

# MARK E. FOSTER

LAW OFFICES OF MARK E. FOSTER

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## **What they're saying about Mark Foster:**

*William "Bill" New, MD, PhD, inventor of pulse oximetry, Co-Founder of Nellcor; Founder Natus Medical (neonatal hearing screening); BOD member & CTO Protocol Medical; Founding BOD Chairman Volumetrics Medical Imaging: "When I start a company or Board service, I bring in Mark Foster. I don't start or run a company without Mark."*

*Olaf von Ramm, PhD, Duke University, co-inventor of real-time 3D/4D medical ultrasound machine, Co-Founder, Volumetrics Medical Imaging, Inc.: "We hired Mark to lead our effort to enforce our patent rights on real-time 3D/4D ultrasound technology, 40 years of my research. Under his remarkable decade-long leadership we licensed our patents to the entire ultrasound industry worldwide, validating our inventorship of the modern medical ultrasound machine, and bringing us a substantial financial return."*

*Kenneth Traverso, CEO & Co-Founder, SafeinHome.com; formerly EVP Global Sales & Marketing, Natus Medical (NTUS): "Mark is an incredible resource for legal issues, management and strategic planning for any company. He saved Natus several times by his legal ability, diligence and business skillset. If you can include him in your venture, you should do so."*

*Steve Meyer, former President & Chief Executive Officer and director of Welch Allyn, Inc.: "When we acquired Protocol Medical, Mark was the only lawyer we brought into Welch Allyn. As outside General Counsel to Protocol from its inception, his enormous skillset, business judgment and hard work greatly facilitated and expedited our integration of Protocol's business."*

*United States Embassy, Tokyo, Japan: "The work you did ... on telecommunications, medical, and electrical product technical standards and systems laid the groundwork for the US government's [decade-long] major trade initiative in the "Market Oriented Sector Selective" trade talks. We owe a lot to your pioneering effort. American firms who benefit from your work may never know the key role you played."*

*United States Attorney General Richard Thornburgh: "Mr. Foster has had a distinguished legal career, having served in private practice, in government as a trade negotiator in Japan, as Counsel in Japan for the entire U.S. Electronics Industry, as lecturer in international business to MBA students and American law to foreign lawyers, and as General Counsel of public companies."*

*Mary Kay Kane, Chancellor and Dean Emerita of the University of California: "We are delighted that Mr. Foster has again been appointed to a prominent position helping to craft U.S. trade policy. Mr. Foster's legal career has been devoted to increasing world commerce by eliminating trade barriers and promoting transparent legal and regulatory systems governed by the rule of law."*

*Secretary of Commerce Gary Locke, and United States Trade Representative Ron Kirk (President Obama Cabinet): "Your [high tech] industry knowledge is critical to the Department of Commerce and Office of the United States Trade Representative in pursuing trade objectives that reflect the concerns and interests of the private sector."*

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## EXECUTIVE SUMMARY

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Corporate-savvy internationally experienced Inside & Outside General Counsel, Chairman and Board Member, and C-Suite Executive in public and private companies. Recognized for spearheading success of multimillion dollar disruptive startups and new ventures in high-tech, medical device, finance & law. Led multiple companies' advancement from founding to initial public offering to acquisition and sale, recording billions of dollars in revenue. Led Volumetrics Medical Imaging Inc. in decade-long successful patent enforcement.

International-savvy lawyer & executive with 35years+ in Silicon Valley, Tokyo, Research Triangle, Silicon Forest, leading companies' growth, financial plans, legal infrastructure, product exports, and international trade relationship for clients across North America, Europe, and Asia. Established smooth startup and continuous revenue by sourcing and partnering with investors to attract funding, define success strategy and direct high-performing teams, advising stakeholders and Boards of Directors to steer company growth. Launched and implemented growth strategies for private and public companies. Diversified revenue stream while optimizing extensive legal counsel experience, international trade negotiation, policy restructuring, and lobbying to strengthen standards for seamless cross-border operations. Recognized and appointed multiple times by U.S Presidents and Cabinet members to represent the U.S. and several industries in international trade policy negotiation, including U.S. Electronics and Telecom Industries as Lawyer/Lobbyist in Japan. Significant management and operations experience as C-level officer in domestic and international businesses and corporate manager in the U.S., Japan, Europe, India, and Asia, handling securities, commercial, financing & regulatory matters. AV Rated© by Martindale. Peer-elected to American Law Institute. Recognized for leadership by his peer group of public company General Counsel.

