courts of North Carolina and the Fourth Circuit Court of Appeals. Mr. Winborne is admitted to practice before the United States Patent and Trademark Office. He is a member the American Bar Association (Intellectual Property Section, Public Contract Law Section), the American Intellectual Property Law Association, the Federal Bar Association, the North Carolina Bar Association, and the Licensing Executive Society.

Prior to working for the Army, Mr. Winborne practiced for several years with the firms of Kenyon & Kenyon and Alston & Bird where his specialties were patent preparation, and IP and commercial litigation. His Army practice spans a wide spectrum of IP law including IP rights in government contracts such as rights in technical data, computer software and patents, patent procurement and patent licensing, copyrights, trademarks, rights of publicity, and issues at the intersection of IP and technology security. Mr. Winborne has prosecuted or litigated patents or negotiated licenses on, e.g., semiconductor technology, organic photovoltaic devices, software, metamaterials, implantable prosthetic devices, nonwoven textile manufacturing techniques, conveyor rollers, 3D imaging, and satellite television. His other litigation experience includes disputes on trademarks, securities and consumer fraud, transportation, tax appeals, and supply contracts. He was part of the Bankruptcy Examiner's team in the Enron bankruptcy. Mr. Winborne has counseled Government clients on technology transfer, patent licensing and acquisition issues related to IP rights in various weapons, transportation, information systems and logistics support related technologies.

Mr. Winborne is a popular speaker at Department of Defense and bar association conferences.



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United States Government Accountability Office  
Washington, DC 20548

## Louis A. Chiarella

Louis A. (Lou) Chiarella is a Senior Attorney with the Procurement Law Division, Office of the General Counsel, US Government Accountability Office (GAO). Since joining GAO in 2001, he has decided a wide variety of bid protests brought by unsuccessful offerors to the procurement actions of contracting agencies throughout the entire federal government. Mr. Chiarella is also a member of the GAO Contract Appeals Board where he adjudicates government contract disputes involving legislative branch agencies.

From 1988 to 2001, Mr. Chiarella served as an active duty judge advocate with the US Army, culminating with his assignment as Associate Professor, Contract and Fiscal Law Department, The Army Judge Advocate General's Legal Center and School: he has remained an adjunct faculty member of the Army JAG School and regularly teaches on wide range of government contract law topics. His other active duty and reserve assignments included: Appellate Military Judge, US Army Court of Criminal Appeals, Arlington, Virginia; Chief, Criminal Law Division, and Chief, Administrative and Civil Law Division, Fort Carson, Colorado; Trial Attorney, US Army Contract Appeals Division, Arlington, Virginia; Special Assistant US Attorney, US Attorney's Office, Louisville, Kentucky; and Legal Assistance Attorney, Fort Knox, Kentucky. Additionally, Colonel Chiarella just completed a reserve mobilization where he served as the Source Selection Evaluation Board Chairman for a \$10 billion Army procurement.

Mr. Chiarella received his bachelors degree in political science from the University of Notre Dame, his juris doctor from the State University of New York (SUNY) at Buffalo, a masters degree in international affairs from the Catholic University of America, and a masters of law degree from the Army JAG School .

Mr. Chiarella is admitted to the New York and Ohio state bars, and is an active member of the Bid Protest subcommittee of the ABA Public Contract Law Section. He resides with his wife Carrie and daughters Mary, Grace, and Hannah in Greenwood, Virginia.

## **Sumara M. Thompson-King**

Sumara M. Thompson-King is the Associate General Counsel (Contracts and Procurement Practice Group) in the Office of the General Counsel at NASA Headquarters in Washington, DC. Her office provides legal support and advice on procurement matters to all organizational components of NASA. These matters arise out of the award and administration of contracts, grants and cooperative agreements.

Ms. Thompson-King began her NASA career in 1986, when she joined the Office of Chief Counsel at NASA's Goddard Space Flight Center in Greenbelt, Maryland. At Goddard, she provided advice on federal acquisitions, tort claims, personnel actions and Freedom of Information Act requests. In 1991, Ms. Thompson-King moved to NASA Headquarters to become a Senior Attorney responsible for litigating protests before the General Services Administration Board of Contract Appeals, and in 1995 she became the Deputy Associate General Counsel (Contracts). Before joining NASA, Ms. Thompson-King was an attorney at the Architectural and Transportation Barriers Compliance Board, Washington, DC, where she enforced Federal accessibility laws and regulations.

