



AAA Mediation.org™

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Minneapolis, Minnesota



Current Employer-Title Allgeyer ADR, LLC

Professional Summary Arbitrator: Over the past 20 years, has served as arbitrator in over 100 intellectual property and commercial disputes. Intellectual property related arbitrations have resolved disputes concerning patents, trade secrets, copyrights and trademarks in manufacturing, software, medical products, and other industries. Commercial arbitrations have resolved contract and warranty disputes involving enterprise-wide computer systems, semi-conductor manufacturing, shareholder disputes, food processing, and other industries.

Mediator: Has served as mediator for intellectual property and commercial disputes for over 20 years in cases involving the industries noted above and others.

Profession Attorney

Work History Owner, Allgeyer ADR, LLC, 2023 - Present; Allgeyer Law & ADR, LLC, 2018 - 2023; Partner and Of Counsel, Lindquist & Vennum PLLP, 1986 - 2017; Associate, Lindquist & Vennum PLLP, 1982 - 1986; Law Clerk, U.S. District Court Minnesota, 1980 - 1982.

Experience After serving as law clerk to the United States District for the District of Minnesota, joined the Minneapolis office of Lindquist and Vennum as an associate, partner, and of counsel through 2017. Served at times as chair of the firm's litigation department and practice leader of the firm's intellectual property practice group. In 2018, formed Allgeyer Law & ADR, devoted to serving as an arbitrator and mediator. Litigation and advice practice included virtually all areas of civil law, with a special concentration on commercial and intellectual property litigation. Lead counsel in trials and litigation for both plaintiffs and defendants involving:

- Patent infringement, inventorship, and related disputes
- Trademark and trade dress infringement
- Trade secrets
- Non-competition agreements
- UCC breach of warranty claims
- Breach of contract claims
- Copyrights
- Business torts

-Shareholder disputes

Industries and the subjects of litigation matters have included:

- Software systems
- Semiconductor manufacturing equipment
- Medical devices
- Electrical devices
- Oil exploration and refining equipment
- Paper-making plants and machinery
- Heavy equipment design, manufacture, and use
- Ethanol plants
- Insurance claims and coverage
- Telecommunications hardware
- Electronic agricultural equipment
- Banks and banking.

Mediator Experience

Mediated cases involving intellectual property disputes involving patents, trademarks and copyrights, business disputes involving alleged breaches of agreement and fraudulent inducement to enter agreements; disputes related to departing employees and rights to property; as well as a myriad of disputes in matters to which was appointed mediator by the state district court including business disputes, tenant disputes and harassment issues. The parties have included medical device manufacturers and distributors, sales organizations, an individual artist, other business organizations, a gas station chain, landlords, tenants and individuals.

Representative Issues Handled as a Mediator

Patent infringement issues; trademark registration and rights issues; copyright infringement issues; indemnification and breach of fiduciary duties in context of business dispute and investigation of same; contractual rights and obligations of parties regarding a medical device development contract, intellectual property rights, fraud in the inducement to a product development contract, copyright infringement and related claims, rights and liabilities of departing employees, landlord-tenant disputes, rights to division of jointly owned property, various issues related to complaint and counterclaims for harassment.

Mediator Style & Process Preferences

David Allgeyer's mediation philosophy is generally that parties must first be heard and feel they have been heard and understood. Only then can we begin to work through the means to a settlement the parties can feel is in their best interest. A mediator needs to be flexible and creative, at times leaving it to the parties to formulate an approach that works for them, if that is possible, and at other times providing views and direction informed by many years of practice in an area. There is no one approach that suits all cases. The mediator must remember that the parties view litigation primarily as a business or personal problem and not a legal problem. Thus, mediation provides many more avenues for satisfactorily working out differences between the parties than litigation. It is critical that the mediator help the parties to understand their various options and alternatives and the real costs and opportunities of each alternative.

Mr. Allgeyer expects the parties and counsel in his mediations to be well prepared, patient and open to new ideas if they can serve their interests. He also expects the parties' counsel to be well grounded in the facts and law that apply in the mediation. It is generally very difficult to settle a case when there are facts or legal theories that have not been explored or understood.

Mr. Allgeyer typically asks each party for the basic pleadings in the case, any substantive motions and decisions to date, and a letter setting forth the party's views of the merits and value of the case, settlement expectations, settlement discussions and offers to date, any "nontraditional" approach to settlement to which a party may be receptive to take advantage of the flexible outcomes available in mediation. The parties are also encouraged to provide a candid and confidential communication, either in writing, orally or both to point out the "real" issues and potential avenues to a resolution. He then works with the parties to understand their positions and help them understand each others' positions in a meaningful way. Working with the parties, he then sets a framework for a settlement approach and keeps working with the parties in that framework until a satisfactory resolution is achieved. Mr. Allgeyer believes it is important to document the settlement achieved as fully as possible at the mediation to make sure that the matter is truly settled and all parties understand and agree to the terms reached.