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## AVAILABLE FOR:

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- ◆ Board of Directors | Advisory Member
- ◆ International Trade Agreements
- ◆ Commercial | Regulatory | Trade Policy
- ◆ International and Domestic Negotiation
- ◆ High-Performing Team Leadership
- ◆ Government Affairs
- ◆ Outside & Inside General Counsel
- ◆ Corporate Management | Governance
- ◆ Trade Policy Lobbying
- ◆ Litigation Management
- ◆ HR and Budget Planning
- ◆ Local, Regional, International Economic & Infrastructure Development
- ◆ Disruptive New Venture Creation | Management
- ◆ Investor Sourcing | Financing | Relations
- ◆ Corporate Legal Infrastructure Development
- ◆ Regulatory Matters tactics & strategy
- ◆ Business Development

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## PROFESSIONAL HIGHLIGHTS WITH BOARD, ADVISORY AND LEGAL ROLE

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### PRINCIPAL | Law Offices of Mark Foster, Offices in Silicon Valley; Research Triangle

Led different new business ideas to successful companies with long-term growth strategies and multimillion dollar asset and revenue inflow through various advisory and financial roles, including Corporate Business Transactions, Financing Transactions, New Venture Creation, Board Member, Outside General Counsel & Litigation Management, Legal Process Management, etc.

### Current & Recent Projects | Transactions | Clients

- Championed the reorganization of **PixoVR, Corp.** in Delaware, converting LLC to streamline growth path by bringing in HP Corporation as a strategic investor. Helped close \$4.5M funding round in Dec. 2021. As Corporate Secretary, helping position PixoVR for dramatic growth. Enterprise-VR company with Proprietary VR platform & content enables enterprises to train employees at remote locations in simultaneous, multi-user managed sessions. <https://pixovr.com>
- **Volumetrics Medical Systems LLC**, “Creating the future of medical ultrasound”™. Leading the company from new venture setup to research & development phase. Serving as President, Chairman, and Secretary, CFO. Volumetrics is a privately funded technology spinoff of Duke University Engineering and Medical Schools, now in stealth mode while it creates next-generation ultrasound medical imaging devices. <https://volumetricomedical.com>
- **SafeinHome**’s proprietary “Person-Centered Solutions” enables independent living by people requiring support to maintain the desired outcomes and their unique lifestyle. SafeinHome’s intelligent system integrates multiple technologies and sensors for superior accuracy and real-time 24-hour response. Helped close \$7M funding round in De. 2021. Mark advises Ken Traverso, Founder and CEO. [www.SafeinHome.com](http://www.SafeinHome.com)
- President of **North Plate Semiconductor, LLC**, a patent monetization entity owned by Wall Street hedge fund investors that holds `and enforces several hundred patents in telecom, communication, imaging, and other fields. <https://northplate.com>
- **Bill Baumel**, founder and past GP of RWI Ventures, trusted and chose Mark to represent him when appointed to head up the new Ohio Innovation Fund. Successfully advised Bill Baumel in his transition from private VC to Managing Director, Ohio Innovation Fund. <https://www.ohioinnovationfund.com/team>
- Co-led the successful setup and running of **Peregrine Network, Inc.** (Slingshot Networks), that designed and built proprietary VPN for HP Corp. in ‘HP DataPass”, an always-on Internet-enabled seamless connection switching worldwide between cellular and Wi-Fi networks. Served as Chief Legal Counsel, CFO and Secretary. Managed Investors HP, Sprint, and Qualcomm. Acquired by Qualcomm.
- Defined success path and championed growth strategy by developing US entity, distribution, sale network, and hire management for **Hybrid Seed Company, Inc.**, a New Zealand company, producing 80%+ of the ornamental pumpkins used annually in the USA & worldwide. Serve as Secretary of the company
- **Vietnam’s “Southern Key Economic Zone Development Project”** in Ho Chi Minh City (Saigon) region. Mark was retained by AmCham Vietnam to help plan and lead this major international regional infrastructure development project. Partner members included local & regional government and NGO’s in Saigon, USA (USAID), ASEAN, EBC, Japan. As Intel Corp. built its largest assembly plant in the world in Saigon, Mark mapped out plans for ambitious highway, telecom, port, public transport, green space, development of the greater Saigon and Southern Six Key Provinces to dramatically leverage Overseas Direct Investment and Export Development of the region. Ultimately, the Vietnam government failed to provide matching funds, dooming the Project.