Ms. Thompson-King was awarded NASA's Exceptional Achievement Medal in recognition of her litigation accomplishments. In 2002, she received a Director's Commendation for her dedicated service to NASA's Marshall Space Flight Center in Huntsville, Alabama. Also, Ms. Thompson-King is a frequent panelist and lecturer on government contract issues.

Ms. Thompson-King is Chair of the Board of the Queen Anne School in Upper Marlboro, Maryland. Also, she was a founding member of the Robert Goddard Montessori School PTSA and Ms. Thompson-King served as the PTSA President for two years.

In 1980, Ms. Thompson-King received an A.B. in Government from Smith College in Northampton, Massachusetts, and in 1984 she earned a J.D. from Georgetown University Law Center in Washington, DC.

Ms. Thompson-King is a native of Lufkin, Texas and the daughter of Joe M. Thompson and Juanita Thompson (nee Johnson), both graduates of Lufkin's Dunbar High School and Prairie View A&M University. She lives in Maryland, with her husband, John, and they are the parents of two daughters.

MAJOR THOMAS W. BARROW, JA, Professor, Contract and Fiscal Law Department. B.A., University of Alabama, 1998; J.D., College of William and Mary School of Law, 2006; Judge Advocate Officer Basic Course, 2007; LL.M. in Military Law, The Judge Advocate General's School, 2010. Career Highlights: Chief of NATO Contracts and Fiscal Law, Combined Security Transition Command - Afghanistan (CSTC-A), Camp Eggers, Afghanistan, 2010-2011; Trial Counsel, 82nd Sustainment Brigade, 18th Airborne Corps, Fort Bragg, NC, July 2008-2009; Administrative Law Attorney, Eighth Army, Yongsan Army Garrison, Korea, 2007-2008; Platoon Leader, Maintenance Control Officer, 4th Infantry Division, Fort Hood, TX, 2000-2003; Assistant Support Operations Officer, 2nd Infantry Division, Camp Stanley, Korea, 1999-2000. Member of the Bar of Virginia.

***Jerry Gabig***  
*Huntsville Attorney*  
(256) 489-0075

**Professional Activities**

**Of Counsel, Sirote & Permutt** (2008–2011). Practice limited to federal government contracts. In the formation stage, advises on scores of potential matters ranging from protection of intellectual property to protests. In the administrative stage, advises on a vast range of difficulties that arise in the performance of government contracts as diverse as whether an incurred cost is allowable to resolving disputes before the Armed Services Board of Contracts Appeal.

**CEO, Q-Track Corporation** (2002-present). Q-Track is pioneering a breakthrough wireless technology known as near field electromagnetic tracking. Gained invaluable experience in the business aspect of government contracts inasmuch as most of Q-Track’s revenue is from federal government research & development contracts.

**General Counsel, Time Domain Corporation** (1999-2002). Time Domain is a technology company that was awarded Red Herring’s Best of Venture Market South Award for 2000. Oversaw growth of government contracts by five fold.

**Partner in law firm of Venable, Baetjer, Howard, & Civiletti** (1992-1999). Concentrated in business law, federal government contracts, and intellectual property. Advised broad spectrum of clients from the Lockheed-Martin Company to small businesses on essentially every aspect of government contract law.

**Air Force JAG Officer** (1977-1992). Served in several senior positions involving the acquisition of weapon systems and information systems. Legal advisor to numerous weapon systems including missiles, smart weapons, and multi-billion dollar command & control systems such as AWACs, JOINT STARS, and PEACE SHIELD. Legal advisor to several of the largest procurements in the history of computer and telecommunications industry.