Technology Proficiency	<p>Panel Chair or sole arbitrator in arbitration hearings conducted via the Zoom platform and has conducted a number of mediations online, including mediations with multiple parties. Available for in-person and virtual hearings and mediations. Significant experience hosting hearings and mediations on virtual platforms.</p> <p>Encourages use of electronic documents during hearing presentations. Also encourages use of Zoom for presentation of witnesses who might otherwise not be available and for closing arguments, if appropriate.</p> <p>Has been called upon to resolve issues involving provision of electronically stored information and related matters, and has completed ongoing education in that area.</p> <p>Many arbitration cases were focused on technical issues.</p>
Education	University of Minnesota (JD, magna cum laude-1980). University of Minnesota (BA-1975).
Professional Licenses	Admitted to the Bar: Minnesota (1980).
Professional Associations	College of Commercial Arbitrators; Silicon Valley Arbitration Arbitration and Mediation Center; Minnesota State Bar Association (Litigation Section; Intellectual Property Section; ADR Section, Past Chair); Federal Bar Association (Minnesota Chapter, Past Board Member, Past Secretary); American Bar Association; Hennepin County Bar Association; America Intellectual Property Law Association.
Recent Publications & Speaking Engagements	<p>PUBLICATIONS: BOOKS: Arbitrating Patent Disputes – A Practical Guide, ABA Publications; Chapter 13: Mediating Intellectual Property Cases, Mediating Legal Disputes, ABA Publications. ARTICLES: "Artificial Intelligence: Guidelines and Considerations for Arbitrators," Hennepin Lawyer, March 2024; "Be Careful What You Don't Ask For: Fulfilling Conditions Precedent in Mediation-Arbitration Agreements," ABA Section on Dispute Resolution's Arbitration Committee E-Newsletter, Winter 2022; "Technology-Related Mediations and Arbitrations," ABA GP Solo Magazine, November/December 2019; "The Internet and the Arbitrator: To Investigate or Not," ABA Section on Dispute Resolution's Arbitration Committee E-Newsletter, Fall 2019; "A Dozen Tips for Technology-Related Mediations and Arbitrations," ABA Landslide Magazine, December 2018; ongoing series of articles on Arbitration, Mediation, and Intellectual Property at website, daveadr.com, also on LinkedIn 2016 to date.</p> <p>SPEAKING ENGAGEMENTS: Civil Certified Arbitration Course Instructor, Minnesota CLE, November 2023; "Arbitration: A to Z," A Five Part Series on Arbitration, Minnesota CLE, July 2023; "Stanford Law School Advanced IP/Tech Mediation and Arbitration Course," Faculty and Programming Committee for Two Day Course, June 2023; "Mediation in the Patent/Technology Case," SVAMC and Stanford Law School, August 2020 (Course replay available online); "Civil Arbitration Training Institute," Instructor for Full Day Course required for Rule 114 Minnesota Arbitrators, Minnesota CLE, 2019 – 2022; "Best Practices for Conducting Arbitrations," Minnesota CLE, 2019; "Best Practices for Advocates in Arbitrations," Minnesota CLE, 2019; "Making Arbitration Work: Avoiding Pitfalls and Pratfalls," Minnesota CLE, 2018; "Innovative Techniques in Arbitration," Minnesota CLE, 2016; "Strategies for Mediating Business Disputes," Minnesota CLE 2015; "Mediation Advocacy and Ethics," Minnesota CLE Webcast, May 2014; "Top 10 IP Issues In Contracts," Business Law Institute, Minnesota CLE, May 2014; "Effective Use of ADR in Intellectual Property Cases: Fitting the Process to the Problem," Minnesota CLE Webcast, May 2014; "Mediating the Business Divorce," Minnesota CLE, February 2014; "Purchasing Law-Effective Negotiations: Structuring the Deal," Lorman webinar, January 2014; "Hot Topics in Arbitration and Practice Tips for Advocates and Arbitrators," Minnesota ADR Institute, October 2013; The Minnesota Closely Held Business Conference, October 2013; Course Chair and Presenter: "IP Issues in Purchases and Sales," IP Issues in Contracts Seminar, Minnesota CLE, June 2013; "Drafting Dispute Resolution Clauses," Negotiating, Drafting and Handling Contracts in Minnesota, Minnesota CLE, January 2013.</p>
Locations Where Parties Will Not be Charged for Travel Expenses	Minneapolis and Saint Paul area
Mediation Rate	\$575 Per Hour

Languages	English
Citizenship	United States of America
Locale	Minneapolis, MN

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.