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## PROFESSIONAL EXPERIENCE – MAJOR ACCOMPLISHMENTS

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### VOLUMETRICS MEDICAL IMAGING, INC./LLC (<https://bme.duke.edu/about/news/pioneers-3d-ultrasound>)

**President | General Counsel | Chief Financial Officer | Board of Director & Secretary** 2005 – 2015

Led, managed & executed the most complex, largest patent infringement campaign in the medical device industry to date. Volumetrics, a Duke University technology spinoff, invented 3-D real-time (4D) ultrasound medical imaging. Successfully licensed Volumetrics’ patents to GE, Siemens, Philips, Samsung, Toshiba, etc. Served on Board, as President, CFO and CLO. Led three successful investment rounds. Managed multimillion-dollar budget; selected, managed, and led ten+ legal teams & engineers in US, Europe, Japan, Korea. Managed 80+ investors including Duke U. & major Institutional Investors, plus two-dozen engineering & scientific employees and consultants. Delivered substantial financial return to investors.

### Achievements

- Successfully managed, planned & executed the largest, most complex medical device patent infringement/licensing campaign ever;
- Achieved favorable industry-wide licenses of VMI patents arising from the largest and most complex international patent infringement case in the medical device industry against GE, Siemens, Toshiba, Samsung/Medison, and Philips
- Influenced and enforced company’s patent recognition through successful case resolution that led all defendants to agree to license for the fundamental patents of Volumetrics (a Duke University spinoff) with substantial licensing fees after 8 years
- Defined success with a measurable returns, delivering a substantial financial return to employees and investors, including Duke U.
- Spearheaded a high-performing legal team by defining, communicating & managing goals across legal teams, personally selected, in the US, Europe, Japan, and Korea

### DEPARTMENT OF COMMERCE-INTERNATIONAL TRADE ADVISORY COMMITTEE

**United States Trade Representative, Executive Office of the US President** 2002 - 2016

- Appointed 2002 by President G.W. Bush’s Commerce Secretary Gutierrez and USTR Portman to Industry Trade Advisory Committee for High-Tech Sector.
- Re-appointed 2010 by President Obama’s Commerce Secretary Locke and USTR Kirk to represent high-tech medical device sector.
- Obtained US Government Secret-level security clearance to review and comment on draft bilateral and multilateral trade treaties.
- Advisor to USTR/DoC representing US high tech and medical device sectors on US trade policy
- Attended WTO, NAFTA high-level government negotiations and meetings on behalf of US high tech and medical device sectors.

**General Counsel | Chairman Natus Japan; UK | EVP HR & Regulatory, Manufacturing and Quality Affairs | CFO (acting)**

*Actively championed growth from startup in 1990's through IPO in 2002 for Natus, inventor of newborn baby hearing screener now used worldwide on newborns, providing solutions to newborn baby healthcare needs, including neonatal hearing screening to the world market. Founded by Dr. Bill New, M.D., Ph.D. (co-founder Nellcor). Brought in by Dr. New at startup through IPO and afterwards. Held various C-Level positions after IPO to lead the company to success and international market positioning. Reorganized entire management team and Board of Directors at Founder's request.*

