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Michael E. Shanahan is a partner in the law firm of McDermott Will & Emery LLP and is based in the Firm's New York office. Michael focuses his practice on intellectual property litigation including patents, trademarks, copyrights, unfair competition and misappropriation of trade secrets. He also has extensive experience counseling clients in transactional and patent prosecution matters regarding patents and other forms of intellectual property.

As a registered patent attorney, Michael devotes a substantial part of his practice to counseling clients on enforcing, acquiring, evaluating, licensing and protecting intellectual property assets. He represents clients in litigation matters, licensing transactions and technology-related agreements, joint ventures, IPOs, mergers and acquisitions and provides IP-related business counseling. He conducts patent and intellectual property due diligence, patent assertion and infringement investigations including the evaluation and assessment of third party IP litigation for non-litigants, patent clearance analyses, right to use, validity and enforceability studies and provides patent infringement and non-infringement opinions. Michael further practices in both foreign and domestic patent prosecution matters including, reexamination, reissue, appeals and interference.

Michael has represented clients in a wide range of technologies including Internet and storage system management software, interactive program guides, electronics, including analog and digital integrated circuits, microprocessors and programmable logic devices, financial and business methods including trading and quoting tools, complex physics technologies including nuclear magnetic resonance imaging, coriolis mass flow sensors and confocal microscopy, medical devices, gaming systems, chemical technologies including phenol production, telecommunications systems and fiber optics, mechanical and electro mechanical devices, manufacturing technologies, aerospace systems, gas turbines and construction tools.

Michael authored "Preliminary Injunctions in Patent Cases" for *IP Litigation Quarterly*, June 2004 and "The Effects of Foreign Patent Proceedings on Patent Litigation in the United States" for *The Intellectual Property Strategists*, December 2004.

Prior to entering the practice of law, Michael was an electrical engineer in the guidance systems division of a major defense contractor and worked on many high profile projects such as the International Space Station and F-22.

Michael earned both a bachelor's and master's degree in electrical engineering, as well as a master's degree in computer engineering. He is admitted to practice in New York and before the U.S. Supreme Court, the U.S. Court of Appeals for the Federal Circuit, the U.S. District Court for the Eastern District of New York, the U.S. District Court for the Southern District of New York and the United States Patent and Trademark Office.

Education

New York Law School, J.D., 2000

Manhattan College, M.S., 1996

Manhattan College, M.S., 1994

Manhattan College, B.S., 1992

Related Services

e-Business - IP

Intellectual Property

IP Litigation

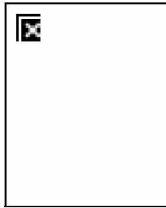
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**Michael E. Shanahan**

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Biography

Mr. Shanahan practices in the area of intellectual property with an emphasis on intellectual property litigation including, patents, trademarks, copyrights, unfair competition and misappropriation of trade secrets. He also has extensive experience counseling clients in transactional and patent prosecution matters regarding patents and other forms of intellectual property.

As a registered patent attorney, Mr. Shanahan devotes a substantial part of his practice to counseling clients on enforcing, acquiring, evaluating, licensing and protecting intellectual property assets. He represents clients in litigation matters, licensing transactions and technology-related agreements, joint ventures, IPOs, mergers and acquisitions and other IP-related transactions and provides IP-related business counseling. He conducts patent and intellectual property due diligence, patent assertion and infringement investigations including the evaluation and assessment of third party IP litigation for non-litigants, patent clearance analyses, right to use, validity and enforceability studies and provides patent infringement and non-infringement opinions. Mr. Shanahan further practices in both foreign and domestic patent prosecution matters including, reexamination, reissue, appeals and Interference practice.

Mr. Shanahan has represented clients in a wide range of technologies such as computer software including Internet and storage system management software, interactive program guides, electronics, including analog and digital integrated circuits, microprocessors and programmable logic devices, financial and business methods including trading and quoting tools, complex physics technologies including nuclear magnetic resonance imaging, coriolis mass flow sensors and confocal microscopy, medical devices, gaming systems, chemical technologies including phenol production, telecommunications systems and fiber optics, mechanical and electro mechanical devices, manufacturing technologies, aerospace systems, gas turbines and construction tools.

Prior to entering the practice of law, Mr. Shanahan was an electrical engineer in the guidance systems division of a



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Practice Focus

**Intellectual Property
Intellectual Property Litigation
Licensing and Strategic Alliances
Emerging Growth Companies
Information Technology**

Education

New York Law School
J.D., 2000

Manhattan College
M.S., Electrical Engineering, 1996

M.S., Computer Engineering, 1994
B.S., Electrical Engineering, 1992
Coursework, Chemical Engineering

people

major defense contractor and worked on many high profile projects such as the International Space Station and F-22.

