



AAA Mediation.org™

FN-116868 MN-116868 LN-116868, Esq.

Rumson, New Jersey



[View Video](#)

Current Employer-Title Michaelson ADR Chambers, LLC

Panelist Video <https://www.adr.org/videoresume?paramName=279570498>

Professional Summary From 1991 to the present, serve as an international arbitrator/mediator in international/domestic disputes, principally involving intellectual property, IT and technology-related issues and provide services across a wide range of industries and technologies, and also handle other commercial disputes.

From 1979 to 2012, was also a practicing intellectual property attorney, principally handling patent matters involving complex electronic and software-based technologies for large domestic and international corporations, small organizations and start-ups.

Profession Arbitrator, Mediator and Attorney

Work History Principal & Arbitrator/Mediator and Attorney, Michaelson ADR Chambers, 2011 – Present; Principal & Attorney, Arbitrator and Mediator, Michaelson and Associates (and predecessor firms) 1984 – 2012; General Counsel (virtual), Direct Grid Technologies LLC, 2010 – 2012; Associate Attorney, Pennie & Edmonds, 1982 – 1984; Member/Legal and Patent Staff, Bell Telephone Laboratories, 1979 – 1982; Electronics Project Engineer, Rockwell International, 1977 – 1979; Electronics Development Engineer, Aluminum Co. of America (Alcoa), 1976 – 1977; Electronics Project Engineer, Control Systems Research, 1975 – 1976.

Experience Present ADR Practice (from 1991 to date): Serves as arbitrator & mediator in international/domestic disputes involving intellectual property (patents, trademarks, trade secrets), information technology, technology-related and other commercial matters across wide range of industries & industrial sectors, including, e.g., aviation, defense contracting, energy, general manufacturing, infrastructure (including investment), electronics (hardware & software), lighting, major appliances, medical devices, biotech, telecom and pharmaceuticals.

Arbitrated >500 disputes with amounts in contention extending to US \$ 3 Billion.

Arbitrated disputes involving, e.g.: antitrust (merger), breach of contract, consumer credit, consulting, domain names, intellectual property (including validity, infringement & misappropriation), joint ventures & partnerships, licensing (including university technology transfer), mergers & acquisitions, securities & financial, telecommunications (including reciprocal compensation), and technology.

Mediated disputes involving, e.g.: breach of contract, credit and financial, employment discrimination, franchises, healthcare, insurance coverage and liability, intellectual property (including validity, infringement and misappropriation), licensing (including university technology transfer), professional malpractice and fee disputes, real property, technology and warranties.

Further, as an advocate, from 1979-2012:

- Provided legal counsel to a start-up technology company, in the capacity of general counsel, including transactional assistance, across a wide range of substantive legal areas.
- Conducted intellectual property & unfair competition litigation in the US courts; and inter-parte and ex-parte proceedings in the US PTO involving patents and trademarks, including patent appeals, patent reissues, patent interferences and trademark oppositions.
- Prepared patent validity and infringement opinions involving complex electronic technology; prepared trademark validity and infringement opinions.
- Handled patent licensing including under F/RAND requirements, and trademark licensing.
- Counseled in intellectual property, antitrust, unfair competition, and privacy law.
- Prepared/prosecuted >800 domestic/international patent applications spanning a wide range of electronic, computation (hardware & software), communication & mechanical technologies; and international/domestic trademark application preparation/prosecution.

E-discovery experience: Prior member of CPR e-discovery panel, with panel membership having commenced almost since panel's inception in late 2006. Regularly dealt with e-discovery issues, as arbitrator, in various large arbitration disputes. Has been involved in various projects and initiatives, including, e.g., formulation of the CPR Global Rules of Accelerated Commercial Arbitration and, in connection therewith, participated in raising, discussing and deciding salient issues regarding aspects of e-discovery. Taught various sessions on e-discovery & incorporated aspects of e-discovery into various presentations for patent and IP-related arbitration.

Has expertise in artificial intelligence and machine learning; robotics; cryptography (including blockchains); cryptocurrencies and smart contracts; process control and measurement; communications; video, image and audio processing; and other complex software- and hardware-based technologies.

Mediator Experience

- Serves as mediator/court-appointed expert in patent law in US district courts.
- Served as a court-approved mediator for the NJ Superior Court and, in that role, handled numerous mediations across a wide range of other substantive legal areas (noted above).
- Served as a AAA NJ Storm Sandy mediator.

Mediated disputes with amounts in contention reaching US \$ 600 Million.

Serves as mediator in numerous patent litigations. Illustrative significant mediations include:

- an international patent dispute involving both mechanical and electronic aeronautical technology, with multiple patents at issue. The dispute was the subject of approximately 10 years of litigation across the national courts of several countries. Potential liability to the parties amounted to approx. US \$600 Million.
- four separate Hatch-Waxman patent litigations involving a common pharmaceutical then having annual sales of approx. US \$350-400 Million. These litigations, consolidated for mediation, collectively involved three innovator pharmaceutical companies and three generic pharmaceutical companies.
- a patent dispute between two large US appliance manufacturers and which was the subject of approximately five years of foreign patent litigation. The liabilities claimed amounted to approx. US \$30 Million.
- a patent dispute involving database technology with approx. US \$ 16 Million in contention.