**Achievements**

- Enhanced worldwide deliverability and performance efficiency as General Counsel and EVP for HR
- Deployed quality products that met international market standards as EVP for Regulatory and Quality Affairs and Manufacturing, managed Quality and Manufacturing for domestic U.S and Japan, Europe, and worldwide markets.
- Curtailed loss and boost profit that witnessed company growth at the initial stage with a constant stream of revenue as Acting CFO, oversaw S.E.C compliance, audit, and reporting
- Prepared for and managed Board meetings as the Secretary of the Corporation and its subsidiaries in the U.S, U.K, and Japan
- Increased profitability; personally responsible for 15%+ of the company's annual revenue as Chairman, Natus Japan K.K, and Natus Neonatal U.K, wholly-owned subsidiaries
- At direction of Founder/Chairman Dr. Bill New, hired new CEO James Hawkins, replaced Board members to position Natus for growth & profitability

**As General Counsel, handled the following practice areas:**

- Securities & Finance, Investor Relations; SEC reporting quarterly, annually
- Business Development
- IP Rights worldwide
- Domestic and International Regulatory, Clinical and Government Affairs including FDA audit, ISO audit.
- Human Resources
- Litigation
- Domestic and International Sales, Marketing and Service contracts, negotiations, subsidiary creation, acquisitions.
- Corporate Governance & Board of Directors-managed the Board, prepared all SEC filings

**LAW OFFICES OF MARK FOSTER. OFFICES IN TOKYO, SILICON VALLEY, RESEARCH TRIANGLE, PORTLAND**

**Principal**

**1988 - 2002; 2015-Present**

*Launched and positioned Private Law Practice as a truly international law firm with an extensive track record of success in the successful representation of multinational corporations across North and South America, Asia, and Europe on commercial, finance, regulatory, and trade policy matters. Expanded the firm's international reach by launching offices in Portland, Tokyo, N.C. and California to connect with key accounts.*

**Achievements**

- Recognized for successful representation and counsel to multinationals and sought after as Corporate Counsel in the U.S for the numerous U.S, Japanese, Indian, and European companies
- Steered American, Japanese, and European companies through international commercial, regulatory, and trade policy affairs ensuring compliance with established regulations
- Championed clients interest in all international dealings via successful representation in commercial, financing, and regulatory matters worldwide
- Appointed as General Counsel to several Boards of Directors based on extensive legal background and successful portfolio
- Clients have included AT&T, NEC, United States Gypsum, Motorola, Toyota, Société Générale de Surveillance (SGS), Northwestern Steel & Wire and Tuscaloosa Steel (British Steel), and fast-growth companies like Possis Medical, Brooktrout, Natus Medical, St. Jude Medical, Protocol Medical, PixoVR Corp, SafeinHome.com.

**U.S. ELECTRONIC INDUSTRIES ASSOCIATION AND AMERICAN ELECTRONICS ASSOCIATION JAPAN OFFICE**

**Lawyer-Lobbyist**

**Late 1980's**

*Appointed as the first full-time American lobbyist in Japan and charged to represent the entire U.S electronics and telecom industries as first-ever full-time lawyer/lobbyist in Japan for American business.*

**Achievements**

- Promoted U.S Electronic industries interest while balancing Japanese Government policies during negotiating of market openings in telecom and high-tech sectors with the government
- Led industry-wide adoption and implementation of Japan-market opening laws and regulations, which I had helped put in place as Special Counsel to U.S Embassy
- Championed U.S industry interest at all times by representing new exporters of US-made telecom and electronics products at Japan's regulatory agencies
- Received a letter of commendation from President Reagan, and Commerce Secretary Baldrige, citing increased U.S exports to Japan.
- Subsequently served as Counsel to Joint Electronics Industry Tokyo Office

**COMMERCE SECRETARY MALCOLM BALDRIGE'S TEAM (President Reagan's Administration)**

**Special Counsel to the Embassy of the United States of America, Tokyo, Japan**

**1984 - 1988**

*Appointed by Malcolm Baldrige, Secretary of Commerce, to work directly under U.S. Ambassador to Japan Mike Mansfield (former Senate Majority Leader) reporting concurrently to USTR, Commerce, and State Departments under President Reagan's Administration.*

