




Frank J. Albert, Ph.D.

Principal

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Overview

About Frank

Frank J. Albert, Ph.D., is a principal in the Southern California office of Fish & Richardson P.C. His practice emphasizes patent litigation in the areas of electrical/computer technology, optics, semiconductors, telecommunications, software, and nanotechnology.

Prior to joining the firm, Dr. Albert was a judicial extern for the Honorable Charles Breyer of the U.S. District Court for the Northern District of California (2006). Dr. Albert's research experience includes work as a graduate research assistant at Cornell University, where he conducted scientific research into magnetic materials (1998-2002). He was also a research staff member for Grandis Inc., where he researched magnetic nanotechnology to aid in the development of a new magnetic based high speed computer memory (2002-2003).

Focus Areas

Services

- Litigation
- ITC Litigation
- Patent Litigation

Industries

- Electrical and Computer Technology

- Hardware
- Nanotechnology
- Optics
- Semiconductors
- Software
- Telecommunications

Education

J.D. *magna cum laude*, *Order of the Coif*, *Thurston Society*, University of California, Hastings College of the Law (2006) Executive Managing Editor, *Hastings Communications and Entertainment Law Journal*; CALI Award Legal Writing and Research 2003; CALI Award Contracts 2004; CALI Award Patents and Trade Secrets 2005; CALI Award Trial Advocacy I 2005; Recipient of the Robert Trainor Award (2005-2006)

Ph.D., Physics, Cornell University (2002)

M.S., Physics, Cornell University (2001)

B.A. *cum laude*, *Phi Beta Kappa*, Physics, University of California, Irvine (1997) Deans Undergraduate Research Award in physics

Experience

U.S. District Court Cases

Intel Corp. adv. U.S. Ethernet Innovations, LLC (N.D.Cal.) (Defending Intel in patent litigation concerning Ethernet technology.)

SRI International, Inc. adv. Check Point Software, Inc. (N.D.Cal.) (Counsel for patentee SRI in patent litigation concerning network intrusion detection.)

SRI International, Inc. adv. Fortinet, Inc. (N.D.Cal.) (Counsel for patentee SRI in patent litigation concerning network intrusion detection.)

LG Electronics, Inc. adv. Multimedia Patent Trust (S.D.Cal.) (Defended LG in patent litigation concerning video compression. Assisted in obtaining defense verdict of non-infringement.)

Microsoft Corp. adv. Uniloc USA (D.R.I.) (Defended Microsoft in patent litigation concerning product activation technology; settled favorably during trial.)

DIRECTV adv. Multimedia Patent Trust (S.D.Cal.) (Defended DIRECTV in patent litigation concerning video compression; settled favorably shortly before trial.)

Google Inc. adv. Northeastern University and Jarg Corporation (E.D.Tx.) (Defended Google in patent infringement litigation involving distributed databases; settled favorably shortly before trial.)

Microsoft Corp. adv. Xpoint (D.Del.) (Defended Microsoft in patent litigation concerning data backup technology; settled favorably.)

Microsoft Corp. adv. Lucent Technologies, Inc. (S.D. Cal.) (Defended Microsoft in patent litigation concerning speech compression software. The District Court awarded summary judgment of non-infringement and the Federal Circuit affirmed the holding at 525 F.3d 1200 (Fed. Cir. 2008).)

Amazon.com, Inc. adv. IBM Corp. (E.D.Tx.) (Counsel for plaintiff Amazon.com in patent litigation concerning online commerce and database technology; settled favorably.)

U.S. International Trade Commission, Section 337 Proceedings

Samsung Electronics Co. Ltd. adv. Ericsson Inc. (ITC proceeding 337-TA-862) (Defending Samsung in patent litigation concerning wireless transmission and reception, speech compression, and user interface technology.)

Cypress Semiconductors adv. LSI Corporation and Agere Systems, Inc. (ITC proceeding 337-TA-648) (Defended Cypress in patent litigation concerning semiconductor processing; settled favorably.)