Representative Matters

- Agilent Technologies, Inc. v. Micromuse Inc., Southern District of New York, 1:04-CV-3090 (case involving network management technologies).
- International Gaming Technologies v. Alliance Gaming Inc., U.S. District Court of Las Vegas (jury trial, case involving video poker machines).
- Via Technologies v. Intel Corp., Western District of Texas, A-01-CA-02-SS (case involving numerous microprocessor patents).
- Texas Instruments, Inc. v. Linear Technology Corp., Eastern District of Texas 2-01-CV4, (case involving semiconductor manufacturing processes).
- Toy v. Ameritrade Holding Corp. et al., District of New Jersey , 02-1318 (case involving online stock trading technology).
- Micromotion, Inc. v. Endress & Hauser, Inc., District Court of Colorado, 98-N-36 (case involving mass flow sensors).
- Successfully argued before the EPO in securing the patentability of computer inventions (July 2006).

Publications

- "Preliminary Injunctions in Patent Cases" *IP Litigation Quarterly*, June 2004
- "The Effects of Foreign Patent Proceedings on Patent Litigation in the United States" *The Intellectual Property Strategist*, December 2004

Bar Admissions & Memberships

- Admitted, New York Bar
- Admitted, United States Supreme Court, United States Court of Appeals for the Federal Circuit, United States District Court for the Eastern District of New York, United States District Court for the Southern District of New York
- Registered Patent Attorney, U.S. Patent and Trademark Office

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K1N 7T6 (CA). CHENG, Shiduan; Flat 1003, Apartment Building of BUPT, Jing Tu Si, Hai Dian District, Beijing 100044 (CN). MA, Jian; 3361 Capital Paradise, Beijing (CN).

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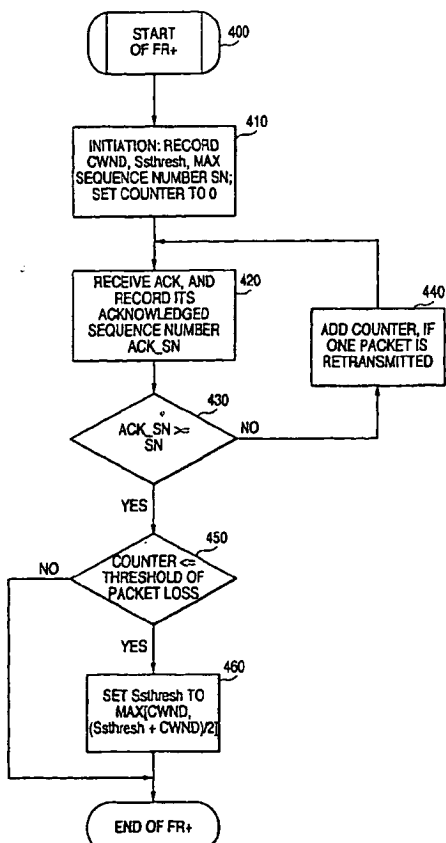
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(54) Title: PERFORMANCE ENHANCEMENT OF TRANSMISSION CONTROL PROTOCOL (TCP) FOR WIRELESS NETWORK APPLICATIONS



(57) Abstract: A new Fast Recovery Plus (FR+) mechanism, and associated method, for wireless and/or mobile network applications to avoid network congestion in a TCP/IP packet-switched network. A method of flow control and congestion avoidance congestion in a network comprises the steps of: transmitting, at a source node, data packets to a destination node, via at least an intermediate node; receiving, at the destination node, data packets transmitted from the source node, via the intermediate node, and generating a duplicate ACK back to the source node to inform the source node that a data packet was received out-of-order in the network and serves as an indication that a data packet has been lost; upon receipt of a designated number of duplicate ACKs, at the source node, determining that a data packet has been lost; initializing a counter, at the source node, and recording a congestion window CWND, a slow start threshold Ssthresh, and a maximal sequence number SN that has been sent into the network; upon receipt of a next duplicate ACK, at the source node, recording its acknowledged sequence number ACK SN; determining, at the source node, if the acknowledged sequence number ACK SN is no more than a recorded sequence number SN; otherwise, incrementing the counter, at the source node, and re-transmitting a lost packet; if the acknowledged sequence number ACK SN is no more than the recorded sequence number SN, determining, at the source node, if the packet loss is due to transmission error; and if the packet loss is due to the transmission error, setting, at the source node, the slow start threshold Ssthresh to $\text{Max}(\text{CWND}, (\text{Ssthresh} + \text{CWND})/2)$, wherein CWND and Ssthresh exhibit values recorded.

WO 01/97438 A2

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