**Achievements**

- Foster's negotiations and other work "laid the groundwork for the US government's [decade-long] major trade initiative in the "Market Oriented Sector Selective" trade talks. We owe a lot to your pioneering effort. American firms who benefit from your work may never know the key role you played"; United States Embassy, Tokyo, letter to Foster.
- Enabled increase in U.S manufactured exports to Japan by personally negotiating major improvements in Japan's Medical Device and Telecom Laws, the Japanese Industrial (JIS) and Agricultural (JAS) Standards systems to enable US exports to Japan. Letters of Commendation received from Secretary Baldrige and United States Embassy, Tokyo
- Advised USTR and Commerce on Japan's Medical Device Law. Wrote and successfully negotiated Japan's adoption of new laws permitting appointment by U.S firms of "domestic caretaker" for owning medical device approval of U.S-made devices, facilitating substantial new exports of medical devices from U.S

- Successfully negotiated Japan's Telecom Ministry of Transparent adoption of telecom terminal equipment technical standards and regulatory approvals system for U.S telecom hardware and services, including the establishment of new independent approvals agency, to permit for the first time direct import of US-made telecom hardware into Japan
- Wrote and successfully negotiated new Japan regulations enabling U.L, TUV, etc., to be "designated testing labs" under Ministries of International Trade, Agriculture, Construction, & Transport, certifying U.S exports to Japan.
- Wrote three books in English on Japan's regulatory procedures to import US-made products, published by the U.S Government Printing Office for the U.S Department of Commerce, and Office of the United States Trade Representative:
  - *Telecom Terminal Equipment Regulatory Approval in Japan;*
  - *Medical Device Regulatory Approval in Japan;*
  - *Industrial Equipment Technical Standards and Regulatory Approval Procedures in Japan.*

**BRAUN MORIYA HOASHI & KUBOTA LAW FIRM, TOKYO**

**Associate American Attorney**

**1982 – 1984**

- Handled significant international transactions in English and Japanese for American, Japanese, and European multinational corporations working in English and Japanese languages, producing bilingual documents.
- Worked in Tokyo, Singapore, Kuala Lumpur, Hong Kong with clients on multinational transactions.

**LAW OFFICE OF JOHN R. HETLAND, BERKELEY, CALIFORNIA**

**Associate**

**1981 – 1982**

- Prof. Hetland is the author of *California Secured Transactions* and Professor Emeritus, UC Boalt Hall.
- Researched and wrote briefs for cases that Professor Hetland was handling before the U.S. Supreme Court and other appellate courts.

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**Law Clerk Extern to the Honorable Judge William A. Ingram**

**1980 – 1981**

**SIGNIFICANT STARTUPS**

**Foster Served from startup or early stage to initial public offering and/or acquisition:**

- **Daini Den-Den, Japan:** DDI was the "MCI of Japan". First-ever private, non-government telecom common carrier in Japan after legislative enactment of telecoms business law. Advised Dr. Sachio Semmoto, founder of DDI, known as Japan's leading entrepreneur, on acquiring telecom network equipment for the new DDI long-distance network. DDI achieved \$1Billion (Yen-based) in revenue faster than any company in history at the time.
- **Brooktrout Technology, Inc.** through IPO and acquisition. Inventor of fax store-and-forward, Internet Fax, systems.
- **Natus Medical, Inc.** (NTUS) From startup to post-IPO; Chief Legal Counsel, Secretary. Inventor of newborn baby hearing screening.
- **Possis Medical Inc.** early stage to acquisition by Bayer AG. Inventor of anti-blood clot AngioJet Rheolytic Thrombectomy System.
- **Protocol Medical, Inc.** outside General Counsel startup through IPO to acquisition by Welch-Allyn (now Hill-Rom). Invented ProPacq, world's first portable, battery powered patient monitor now ubiquitous in hospitals and ambulances worldwide.
- **St. Jude Medical** through acquisition by Abbott. Inventor of bi-leaflet artificial heart valves.
- **Oregon Steel Company** through acquisition
- **Trus Joist Corporation** until acquisition by Weyerhaeuser. Inventor of TrusJoist Laminated Veneer Lumber (LVL) engineered wood.
- **Volumetrics Medical Imaging, Inc./LLC** through sale of IP to Philips. Duke Univ. spinoff, Inventor of first real-time 3D/4D medical ultrasound used worldwide in ultrasound machines. Served as President, General Counsel, Chief Financial Officer, Secretary.
- **Fluid Management, LLC** through acquisition by IDEX. World's most efficient, adaptable fluid dispensing systems in manufacturing.