- Deputy Staff Judge Advocate (SJA), Electronics Systems Center (1990-1992)
- Director of Contract Law, Armament Division (1987-1990)
- SJA, Air Force Computer Acquisition Center (1983-1987)
- Director of Telecommunications & Acquisition Law, Air Force Communications Command (1980-1983)

## Professional Activities

- Still Serving Veterans, Co-Founder and Board Member (2006-present)
- Army Science Board (1999-2003). Served on panels ranging from reviewing wireless technologies for the Future Combat System to advising how the Army can entice venture capitalists to invest in technologies of interest to the Army.
- NASA Headquarters Industrial Process Action Team (1996-1998).
- Chair, Information Systems Committee, ABA Public Contract Law Section
- Editorial Board, National Contract Management Journal (1988-1999)
- Supporting Analyst, Acquisition Law Advisory Panel [Convened by statutory mandate -- “Section 800 Panel”] (1992-1993)

## Education

University of California, Hastings College of the Law, J.D., 1977. (Executive-Managing Editor, *Hastings International Law Review*; Moot Court Board member.)

Harvard University, Certificate of Special Studies in Management, 1985. (3.8 GPA)

United States Military Academy, B.S., 1972 (Dean’s List).

## Teaching

*Public Sector:* Instructor for the Army JAG School, the Air Force JAG School, the Defense Systems Management College, the DOD Computer Institute, the Naval Post Graduate Institute, the Treasury Procurement Institute, the Panama Canal Commission, and DOD’s Software Technology Conference.

*Private Sector:* Instructor for four different courses for Federal Publications, Inc. to including co-teaching a course with Professor Nash entitled *The FAR Part 15 ReWrite* as well as course director for *Government Contracting For Software Development*. Course director for *Information Technology Contracting* at George Washington University.

## Miscellaneous

- Member of Alabama Bar; District of Columbia Bar; and California Bar (inactive)
- Registered with Pennsylvania Board of Professional Engineers
- Inventor on four U.S. Patents
- Military decorations include four Air Force Meritorious Service Medals
- Gulf War Veteran
- Fellow, National Contract Management Association (NCMA)



# Richard M. Gray

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Richard M. Gray is an Associate General Counsel in the Office of the Deputy General Counsel for Acquisition & Logistics, Department of Defense. His primary duties include advising the Assistant Secretary of Defense for Networks and Information Integration / DoD Chief Information Officer, and the Under Secretary of Defense for Acquisition, Technology, and Logistics, on cyberspace and information law, intellectual property, information and technology acquisitions, and technology transfer. He chairs the Defense Acquisition Regulations Council's Patents, Data, and Copyright Committee, and serves as a subject matter specialist for the Federal Acquisition Regulations Acquisition, Environmental, and Labor Law Team.

## **PRIMARY AREAS OF PRACTICE:**

- Cyberspace & Information Law
- Intellectual Property
- Information & Technology Acquisitions
- Technology Transfer

## **EDUCATION:**

- J.D., *with distinction*, University of Iowa, 1993
- B.S.E. (Electrical Engineering), University of Iowa, 1994
- B.A. (Psychology), University of Iowa, 1989

## **PROFESSIONAL EXPERIENCE:**

- Associate General Counsel, Acquisition & Logistics Division, Office of the General Counsel, Department of Defense, Washington, D.C. (2008-present)
- Director, Intellectual Property Office, Acquisition Law Division, Office of the General Counsel, Department of the Air Force, Washington, D.C. (2004-2008)
- Associate General Counsel, Acquisition Law Division, Office of the General Counsel, Department of the Air Force, Washington, D.C. (2001-2008)
- Deputy Counsel (Intellectual Property), Office of Counsel, Naval Sea Systems Command, Department of the Navy, Arlington, VA (1999-2001)
- Patent Attorney, Office of Counsel, Naval Sea Systems Command, Department of the Navy, Arlington, VA (1994-1999)

## **BAR MEMBERSHIPS AND PROFESSIONAL ASSOCIATIONS:**

- Admitted to Practice as an Attorney and Counselor at Law in Illinois
- Registered to Practice Before the United States Patent and Trademark Office
- American Bar Association
- Government Intellectual Property Law Association (Officer, 1997-present)

## **CONTACT INFORMATION:**

- Direct: 703-695-5679
- Email: richard.gray@osd.mil



## FRANK M. CAPRIO

Partner, Huntsville

Direct Dial 256.517.5142

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### PRACTICE AREAS

Copyrights  
Emerging Growth Companies Team  
Government Contracts  
Intellectual Property  
Intellectual Property and Competitive  
Practices Litigation  
Technology Transactions  
Media and Entertainment  
Patents  
Trade Secrets  
Trademarks  
Construction and Procurement  
Life Sciences Industry Team  
Business and Commercial Litigation  
Patent Litigation

