



AAA Mediation.org™

FN-2166012 MN-2166012 LN-2166012, Esq.

Northridge, California



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Current Employer-Title	Wood ADR - Principal Pepperdine University - Adjunct Professor of Arbitration
Panelist Video	https://www.adr.org/videoresume?paramName=930304396
Professional Summary	Attorney with over 40 years of experience focused on the domestic and international acquisition, protection, and commercialization of patents, trademarks, copyright, and trade secret covering complex technology based on a prior engineering career in electronics, software, and control systems. Legal experience includes patent preparation, IP licensing, commercial contracts, lead attorney in jury trials, judge pro tempore, mergers and acquisitions, US customs and import-export matters, corporate board service and governance, non-profit boards, adjunct law professor, LA City Commissioner.
Profession	Arbitrator, Mediator; Attorney; Adjunct Professor; Engineer; Corporate Board Member
Work History	Adjunct Professor of Arbitration, Pepperdine Law School, 2022 - Present; Arbitration and Dispute Resolution Neutral, 1991 – Present; Part-time Of Counsel, Feldman Gale, 2011 – 2016; Retired Partner, Norton Rose Fulbright (formally Fulbright & Jaworski), 2002 – 2010; Partner, Oppenheimer Wolff & Donnelly 1999 – 2002; Partner, Merchant & Gould 1992 – 1999; Partner, Nilsson Robbins Dalgarn Carson & Wurst, 1977 – 1992; Patent Counsel, Hughes Aircraft, 1975 – 1977; Adjunct Professor Southwestern Law School, Loyola Law School, and Masters College; Professional Control Systems Engineer, Hughes Aircraft, 1969 – 1977.
Experience	Neutral: Arbitrator, mediator, settlement counsel, entrepreneur coaching over a broad range of commercial, personal injury, consumer real estate, employment, professional fee agreements, and corporate governance matters. Commercial Trial Attorney: Unfair competition; contracts; intellectual property including patent, copyright, trademarks; entertainment; trade secret litigation; Markman (claim construction

hearings); RICO; FRCP Rule 11 Sanctions proceedings.

Commercial Transactions: Transactions matter include IP and technology licensing; patent pool formation and challenges; RAND licensing; trade secrets agreements and enforcement; publicity rights disputes; domain names acquisition; trademark infringement and grey market matters; copyrights infringement related to architectural works, publications, and motion pictures; distribution agreements formation and enforcement; supply contracts; manufacturing contracts; R&D agreements; product endorsement negotiation and agreements; agency agreements, real estate transactions, and broker agreements regarding business and real estate sales; international trade and enforcement of rights; architectural rights in commercial structures; insurance coverage issues arising out of advertising injury coverage.

Employment: Consultant agreements, employee and employer non-compete agreements, employee IP ownership rights under California state laws, confidentiality agreements, employment agreements particularly relating to IP ownership rights.

Corporate: Non-profit board governance; executive compensation; audit committee duties, conflict of interest reporting obligations of board members, regulatory financial reporting; merger and acquisition due diligence matters.

Government and Regulatory: Proceedings before the ITC, U.S. Customs, U.S. Patent Office - patent prosecution and board of appeals matters - U.S. Bankruptcy Court, Department of Justice patent pool matters; ESI discovery disputes.

Insurance: GCL advertising injury, duty-to-defend matters, reservation of rights, personal injury insurance coverage.

Appellate: Filed and Argued appeals before the Court of Appeals for the Federal Circuits, Ninth Circuit, Fifth Circuit, and California Appellate Courts as well as Patent Office Board of Appeals.

Electronic Discovery: ESI management and discovery numerous speaking engagements on the topic; actively participated in eDiscovery matters; published numerous articles including Sedona Conference White Papers on eDiscovery.

Teaching: Adjunct Professor Arbitration, Pepperdine Law School; Patent law and procedure, Southwestern Law School; Intellectual Property, Loyola Law School (Los Angeles), Business Law, Masters College.

Mediator Experience

Served as a mediator in approximately 250 matters including attorney-client fee disputes; personal injury; commercial agreement disputes; employment matters; patent, copyright, trademark, and trade secret matters; technology involved disputes; and IP licensing disputes.

Representative Issues Handled as a Mediator

Ownership interests in the screenplays; trademark infringement; patent infringement matter related to environment protection products; contract and trade secret misappropriation matter related to international manufacturing of electronic component parts; matter related to electronic smoking pipes; matter related to optical particle counter; contract matter regarding reverse engineering and trade secret misappropriation; matter related to the sale of educational material; matter regarding inventor claim of patent ownership; dispute related to agricultural products; dispute related to commercial rights in an article of clothing; numerous personal injury and consumer matters.