**SIGNIFICANT INTERNATIONAL TRADE MATTERS HANDLED**

**"Super 301" Forest Products unfair trade practices case against Japan on behalf of TrusJoist (now Weyerhaeuser).**

- Successfully lowered Japan's 21% tariff on engineered lumber to 3.9%
- Successfully lobbied Japan's Ministry of Construction to write the first-ever technical engineering building code standards for engineered lumber (laminated veneer lumber) based on the specifications of TrusJoist's product line, assuring quick certification and approval of TrusJoist LVL for structural use in buildings in Japan.
- Impacted revenue and gross profit while strengthening international trade relations with a substantial increase in U.S exports
- Obtained certification by Japan's Agriculture Ministry of TrusJoist's U.S. plants for the export of its engineered lumber products to Japan under the "JAS" symbol, first-ever U.S Company

**Telecom and Electronics industries:**

- As Special Counsel to U.S. Embassy in Tokyo, lobbied for and literally wrote in English and Japanese new Japanese laws and regulations enabling more liberal import into Japan of telecom products and services. Specifically, I crafted a new Certification and Approval Manual for interconnection of Telecom Terminal Equipment to Japan's Public Switched Telephone Network, similar to Part 68 of the U.S. FCC rules, and helped set up a new TTE Approvals Agency for foreign-made equipment.
- Represented the entire U.S. telecom and electronics industries as Lawyer/Lobbyist in Japan for the EIA/AEA combined offices in Japan. Successfully obtained dozens of TTE regulatory approvals (from Japan's MPT and MoF) for US, European and Asian telecom hardware and services providers to sell telecom products and services in Japan.

**Steel industry**

- Diversified revenue stream by enabling Japanese market penetration by obtaining approval from Japan's Ministry of International Trade for Northwest Steel & Wire (Illinois) to produce in the U.S and export Japanese certified steel
- Guaranteed the successful execution and favorable result for a two-year project funded by Illinois and Trade Adjustment Assistance Act. Stakeholders included Steelworkers Union and Governor of Illinois

**Other Steel Industry cases for Oregon Steel and Tuscaloosa Steel**

- Obtained coveted Japanese Industrial Standards certification for steel plants in Oregon and Alabama, permitting direct export of U.S-made steel

**Building Industry**

- Spearheaded the successful negotiation and significant transactions on behalf of USG Corporation for Japanese Building Code approvals for USG high-technology materials, including Duracrete and other structural materials exported from the U.S

**Medical Device industry**

- Facilitated regulatory approvals by the Ministry of Health and Welfare of Japan for U.S.-made medical devices and factories for dozens of U.S. companies, exporting successfully to Japan from U.S. plants nationwide. Created and saved thousands of U.S.-based jobs.

#### Agricultural Products and Laboratories

- Enabled favorable international trade relationships and exportation from California rice growers to Japan
- Certification of Oregon, Minnesota, Illinois, California State Agriculture labs obtained to enable direct export of local Ag products

#### Testing Laboratories Industry

- Negotiated and implemented new administrative procedures in Japan for certifying non-Japanese test labs in broader sectors, including Ag, forest products, construction materials, medical devices, automobile, consumer products, and electronics. Enabled U.S. and European labs to certify locally-made exports to Japan.

