



potichad@gmail.com

September 21, 2024 at 7:52 AM

RE: NOTICE OF VACANCY FOR EBERT METROPOLITAN DISTRICT

To: bnshibles@comcast.net, Cc: Kurt Schlegel

[Details](#)

Dear Mr. Shibles,

My name is David Poticha, I currently live at 5025 N. Jebel Street in the Enclave. I am a practicing attorney of 23 years all of which has been spent in the Denver metro area, and the last 8 of which has been in the City of Denver. I have now lived in the Enclave for a year after spending a little over 6 in Green Valley Ranch over by Pena Blvd. I am currently the General Counsel for a non-profit healthcare organization located on the Anschutz Medical Campus and affiliated with the University of Colorado. I am a Colorado native, born and raised in the southern suburbs of Denver. My mother was on the Colorado Water Quality Control Commission as a founding member from 1972-1980 and was on the Greenwood Village Homeowner's Board and their City Council for an additional 12 years, so I have seen a lot but have never been specifically involved in being on such a Board. I am on the Board of Directors now for Big Brothers Big Sisters of Colorado but my primary focus on that Board is fundraising.

I am interested in participating on this board because I find myself regularly wanting to discuss issues I see with my community, to make change, to participate and help in the community. I have long thought about being on a city council or homeowner's board like my Mom, but this is the first time I have lived somewhere that I really feel connected to the community and want to help make it better.

I am happy to tell you more or give you more information about myself, but I am not exactly sure of the process here. Please let me know what else you would need from me or would like to know.

Thanks for the opportunity to express my interest in filling this vacancy.

Best regards,

David Poticha

David H. Poticha  
17758 E. 44<sup>th</sup> Ave. Denver, CO 80249  
303-725-7377; [Potichad@yahoo.com](mailto:Potichad@yahoo.com)

Experienced In House Attorney with Advanced Degree and over 19 years of legal experience in the life sciences including intellectual property, commercial and reimbursement transactions and contracts, privacy, compliance and regulatory work, also including hands on experience dealing with employment, litigation and other corporate matters. Work experience has been with therapeutics, medical devices and medical diagnostics. Jobs experience entails in-house, large law firm and University experience. In-house experience includes 2 IPO's, significant transaction/contract drafting and negotiation experience, 2 corporate acquisitions, and substantial experience managing and developing IP portfolios and strategies.

## **PROFESSIONAL EXPERIENCE**

### ***CPC Clinical Research (501(c)3 Colorado non-profit)***

General Counsel; Director of Compliance

Aurora, CO

March 2022-present

Data Privacy Officer; Head of Business Development

- Head of a 5-person Legal Affairs team that includes Quality Assurance, Quality Compliance, Business Development and Legal
- Responsible for negotiating all agreements and handling all legal matters for CPC, which is an academic research organization (ARO) that manages clinical trials for drugs and devices
- Spearheaded a full revamp of the SOPs and policies
- Negotiated over 300 Clinical Trial Agreements with sites in the first 24 months
- Closed over \$300M worth of clinical trial research and service agreements
- Closed \$50M in consulting and specialty service agreements

### ***Biodesix, Inc.***

Head of Legal; Sr. Director of Legal

Boulder, CO

May 2016-February 2022

Data Privacy Officer

(Other titles held: Director of Legal Affairs and Intellectual Property (2016), Director of Legal (2017-2019))

- Sole attorney and head of the Legal Department since 2016
- Managed all legal affairs, outside counsel, and coordinated the legal elements of Biodesix's successful IPO in October of 2020 as well as 2 corporate acquisitions and 7 product launches including 4 COVID-19 diagnostic tests launched remotely during the pandemic
- Negotiate all third-party payer contracts with insurance and government payors
- Manage (including draft and negotiate) all business development contracts, technology transfer agreements, licenses and other IP granting agreements including clinical trial agreements.
- Manage all intellectual property strategy and holdings including the patent and trademark portfolios
  - Responsible for filing strategy, worldwide coverage strategy, management of outside counsel
- Oversee and direct development of legal policies and SOPs including compliance, HIPAA and privacy
- Manage all outside counsel matters including multiple litigations including a complex litigation settlement regarding theft of trade secrets under Defend Trade Secrets Act
- Support Managed Care, Finance, Med Affairs, HR, Marketing, Sales and Management Team on all legal needs, in particular branding, contract, litigation and risk management issues
- Oversee legal staff that handles confidentiality, consulting, and business associate agreements, HIPAA compliance, Stark and False Claims compliance, FCPA compliance, Anti-Kickback compliance
- Founding member of DEI Committee

### ***Greenberg Traurig***

I.P. Practice Group Attorney

Denver, CO

Dec 2014- May 2016

- Intellectual property licensing and procurement including patents and trademarks

- Patent protection/prosecution including patent applications, office actions, patent strategy
- Litigation support, FDA regulatory matters for devices and drugs and neutraceuticals, general corporate contracting, general litigation diligence

**University of Colorado Denver Technology Transfer Office** Aurora, CO  
Senior Licensing Manager 2006-2014

(Other titles held: Licensing Associate, 2006-2008. Licensing Manager, 2008)

- Identified and helped to develop commercially valuable intellectual property generated by CU researchers
- Managed over 600 cases in the fields of biotechnology, medical devices, pharmaceuticals + diagnostics, gene therapy, therapeutic and diagnostic antibodies, biomarkers
- Counseled startup companies formed on technologies licensed from the University on IP strategy, general regulatory and legal concerns, funding concerns and basic corporate strategy
- Engaged and managed external patent attorneys to protect intellectual property, helped to draft and review claims, recommended patent strategy, reviewed and recommend response strategy in office actions
- Identified and managed outreach to industry partners, drafted and negotiated collaboration agreements
- Drafting and negotiated term sheets and license/options agreements – negotiated over 100 deals.
- Reviewed clinical trial and sponsored research agreements to protect future IP assets, as well as confidentiality, consulting and material transfer agreements
- Drafted University template Tissue Transfer Agreement and helped formulate policy on transfer of human tissues/samples
- Managed summer law interns and trained new staff members
- Managed Proof of Concept Grant programs including the BDEG program co-administered with the State of Colorado Office of Economic Development
- Panelist/Speaker: Intellectual Property Institute, 2011; BioBootCamp (Holland and Hart), 2011; IP Law and Health Care (BIO convention, Chicago), 2010; Colorado Medical Device Symposium, 2009.