### EDUCATION

J.D., University of Alabama School of  
Law, 1990, Dean M. Leigh Harrison  
Scholar; *Alabama Law Review*, Senior  
Editor; Hugo Black Scholar; Jessup  
International Law Moot Court Team;  
Phi Kappa Phi

M.S.I.E., University of Alabama at  
Huntsville, 1987

B.Ch.E., Vanderbilt University, 1978

### COURT ADMISSIONS

United States Court of Appeals for the  
Federal Circuit  
United States Court of Federal Claims  
United States District Court, Northern  
District of Alabama  
United States Patent & Trademark  
Office  
Alabama State Bar

Frank Caprio chairs the Firm's Intellectual Property Practice Group. He focuses on intellectual property law and assists clients in the protection and use of their intellectual property rights, and in the litigation of various technology-related disputes involving patent, trademark, copyright, trade secret, and computer issues. He has been selected by his peers for inclusion in the *Best Lawyers in America* in both Intellectual Property Law and Information Technology Law.

He is a retired Naval Flight Officer and Mission Commander having served in the 70's, 80's and 90's in active duty and reserve squadrons flying the Lockheed P-3 Orion Aircraft, conducting Anti-Submarine Warfare (ASW) Missions. He also worked in industry as an engineer providing technical analysis and program management to projects that included missile programs, warhead testing, and six-degree of freedom simulations.

Frank regularly speaks on IP issues to business owners and lawyer associations, and has held leadership positions in his local and state bar associations. Frank is active in community service and has served as a Board member for Huntsville Hospital, YMCA, Biztec (business incubator), Chamber of Commerce, Emergency Management Agency, and the Vanderbilt NROTC Advisory Board.

He and his wife Lisa have three children, Mark, Camille and Maria.

### EXPERIENCE

Frank represents large and small technology companies involved in a wide range of business activities, including manufacturers, software developers, data providers, defense contractors, hospital and other healthcare providers, municipalities and other governmental agencies, museums, architects, homebuilders, restaurants, banks and other financial institutions, website developers. Frank has assisted clients in the negotiation of many technology and intellectual property transactions and has drafted such contracts including: licenses, joint development agreements, assignments, covenants not to compete, teaming agreements, etc. His litigation experience includes copyright, trademark, patent, trade secret, and other intellectual property litigation. Frank has represented clients in opposition proceedings and cancellation proceedings at the Trademark Trial and Appeal Board, and he has represented clients in

# FRANK M. CAPRIO

domain name arbitrations.

Frank has successfully served as a mediator in cases involving trademarks, copyrights, sports league franchises, shareholder disputes, chemical personal injury, and other state and federal court litigation. Frank has also served as an expert witness in litigation matters including: patent claim construction, trade dress litigation, trade secret litigation, attorney fee awards, computer software arbitrations, and in a trademark dispute between two financial institutions.

## REPRESENTATIVE MATTERS

### **Advisement of government contracting technology companies**

Frank regularly advises government contracting technology companies with respect to issues involving rights in technical data, patent rights, computer software issues, and other matters arising under the FAR and the DFAR.

### **Arbitration concerning payment of royalties**

Served as an arbitrator on a three-arbitrator panel in a three-year arbitration concerning the payment of worldwide software license royalties.

### **Copyright infringement litigation**

Copyright infringement litigation involving computer software for computational fluid dynamics.

### **Domestic and international trademark work, licensing activity, and other IP contractual matters for the Alabama Space Science Exhibit Commission/U.S. Space and Rocket Center**

Our firm assists in all domestic and international trademark work, licensing activity, and other IP contractual matters for the Alabama Space Science Exhibit Commission/U.S. Space and Rocket Center, a state governmental entity that operates the famous Space Camp, Aviation Challenge, and other educational programs. We have handled opposition proceedings, conducted regular policing activities, and have helped to create a strategy for selecting the marks and countries for protection. The firm assists in all licensing activity and IP contractual matters, as well as book deals and licensing with well-known national and international partners, and movie and music producers.