#### Industrial Machinery case

- Successfully obtained certification from Japan's Ministry of Labor and MITI for Fluid Management L.P. (now a division of IDEX, NYSE) to export its complex fluid dispensing machinery (previously, the equipment required to use Japan-made electrical components)
- Recognized for leading the success and quantifiable metric on account growth, retaining hundreds of Chicago area jobs

#### Direct Foreign Investments

- Successfully handled over US\$500,000 DFI Greenfield Development projects for Japanese electronics and semiconductor companies in Oregon, Washington, and California in the semiconductor, electronics, real estate and food products sectors.
- Handled DFI for American, European, and Asian companies investing in Japan, the Philippines, Taiwan, Malaysia, and India

### ACADEMIC | TEACHING | LECTURESHIPS

#### Lecturer | University of Southern California

- IBEAR Program (IBEAR is USC's International Business MBA program)
- Taught classes to MBA students in Japanese, American and international commercial law and practice

#### Nihon University, Tokyo, Japan

- Equipped Japanese law students with knowledge of American business, commercial, constitutional, contract and tort law
- Appointed to lecture University Dean, Chancellor and Department Heads on the US system of legal education and lawyer certification during the debate towards legislative and academic reforms in Japan with respect to training and certifying attorneys in Japan
- Contributed to the tectonic shifts in lawyers training in Japan alongside my colleague Chancellor of the University of California and Dean Emerita Mary Kay Kane

### EDUCATION | QUALIFICATION | FELLOWSHIP GRANTS

**B.A from Alma College, Michigan**  
*Western Civilization, the Classics and Religion*

**J.D from University of California Hastings College of the Law, San Francisco**  
*Juris Doctorate*

#### ROCKEFELLER FELLOW

*Fellowship Recipient, Rockefeller Foundation/National Council of Churches. Geneva, Switzerland, Berlin, Germany and Tokyo, Japan. Served in an ecumenical fellowship program in Japan.*

#### CERTIFICATIONS

**University of California, Berkeley**  
*Japanese Language*

**Inter-university Center for Study of the Japanese Language, Waseda University, Tokyo**  
*Japanese language studies*

### BAR MEMBERSHIPS

- ❖ Member of State Bar of California, Oregon
- ❖ United States Supreme Court
- ❖ United States District Court for the Northern District of California
- ❖ United States District Court for Oregon
- ❖ United States Court of International Trade

### MEMBERSHIP

- ❖ **American Law Institute:** nominated from Attorney General Richard Thornburgh and University of California Chancellor and Dean Emerita Mary Kay Kane. The American Law Institute membership consists of eminent judges, lawyers, and law professors from the United States and many foreign countries, nominated by current preeminent jurists and law professors and selected based on professional achievement and demonstrated interest in improving the law. Membership is limited to 3,000, including life members, sitting judges, professors, and practicing attorneys. The ALI publishes the well-known "Restatements" of the Law in key areas including Property, Criminal Law and Procedure, Torts, Contracts, Uniform Commercial Code, etc.
- ❖ Silicon Valley Association of General Counsel-former Chairman, Director. Commended for "Outstanding Leadership" by peers, fellow Chief Legal Counsel of Silicon Valley public and large private companies.
- ❖ Association of Corporate Counsel
- ❖ American Society for Quality

### PUBLIC INTEREST SERVICE

**President of the Trustees of the University of California Hastings College of the Law 1066 Foundation (past).**

**Senior Fellow, Conference of World Regions.** CWR provides a forum for public and private sector leaders to exchange ideas on market-based economic development issues that increasingly ignore national and regional boundaries. CWR's activities received official endorsement by the Organization for Economic Cooperation and Development (OECD), the U.S Council for International Business, the World Bank, the U.S Council of State Governments, and the European Commission. The CWR Chairman is The Honorable Alan J. Donnelly, former Member of the European Parliament and former Chairman of the European Parliamentary Delegation for Relations with the United States. CWR co-chairs include the governors of Illinois, Michigan, and Colorado.

**Foster's appointment to different Government of Japan Advisory Councils and technical standards committees made him the first American** ever to serve on closed Japanese Government advisory councils.

