

David R. Preston, Ph.D., J.D.
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SUMMARY: Detail-oriented Intellectual Property attorney with more than 20 years of relevant domestic and foreign experience including patents, trademarks, copyrights, trade secrets and research and development agreements. Skills include legal, technical, organizational, personal interaction and training. Experience with the Federal Government, the Federal Courts, biotechnology law firms and biotechnology companies.

MARTINDALE-HUBBELL PEER REVIEW RATING

NOTABLE, Very High Rating in Both Legal Ability & Ethical Standards

EMPLOYMENT HISTORY

David R. Preston, Ph.D., J.D., A Professional Corporation, San Diego, CA.
2018 to Present
Reflects a name change of David R. Preston & Associates, A.P.C.

DAVID R. PRESTON & ASSOCIATES, A PROFESSIONAL CORPORATION, SAN DIEGO, CA.
1999 to 2018

Intellectual Property Counsel

Addressing the intellectual property needs of the biotechnology, chemical and mechanical communities in a variety of roles, functions, and tasks in intellectual property law.

AURORA BIOSCIENCES CORPORATION, SAN DIEGO, CA.
1997 to 1999

Intellectual Property Counsel

Addressed the legal needs of Research and Development and organized and maintained the legal department.

- Drafted and prosecuted U.S. and foreign patent applications through issuance for biotechnology, chemical, mechanical and cell biology inventions;
- Determined patent strategies for technology platforms;
- Determined potential infringers of patented technologies;
- Assisted in litigation matters;
- Performed due diligence for a variety of intellectual property matters;
- Reviewed publication requests;
- Reviewed invention disclosures;
- Negotiated Material Transfer Agreements (MTAs) and Confidential Disclosure Agreements (CDAs);
- Initiated patent docketing system and database;
- Initiated MTA and CDA databases;
- Initiated legal request procedure and database; and
- Trained a technology development officer.

CAMPBELL & FLORES, SAN DIEGO, CA.

1996 to 1997

Associate

Specialized in biotechnology intellectual property law.

- Prepared and prosecuted United States and foreign patent application through issuance;
- Advised associates and partners on United States Patent and Trademark Office practice and procedures; and
- Advised associates and partners on various foreign patent law matters.

U. S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT

1995

Intern to The Honorable Randall Rader.

- Drafted opinions and bench briefs for cases appealed from the United States District Courts, the United States Patent and Trademark Office, the United State Court of International Trade, the United States Court of Claims and the Merit System Protection Board for the United States.

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

1995

Intern to The Honorable Randall Rader, sitting by designation.

- Reviewed and summarized status of a patent infringement matter; and
- Assisted in a Markman Hearing for a patent infringement matter.

OFFICE OF TECHNOLOGY DEVELOPMENT, NATIONAL CANCER INSTITUTE, NATIONAL INSTITUTES OF HEALTH, BETHESDA, MD

1994 to 1996

Technology Development Specialist

Addressed the technology development needs of laboratories devoted to technologies in cancer and HIV.

- Identified patentable technologies;
- Negotiated MTAs and CDAs;
- Determined United States and foreign patent prosecution strategies;
- Negotiated Collaborative Research and Development Agreements (CRADAs);
- Served as ethics coordinator for the National Cancer Institute;
- Served as Freedom of Information Act (FOIA) coordinator for the National Cancer Institute;

UNITED STATES PATENT AND TRADEMARK OFFICE

1990 to 1994

Patent Examiner

Examined United States and PCT applications for patentability in the fields of biotechnology, chemistry, vaccines, pharmaceuticals, instrumentation and computer programs.

- Served as feedback coordinator for Examiners for USPTO automation efforts.

U.S. ARMY BIOMEDICAL RESEARCH AND DEVELOPMENT LABORATORIES, FORT DETRICK, MARYLAND

1989 to 1990

Research Scientist

Development multi-generational microbiological test kits for use under field conditions.

- Developed and integrated a new field test kit successful in Desert Storm operations;
- Evaluated novel field detection systems based on biochemical, immunological and nucleic acid hybridization methods using unique instrumentation; and
- Evaluated novel field toxicological methods and systems using unique instrumentation.

UNIVERSITY OF FLORIDA, GAINESVILLE, FL.

1985 to 1987

Biological Scientist and Laboratory Manager

Identification of bacterial strains capable of degrading complex carbohydrates for use in fermentation to ethanol using novel bacterial strains.

- Collaborated on the project that resulted in United States Patent No. 5,000,000; and
- Managed a biotechnology and chemistry laboratory with 2 Ph.D.'s, 4 Ph.D. candidates, one Ph.D./MD candidate, 2 technicians and 4 interns.

EDUCATION

Antonin Scalia Law School, George Mason University, Arlington, Virginia
Juris Doctorate, awarded 1996. Specialization in patent law in the patent track founded by Prof. Kayton and managed by Prof. Witherspoon.