-an international patent licensing dispute involving automotive structural technology.
-a patent licensing dispute, involving a monetization agreement, which the parties were unable to resolve after approximately 1.5 years of direct negotiations.

See CV for additional matters.

Served as volunteer judge in ABA Representation in Mediation National Competition, ABA Section of Dispute Resolution, 2016, 2015, 2014.

Representative Issues Handled as a Mediator

-International and domestic intellectual property disputes, including, e.g.: licensing, patent validity and infringement (across a wide range of technologies from mechanical to electrical to pharmaceuticals, including generic drugs and Hatch-Waxman disputes, and biotech), trademark infringement, trade secret existence and misappropriation, and breach of confidentiality.
-Technology-related disputes, generally contract and licensing issues, in the areas of, e.g., information technology, biotech, consulting, telecommunications, infrastructure and energy.
-A wide range of other substantive legal areas, as noted above, for the New Jersey Superior Court system.
-Insurance disputes (coverage and liability) for the AAA NJ Storm Sandy mediation program.

Mediator Style & Process Preferences

Mediation is a dynamic, real-time process with my actions, as a mediator, at any one time being heavily dependent on and responsive to the actions and needs of the parties. As such, at any given time, I will utilize whatever mediation style or modality I then deem most appropriate and most likely to efficiently and effectively assist the parties in achieving settlement. Often, during the course of a single mediation, I will switch back and forth between different styles and modalities as circumstances dictate.

Mediation, particularly for complex disputes, is far more likely to succeed than not where, most importantly, all the parties are motivated to mediate, and those parties, including their counsel, and I are thoroughly prepared prior to holding the mediation session.

As to preparation, after I receive confidential mediation statements from all parties, I generally hold a separate, pre-session private caucus session(s), often by telephone, with each side and its counsel. My purpose in doing so is to: probe for that party interests (as well as those it perceives of each of the other parties), catalyze the parties to generate additional options for settlement, and further educate myself as each party's business, party inter-relationships and their importance, obstacles to a negotiated settlement as perceived by each party and settlement offers previously made, and gain other pertinent information, and also provide each party with various topics I might ask to further consider prior to the mediation session. As a result of such caucus sessions and based on the information I learned, I may encourage the parties, in advance of the mediation session itself, to engage in appropriate focused dialogue either directly with each other or facilitated through me, if I believe that doing so will likely aid in achieving settlement at the mediation session itself or perhaps earlier. Having these caucuses, where appropriate, advantageously maximizes the efficiency of the mediation session by eliminating a need to have the parties otherwise address topics and issues during the session that were already discussed during the caucuses.

Lastly, I view all Counsel involved in a mediation as my partners. Their assistance to both their clients and me, throughout the entire mediation process, is absolutely crucial.

Technology Proficiency

Proficient in and comfortable with using digital technology in ADR work, including, e.g., popular videoconferencing platforms (e.g., Zoom, MS Teams, GoTo Meetings and others) and general office productivity applications (e.g., from Microsoft and Adobe). Though willing to conduct hearings and conferences on an in-person basis should parties choose to do so, prefer, for reasons of cost- and time-saving and convenience for all, conducting those activities through a videoconferencing platform and, over several years, have very successfully conducted many hearings and conferences, both domestic and international, that way.

Highly computerized and run a nearly paperless office. At every preliminary scheduling hearing, instruct parties to provide all their following submissions, whether briefs, expert reports, motions, hearing exhibits, etc., only in electronic form.

Have designed and implemented an internal VMware-based virtualized processing environment. That environment, executing on an internal dedicated physical host server, provides a robust and

highly secure file backup and repository capability. For enhanced security, the environment implements an VPN that, for remote access into the environment, not only requires proper credentials but also relies on 2FA user authentication. Public-facing applications, specifically email and website, are hosted by third-party providers.

Education

New York University (LLM, Trade Regulation-1985); Duquesne University (JD-1979); Carnegie-Mellon University (MSc, Electrical Engineering-1975; BSc, Electrical Engineering and Economics-1974).

Professional Licenses

Admitted to the Bar: New York (1986), Alaska (2000), New Jersey (1980), Pennsylvania (1979); US Court of Appeals: Third (1981) and Federal (1983) Circuits; US Patent and Trademark Office (1980); US Supreme Court (1986); and other courts.

Other licenses (non-professional):

FAA -- Private Pilot

FCC -- Amateur Radio operator - Amateur Extra class.