Mediator Style & Process Preferences

My approach to mediating is to understand the dispute and then craft a process suited to identify and address the key issues. Understanding starts with a reading of the pleadings or dispositive motion briefs, asking counsel for a letter response to several questions and then to schedule a telephone conference with each counsel to discuss substance and process. A mediation is then scheduled as soon as feasible consistent with the schedules of the parties and their counsel. While I am open to a joint session, my experience is a caucus type approach is more effective until such time as I discern that a joint session would be effective in resolving a key issue. I also request counsel for each side to prepare a simple draft settlement agreement incorporating their essential deal points as a vehicle for focusing preparation by each counsel. While I opt for listening and questioning during most of the mediation, I will suggest options for consideration from time to time in the latter part of a mediation as a means for fleshing out key interests and areas of flexibility. I am also willing, if both parties and counsel agree, to make a mediators proposal. Active listening, building trust with the parties,

maintaining mediatory neutrality, and insuring an ordered but flexible process are key objectives I seek to achieve in mediation.

Technology Proficiency	Proficient with ZOOM online platform and have conducted a number of mediations on-line and am willing, subject to the consent of the parties, to conduct hearing/conferences using that platform. Willing to learn and use other platforms at the request of the parties.
Education	Pepperdine University School of Law (Advanced Mediation Training Certificate-2014); Pepperdine University School of Law (Certificate in Dispute Resolution-2010); National Institute for Trial Advocacy (Certificate in Trial Advocacy-1984); USC (Advanced Copyright Law Certification-1978); University of La Verne College of Law (J.D. with honors-1975); UCLA (M.S., Control Systems Engineering-1971); UCLA (B.S., Electronic Engineering-1967).
Professional Licenses	<p>Admitted to the Bar: California (1975); U.S. District Court: Central, Southern, Northern, and Eastern Districts of Wisconsin, District of Nebraska (2000), Central, Southern, and Northern Districts of California; U.S. Court of Appeals: Fifth, Ninth & Federal Circuits; U.S. Patent Office; U.S. Supreme Court.</p> <p>Professional Control Systems Engineer License No. 1029 (inactive).</p>
Professional Associations	State Bar of California; Los Angeles County Bar Association; American Bar Association (Dispute Resolution Section); Fellow College of Commercial Arbitrators.
Recent Publications & Speaking Engagements	<p>PUBLICATIONS (recent):</p> <p>"Public Policy & the Arbitrability of Intellectual Property Disputes," ADR Times July 2, 2013; "Building Trust in Mediation," Dispute Resolution Magazine, Vol. 16, No. 4, Summer 2010; "E-Discovery Disputes, Mediation and Confidentiality," Bloomberg Law Reports / Federal Practice, September 8, 2009; "Technology Basics," eDiscovery for Corporate Counsel, Chapter 4, Thompson / West Publishing, 2008 – 2014 editions; "Will Your Company Be Required To Preserve Information From Employees' Personal Email Accounts and Computers?," Fulbright & Jaworski L.L.P. Client Alert, April 2007; "Wal-Mart: Has Non-Generickness Been Eliminated as an Element of a Product Configuration Trade Dress Claim?," BNA's Patent, Trademark & Copyright Journal, March 2005.</p> <p>Also participate in the drafting and enactment of California's Anti-Counterfeiting Statutes (Business and Professions Code §§14340-14342 and Penal Code §350); Trade Secret Act (Civil Code §3426 et seq. and Code of Civil Procedure §2019(d); and Employee Rights in Inventions (Labor Code §2870).</p> <p>SPEAKING ENGAGEMENTS:</p> <p>Presentations:</p> <p>"Ethics And ADR: What Ever Happened To Zealous Representation?" Presented to Munger, Tolles & Olson LLP, January 10, 2013; "Cloud Computing," 15th Annual Electronic Discovery and Records Retention Conference, December 7, 2011; "E-Discovery for the Corporate Market," Executive Counsel Institute, March 12- 15, 2011; "Intellectual Property Protection in International Commercial Transactions," Conference on Future Trends in Exporting and Importing, sponsored by the Foreign Trade Association, February 17, 2011; "Controlling Your E-Discovery Destiny," E-Discovery for the Corporate Market Conference, Executive Counsel Institute, Los Angeles, CA, December 14-15, 2010; "Getting your IM/RM House in Order," Thomson Reuters, 14th Annual Electronic Discovery and Records Retention Conference: Achieving Practical Proportionality, Los Angeles, CA, September 14-15, 2010; "The Electronic Information Juggernaut: Taking Aim At ADR," American Bar Association Section of Dispute Resolution, San Francisco, CA, April 7-10, 2010; and others before 2010.</p> <p>Teaching:</p> <p>Adjunct Professor - Business Law, Masters College Business School (2011); Patent Procedure, Southwestern Law School (1985); Copyright Law and Intellectual Property, Loyola Law School, (1982 – 1983); Copyright and Intellectual Property, American Patent Institute (1978 – 1980).</p>
Locations Where Parties Will Not be Charged for	Ventura and Los Angeles County locations

Travel Expenses

Mediation Rate \$5,200 Per Day

Languages English

Citizenship United States of America

Locale Northridge, CA

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.