University of Florida, Gainesville, Florida

Doctor of Philosophy, awarded 1989. Dissertation Title: Rapid Detection of Enteroviruses in Environmental Samples.

Master of Science, awarded 1985. Thesis Title: Activation Thermodynamics and Enhancement of Virus Adsorption to Filters.

Bachelor of Science, awarded 1984. Major: Microbiology and Cell Science.

University of Maryland, Munich Campus, Germany

Bachelor's Candidate 1979 to 1980

ADMISSIONS

- California Bar (187,063)
- Registration to Practice Before the United States Patent and Trademark Office (38,710)
- Admitted for practice before:
 - United States Court of Appeals for the Federal Circuit
 - United States District Court, Southern District of California
 - United States District Court, Central District of California

CERTIFICATIONS

- Life Coach (In Progress)

PUBLICATIONS

1. Farrah, S.R. and D.R. Preston. 1985. Concentration of viruses from water by using cellulose filters modified by in situ precipitation of ferric and aluminum hydroxides. *Appl. Environ. Microbiol.* 50:1502-1504.
2. Preston, D.R. 1985. Activation thermodynamics and enhancement of virus adsorption to filters. Masters Thesis. University of Florida, Department of Microbiology and Cell Science.
3. Preston, D.R., V.V. Vasudevan, G. Bitton, S.R. Farrah, and J.-L. Morel. 1988. Novel approach for modifying microporous filters for virus concentration from water. *Appl. Environ. Microbiol.* 54:1325-1329.
4. Farrah, S.R., M.A. Girard, G.A. Toranzos, and D.R. Preston. 1988. Adsorption of viruses to diatomaceous earth modified by in situ precipitation of metallic salts. *Z. gesamte Hyg.* 34:520-521.
5. Preston, D.R. and S.R. Farrah. 1988. Activation thermodynamics of bacteriophage adsorption to filter material. *Appl. Environ. Microbiol.* 54:2650-2654.
6. Preston, D.R., S.R. Farrah, and G. Bitton. 1988. Removal of viruses from tapwater by fiberglass filters modified with a combination of cationic polymers. *Water Sci. Technol.* 21:93-98.
7. Preston, D.R. 1989. Doctoral Dissertation. Rapid detection of enteroviruses in environmental samples. University of Florida, Department of Microbiology and Cell Science.
8. Preston, D.R., S.R. Farrah, and G. Bitton. 1990. Enhanced infectivity of enteroviruses in vitro by pretreating cell monolayers with the cationic polymer polyethylenimine. *Appl. Environ. Microbiol.* 56:295-297.
9. Preston, D.R., G.R. Chaudhry, and S.R. Farrah. 1990. Evaluation of nucleic acid probes for the detection and identification of poliovirus in environmental samples. *Can. J. Microbiol.* 36:664-669.
10. Farrah, S.R. and D.R. Preston. 1991. Adsorption of viruses by diatomaceous earth coated with metallic oxides and metallic peroxides. *Water Sci. Technol.* 24:235-248.
11. Borrego, J.J., R. Cornax, D.R. Preston, S.R. Farrah, B. McElhaney, and G. Bitton. 1991. Development and application of new positively charged filters for recovery of bacteriophages from water. *Appl. Environ. Microbiol.* 57:1218-1222.
12. Farrah, S.R., D.R. Preston, G.A. Toranzos, M. Girard, G.A. Erdos, and V. Vasuhdivan. 1991. Use of modified diatomaceous earth for removal and recovery of viruses in water. *Appl. Environ. Microbiol.* 57:2502-2506.
13. Preston, D.R., G.R. Chaudhry, S.R. Farrah, and G. Bitton. 1991. Possibility of an RNA 18-mer region of human immunodeficiency virus (HIV) in Belleglade, Florida wastewater. *J. Virol. Methods.* 33:383-390.

14. Preston, D.R. and S.A. Schaub. 1991. Technology assessment and strategy for development of a rapid field water microbiology test kit. U.S. Army Biomedical Research & Development Laboratory, Fort Detrick, Technical Report 9106 (Approved for public release; distribution unlimited).

BOOKS

1. PTSD and the 12 Steps: A Tailored, Mindful, Calming, and Growth-Oriented Approach for Survivors, Family, and Friends. Federal Copyright Registration Status: FILED 2016

PATENTS (CONTRIBUTED ON A LABORATORY SCALE BUT NOT NAMED INVENTOR)

- U.S. Patent Number 5,000,000, Ingram et al., Ethanol Production by Escherichia coli Strains Co-Expressing Zymomonas PDC and ADH Genes. (Not a named inventor) Involved in a related project to produce carbohydrates from biomass for ultimate use as an energy source for the E. coli of Ingram et al.
- U.S. Patent Number 5,051,189, Farrah, Method of Removing an Unwanted Impurity From an Aqueous Material. (Not a named inventor) Base project from master's thesis.