### **Federal Court reports and testimonies**

Provided professional reports and testimony in Federal Court on issues of trade dress protection, trademark protection, design patent protection, and utility patent protection.

### **Oral argument at the Alabama Supreme Court**

Oral argument at the Alabama Supreme Court in a case concerning the state

## **FRANK M. CAPRIO**

legislature's determination of whether a quorum was present for the legitimacy of decades' worth of votes on legislation.

### **Oral argument at the Court of Federal Claims**

Oral argument at the Court of Federal Claims in a case brought by the contractor who was not selected for the follow-on government contract.

### **Photograph and painting copyright infringement**

Copyright infringement concerning a photograph and painting of a famous college sports figure.

### **Professional witness report on joint authorship of software**

Provided a professional witness report on the joint authorship of certain computer software.

### **Provided reports and testimony on meaning of patent terms**

Caprio has provided professional reports and testimony in Federal Court as to the meaning of certain patent terms in a patent claim construction hearing (a Markman hearing).

### **Release of software source code from escrow**

Successfully obtained the release of software source code from escrow on Summary Judgment in a case where the other party denied the occurrence of certain release conditions.

### **Report and testimony concerning misappropriation of trade secrets**

Provided an report and testimony concerning misappropriation of trade secrets and the reasonableness of an award to the defendants of attorney's fees in excess of \$1 million.

### **Satellite Radio**

Negotiated and drafted contracts between our client and a Satellite Radio provider for the distribution of real-time, site specific, weather information and the display of weather information to aviation, marine, and land-based (vehicles) moving platforms.

### **Software licensing agreement**

Negotiated and drafted a software license agreement for the conversion of a financial institution from one data processing provider and system to another.

### **Trademark opposition proceeding before Trademark Trial and Appeal Board**

Won a trademark opposition proceeding in which the Trademark Trial and Appeal Board found that the mark, SPACE CAMP, is "famous."

# FRANK M. CAPRIO

## ORGANIZATIONS

- *Best Lawyers*; Copyright Law, Intellectual Property Litigation, Patent Litigation, Patent Law, Trademark Law; 2005-2011
- *Super Lawyers*; Intellectual Property; 2008, 2011
- Panel of Neutrals, U.S. District Court, Northern District of Alabama
- Madison County American Inns of Court, Past President
- Huntsville Hospital Foundation, Chair, 2007-2009
- Huntsville-Madison County Chamber of Commerce, Board Member, 2004-present
- HudsonAlpha Institute for Biotechnology, Ambassador, 2009 - present
- Leadership Alabama, Class XIV
- Huntsville Emergency Management Agency, Board Member, 1996-present
- Alabama A&M University, Board of Visitors

Jennifer Brinkley

VP & Deputy General Counsel

QinetiQ North America

Jennifer Brinkley has been practicing law as an in-house corporate attorney since 1998, and is currently employed by QinetiQ North America, Inc. as Vice President and Deputy General Counsel. QinetiQ North America, a U.S. government contractor, is the U.S. subsidiary of QinetiQ Group plc, an international defense and security technology company formed in July 2001 from the UK Ministry of Defense and publicly traded on the London Stock Exchange.

Prior to joining QinetiQ North America, Ms. Brinkley practiced law within two different publicly traded corporations headquartered in Huntsville, Alabama. Her current responsibilities at QinetiQ North America include government contracts and litigation, as well as general corporate law. In prior in-house roles, she has served as General Counsel and principal attorney responsible for employment, intellectual property and contract law matters. Throughout her practice, she has focused on the negotiation, drafting and review of all types of contracts and business transactions: commercial, international and government.

Ms. Brinkley earned her law degree in 1996 at Samford University, Cumberland School of Law, where she was a member of the National Moot Court Team and won numerous appellate competition awards. She received a Bachelor of Arts degree in Political Science, Minor in Communications, from Rollins College in 1992.

She is admitted to the Alabama State Bar and the United States District Court, Northern District of Alabama, and is a member of the Association of Corporate Counsel. Ms. Brinkley and her husband, Charles Brinkley, have two daughters. In her spare time, she enjoys volunteering with the Girl Scouts of North-Central Alabama.