**Myogen, Inc.** Westminster, CO  
Patent Attorney; Corporate Attorney 2002-2006

- Drafted provisional applications, conversions, regular patent applications and amendments
- Responded to office actions and managed a portfolio of over 500 patents and applications
- Drafted and negotiated contracts, confidentiality agreements, material transfer agreements, consulting agreements, sponsored research agreements, master service agreements and licensing agreements
- Managed company's relationship with university collaborators, collaborated with VP of Bus. Dev. on in and out-licensing opportunities
- Managed trademark and copyright prosecution. Active member of company's branding team.

## **BOARDS, CONSULTING**

**Biodesix** Boulder, CO  
Consultant on IP and contracting matters March 2022-present

**Big Brothers Big Sisters of Colorado** Denver, CO  
Board Member, Associate Board 2019-present

- Primary responsibility is fundraising

**Colorado Office of Economic Development** Colorado  
Advanced Industries Act Grant Reviewer 2014-present

**Colorado Biosciences Association** Denver, CO  
Consultant to DEI Blueprinting Committee 2023

**University of Colorado Innovations Office** Aurora, CO  
Consultant on general strategy and business development matters February 2022-July 2024

**Colorado Bar Association – Intellectual Property Executive Committee**  
Vice President (previously Secretary)

Denver, CO  
2020-2022

## **EDUCATION**

### **University of Colorado School of Law (1999-2002)**

- Juris Doctor, ranked 30/172, 3.393 GPA
- Law Review, 2000 - 2002
- Vice President: Intellectual Property Law Student Association

### **University of Colorado Health Sciences Center, Denver Microbiology Department, Ph.D. Program (1993-1999)**

- Terminal Masters of Medical Science, 3.78 GPA
- Ph.D. candidate
- Field of research: HIV drug resistance

### **University of California Los Angeles, Microbiology and Immunology (1990-1993)**

- Bachelor of Science, Microbiology - *Magna cum laude*, 3.66 GPA
- Phi Beta Kappa, Golden Key National Honors Society, Regent's Scholarship
- Dean's Honor List, 1991-1993

### **University of California San Diego, Microbiology (1988-1990)**

- 3.78 GPA – Microbiology focus
- Dean's Honor List 1988-1990

## **PRACTICE ADMISSIONS:**

- Patent Attorney #43,012 (1998)
- Colorado Attorney Reg. No. 34101 (2002)

## **PUBLICATIONS, PATENTS AND PRESENTATIONS**

- Colorado Biosciences Association in partnership with Innosphere Ventures – September 2023 – Panelist on “Strategizing Clinical Excellence, a Workshop”
- AIPLA – Institute of Corporate Partnerships – Panelist on “Navigating Corporate Partnerships”
- Colorado Bar Association – January 2021, Panelist on “IP Issues in Corporate Transactions, M&A, IPO.”
- Poticha & Duncan, “Intellectual Property—The Foundation of Innovation: A scientist's guide to intellectual property,” *J. Mass Spectrom.* 2019; 54:288-300. (<https://doi.org/10.1002/jms.4331>)
  - Most downloaded paper of 2019 for *J. Mass Spectrom*
- Denver Start-Up Week, September 2017, panelist “Attracting Investors Through Savvy Intellectual Property Management.”
- Denver Start-Up Week, August 2016, panelist “Ways to Manage IP Costs.”
- English E. and Poticha D., “Three Key Legal Mistakes Startup Companies Make,” *Denver Law Weekly*, August 17, 2015.
- 2012 University of Nebraska 2nd Annual Entrepreneurship Conference – Panelist on “Technology Transfer and University Licensing”
- Ford et al., PCT Application PCT/US2010/043354 titled “miRNA Inhibition of Six-1 Expression.”
- 2010 BIO Conference – Presenter “Intellectual Property Protection and Biotechnology – How Changes in Health Care Law Impact Patent Strategy”
- 2010 BioBootCamp – Presenter “Patent Strategy for the Startup”
- 2009 Colorado Bioscience Association Medical Device Symposium – Panelist on “Medical Device Patenting and Commercialization”

- Duan C, Poticha D, et al, "Inhibition of Purified Recombinant Reverse Transcriptase from Wild Type and Zidovudine-Resistant Clinical Isolates of HIV Type 1 by Zidovudine-, Stavudine-, and Lamivudine-Triphosphate," J Infect Dis. 2001 Nov 5;184(10):1336-40.
- Kuritzkes DR, Shugarts D, Bakhtiari M, Poticha D, et al., "Emergence of dual resistance to zidovudine and lamivudine in HIV-1-infected patients treated with zidovudine plus lamivudine as initial therapy," J Acquir Immune Defic Syndr. 2000 Jan 1;23(1):26-34.
- Kuritzkes DR, Quinn JB, Benoit SL, Shugarts DL, Griffin A, Bakhtiari M, Poticha D, "Drug resistance and virologic response in NUCA 3001, a randomized trial of lamivudine (3TC) versus zidovudine (ZDV) versus ZDV plus 3TC in previously untreated patients," AIDS. 1996 Aug;10(9):975-81.