**Ministry of Posts and Telecommunications:** former member, Radio Wave Regulations Council.

**Ministry of International Trade and Industry:** former member, Information Network Standards Council

**A regular speaker in the U.S, Europe, and Japan** Bar Associations, the ISO, and the Japanese Standards Association (in Japanese). Lectured at the Medical Alley Association, the USC IBEAR Program, and Brussels EU Commission on Regulatory Standards. Frequently spoke at law schools and business groups in the U.S., Japan, and Europe on international commercial law and regulation.

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## REPRESENTATIVE PUBLICATIONS | SPEECHES | AWARDS

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### Books

*Medical Device Certification in Japan: A Guidebook*, 1985. Published by US Department of Commerce

*A Guide to Mandatory Technical Standards and Product Certification Procedures under Japan's Electrical Appliance Law*, 1985. Published by the US Department of Commerce.

*Japanese Telecommunications Terminal Equipment Certification and Procedures*, 1985. Published by the US Department of Commerce.

*Politics and Productivity: The Real Story of Why Japan Works*, 1989, by Chalmers Johnson and Laura Tyson, University of California Press. Foster's original research into Japan's industrial economic and trade policy cited extensively therein, and elsewhere by Professor Johnson.

### Selected Technical Papers

48<sup>th</sup> Annual Quality Congress of the American Society for Quality Control, May 1994, Las Vegas, Nevada:

"*The Japanese Industrial Standards Systems - An American's Viewpoint*" (published by ASQC)

International Standardization Organization (ISO) and Japanese Standards Association (JSA) Joint Conference, Tokyo, Japan, 1994: Keynote Speech (in Japanese): "The Japanese Industrial Standards System from an American's Standpoint".

### Selected Articles

"*Recent Development: Analysis of the Newly Amended Commercial Code of Japan*", *Journal of International Law*, Vol. 15, No. 3, (1983)

"*Japan - Sweeping Amendments to Standards and Certification System Adopted*", East Asian Executive Reports (1983)

"*Breaking the Standards Barrier*", East Asian Executive Reports (1983)

"*Japan - First Foreign Lab Designated as Inspection Agency*", East Asian Executive Reports (1984)

"*Japan - Building New Barriers? The Draft Telecommunications Act*", East Asian Executive Reports (1984)

Others: Numerous articles and treatises concerning Japan's government regulatory system, manufactured product technical standards and certification system, industrial policy, and various market sectors; published in East Asian Executive Reports; Case Western Reserve Journal of Law; etc

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## SELECTED SPEECHES AND LECTURES

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**U.S. Department of Commerce, United States & Foreign Commercial Service, and the University of Southern California** IBEAR program, frequent lecturer on "*Breaking Down the Barriers to Japan's Market*" at Asia-Pacific Forum, and Doing Business in Japan intensive graduate classes. 1990-98

**World Trade Institute, World Trade Centers of NY/NJ:** Lectured on international business law and regulations, customs law, Japanese distribution and sales contracts, other international business classes. 1991-97

Medical Alley Association, Minneapolis, MN. Periodic lectures on international regulatory matters to members of the Association.

**ISO (International Standardization Organization) and JSA (Japanese Standards Association)** Joint Conference, Tokyo, Japan: Keynote Speech (in Japanese): "*The Japanese Industrial Standards System from an American's Standpoint*". 1994

**Conference of World Regions, Global Economic Forum, Brussels, Belgium.** 1998, Keynote Speech: "Rise of Regions in the Global Economy - Telecommunications and Information Technologies: Enabling Global Entrepreneurship and Regional Economic Development"

**Conference of World Regions, Global Economic Forum, Brussels, Belgium.** 1998, Keynote Speech: "*Rise of Regions in the Global Economy - Telecommunications and Information Technologies: Enabling Global Entrepreneurship and Regional Economic Development*"

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## MEDIA MENTION

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See [http://www.markfoster.com/in\\_the\\_press.php](http://www.markfoster.com/in_the_press.php)

- ❖ The Wall Street Journal
- ❖ The Asian Wall Street Journal Business Week
- ❖ Fortune Magazine
- ❖ Tom Peters "On Excellence" The Chicago Tribune
- ❖ Who's Who in America Who's Who in American Law

REFERENCES AVAILABLE UPON REQUEST