Professional Associations

College of Commercial Arbitrators (Fellow); Chartered Institute of Arbitrators (Fellow, Chartered Arbitrator, Chair Emeritus and Co-Founder - New York Branch, and Past Trustee (Americas Region)); Member - "Tech List" Silicon Valley Arbitration and Mediation Center; Member - National Academy of Distinguished Neutrals; International Arbitration Club of New York; American Bar Association; New York International Arbitration Center; Alaska Bar Assn.; NJ State Bar Assn.

Recent Publications & Speaking Engagements

RECENT PUBLICATIONS:

"A Guidebook to Arbitrating Disputes involving Blockchains and Smart Agreements" Part 1 of 3, ALTERNATIVES, CPR, Vol. 39, No. 4, April 2021, p.57, 61-69; "Where the Disputes Lie: When Blockchain Technology Will Need Help Sorting Out its Contracts", Part 2 of 3, ALTERNATIVES, CPR, Vol. 39, No. 5, May 2021, p 81-85; and "Blockchain and Smart Agreement Disputes Call for Arbitration's Strengths", Part 3 of 3, ALTERNATIVES, Vol. 39, No. 6, June 2021, p. 91 94; "Arbitrating Disputes Involving Blockchains, Smart Contracts and Smart Legal Contracts", DISPUTE RESOLUTION JOURNAL, Vol. 74, No. 4, October 2020, p. 87-131;"Chapter 20 - Use of Arbitration in Resolving Disputes involving Intellectual Property", Handbook of Commercial Arbitration, 2nd Ed., ABA Section of Litigation (forthcoming)(co-author); "Emergency Arbitration: Fast, Effective and Economical", ABA JUST RESOLUTIONS, March 2016; "Patent Arbitration -- It Still Makes Sense", ABA LANDSLIDE, Vol. 7, No. 6, July/August 2015, p.42-47, re printed with modifications in CPR ALTERNATIVES, Vol. 34, No. 3, March 2016, p. 33, 36-41.

RECENT SPEAKING ENGAGEMENTS:

Webinars prepared and presented for the AAA:

a)"Saving Substantial Cost in Complex Commercial Arbitration: Lessons Learned from Emergency Arbitration", October 2020;

b) "Arbitrating Blockchain, Smart Contract and Smart Legal Contract Disputes", February 2020;

c) "What an Arbitrator Should Know About Sanctions, Immunity and Malpractice Insurance", July 2019;

d) "A Few Things Every AAA Arbitrator Should Know -- Ethics & AAA Standards and Responsibilities for Members of the AAA Roster of Arbitrators and Mediators; and Social Media", February 2019;

e) "Arbitrating Technology Disputes", November 2018;

f) "Neutral Selection for Regular Track Cases: Tips from the Front Line", May 2015; and

g) "Neutral Selection for the Large Arbitration Case: Tips from the Front Line", January 2015.

"Cutting Edge Ethics Issues in Dealing with New Technologies", NY State Bar Assn, Dispute Resolution Section, Ethics Committee, New York, NY, March 5, 2024; "Intellectual Property Alternative Dispute Resolution: The Best Solution", State Bar of Arizona, webinar, October 18, 2022; "Effective Use of Experts in Arbitration -- Tips for Success and Avoiding Pitfalls", Silicon Valley Arbitration and Mediation Center, September 16, 2020; "Arbitrating Blockchain, Smart Contract, and Smart Legal Contract Disputes", 22nd Annual Spring Conference of the American Bar Association Section of Dispute Resolution, May 18-22, 2020; "International Commercial Arbitration -- What You Need to Know", New Jersey State Bar Ass'n, 2019 ADR Day, Iselin, New Jersey, June 5, 2019; "Technology Arbitration", New York State Bar Ass'n, Dispute Resolution Section, Arbitration Committee, New York, New York, April 19, 2018); "Preparing the Mediation Meeting: A Mediator's Perspective", 2017 WIPO Mediators' Meeting - Exchange of Best Practices, WIPO,

Geneva, Switzerland, March 24, 2017; "Clearing the Fog: Practical Insights for Enhancing AAA Arbitrator Practices and Opportunities", AAA/ICDR Neutrals' Conference, New Orleans, Louisiana, February 19-20, 2016; "Intellectual Property Arbitration", 4th Annual Georgetown International Arbitration Month program sponsored by Georgetown International Arbitration Society, Georgetown University Law Center, Washington, DC, February 10, 2016; "Patent Arbitration", 4TH ANNUAL GEORGETOWN INTERNATIONAL ARBITRATION MONTH PROGRAM, Georgetown University Law Center, Washington, DC, February 10, 2016; "Emergency Arbitration in IP Cases", Teleconference Program, ABA Dispute Resolution Section IP Committee and IPL Section ADR Committee, December 17, 2015."

For full list visit: www.plmadr.com

Mediation Rate	\$1,000 Per Hour
Languages	English
Citizenship	United States of America
Locale	Rumson, NJ

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.