Samsung Electronics Co. Ltd. adv. Renesas Technology Corp. (ITC proceeding 337-TA-595) (Defended Samsung in patent litigation concerning on-die termination and driver circuits for DDR2 SDRAM memory devices and phase-shift masks used in the fabrication of DDR1 and DDR2 SDRAM memory devices; Staff concurred with non-infringement, no domestic industry, and invalidity of asserted patents; settled favorably after 6 day trial, 2 days before the initial determination was to issue.)

Named Inventor on Patents

U.S. Patent No. 7,242,045, "Spin transfer magnetic element having low saturation magnetization free layers" (Issued July 10, 2007).

U.S. Patent No. 7,161,829, "Current confined pass layer for magnetic elements utilizing spin-transfer and an MRAM device using such magnetic elements," issued January 9, 2007.

U.S. Patent No. 7,009,877, "Three-terminal magnetostatically coupled spin transfer-based MRAM cell," issued March 7, 2006.

U.S. Patent No. 6,933,155, "Methods for providing a sub .15 micron magnetic memory structure," issued August 23, 2005.

U.S. Patent No. 6,847,547, "Magnetostatically coupled magnetic elements utilizing spin transfer and an MRAM device using the magnetic element," issued January 25, 2005.

U.S. Patent No. 6,829,161, "Magnetostatically coupled magnetic elements utilizing spin transfer and an MRAM device using the magnetic element," issued December 7, 2004.

U.S. Patent Appl. No. 2007/0159734, "Spin transfer magnetic element having low saturation magnetization free layers," filed March 13, 2007.

U.S. Patent Appl. No. 2009/0185410, "Method and System for Providing Spin Transfer Tunneling Magnetic Memories Utilizing Unidirectional Polarity Selection Devices," filed January 22, 2009.

Insights

Publications

"Reformulating the on-sale bar," *Hastings Communication and Entertainment Law Journal*, Vol. 28:1, 81 (Fall 2005) (*awarded Robert Trainer award for best published student note at Hastings 2005-06).

"Foreign counsel access to confidential business information under ITC protective orders" with Zhuanjia Gu, *337 Reporter*, Vol. XX, 37 (Summer 2004).

Dr. Albert has published 10 scientific articles including:

"Observation of spin-transfer switching in deep submicron-sized and low-resistance magnetic tunnel junctions" with Y. Huai, P. Nguyen, M. Pakala, and T. Valet, *Appl. Phys. Lett.* 84, 3118 (2004).

"Reduction of spin transfer by synthetic antiferromagnets" with N. C. Emley, E. M. Ryan, I. N. Krivorotov, D. C. Ralph, R. A. Buhrman, J. M. Daughton, and A. Jander, *Appl. Phys. Lett.* 84, 4257 (2004).

“Quantitative study of magnetization reversal by spin-polarized current in magnetic multilayer nanopillars” with N. C. Emley, E. B. Myers, D. C. Ralph, and R. A. Buhrman, *Phys. Rev. Lett.* 89, 226802 (2002).

“Thermally activated Magnetic Reversal Induced by a Spin-Polarized Current” with E. B. Myers, J. C. Sankey, E. Bonet, R. A. Buhrman, and D. C. Ralph, *Phys. Rev. Lett.* 89, 196801 (2002).

“Spin-polarized current switching of a Co thin film nanomagnet” with J. A. Katine, R. A. Buhrman, and D. C. Ralph, *Appl. Phys. Lett.* 77, 3809 (2000).

“Current-driven magnetization reversal and spin-wave excitations in Co/Cu/Co pillars” with J.A. Katine, F.J. Albert, R.A. Buhrman, E.B. Myers, and D.C. Ralph, *Phys. Rev. Lett.* 84, 3149 (2000).

“Current-induced realignment of magnetic domains in nanostructured Cu/Co multilayer pillars” with J.A. Katine, F.J. Albert, and R.A. Buhrman, *Appl. Phys. Lett.* 76, 354 (2000).

Speaking Engagements

Speaker, Fish CLE Event, January 24, 2018, “Patent Developments at the Supreme Court” and “Latest Developments in Patent Eligibility.”

Association of Corporate Counsel – San Diego Chapter presentation, December 14, 2017 “Defending your IP through Post-Grants and Litigation Based Upon Recent Decisions.”